



KUNA PLANNING AND ZONING COMMISSION

Agenda for June 28, 2016

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

1. CALL TO ORDER AND ROLL CALL

Chairman Lee Young
Vice Chair Stephanie Wierschem
Commissioner Dana Hennis
Commissioner Cathy Gealy
Commissioner Ron Herther

2. CONSENT AGENDA

a. Approval of the Planning and Zoning Commission meeting minutes for **June 14, 2016**.

3. PUBLIC HEARING

- a. **16-05-AN (Annexation) David Austad** – The applicant requests approval to annex an approximately 10 acre parcel located west of Deserthawk Estates Subdivision; south of W. Sunbeam Street at the western terminus of W. Stony Desert Street into the City of Kuna with an 'R-6' (Medium Density Residential) zoning designation.
- b. **16-01-ZC (Rezone), 16-02-CPM (Comp Plan Map amendment) and 16-01-S (Subdivision) - A Team Land Consultant – Steve Arnold:** Applicant requests to rezone the subject property (6.18 +/- acres) and amend the Comprehensive Plan Map (Comp Plan Map) designation from Medium Density to High Density Residential. The applicant requests to change the zone from R-6 (Medium Density Residential) to R-12 (High Density) and subdivide the parcel into 21 lots for future development. The site is located near the southeast corner of School Avenue and Sunbeam Street (alignment). –***Applicant is requesting this item be tabled***

4. ADJOURNMENT

**CITY OF KUNA
REGULAR PLANNING & ZONING COMMISSION**

**MEETING MINUTES
Tuesday, June 14, 2016**

PZ COMMISSION MEMBER	PRESENT	CITY STAFF PRESENT:	PRESENT
Chairman Lee Young	X	Wendy Howell, Planning Director	X
Vice-Chairman Stephanie Wierschem	X	Troy Behunin, Senior Planner	X
Commissioner Dana Hennis	X	Trevor Kesner, Planner II	Absent
Commissioner Cathy Gealy	Absent	Nancy Stauffer, Planning Technician	X
Commissioner Ron Herther	X		

6:00 pm – COMMISSION MEETING & PUBLIC HEARING

Call to Order and Roll Call

Chairman Young called the meeting to order at **6:00 pm**.

1. CONSENT AGENDA

- a. Approval of the Planning and Zoning Commission meeting minutes for **May 24, 2016**.
- b. 16-03-AN : Patrick and Lisa Lee- Applicant is requesting approval to annex an approximately 0.9 acre parcel located at 80 S. Sailer Place into the City of Kuna with an ‘R-4’ (Residential) zoning designation, - ***Findings of Fact and Conclusions of Law***

Commissioner Hennis motions to approve the consent agenda; Commissioner Herther Seconds, all aye and motion carried 4-0.

2. PUBLIC HEARING

- a. **16-01-ZC** (Rezone), **16-02-CPM** (Comp Plan Map amendment) and **16-01-S** (Subdivision) – **A Team Land Consultant – Steve Arnold:** Applicant requests to rezone the subject property (6.18 +/- acres) and amend the Comprehensive Plan Map (Comp Plan Map) designation from Medium Density to High Density Residential. The applicant requests to change the zone from R-6 (Medium Density Residential) to R-12 (High Density) and subdivide the parcel into 21 lots for future development. The site is located near the southeast corner of School Avenue and Sunbeam Street (alignment).
-**Planning and Zoning Staff requested the Commission table this item to the June 28, 2016 regularly scheduled Planning and Zoning meeting on behalf of the applicant.**

Chairman Young, for the record, Troy Behunin, I would like to clarify and go on record that this is actually not a staff request, there was some miscommunication when the agenda got made, there is a request from the applicant to table this because of circumstances that were out of his control, and he couldn't make it tonight.

Commissioner Hennis motions to table 16-01-ZC, 16-02-CPM and 16-01-S to the June 28th Planning and Zoning Commission meeting; Commissioner Wierschem Seconds, all aye and motion carried 4-0.

**CITY OF KUNA
REGULAR PLANNING & ZONING COMMISSION**

**MEETING MINUTES
Tuesday, June 14, 2016**

No Commission discussion

Troy Behunin: Chairman Young, once again, Troy Behunin for the record. There is a very high likelihood that it will be tabled on the 28th for July 12th, unfortunately.

Commissioner Hennis: OK, nothing we can do.

Commissioner Wierschem: So, I was just wanting some clarification. Will we have to do the noticing and the newspaper and stuff?

Troy Behunin: No, because it was advertised for tonight and we let everyone know that it would be tabled for a date certain. It may be that we send a courtesy notice so that it is being tabled.

Commissioner Wierschem: Thank you.

Unnamed audience member asked for clarification about the date for the next hearing

2. ADJOURNMENT:

Commissioner Hennis motions to adjourn at 6:09 pm; Commissioner Herther Seconds, all aye and motion carried 4-0.

Lee Young, Chairman
Kuna Planning and Zoning Commission

ATTEST:

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



City of Kuna

P&Z Staff Report

P.O. Box 13
Phone: (208) 922-5274
Fax: (208) 922-5989
Kunacity.id.gov

To: Planning and Zoning Commission

Case Number(s): 16-05-AN (Annexation) *Austad Annexation*

Location: West of Deserthawk Estates Subdivision; south of W. Sunbeam St. at the western terminus of W. Stony Desert St., Kuna, Idaho 83634

Planner: Trevor Kesner, Planner II

Hearing Date: June 28, 2016

Owner: David Austad
1365 NW 35th St.
Redmond, OR 97756

**Applicant/
Representative:** Don Boyer
2100 W. King Rd.
Kuna, ID 83634

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- I. Proposed Findings of Fact
- J. Proposed Conclusions of Law
- 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 with the Planning and Zoning Commission as the recommending body and 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 Land Use Planning Act (LLUPA).

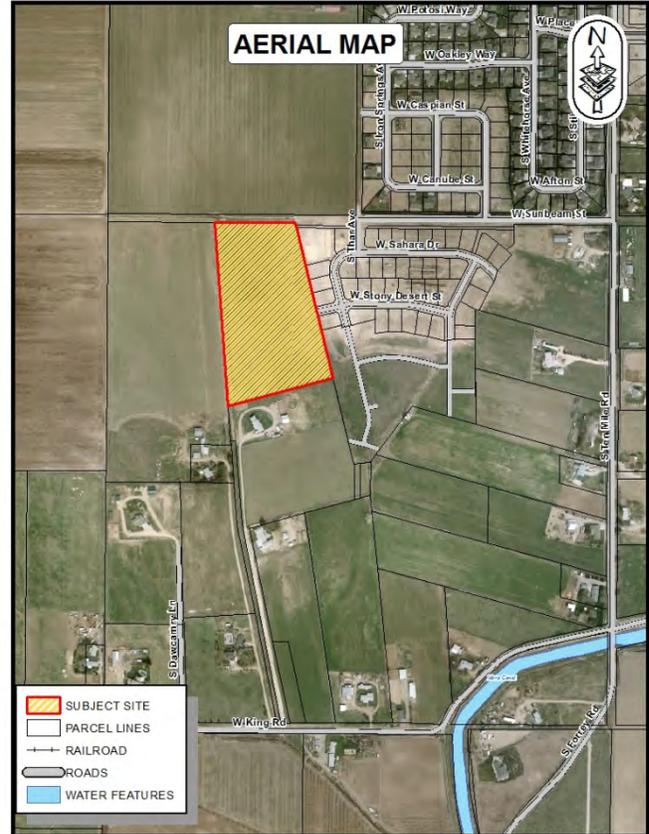
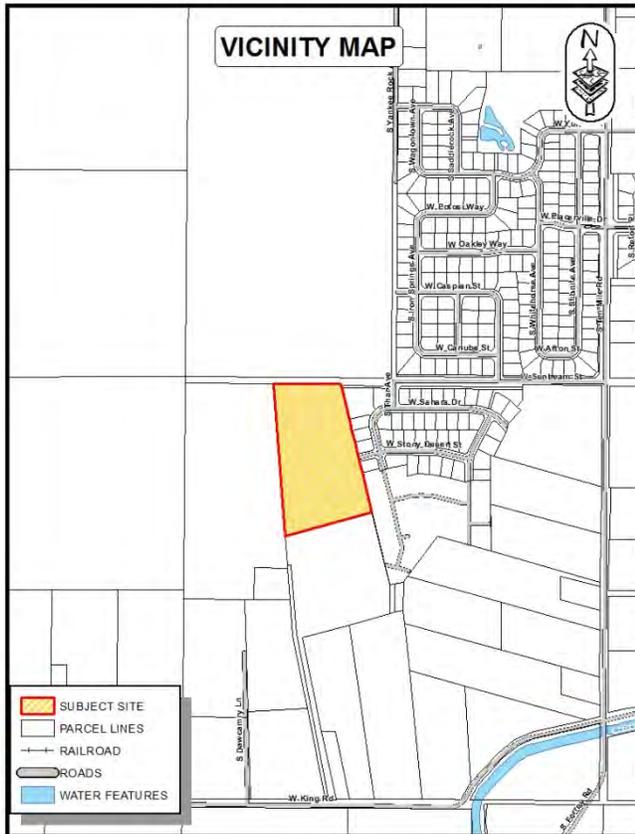
a. Notifications

- | | |
|---------------------------|---------------|
| i. Neighborhood Meeting | May 24, 2016 |
| ii. Agencies Notified | June 1, 2016 |
| iii. 300' Property Owners | June 15, 2016 |
| iv. Kuna, Melba Newspaper | June 15, 2016 |
| v. Site Posted | June 16, 2016 |

B. Applicant Request:

1. The applicant is requesting approval to annex an approximately 10 acre parcel located west of Deserthawk Estates Subdivision; south of W. Sunbeam St. at the western terminus of W. Stony Desert St. into the City of Kuna with an 'R-6' (Medium Density Residential) zoning designation for potential future development.

C. Vicinity and Aerial Maps:



D. History: The parcel is contiguous to City limits and is currently zoned RUT (Rural-Urban Transitional) in Ada County. The site is currently vacant and contains no structures. This parcel has historically been farmed.

E. General Projects Facts:

1. **Comprehensive Plan Designation:** The Future Land Use Map identifies this site as 'Medium Density Residential'. Staff views this annexation request to be consistent with the approved Future Land Use Map.

2. **Surrounding Land Uses:**

North	RUT	Rural Urban Transitional – Ada County
South	RUT	Rural Urban Transitional – Ada County
East	R-6	Medium Density Residential (Kuna)
West	RUT	Rural Urban Transitional – Ada County

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

- Approx. 10 +/- total acres
- RUT, Rural Urban Transitional (Ada County)
- Parcel # - R7321000916

4. **Services:**

Future Sanitary Sewer –City of Kuna
 Future Potable Water – City of Kuna
 Irrigation District –New York 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 Services

5. **Existing Structures, Vegetation and Natural Features:** The subject site is currently vacant land containing no improvements. The site has historically been used for agricultural purposes (farmed). The applicant has not indicated any intention to develop the property at this time.

6. **Transportation / Connectivity:** The parcel is currently not improved with any pavement, curb, gutter, sidewalks. The site can be accessed from the western terminus of West Sunbeam Street and West Stony Desert Street; however barricades have been placed at both locations to prevent public access. Ada County Highway District (ACHD) has provided conditions for future development of the site (reference Exhibit B-4).

7. **Environmental Issues:** The subject site lies within the designated ‘Nitrate Priority Area’ (NPA) for groundwater monitoring. Beyond the NPA, staff is not aware of any additional environmental issues, health or safety conflicts resulting from this application. The site’s topography is generally flat with a potential 0-3% slope in certain areas.

8. **Agency Responses:** The following agencies returned comments which are included as exhibits with this case file:
 Exhibit B-1: Kuna City Engineer;
 Exhibit B-2: Idaho Transportation Department (ITD);
 Exhibit B-3: Central District Health Department (CDHD)
 Exhibit B-4; Ada County Highway District (ACHD).

F. **Staff Analysis:**

The subject site is located directly west of Deserthawk Estates Subdivision; south of West Sunbeam Street and the western terminus of West Stony Desert Street. The applicant requests to annex the 10 +/- acre parcel into Kuna City limits with an R-6 zoning designation. Future development of the site or any portions thereof shall be in accordance with the provisions set forth in Kuna City Code (KCC). This includes the possibility that the applicant may sell the subject property to another party, who may intend to develop the site consistent with the adjacent developments.

Staff has determined this annexation application complies with Title 5 of the Kuna City Code; Idaho Statute §50-222; and the Kuna Comprehensive Plan; and forwards a recommendation of approval for Case # 16-05-AN, subject to the recommended conditions of approval.

G. Applicable Standards:

1. City of Kuna, Title 5 Zoning Ordinance: Annexations.
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.

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. Proposed 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 annexation.
3. The annexation is not likely to cause substantial environmental damage or avoidable injury to wildlife or their habitat.
4. The annexation application is not likely to cause 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, public facilities and existing adjacent uses.
6. The existing street and utility services in proximity to the site appear to be adequate for the current use; however, any future site improvements as determined by the City Engineer and the Planning and Zoning Director, shall comply with the provisions set forth in Kuna City Code (KCC)
7. The Kuna Planning and Zoning Commission accepts the facts as outlined in the staff report, any public testimony and the supporting evidence as presented.

8. Based on the evidence contained in Case No. 16-05-AN, this proposal appears to comply with the Comprehensive Plan and the Kuna Comprehensive Future Land Use Map.
9. The Planning and Zoning Commission has the authority to recommend approval or denial for the annexation application.
10. The public notice requirements were adhered to and the public hearing was conducted within the guidelines of applicable Idaho Code and Kuna City Ordinances.

J. Proposed Conclusions of Law:

1. Based on the evidence contained in Case No 16-05-AN, the Kuna Planning and Zoning Commission finds Case No. 16-05-AN complies with Kuna City Code.
2. Based on the evidence contained in Case No 16-05-AN, the Kuna Planning and Zoning Commission finds Case No. 16-05-AN is 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. Proposed Decision by the Planning and Zoning Commission:

Note: This proposed motion is for approval or denial of this request. However, if the Commission wishes to approve or deny specific parts of the request as detailed in this report, they must be specified.

Based on the facts outlined in staff's report and any public testimony at the public hearing, the Planning and Zoning Commission of Kuna, Idaho, hereby recommends *approval/denial* of Case No. 16-05-AN, a request for annexation from David Austad with the following conditions of approval:

1. All development submittals are required to include the lighting, landscaping, drainage and development plans as required by Planning and Zoning. All site improvements are prohibited prior to approval of the following agencies. The applicant/owner shall obtain written approval on letterhead or may be written/stamped on the approved construction plans from the agencies noted:
 - a. Central District Health Department (CDHD).
 - b. The City Engineer shall approve the future sewer, water and irrigation and drainage construction plans.
 - c. The Kuna Fire District shall approve all site development and building plans.
 - d. The *New York* Irrigation District shall approval any modifications to the existing irrigation system.
 - e. Approval from Ada County Highway District (ACHD) shall be obtained and Impact Fees must be paid prior to issuance of any building permits.
2. All public rights-of-way shall be dedicated to the City and/or Ada County Highway District. No public street construction may be commenced without the approval and permit from Ada County Highway District:
 - 2.1– With future development and as necessary, dedicate right-of-way in sufficient amounts to follow City and ACHD standards and widths.
3. All utilities shall be installed underground (see KCC 6-4-2-W).
4. 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.
5. Any site improvements shall require the property owner to comply with the provisions set forth in Kuna City Code (KCC)

6. At the time of development, submit a petition to the City (as 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 any other agency recommended requirements as applicable.
8. Applicant shall abide by all applicable federal, state and local laws and ordinances.

DATED: This _____ day of _____, 2016.

Lee Young, Chairman
Kuna Planning and Zoning Commission

ATTEST:

Trevor Kesner, Planner II
Kuna Planning and Zoning Department



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

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: 16-05-AN	Applicant: David Austad
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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.	✓
✓	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 and 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.kunacity.id.gov

Commission & Council Review Application

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

*Please submit the appropriate checklist (s) with application

For Office Use Only	
File Number (s)	16-05-AN
Project name	David Austad Annex
Date Received	RECEIVED 5-23-16
Date Accepted/Complete	May 30, 2016
Cross Reference Files	
Commission Hearing Date	June 28, 2016
City Council Hearing Date	

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

Contact/Applicant Information

Owners of Record: <u>DAVID M AUSTAD</u>	Phone Number: <u>541-213-5872</u>
Address: <u>1365 NW 35th St.</u>	E-Mail: _____
City, State, Zip: <u>Redmond OR 97756</u>	Fax #: _____
Applicant (Developer): _____	Phone Number: _____
Address: _____	E-Mail: _____
City, State, Zip: _____	Fax #: _____
Engineer/Representative: <u>Don Bayer</u>	Phone Number: <u>867-6616</u>
Address: _____	E-Mail: _____
City, State, Zip: <u>Kuna, Id 83634</u>	Fax #: _____

Subject Property Information

Site Address: <u>NO Address</u>	
Site Location (Cross Streets): <u>Ten Mile / Sunbeam</u>	
Parcel Number (s): <u>APN # R7321000916</u>	
Section, Township, Range: _____	
Property size: <u>10 acres +/-</u>	
Current land use: <u>farming</u>	Proposed land use: <u>farming</u>
Current zoning district: _____	Proposed zoning district: _____



RECEIVED
May 2016
Page 1

MAY 23 2016

CITY OF KUNA

Project Description

Project / subdivision name: _____
General description of proposed project / request: _____
Type of use proposed (check all that apply):
<input type="checkbox"/> Residential _____
<input type="checkbox"/> Commercial _____
<input type="checkbox"/> Office _____
<input type="checkbox"/> Industrial _____
<input checked="" type="checkbox"/> Other <u>None</u>
Amenities provided with this development (if applicable): _____

Residential Project Summary (if applicable)

Are there existing buildings? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Please describe the existing buildings: _____
Any existing buildings to remain? <input type="checkbox"/> Yes <input type="checkbox"/> No
Number of residential units: _____ Number of building lots: _____
Number of common and/or other lots: _____
Type of dwellings proposed:
<input type="checkbox"/> Single-Family _____
<input type="checkbox"/> Townhouses _____
<input type="checkbox"/> Duplexes _____
<input type="checkbox"/> Multi-Family _____
<input type="checkbox"/> 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: _____	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.): _____	

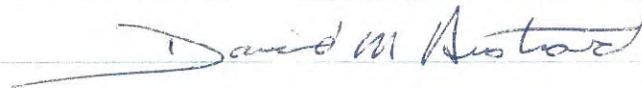
Applicant's Signature: David M. Austrod Date: 5.15.16

City of Kuna

5-15-16

This is a letter of Intent for annexation of property parcel: APN R 7321000916 / case # 16-05-AN. The reason for annexation is to make the property more desirable to any potential buyers.

owner - DAVID M AUSTAD



Exhibit

A-2b

AERIAL MAP



S Yankee Rock

S Wagontown Ave

S Saddlerock Ave

W Yukon

W Potosi Way

W Placerville Dr

W Oakley Way

S Iron Springs Ave

W Caspian St

S Whitehorse Ave

S Stibnite Ave

S Ten Mile Rd

W Canube St

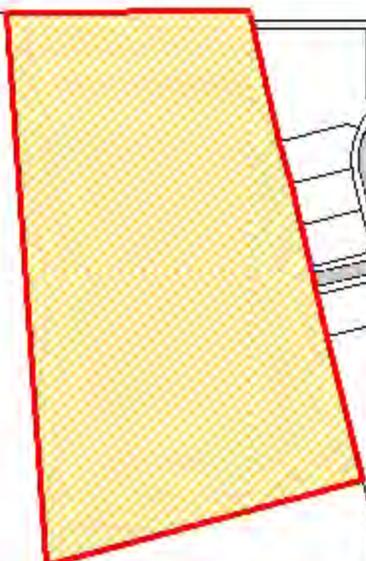
W Afton St

W Sunbeam St

S Thar Ave

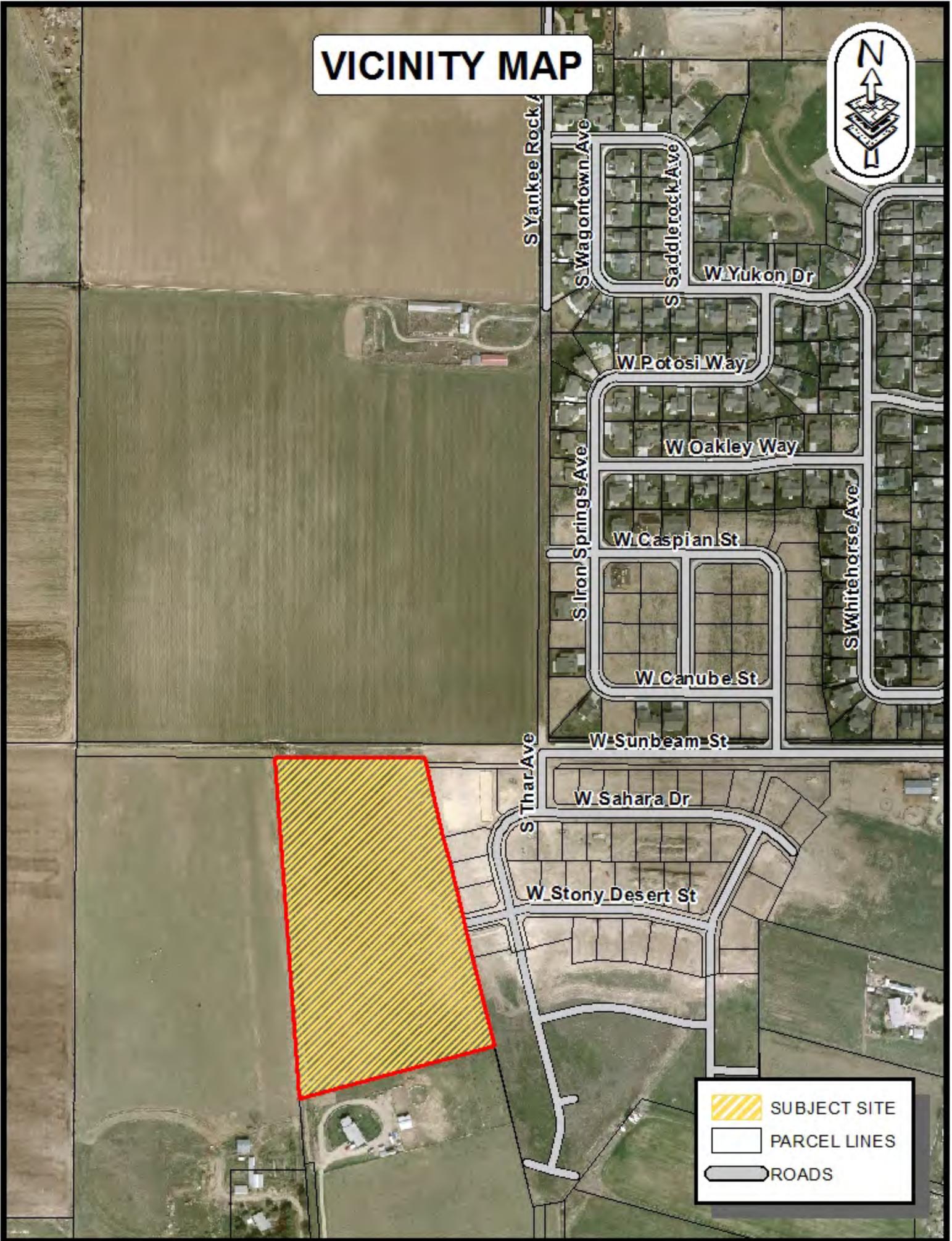
W Sahara Dr

W Stony Desert St



	SUBJECT SITE
	PARCEL LINES
	ROADS

VICINITY MAP



	SUBJECT SITE
	PARCEL LINES
	ROADS

EXHIBIT "A"

The land referred to in this commitment is located in the County of Ada, State of Idaho and described as follows:

A parcel of land being a portion of Lots 21 through 23 of Rader and Kroeger's Subdivision as filed for record in the office of the Ada County Recorder, Boise, Idaho in Book 5 of Plats at page 205, all lying in the SE 1/4 of Section 27, T.2N., R.1W., B.M. and more particularly described as follows:

C

Beginning at an iron pin marking the Northeast corner of said SE 1/4; thence North 89°33'03" West along the Northerly boundary of said SE 1/4 1679.87 feet (formerly S 89°49'47" W 1678.58) to a point; thence continuing along said Northerly boundary of the SE 1/4 North 89°33'03" West 409.13 feet (formerly S 89°49'47" W 409.20 feet) to an iron pin; thence leaving said Northerly boundary of the SE 1/4 South 03°55'03" East 21.06 feet (formerly S 04°30'30" E) to an iron pin marking the REAL POINT OF BEGINNING;

O

thence continuing South 03°55'03" East 968.46 feet (formerly S 04°30'30" E) to an iron pin;

P

thence North 74°45'35" East 563.96 feet to an iron pin on the Westerly boundary of Lot 4 of Desert Edge Estates, a subdivision as filed for record in the office of the Ada County Recorder, Boise, Idaho in Short Plat Book A at page 22;

Y

thence North 13°37'39" West 838.31 feet (formerly N 14°10'30" W) along said Westerly boundary of Lot 4 of Desert Edge Estates to an iron pin lying 21.00 feet Southerly of said Northerly boundary of the SE 1/4;

thence North 89°33'03" West 412.79 feet along a line parallel to and 21.00 feet Southerly of said Northerly boundary of the SE 1/4 to the point of beginning, comprising 10.00 acres, more or less.

TOGETHER WITH:

An Ingress-Egress easement located in the SE 1/4 of Section 27, T.2N., R.1W., B.M., and more particularly described as follows: Beginning at an iron pin marking the Northeast corner of said SE 1/4; thence North 89°33'03" West along the Northerly boundary of said SE 1/4 1679.87 feet (formerly S 89°49'47" W 1678.58) to a point; thence continuing along said Northerly boundary of the SE 1/4 North 89°33'03" West 409.13 feet (formerly S 89°49'47" W 409.20 feet) to an iron pin; thence leaving said Northerly boundary of the SE 1/4 South 03°55'03" East 989.52 feet (formerly S 04°30'30" E) to an iron pin marking the Southwest corner of the above described Parcel 1, also said iron pin being the REAL POINT OF BEGINNING;



thence continuing South 03°55'03" East 65.31 feet (formerly S 04°30'30" E) to an iron pin;

thence South 04°13'21" East 153.64 feet (formerly S 04°47'30" E) to an iron pin;

thence North 85°46'39" East 25.00 feet (formerly N 85°12'30" E) to an iron pin;

thence South 04°13'21" East 426.98 feet (formerly N 04°47'30" W 448.47 feet) to an iron pin;

C thence South 10°59'10" East 778.63 feet (formerly S 11°35'30" E 780.40 feet) to a point;

thence South 11°42'54" East 291.65 feet (formerly N 12°16'30" W 306.18 feet) to a point on the Southerly boundary of said SE 1/4, said point bears South 89°46'57" East 937.01 feet from a brass cap marking the Southwest corner of said SE 1/4;

O thence South 89°46'57" East 25.55 feet (formerly S 89°51'30" W 25.14 feet) along said Southerly boundary of said SE 1/4 to a point, said point bears North 89°46'57" West 1700.28 feet from a brass cap marking the Southeast corner of said SE 1/4;

P thence leaving said Southerly boundary of the SE 1/4 North 11°42'54" West 296.78 feet (formerly S 12°16'30" E 306.18 feet) to a point;

Y thence North 10°59'10" West 783.67 feet (formerly S 11°35'30" E 780.40 feet) to an iron pin marking the Northwest corner of Lot 7 of the Amended Plat of Ten Mile Acres Subdivision, as filed for record in the office of the Ada County Recorder, Boise, Idaho, in Book 27 of Plats at page 1670;

thence North 04°13'56" West 423.73 feet to a point;

thence North 08°48'23" West 220.87 feet to a point on the Southerly boundary of the above described Parcel 1;

thence South 74°45'35" West 31.72 feet to the point of beginning of the above described Ingress-Egress easement.

SUBJECT TO:

All existing easements and road rights-of-way of record or appearing on the above described parcel of land.

Prepared by:

J-U-B ENGINEERS, Inc.



John T. Eddy, P.L.S.

C

O

JTE/DGB

P

Y

WARRANTY DEED

For Value Received HARLOW D. AUSTAD AND BONNIE J. AUSTAD, husband and wife,

the grantors, do hereby grant, bargain, sell and convey unto DAVID M. AUSTAD, a single person,

the grantee, the following described premises, to-wit:

That certain real property more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

Bonnie Austad

IDA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO

1998 MAY 18 PM 12:13

RECORDED - REQUEST OF

FEE *12⁰⁰* DEPUTY *[Signature]*

98047305

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that he is the owner in fee simple of said premises; that said premises are free from all incumbrances except easements, rights-of-way, covenants, and restrictions currently of record, or appearing on the land,

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: effective the 1st day of November, 1994.

Harlow D. Austad
Bonnie J. Austad

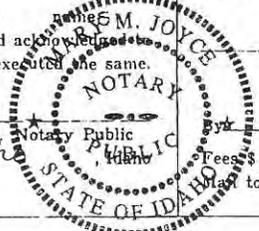
STATE OF IDAHO, COUNTY OF
On this 10 day of November 1994,
before me, a notary public in and for said State, personally
appeared

Harlow D. Austad
Bonnie J. Austad

known to me to be the person(s) who
subscribed to the within instrument, and acknowledged to me that they executed the same.

Mary M. Joyce

Residing at Meridian, Idaho
Comm. Expires 4-26-2006



STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at the request of

at _____ minutes past _____ o'clock m.,
this _____ day of _____,
19____, in my office, and duly recorded in Book _____
of Deeds at page _____

Ex-Officio Recorder

Deputy.

INSTRUMENT NO.

Exhibit
A-2e



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~~ ^{Oregon})
County of ~~Ada~~ ^{Deschutes}) ss.

I, DAVID M AUSTAD , ~~210~~ 1365 NW 35th St
Name Address
Redmond , OR 97756
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 DON BOYER 3710 E KUNA MORA KUNA ID 83634
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 11th day of April, 2016

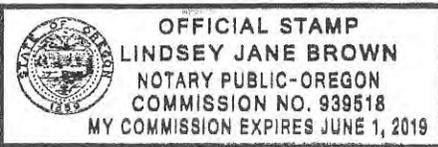
David M Austad
Signature

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

[Signature]
Notary Public for Idaho ^{Oregon}

Residing at: 915 SW Rimrock way ste 201, Redmond, OR 97756

My commission expires: June 1, 2019





Neighborhood Meeting Certification

CITY OF KUNA PLANNING & ZONING * 763 W. Avalon, Kuna, Idaho, 83634 * www.kunacity.id.gov * (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 2 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: Austad Annexation
 Date and time of neighborhood meeting: May 24, 2016 / 6:30 pm - 8:00 pm
 Location of neighborhood meeting: Kuna Public Library

SITE INFORMATION:

Location: Quarter: — Section: 27 Township: 2N Range: 1W Total Acres: 10
 Subdivision Name: Rader & Kroegers Sub Lot: 21, 22, 23 Block: —
 Site Address: Parcel 0916 Tax Parcel Number(s): —
(No Address) R7321000916

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

CURRENT PROPERTY OWNER:

Name: David Austad
 Address: 2100 W. King Rd City: Kuna State: Id Zip: 83634

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

Name: Don Boyer Business (if applicable): —
 Address: 3710 E. Kuna-Mora City: Kuna State: Id Zip: 83634



PROPOSED USE:

I request a neighborhood meeting list for the following proposed use of my property (check all that apply):

Application Type

Brief Description

Annexation

Re-zone

Subdivision (Sketch Plat and/or Prelim. Plat)

Special Use

Variance

Expansion of Extension of a Nonconforming Use

Zoning Ordinance Map Amendment

APPLICANT:

Name: Don Boyer

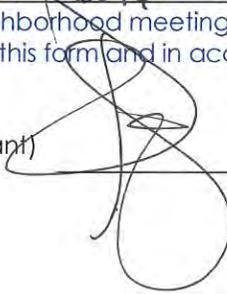
Address: 3710 E. Kuna-Mora Rd

City: Kuna State: Id Zip: 83634

Telephone: 867-6616 Fax: _____

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

Signature: (Applicant)



Date 5-26-16

Date 4-30-16

Dear Neighbor:

My name is David Austad and I am the owner of the property shown on the map (reverse side). I would like to annex my property into the City of Kuna. This property has no true address; however, the parcel number is APN# R7321000916.

As part of the annexation process, I am required to hold a meeting with neighbors who also own property within 300 feet of my parcel. This meeting will be held on **May 24, 2016** in the conference room at the **Kuna Public Library**, from **6:30 pm to 8:00 pm**. The library is located at **457 N. Locust, Kuna, Idaho**.

At this time, I do not have any plans to do anything with the property. I am only annexing it into the city.

Please plan on attending this meeting if you have any questions or concerns about the annexation; or you may also send your concerns or questions to me via US mail (see return address).

Thank you.

-David Austad

AERIAL MAP





Earl Tuman Allen
2200 W King Rd
Kuna, ID 83634

Gary & Catherine Cameron
2198 W King Rd
Kuna, ID 83634

Amber & Donald Cockrum
2020 W Stony Desert St
Kuna, ID 83634

Martin & Christina Cyrway
2032 W Sahara Dr
Kuna, ID 83634

Jay & Gail Davis
875 S Kalahari Ave
Kuna, ID 83634

Desert Hawk Estates
6152 W Half Moon Ln
Kuna, ID 83634

Tracey Dunn
1999 W Sahara Dr
Kuna, ID 83634

Jason & Elizabeth Ford
2031 W Sahara Dr
Kuna, ID 83634

John Hein
PO Box 1349
Meridian, ID 83680

Steven Rowell
901 S Kalahari Ave
Kuna, ID 83634

Marcos & Estephania Urza
1923 167th Ave SE
Bellevue, WA 98008

710 E Kuna Mora Rd
Kuna, ID 83634

Chrys & Edna Oldenburg
1965 W Stony Desert St
Kuna, ID 83634

E Kuna Mora Rd
ID 83634

DB Development LLC
2228 W Piazza St
Meridian ID 83646

E Kuna Mora Rd
ID 83634

Muriel Elmquist
1976 W Stony Desert St
Kuna, ID 83634

0 E Kuna Mora Rd
na, ID 83634

Corey Barton Homes
1977 E Overland Rd
Meridian, ID 83642

SIGN IN SHEET

PROJECT NAME: Austad Annexation

Date: 5-24-16

	Name <i>all Rights</i>	Address	Zip	Phone
1	<i>Baz PGM-E (Reserv)</i>	<i>NORTH WEST AMEXEM</i>	<i>EXEMPT</i>	<i>208-412-4607</i>
2				
3				
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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

4-25-16
Date





CITY OF KUNA
PLANNING & ZONING DEPARTMENT
PO Box 13 • 763 W Avalon St • Kuna, Idaho • 83634
Phone (208) 922-5274 • Fax: (208) 922-5989
www.kunacity.id.gov

Dear Property Owner:

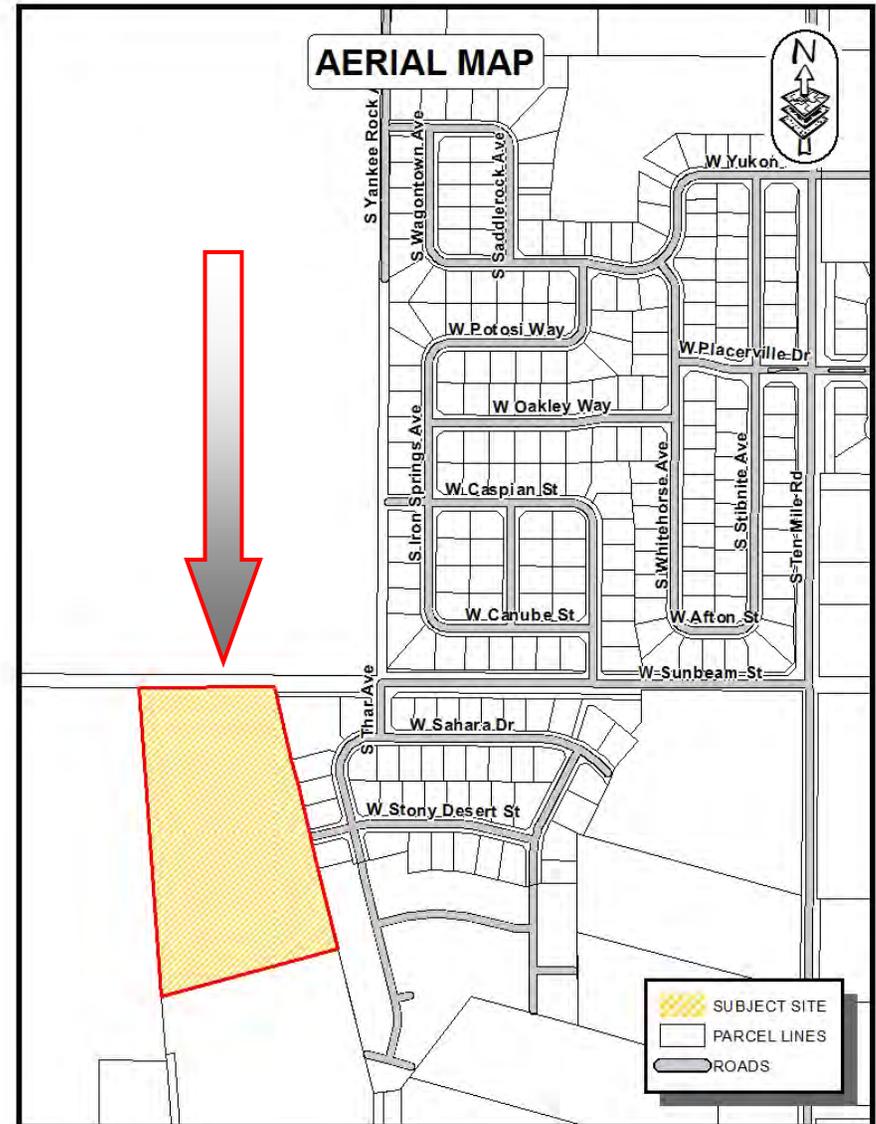
NOTICE IS HEREBY GIVEN that the Kuna Planning and Zoning Commission will hold a public hearing on **June 28, 2016** beginning at **6:00 pm** on the following case: 16-05-AN (Annexation); an Annexation request by David Austad to annex approximately 10 +/- acres into the Kuna city limits with an 'R-6' Residential zoning designation.

The site has no address; it is located at the western terminus of W. Stony Desert Street and W. Sunbeam Street; Lot 21 through 23; Rader & Kroeger's Subdivision, Kuna, Idaho (see adjacent map).
Ada County APN #R7321000916

The public hearing will be held in the City Council Chambers at Kuna City Hall located at 763 West Avalon Street, Kuna, Idaho.

All documents concerning public hearing items may be reviewed at Kuna City Hall, 763 West Avalon Street, Kuna, Idaho, 83634. Office hours are 8:00 am to 5:00 pm, Monday through Friday, except holidays. If you have questions or would like additional information, please contact the Planning and Zoning Department at (208) 922-5274.

You are invited to provide oral or written comments to the Commission at the hearing. Please note that all comments made to the Commission during the public hearing will be restricted to three (3) minutes per person. Prior to the hearing, written comments may be submitted to the appropriate governing body at least seven (7) days prior to the hearing. These comments will be forwarded to the Planning and Zoning Commission and read into record.



Please refer to the case name: **16-05-AN (Austad Annexation)**
in all correspondence concerning this case

Suggestions For Testifying at the Public Hearing:

Be informed . . .

Review the proposal, the staff report, applicable provisions of the ordinance and comprehensive plan.

Be on time . . .

Although the item you are interested in may not be first on the agenda, you never know when it will be heard. The governing body has authority to adjust the schedule according to its discretion. Thus, anticipate attending from the beginning.

Speak to the point . . .

The governing body appreciates pertinent, well organized, and concise comments. Redundant testimony is prohibited and **each individual is given three (3) minutes to comment.** Long stories, abstract complaints, or generalities may not be the best use of time. Neighborhood groups are encouraged to organize testimony and have one (1) person speak on behalf of the group -- "opposition representative," like the applicant's representative, receives 10 minutes to make comments. Applicant has five (5) minutes to rebut or discuss issues raised by any opposition.

If you don't wish to speak, write . . .

At most hearings, previously submitted written testimony may be reviewed by the governing body before the meeting. It is unreasonable to submit extensive written comments or information at the hearing and expect them to be reviewed prior to a decision. All documents or written comments should be submitted to the City of Kuna at least one (1) week **prior** to the hearing.

City of Kuna
Planning and Zoning
PO Box 13
Kuna, ID 83634

LEGAL NOTICE

RECEIVED
6-16-16



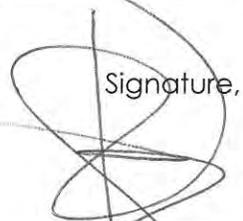
City of Kuna PROOF OF PROPERTY POSTING

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

Phone: (208) 922-5274
Fax: (208) 922-5989
Web: www.kunacity.id.gov

This notice shall confirm that the Public Hearing Notice for R7321000916 (AVSTAD)
(**NAME OF SUBDIVISION OR ADDRESS**) was posted as required per Kuna City Ordinance
5-1-5B. Sign posted 6-16-16 (**DAY OF THE WEEK, MONTH,
DATE AND YEAR**). This form is required to be returned three (3) calendar days
subsequent to posting and signs are to be removed from the site three (3) calendar
days after the hearing.

DATED this 16th day of JUNE, 2016

Signature,


Owner/Developer / REPRESENTATIVE

STATE OF IDAHO)
County of ADA) : ss
_____)

On this 16th day of JUNE, 2016, before me the
undersigned, a Notary Public in and for said State, personally appeared before me
(Owner, Developer).

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

Troy Behunin

Notary Public
Residing at 763 W. Arrows, KUNA, ID
Commission Expires 4 NOV. 2020





CITY OF KUNA PUBLIC HEARING NOTICE

KUNA PLANNING AND ZONING COMMISSION

WHEN: The City of Kuna will hold a public hearing on June 28, 2016 at Kuna City Hall at 6:00pm

PURPOSE: Annexation and Zoning - Lots 21-23, Rader & Kroegers Subdivision. Zoning R-6, Approximately 10 +/- acres

LOCATION: S. Ten Mile Rd. / W. Sunbeam St.

APPLICATION BY: David Austad, Kuna, Idaho

CONTACT: City of Kuna Senior Planner
Troy Behunin 208-922-5274

CITY OF KUNA
PUBLIC HEARING NOTICE
KUNA PLANNING &
ZONING COMMISSION
THE CITY OF KUNA will hold a public
hearing on June 28th, 2016 at Kuna
City Hall, at 6:00 pm.
Annexation: Lots 21-23 Raeder &
Kraeger's Subdivision.
APN # R7321000918 Zoning: R-4
LOCATION: S. Ten Mile Rd. / W.
Sunbeam
APPLICANT: David Aurtad, Kuna,
Idaho

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...available at the City
Clerk's Office, Kuna City Hall,
763 W. Avalon Street, Kuna,
Idaho.

THE FOREGOING SUM-
MARY IS APPROVED for
publication this 7th day of
June, 2016 by the City Coun-
cil of the City of Kuna.

CITY OF KUNA,
a Municipal Corporation of
Idaho
Joe L. Stear, Mayor

ATTEST:
Chris Engels, City Clerk

I have reviewed the forego-
ing summary and believe that
it provides a true and com-
plete summary of Ordinance
No. 2016-15 and that the
summary provides adequate
notice to the public of the
contents of this ordinance.

DATED this 7th day of
June, 2016.

Richard T. Roats,
City Attorney

June 15, 2016 1473535

LEGAL NOTICE
ORDINANCE 2016-16

AN ORDINANCE OF THE
CITY COUNCIL FOR KUNA,
IDAHO AMENDING KCC 5-1-
6-2 "COMMENCEMENT OF
CONSTRUCTION" TO IN-
CLUDE THE PREPAYMENT
OF PREPAID SEWER HOOK
UPS OR LID EDU'S;
AMENDING KCC 6-2-3 EN-
TITLED "PRELIMINARY PLAT"
TO CLARIFY CERTAIN SEC-
TIONS REGARDING THE
APPROVAL PERIOD FOR A
PRELIMINARY PLAT, RE-
MOVING LANGUAGE RE-
GARDING CONSTRUCTION
PHASING AND THE RE-
QUIREMENT THAT THE DE-
VELOPER PROVIDE A TIME
SCHEDULE WITH START
AND COMPLETION DATES,
ADDING LANGUAGE TO
REQUIRE SIXTY (60) DAYS
NOTICE PRIOR TO A PLAT
EXPIRING, ADDING LAN-
GUAGE THAT A DEVELOP-
ER MAY RECEIVE A PRE-
LIMINARY PLAT REIN-
STATEMENT IF THERE HAS
COMMENCEMENT

CITY OF KUNA
P.O. Box 13
Kuna, ID 83634
Phone: 922-5274
Fax: 922-5989

Case # 16-05-AN (Annexation)

NOTICE IS HEREBY GIV-
EN, the Kuna Planning and
Zoning Commission will hold
a public hearing, Tuesday,
June 28, 2016, at 6:00 pm, or
as soon as can be heard at
Kuna City Hall, 763 W. Aval-
on, Kuna, ID; in connection
with a request from David
Austad to annex approxi-
mately 10 acres into the Kuna
City limits with an "R-6" (Resi-
dential) zoning designation.
The parcel has no assigned
address and is located at the
western terminus of W. Stony
Desert St., Kuna, Idaho (APN
#: R7321000916).

All persons wishing to testi-
fy must state his/her name
and residential address for
the record. No person shall
speak until recognized by the
Chairman. A three (3) minute
time limit may be placed on
all testimony.

The public is invited to
present written and/or oral
comments. Any written testi-
mony must be received by
5:00 pm, June 27th, 2016, or
it may not be considered.
Please mail any comments to
P.O. Box 13 Kuna, ID 83634,
or drop off at City Hall 763 W.
Avalon.

Please do not contact any-
one who would be involved in
this decision making process,
which would include the Plan-
ning & Zoning Commission-
ers, City Council Members, or
the Mayor. Such private con-
versations would be consid-
ered ex parte (one sided) and
could jeopardize the public
hearing process.

If you have any questions
or require special accommo-
dations, please contact the
Kuna Planning & Zoning De-
partment prior to the meeting
at 922-5274.

Kuna Planning & Zoning
Department

June 15, 2016 1473157



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: glaw@kunaid.gov

MEMORANDUM

TO: Director of Kuna Planning and Zoning

FROM: Gordon N. Law
Kuna City Engineer

RE: Dave Austad
Annexation
16-05-AN

DATE: June 6, 2016

The City Engineer has reviewed the annexation request of the above applicant dated May 30, 2016. It is noted that specific development plans are not provided except those implied as allowed or permitted in an "R-6" zone. It is understood, however, the applicant intends to develop portions of this property which it owns under terms of future land-use actions. This understanding includes the possibility the applicant will sell these properties to a third party having the same intent. The applicant desires City services for these future developments and the City Engineer has affirmed that the City could include all of the applicant's aforementioned property in its service area.

The recommendation of the City Engineer is to proceed with this annexation and address the issues of extending the City service area in connection with the future land-use actions. Accordingly, the City Engineer provides the following comments:

1. Sanitary Sewer Needs

- a) The applicant's property to be annexed is presently used for agricultural purposes and does not require City services. As developed property, it will require municipal or community sewer service. The City Engineer recommends ultimate connection to existing City facilities.
- b) Wastewater from the applicant's property has the option of being treated in the South Treatment Plant, which presently 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, please contact the City Engineer at 287-1727.

2. Potable Water Needs

- a) The applicant's property to be annexed is presently used for agricultural purposes and does not require City services. As developed property, it will require municipal water

service for potable and fire protection needs. The City Engineer recommends ultimate connection to existing City facilities.

- b) The nearest point of connection for the Austad project is at the east property line of the project. 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.

3. Pressure Irrigation

- a) The property's irrigation needs are presently served by local canals from surface water rights. The city has pressure irrigation facilities adjacent to this property. The City Engineer recommends ultimate connection to existing City facilities.
- b) The nearest point of connection for the Austad project is at the east property line of the project. When connecting to the pressure irrigation system, the applicant will need to abide by any relevant water reimbursement policies and agreements and any relevant connection fees

4. Grading and Storm Drainage

The following is not required for annexation but will be required when alteration of surface features is proposed (such as grading or paving) in connection with future land use applications:

- 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 perhaps 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 (ie development) any conveyable water rights by deed and "Change of Ownership" form from IDWR that are presently associated with the property. 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 districts.
- 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 (such as with a stand-alone annexation), no fees are required.**

7. Right-of-Way

The subject property fronts on its north side on quarter-section line local collector street (Sunbeam). The following conditions are related to these classified streets and future quarter line classified streets and apply at the time of development:

- a) Sufficient half right-of-way on the quarter line and section line for existing and future classified streets should be provided pursuant to City and ACHD standards.
- b) It is recommended approaches onto the classified streets comply with ACHD approach policies.
- c) It is recommended sidewalk, curb and gutter, street widening and any related storm drainage facilities, consistent with city code and policies, are provided at the time of land-use change or re-development.

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 (such as with a stand-alone annexation), no as-built drawings are required.**

9. Property Description

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



IDAHO TRANSPORTATION DEPARTMENT
P.O. Box 8028
Boise, ID 83707-2028

(208) 334-8300
itd.idaho.gov

June 8, 2016

Trevor Kesner
City of Kuna, Planning and Zoning Department
P.O. Box 13
Kuna, ID 83634

VIA EMAIL

RE: 16-05-AN DAVID AUSTAD

The Idaho Transportation Department has reviewed the referenced annexation application for David Austad located west of South Ten Mile Road and South of West Sunbeam Street southwest of SH-69. ITD has the following comments:

1. ITD has no objection to the annexation of this property into the City of Kuna.
2. This property does not abut the State highway system.

If you have any questions, you may contact Ken Couch at 332-7190 or me at 332-7191.

Sincerely,

A handwritten signature in blue ink that reads "James K. Morrison".

James K. Morrison
D3 Property Manager
jim.morrison@itd.idaho.gov

Exhibit

B-2



CENTRAL DISTRICT HEALTH DEPARTMENT
Environmental Health Division

Return to:

- ACZ
Boise
Eagle
Garden City
Kuna
Meridian
Star

Rezone # 16-05-AM
Conditional Use #
Preliminary / Final / Short Plat

RECEIVED City of Kuna

JUN 20 2016

CITY OF KUNA

- 1. We have No Objections to this Proposal.
2. We recommend Denial of this Proposal.
3. Specific knowledge as to the exact type of use must be provided before we can comment on this Proposal.
4. We will require more data concerning soil conditions on this Proposal before we can comment.
5. Before we can comment concerning individual sewage disposal, we will require more data concerning the depth of:
high seasonal ground water
waste flow characteristics
bedrock from original grade
other
6. This office may require a study to assess the impact of nutrients and pathogens to receiving ground waters and surface waters.
7. This project shall be reviewed by the Idaho Department of Water Resources concerning well construction and water availability.
8. After written approval from appropriate entities are submitted, we can approve this proposal for:
central sewage
community sewage system
community water well
interim sewage
central water
individual sewage
individual water
9. The following plan(s) must be submitted to and approved by the Idaho Department of Environmental Quality:
central sewage
community sewage system
community water
sewage dry lines
central water
10. This Department would recommend deferral until high seasonal ground water can be determined if other considerations indicate approval.
11. If restroom facilities are to be installed, then a sewage system MUST be installed to meet Idaho State Sewage Regulations.
12. We will require plans be submitted for a plan review for any:
food establishment
swimming pools or spas
child care center
beverage establishment
grocery store
13. Infiltration beds for storm water disposal are considered shallow injection wells. An application and fee must be submitted to CDHD.

14. Reviewed By: [Signature] Date: 6/14/16

Exhibit B-3

7. **Capital Improvements Plan (CIP)/ Integrated Five Year Work Plan (IFYWP):**

- The intersection of Linder Avenue and Main Street and 3rd Street is scheduled in the IFYWP to be constructed as a single-lane roundabout in 2016.
- 4th Street and #326 is scheduled in the IFYWP to be replaced in 2018.
- Avalon is listed in the CIP to be widened to 3-lanes from Linder Road to Orchard Street between 2022 and 2026.
- Deer Flat is listed in the CIP to be widened to 5-lanes from Linder Road to SH-69/ Meridian Rd between 2027 and 2031.

B. Traffic Findings for Consideration

1. **Trip Generation:** This development is estimated to generate 10 additional vehicle trips per day per single-family dwelling (0 existing); 1 additional vehicle trips per hour in the PM peak hour per single-family dwelling (0 existing), based on the Institute of Transportation Engineers Trip Generation Manual, 9th edition.
2. **Condition of Area Roadways**
Traffic Count is based on Vehicles per hour (VPH)

Roadway	Frontage	Functional Classification	PM Peak Hour Traffic Count	PM Peak Hour Level of Service	Existing Plus Project
Ten Mile Road	0-feet	Arterial	116	Better than "D"	Better than "D"
Sunbeam Street	425-feet	Collector	76	Better than "D"	Better than "D"

* Acceptable level of service for a two-lane minor arterial is "D" (550 VPH).

* Acceptable level of service for a two-lane collector is "D" (425 VPH).

3. **Average Daily Traffic Count (VDT)**

Average daily traffic counts are based on ACHD's most current traffic counts.

- The average daily traffic count for Ten Mile Road south of Avalon was 1,885 on 1/20/2016.
- The average daily traffic count for Sunbeam Street west of Swan Falls Road was 1,002 on 10/14/2015.

C. Findings for Consideration

This application is for annexation and rezone only. Listed below are some of the findings for consideration that the District may identify when it reviews a future development application. The District may add additional findings for consideration when it reviews a specific redevelopment application.

1. **Sunbeam Street**

- a. **Existing Conditions:** Sunbeam Street is a collector street stubbed at the site's east property line.
- b. **Policy:**
Collector Street Policy: District policy 7206.2.1 states that the developer is responsible for improving all collector frontages adjacent to the site or internal to the development as required below, regardless of whether access is taken to all of the adjacent streets.

Master Street Map and Typologies Policy: District policy 7206.5 states that if the collector street is designated with a typology on the Master Street Map, that typology shall be considered for the required street improvements. If there is no typology listed in the Master Street Map, then standard street sections shall serve as the default.

Street Section and Right-of-Way Policy: District policy 7206.5.2 states that the standard right-of-way width for collector streets shall typically be 50 to 70-feet, depending on the location and width of the sidewalk and the location and use of the roadway. The right-of-way width may be reduced, with District approval, if the sidewalk is located within an easement; in which case the District will require a minimum right-of-way width that extends 2-feet behind the back-of-curb on each side.

The standard street section shall be 46-feet (back-of-curb to back-of-curb). This width typically accommodates a single travel lane in each direction, a continuous center left-turn lane, and bike lanes.

Residential Collector Policy: District policy 7206.5.2 states that the standard street section for a collector in a residential area shall be 36-feet (back-of-curb to back-of-curb). The District will consider a 33-foot or 29-foot street section with written fire department approval and taking into consideration the needs of the adjacent land use, the projected volumes, the need for bicycle lanes, and on-street parking.

Half Street Policy: District Policy 7206.2.2 required improvements shall consist of pavement widening to one-half the required width, including curb, gutter and concrete sidewalk (minimum 5-feet), plus 12-feet of additional pavement widening beyond the centerline established for the street to provide an adequate roadway surface, with the pavement crowned at the ultimate centerline. A 3-foot wide gravel shoulder and a borrow ditch sized to accommodate the roadway storm runoff shall be constructed on the unimproved side.

Sidewalk Policy: District policy 7206.5.6 requires a concrete sidewalks at least 5-feet wide to be constructed on both sides of all collector streets. A parkway strip at least 6-feet wide between the back-of-curb and street edge of the sidewalk is required to provide increased safety and protection of pedestrians. Consult the District's planter width policy if trees are to be placed within the parkway strip. Sidewalks constructed next to the back-of-curb shall be a minimum of 7-feet wide.

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

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

ACHD Master Street Map: ACHD Policy Section 3111.1 requires the Master Street Map (MSM) guide the right-of-way acquisition, collector street requirements, and specific roadway features required through development. A new collector roadway was identified on the MSM with the street typology of Residential Collector. The new collector roadway should align with Sunbeam Street on the east side of Ten Mile Road and continue through the property stubbing to the west. The Residential Collector typology as depicted in the Livable Street Design Guide recommends a 2-lane roadway with bike lanes, and on street parking, a 47-foot street section within 69-feet of right-of-way.

- c. **Staff Comments/Recommendations:** Consistent with the approval of Desert Hawk Subdivision directly east of the site; the applicant should be required to match existing conditions and construct Sunbeam Street as one-half of a residential collector street with a 36-foot street section, curb, gutter, and either 7-foot wide attached sidewalk or 5-foot wide detached sidewalk with minimum 6-foot wide planter strip abutting the site; plus 12-feet of

additional pavement widening and 3-foot wide gravel shoulder and borrow ditch, when the property develops.

2. Internal Streets

a. **Existing Conditions:** There are no existing internal roadways within the site.

b. **Policy:**

Local Roadway Policy: District Policy 7207.2.1 states that the developer is responsible for improving all local street frontages adjacent to the site regardless of whether or not access is taken to all of the adjacent streets.

Street Section and Right-of-Way Policy: District Policy 7207.5 states that right-of-way widths for all local streets shall generally not be less than 50-feet wide and that the standard street section shall be 36-feet (back-of-curb to back-of-curb). The District will consider the utilization of a street width less than 36-feet with written fire department approval.

Standard Urban Local Street—36-foot to 33-foot Street Section and Right-of-way Policy: District Policy 7207.5.2 states that the standard street section shall be 36-feet (back-of-curb to back-of-curb) for developments with any buildable lot that is less than 1 acre in size. This street section shall include curb, gutter, and minimum 5-foot concrete sidewalks on both sides and shall typically be within 50-feet of right-of-way.

The District will also consider the utilization of a street width less than 36-feet with written fire department approval. Most often this width is a 33-foot street section (back-of-curb to back-of-curb) for developments with any buildable lot that is less than 1 acre in size.

Continuation of Streets Policy: District Policy 7207.2.4 states that an existing street, or a street in an approved preliminary plat, which ends at a boundary of a proposed development shall be extended in that development. The extension shall include provisions for continuation of storm drainage facilities. Benefits of connectivity include but are not limited to the following:

- Reduces vehicle miles traveled.
- Increases pedestrian and bicycle connectivity.
- Increases access for emergency services.
- Reduces need for additional access points to the arterial street system
- Promotes the efficient delivery of services including trash, mail and deliveries.
- Promotes appropriate intra-neighborhood traffic circulation to schools, parks, neighborhood commercial centers, transit stops, etc.
- Promotes orderly development.

Sidewalk Policy: District Policy 7207.5.7 states that five-foot wide concrete sidewalk is required on both sides of all local street, except those in rural developments with net densities of one dwelling unit per 1.0 acre or less, or in hillside conditions where there is no direct lot frontage, in which case a sidewalk shall be constructed along one side of the street. Some local jurisdictions may require wider sidewalks.

The sidewalk may be placed next to the back-of-curb. Where feasible, a parkway strip at least 8-feet wide between the back-of-curb and the street edge of the sidewalk is recommended to provide increased safety and protection of pedestrians and to allow for the planting of trees in accordance with the District's Tree Planting Policy. If no trees are to be planted in the parkway strip, the applicant may submit a request to the District, with justification, to reduce the width of the parkway strip.

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

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

Cul-de-sac Streets Policy: District policy 7207.5.8 requires cul-de-sacs to be constructed to provide a minimum turning radius of 45-feet; in rural areas or for temporary cul-de-sacs the emergency service providers may require a greater radius. Landscape and parking islands may be constructed in turnarounds if a minimum 29-foot street section is constructed around the island. The pavement width shall be sufficient to allow the turning around of a standard AASHTO SU design vehicle without backing. The developer shall provide written approval from the appropriate fire department for this design element.

The District will consider alternatives to the standard cul-de-sac turnaround on a case-by-case basis. This will be based on turning area, drainage, maintenance considerations and the written approval of the agency providing emergency fire service for the area where the development is located.

- c. **Staff Comments/Recommendations:** The applicant should be required to construct all internal streets as 36-foot street sections with curb, gutter, and 5-foot wide sidewalks, when the property develops.

3. Stub Streets

- a. **Existing Conditions:** There is an existing stub street, Stony Desert Street at the site's east property line.

b. **Policy:**

Stub Street Policy: District policy 7207.2.4 (local) states that stub streets will be required to provide circulation or to provide access to adjoining properties. Stub streets will conform with the requirements described in Section 7207.2.5.4 (local), except a temporary cul-de-sac will not be required if the stub street has a length no greater than 150-feet. A sign shall be installed at the terminus of the stub street stating that, "THIS ROAD WILL BE EXTENDED IN THE FUTURE."

In addition, stub streets must meet the following conditions:

- A stub street shall be designed to slope towards the nearest street intersection within the proposed development and drain surface water towards that intersection; unless an alternative storm drain system is approved by the District.
- The District may require appropriate covenants guaranteeing that the stub street will remain free of obstructions.

Temporary Dead End Streets Policy: District policy 7207.2.4 (local) requires that the design and construction for cul-de-sac streets shall apply to temporary dead end streets. The temporary cul-de-sac shall be paved and shall be the dimensional requirements of a standard cul-de-sac. The developer shall grant a temporary turnaround easement to the District for those portions of the cul-de-sac which extend beyond the dedicated street right-of-way. In the instance where a temporary easement extends onto a buildable lot, the entire lot shall be encumbered by the easement and identified on the plat as a non-buildable lot until the street is extended.

- c. **Staff Comments/Recommendations:** The applicant should be required to extend Desert Street into the site. The applicant should be required to provide a stub street to the west and to the south when the property is developed. Until the stub streets are extended the applicant should be required to construct a temporary cul-de-sac turnaround at the terminus of the stub streets and install signage that "THIS IS A DESIGNATED COLLECTOR ROADWAY. THIS

STREET WILL BE EXTENDED AND WIDENED IN THE FUTURE.” or, “THIS ROADWAY WILL BE EXTENDED IN THE FUTURE.”.

4. Tree Planters

Tree Planter Policy: Tree Planter Policy: The District’s Tree Planter Policy prohibits all trees in planters less than 8-feet in width without the installation of root barriers. Class II trees may be allowed in planters with a minimum width of 8-feet, and Class I and Class III trees may be allowed in planters with a minimum width of 10-feet.

5. Landscaping

Landscaping Policy: A license agreement is required for all landscaping proposed within ACHD right-of-way or easement areas. Trees shall be located no closer than 10-feet from all public storm drain facilities. Landscaping should be designed to eliminate site obstructions in the vision triangle at intersections. District Policy 5104.3.1 requires a 40-foot vision triangle and a 3-foot height restriction on all landscaping located at an uncontrolled intersection and a 50-foot offset from stop signs. Landscape plans are required with the submittal of civil plans and must meet all District requirements prior to signature of the final plat and/or approval of the civil plans.

6. Other Access

Sunbeam Street is classified as collector roadway. Other than the access specifically approved with this application, direct lot access is prohibited to this roadway.

D. Site Specific Conditions of Approval

This application is for annexation and rezone only. The District may add additional findings for consideration when it reviews a specific development application. Site Specific Conditions will be established at that time.

E. Standard Conditions of Approval

1. All proposed irrigation facilities shall be located outside of the ACHD right-of-way (including all easements). Any existing irrigation facilities shall be relocated outside of the ACHD right-of-way (including all easements).
2. Private Utilities including sewer or water systems are prohibited from being located within the ACHD right-of-way.
3. In accordance with District policy, 7203.3, the applicant may be required to update any existing non-compliant pedestrian improvements abutting the site to meet current Americans with Disabilities Act (ADA) requirements. The applicant’s engineer should provide documentation of ADA compliance to District Development Review staff for review.
4. Replace any existing damaged curb, gutter and sidewalk and any that may be damaged during the construction of the proposed development. Contact Construction Services at 387-6280 (with file number) for details.
5. A license agreement and compliance with the District’s Tree Planter policy is required for all landscaping proposed within ACHD right-of-way or easement areas.
6. All utility relocation costs associated with improving street frontages abutting the site shall be borne by the developer.
7. It is the responsibility of the applicant to verify all existing utilities within the right-of-way. The applicant at no cost to ACHD shall repair existing utilities damaged by the applicant. The applicant shall be required to call DIGLINE (1-811-342-1585) at least two full business days prior to breaking ground within ACHD right-of-way. The applicant shall contact ACHD Traffic Operations 387-6190 in the event any ACHD conduits (spare or filled) are compromised during any phase of construction.

8. Utility street cuts in pavement less than five years old are not allowed unless approved in writing by the District. Contact the District's Utility Coordinator at 387-6258 (with file numbers) for details.
9. All design and construction shall be in accordance with the ACHD Policy Manual, ISPWC Standards and approved supplements, Construction Services procedures and all applicable ACHD Standards unless specifically waived herein. An engineer registered in the State of Idaho shall prepare and certify all improvement plans.
10. Construction, use and property development shall be in conformance with all applicable requirements of ACHD prior to District approval for occupancy.
11. No change in the terms and conditions of this approval shall be valid unless they are in writing and signed by the applicant or the applicant's authorized representative and an authorized representative of ACHD. The burden shall be upon the applicant to obtain written confirmation of any change from ACHD.
12. If the site plan or use should change in the future, ACHD Planning Review will review the site plan and may require additional improvements to the transportation system at that time. Any change in the planned use of the property which is the subject of this application, shall require the applicant to comply with ACHD Policy and Standard Conditions of Approval in place at that time unless a waiver/variance of the requirements or other legal relief is granted by the ACHD Commission.

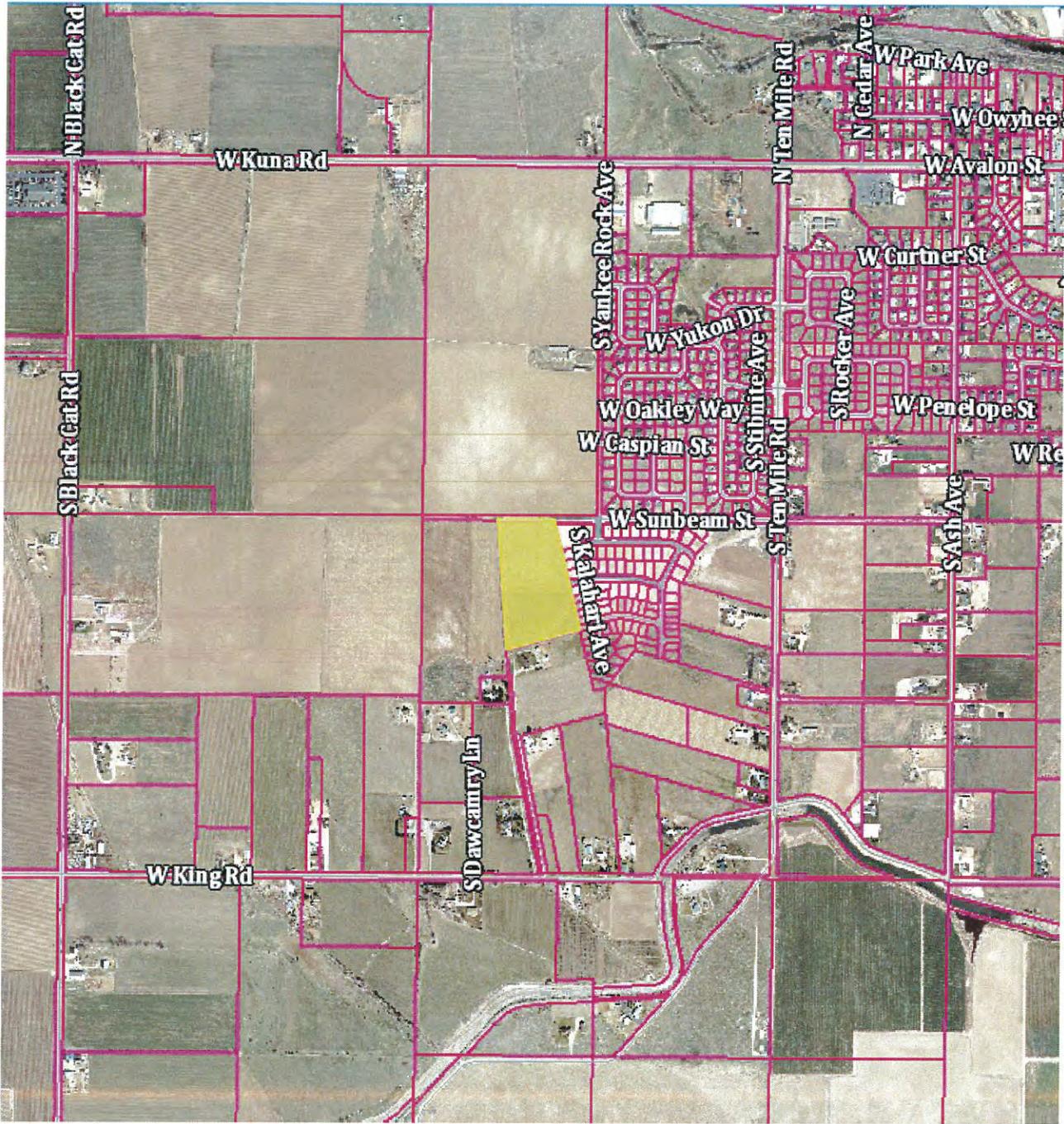
F. Conclusions of Law

1. The proposed site plan is approved, if all of the Site Specific and Standard Conditions of Approval are satisfied.
2. ACHD requirements are intended to assure that the proposed use/development will not place an undue burden on the existing vehicular transportation system within the vicinity impacted by the proposed development.

G. Attachments

1. Vicinity Map
2. Utility Coordinating Council
3. Development Process Checklist
4. Request for Reconsideration Guidelines

VICINITY MAP



Ada County Utility Coordinating Council

Developer/Local Improvement District Right of Way Improvements Guideline Request

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

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

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

Development Process Checklist

Items Completed to Date:

- Submit a development application to a City or to Ada County
- The City or the County will transmit the development application to ACHD
- The ACHD **Planning Review Section** will receive the development application to review
- The **Planning Review Section** will do one of the following:
 - Send a “**No Review**” letter to the applicant stating that there are no site specific conditions of approval at this time.
 - Write a **Staff Level** report analyzing the impacts of the development on the transportation system and evaluating the proposal for its conformance to District Policy.
 - Write a **Commission Level** report analyzing the impacts of the development on the transportation system and evaluating the proposal for its conformance to District Policy.

Items to be completed by Applicant:

- For **ALL** development applications, including those receiving a “**No Review**” letter:
 - The applicant should submit one set of engineered plans directly to ACHD for review by the **Development Review Section** for plan review and assessment of impact fees. (Note: if there are no site improvements required by ACHD, then architectural plans may be submitted for purposes of impact fee assessment.)
 - The applicant is required to get a permit from Construction Services (ACHD) for ANY work in the right-of-way, including, but not limited to, driveway approaches, street improvements and utility cuts.
- Pay Impact Fees prior to issuance of building permit. Impact fees cannot be paid prior to plan review approval.

DID YOU REMEMBER:

Construction (Non-Subdivisions)

Driveway or Property Approach(s)

- Submit a “Driveway Approach Request” form to ACHD Construction (for approval by Development Services & Traffic Services). There is a one week turnaround for this approval.

Working in the ACHD Right-of-Way

- Four business days prior to starting work have a bonded contractor submit a “Temporary Highway Use Permit Application” to ACHD Construction – Permits along with:
 - a) Traffic Control Plan
 - b) An Erosion & Sediment Control Narrative & Plat, done by a Certified Plan Designer, if trench is >50’ or you are placing >600 sf of concrete or asphalt.

Construction (Subdivisions)

Sediment & Erosion Submittal

- At least one week prior to setting up a Pre-Construction Meeting an Erosion & Sediment Control Narrative & Plan, done by a Certified Plan Designer, must be turned into ACHD Construction to be reviewed and approved by the ACHD Stormwater Section.

Idaho Power Company

- Vic Steelman at Idaho Power must have his IPCO approved set of subdivision utility plans prior to Pre-Con being scheduled.

- Final Approval from Development Services is required** prior to scheduling a Pre-Con.

Request for Appeal of Staff Decision

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