

OFFICIALS

Joe Stear, Mayor
Pat Jones, Council President
Briana Buban-Vonder Haar, Council Member
Richard Cardoza, Council Member
Greg McPherson, Council Member



CITY OF KUNA

Kuna City Hall Council Chamber, 751 W 4th Street, Kuna, Idaho

City Council Meeting AGENDA Tuesday, October 4, 2016

Please note the new City Hall location: 751 W 4th Street, Kuna, Idaho

6:00 P.M. REGULAR CITY COUNCIL

1. **Call to Order and Roll Call**
2. **Invocation:** Karen Hernandez, United Methodist Church
3. **Pledge of Allegiance:** Mayor Stear
4. **Consent Agenda:**

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

A. City Council Meeting Minutes:

1. Regular City Council Minutes, September 20, 2016

B. Accounts Payable: None

C. Final Plat

1. Consideration to approve 16-09-FP (Final Plat – Ensign Sub No. 1) - Applicant seeks final plat approval for Ensign Subdivision No. 1. If approved, this will create six (6) commercial lots, south of Ridley's Market.

D. Findings of Fact and Conclusions of Law

5. **Community Reports or Requests:**

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

- A. Public Hearing and consideration to approve 16-02-S (Subdivision) and 16-02-ZC (Rezone) – Trevor Kesner, Planner II

A-Team Land Consultants representing Don Young Land Company requests approval to subdivide the 22.88 acre site and rezone approximately 8.76 acres from the existing R-4 (Medium-Low Density Residential) to a C-1 (Neighborhood Commercial) zoning designation, and rezone the remaining approximately 14.04 acres from the existing R-4 (Medium-Low Density Residential) to an R-6 (Medium Density Residential), to create a 102 lot mixed use subdivision (Airenel Park). The site is located southeast of the intersection of South Orchard Avenue and East Avalon Street/Kuna Road and west of South Kay Avenue.

7. Business Items:

- A. Consideration to approve Resolution No. R70-2016 Adopting Water Fees and Policies for 2017 – Gordon Law, City Engineer

A RESOLUTION AMENDING PORTIONS OF RESOLUTION R74-2015 THAT: SETS FORTH THE AUTHORITY FOR ADOPTING WATER CONNECTION FEES AND MONTHLY WATER SERVICE RATES; ESTABLISHES FEES FOR CONNECTING TO THE WATER SYSTEM; ESTABLISHES WATER USE FEES THAT ARE NOW AMENDED WITH WATER RATE CHANGES FOR ALL CUSTOMERS; PROVIDES FOR MISCELLANEOUS WATER CUSTOMER SERVICE POLICIES; SETS FORTH MINIMUM LINE SIZES; REPEALS FEES ESTABLISHED BY EARLIER RESOLUTIONS; AND SETS AN EFFECTIVE DATE.

- B. Consideration to approve Resolution No. R71-2016 Adopting Sewer Fees and Policies for 2017 – Gordon Law, City Engineer

A RESOLUTION AMENDING CERTAIN SECTIONS OF RESOLUTION R75-2015 THAT: SETS FORTH THE AUTHORITY FOR ADOPTING SEWER FEES; ESTABLISHES FEES FOR CONNECTING TO SEWER SYSTEM; ESTABLISHES MONTHLY SEWER USE FEES THAT ARE NOW AMENDED WITH SEWER RATE CHANGES FOR ALL CUSTOMERS; SETS FORTH MINIMUM LINE SIZES; PROVIDES FOR A METHOD OF COMPUTING USER EQUIVALENT; REPEALS FEES ESTABLISHED BY EARLIER RESOLUTIONS; AND SETS AN EFFECTIVE DATE.

- C. Consideration to approve Resolution No. R72-2016 Adopting 2017 Irrigation Assessment Resolution – Gordon Law, City Engineer

A RESOLUTION OF THE COUNCIL OF THE CITY OF KUNA, IDAHO SETTING FORTH FEES, ASSESSMENTS AND POLICIES FOR THE KUNA MUNICIPAL IRRIGATION DISTRICT FOR SAID CITY; RECEIVING AND ACCEPTING THE ASSESSMENT BOOK FOR THE 2017 IRRIGATION SEASON; RECEIVING AND ACCEPTING THE ESTIMATE OF EXPENSES

FOR THE 2017 IRRIGATION SEASON; SETTING THE TIME AND PLACE FOR THE MEETING OF THE BOARD OF CORRECTION FOR 2017 ASSESSMENTS; SETTING FEES FOR CONNECTING TO SAID IRRIGATION SYSTEM; SETTING UNIFORM METHOD OF ALLOCATING ASSESSMENTS FOR THE 2017 IRRIGATION SEASON; ESTABLISHING BILLING POLICIES; SETTING CUSTOMER SERVICE CHARGES; SETTING SYSTEM POLICIES; REPEALING EXISTING FEES AND POLICIES AS PREVIOUSLY SET BY RESOLUTION, AND SETTING AN EFFECTIVE DATE.

- D.** Consideration to approve Resolution No. R73-2016 Accepting Easement from People Empowerment Services, LLC for Water and Pressure Irrigation Services – Gordon Law, City Engineer

RESOLUTION APPROVING ACCEPTANCE OF A PERPETUAL EASEMENT ON PROPERTY OWNED BY PEOPLE EMPOWERMENT SERVICES, LLC FOR THE PURPOSE OF CONSTRUCTING AND MAINTAINING WATER AND PRESSURE IRRIGATION MAINS.

- E.** Consideration to approve Resolution No. R74-2016 Approving an Agreement with Keller Associates to Prepare Amendments to Pressure Irrigation Master Plan – Gordon Law, City Engineer

RESOLUTION AWARDING CONTRACT FOR CONSULTING SERVICES TO KELLER ASSOCIATES IN THE AMOUNT OF \$45,950.00 FOR PREPARATION OF AN AMENDED PRESSURE IRRIGATION MASTER PLAN; DIRECTING EXPENDITURE OF FUNDS FROM THE IRRIGATION FUND FOR SAID WORK; AND AUTHORIZING THE MAYOR, CITY CLERK AND CITY ENGINEER TO EXECUTE CONTRACT DOCUMENTS WITH SAID CONSULTANT.

8. Ordinances:

9. Mayor/Council Discussion Items:

10. Announcements:

11. Executive Session:

12. Adjournment:



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Joe Stear, Mayor
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 Richard Cardoza, Council Member
 Greg McPherson, Council Member

CITY OF KUNA

Kuna City Hall Council Chamber, 763 W. Avalon Street, Kuna, Idaho

City Council Meeting MINUTES Tuesday, September 20, 2016

6:00 P.M. REGULAR CITY COUNCIL

1. Call to Order and Roll Call

COUNCIL MEMBERS PRESENT: Mayor Joe Stear
 Council President Pat Jones
 Council Member Richard Cardoza
 Council Member Briana Buban-Vonder Haar
 Council Member Greg McPherson

CITY STAFF PRESENT: Richard Roats, City Attorney
 Chris Engels, City Clerk
 Wendy Howell, P & Z Director
 Gordon Law, City Engineer
 John Marsh, City Treasurer
 Bob Bachman, Fleet/Facilities Director
 Bobby Withrow, Parks Director

2. Invocation: None

3. Pledge of Allegiance: Mayor Stear

Mayor Stear introduced a scout troop in the audience.

The Webelo Scouts of Troop 183 are ten (10) years old. Part of their Building a Better World unit is finding out how different government agencies work so they came to the Council Meeting to observe how decisions are made for the City.

Mayor Stear welcomed them to the meeting.

4. Consent Agenda: (Timestamp 00:01:48)

All items listed under the Consent Agenda are considered to be routine and are acted on with one motion by the City Council. There will be no separate discussion on these

items unless the Mayor, Council Member, or City Staff requests an item to be removed from the Consent Agenda for discussion. Items removed from the Consent Agenda will be placed on the Regular Agenda under Business or as instructed by the City Council.

A. City Council Meeting Minutes:

1. Regular City Council Minutes, September 6, 2016

B. Accounts Payable Dated September 15, 2016 in the Amount of \$377,872.85

C. Alcohol Licenses:

D. Resolutions

E. Findings of Fact and Conclusions of Law

Council President Jones asked about a \$2,100.00 bill for an economic development publication.

Mayor Stear responded that it was an advertisement in a state wide magazine that the Economic Development Committee approved.

Council President Jones asked about HD Supply Waterworks and another hydrant meter purchased. He believes four (4) have been purchased in the last six (6) months. He wanted to know if they are all rentals.

City Engineer Gordon Law responded that was correct.

Council Member Buban-Vonder Haar moved to approve the consent agenda. Seconded by Council Member McPherson. Approved by the following roll call vote:

Voting Aye: Council Members Cardoza, Jones, Buban-Vonder Haar, and McPherson.

Voting No: None

Motion carried 4-0.

Mayor Stear asked for a motion to change the order of the agenda items.

Council Member Buban-Vonder Haar moved to move item 7.B. to the last item on the agenda after the executive session. Seconded by Council Member McPherson. Motion carried 4-0.

5. Community Reports or Requests:

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

7. Business Items:

- A. Proclamation of Domestic Violence Awareness Month – Mayor Stear**
(Timestamp 00:04:52)

Mayor Stear stated this is a City of Kuna and State of Idaho Proclamation for Domestic Violence Awareness Month.

Mayor Stear read the proclamation.

- B. Consideration to reopen the School House Subdivision Matter for 16-01-ZC (Rezone)16-02-CPM (Comp Plan Map amendment) and 16-01-S (Subdivision) – Richard Roats, City Attorney**
(Timestamp 2nd Recording 00:00:16)

Mayor Stear declared the matter will be reopened to be advertised for the October 18, 2016 council meeting.

- C. Consideration to approve Resolution No. R64-2016 Surplus Real Property Policy – John Marsh, City Treasurer**
(Timestamp 00:06:40)

City Treasurer John Marsh explained the purpose of the Resolution No. R64-2016 and how state code pertains. He moved on to explain the purpose Resolution No. R65-2016 and how the policy would function. Staff would identify items of a personal property nature that are no longer needed, obsolete, or broken. They would submit a form request to the Treasurer's office where a value would be determined. It would then go before City Council so Council can decide what to do with it. He stood for questions.

A RESOLUTION OF THE CITY OF KUNA, IDAHO RELATING TO SURPLUS REAL PROPERTY; PROVIDING FOR DECLARATION BY CITY COUNCIL OF SURPLUS PROPERTY; METHODS OF DISPOSAL; AUTHORIZATION FOR DISPOSAL; AND RELATED MATTERS.

Council Member Buban-Vonder Haar moved to approve Resolution No. R64-2016. Seconded by Council Member McPherson. Motion carried 4-0.

- D. Consideration to approve Resolution No. R65-2016 Surplus Personal Property Policy – John Marsh, City Treasurer**
(Timestamp 00:10:10)

A RESOLUTION OF THE CITY OF KUNA, IDAHO RELATING TO SURPLUS PERSONAL PROPERTY; PROVIDING FOR METHOD OF REQUESTING DISPOSAL; DECLARATION BY CITY COUNCIL OF SURPLUS PROPERTY; METHODS OF DISPOSAL; AUTHORIZATION FOR DISPOSAL; AND RELATED MATTERS.

City Treasurer John Marsh explained the purpose of the resolution and how the policy would function with his explanation of Resolution No. R64-2016.

Mayor Stear asked if there were any further questions.

There were none.

Council Member Buban-Vonder Haar moved to approve Resolution No. R65-2016. Seconded by Council Member McPherson. Motion carried 4-0.

- E.** Request for direction for an Art Commission – Chris Engels, City Clerk
(Timestamp 00:10:58)

City Clerk Chris Engels explained that as the Downtown Revitalization Committees met and open houses have occurred over the last couple years all forms of art for Kuna was a consistent request. Kuna does not currently have an Art Commission to help direct the furtherance of those requests which also inhibits the City from receiving a variety of grant funds. There are already a couple of interested parties that have asked about an Art Commission. Ms. Engels asked Council for a direction to allow for a call for interested parties to see if a commission could be established and to come back to Council for appointment if they are amenable to those members. She stood for questions.

Council President Jones asked if this would be a city wide commission and not just for downtown.

Ms. Engels said that is correct.

Mayor Stear explained that the request is for permission to move forward with searching out committee members.

Council President Jones moved to authorize the City Clerk to move forward with forming an Art Commission. Seconded by Council Member Buban-Vonder Haar. Motion carried 4-0.

- F.** Consideration to approve Resolution No. R66-2016 Authorizing the Liquor License Transfer from The Arlene to Cuda LLC dba Big Mic's – Chris Engels, City Clerk
(Timestamp 00:13:00)

A RESOLUTION OF THE CITY COUNCIL FOR KUNA, IDAHO
AUTHORIZING PURSUANT TO KCC 3-1-9 THE TRANSFER OF THE CITY
ALCOHOL LICENSE FROM THE ARLENE TO CUDA LLC, BIG MIC'S
EFFECTIVE SEPTEMBER 20, 2016.

City Clerk Chris Engels explained that, according to Kuna City Code 3-1-9, Council has the authority to grant the transfer an alcohol license from one (1) owner to another. Not all purchasers make that request and Kuna does not have a transfer fee in place. However, Cuda LLC dba Big Mic's has purchased The Arlene and has transferred the State and County Liquor Licenses. The owner is asking to transfer the

Kuna Liquor License instead of paying for a new license. Liquor licenses for a full year for this particular business are approximately \$762.50. There is a reduction throughout the year on a portion of the fees but it is still an investment. She stood for questions.

Council Member Cardoza said it looks like the footprint is being extended to the front of the building; in the past it was short of the wall. He asked if a different motion would be required with the footprint change.

Ms. Engels explained the footprint came from ISP Bureau of Alcohol. It is the footprint that accompanies the Alcohol License at the State and County levels.

Mayor Stear explained the State Fire Marshall's Office was involved in expanding the footprint for occupancy and he believes Facilities Director Bob Bachman was involved as well but since the building has sold it has started a new conversation.

Facilities Director Bob Bachman explained that he was involved in those discussions. The Fire Marshall did approve, with some contingencies, expanding the footprint to the front of the building. The State Fire Marshall came up with the agreement and the Local Fire District and the Building Department are acting off the State's approval. There are a few things that have to be done but it has been approved for them to move forward.

Ms. Engels clarified that the alcohol footprint did include the front. It was a fire concern with sprinklers that restricted where they served people. The footprint itself has actually been approved. There is nothing on file showing the footprint stopping at that wall so she requested a copy from the state level and what they provided shows approval to serve alcohol to the front. The only delay was the current building owners had not finished making arrangements with the Fire Department to expand into that area. If they had resolved their sprinkler issues they would not have needed to go back and get an amended footprint with their alcohol license because it already existed.

Council President Jones commented that it looks like the State and County issued prorated licenses. He is not in favor of just letting Cuda LLC dba Big Mic's take over but he has no problem giving them a prorated discount. That would also keep it consistent with business licensing.

Ms. Engels said there is no prorating with business licenses. They have to purchase a new license.

Council President Jones asked if Cuda LLC dba Big Mic's is required to get a new business license.

Ms. Engels said that is correct because it is new ownership.

Council President Jones said he understands why they have to get a new business license and he is fine with giving them the prorated alcohol license since the other entities did the same.

Mayor Stear said this is new for the City and he is not sure there is anything in place to allow that.

Ms. Engels explained that based on the time of year and the number of months that have passed in the licensing year it does deplete however the amounts that were charged by the State and the County was a transfer fee; not a prorated amount. Kuna does not have a fee to assess with the provision if Council was to allow for a transfer.

Council President Jones asked, if this was a new business, would they have to pay the fee to get a liquor license.

Ms. Engels said the remaining portion of the liquor year is already set. It is not based on when they do it.

Council President Jones asked if the State and County liquor years are the same as Kuna's.

Ms. Engels said yes.

Council Member Cardoza said the State does not show the establishment as a restaurant serving food. He asked if Big Mic's would still be selling food.

Ms. Engels said she would have to review their business license to determine if they were still going to serve food. She did not have access to the license at that time.

Council Member Cardoza clarified that the Liquor License is for alcohol only and no food.

Ms. Engels said that is correct, serving food would pertain to their business license and whether they had obtained the Central District Health's approval. She added that the owner of Big Mic's did question the option for transfer that is included in Kuna City Code and made the request for consideration of a transfer.

Council Member Buban-Vonder Haar asked if the purpose of the transfer is to keep from double dipping. She asked if The Arlene just foregoes the remainder of the license.

Ms. Engels explained that in this case The Arlene sold their liquor license to Cuda LLC dba Big Mic's. It is not uncommon for establishments to sell their liquor licenses to other establishments as part of their agreement but it does not have anything to do with the City. A lot of cities do have a transfer policy with a smaller

fee attached to it as well as the State and County. Kuna is one (1) of the few that allow for a transfer with Council permission but do not have a transfer fee assessed to it.

Mayor Stear said he feels it is not appropriate to change rules mid-stream on someone when they are trying to set up a business. He does not know what was paid for the liquor license but he feels it is appropriate to allow for this transfer since it is allowed in the code. Then, if it is wanted, further research could be done on this to see what fee would be appropriate to be assessed to that type of transfer.

Council Member Buban-Vonder Haar said she is fine with that as long as everyone is treated fairly. She would want something laid out so people know what they are getting into ahead of time.

Council President Jones asked if that was something that could be done before May 1, 2017.

Ms. Engels said it could and there are other things pertaining to liquor licenses that need to be reviewed as well.

Council President Jones said, if having something in place by May 1, 2017 could be committed to, he is fine with allowing this transfer.

Council Member Cardoza confirmed that the seller is agreeable to the transfer of the license without any money being returned to them.

Ms. Engels explained that the new owner told her he paid the previous owners for the liquor license but she had not spoken to the previous owner. The State begins the process and they will not issue or transfer the new license until the current holder surrenders theirs. The County does not issue until the State does and the City does not issue until the County and the State do.

Council Member Cardoza felt it would be good for the City to have a letter from the seller allowing the City to agree to the transfer without the request of reimbursement for their fee.

Ms. Engels said there is nothing in place to make that request.

Council Member Cardoza was concerned a seller could come forward with a reimbursement request based on the transfer.

Ms. Engels explained there is no refund policy so there would be no claim against the City and, as she indicated, the State is the catalyst in this process. They make sure the holder of the original license surrenders voluntarily or through transfer.

Council President Jones moved to approve Resolution No. R66-2016. Seconded by Council Member Buban-Vonder Haar. Motion carried 4-0.

- G.** Consideration to approve Resolution No. R67-2016 Approving Agreement with Keller Associates to Prepare Amended Water System Master Plan – Gordon Law, City Engineer
(Timestamp 00:26:38)

City Engineer Gordon Law explained that this is related to the expansion of the area of city impact. In 2005 the City completed their last Water System Master Plan. It is now eleven (11) years later and these are generally done every ten (10) years. Due to the dramatic expansion in the area of city impact from 20,000 acres to 50,000 acres it is appropriate for a couple of reasons to redo or amend the Water System Master Plan. Keller Associates, who did the last Water System Master Plan, has prepared an estimated cost of \$82,650.00 and \$85,000.00 has been budgeted. What is proposed is Resolution No. R67-2016 be adopted allowing the Mayor, City Clerk, and City Engineer to complete the documents securing Keller Associates services. The plans at this point are to complete it sometime around the end of January 2017 so it can feed into the area of city impact process and support that effort as well as get the information needed for taking care of the water system. He stood for questions.

Council President Jones asked if the changing of the Comp Plan would affect their decisions on what size water lines to put in. He is concerned that if an area is changed from low-density to high density the line calculations would have to be refigured.

Mr. Law said there are extreme things that could be done that could affect demands but he does not expect the City to do that so he is proceeding as if that is the case. It is more likely this type of issue would come up with the sewer system than the water system because the water system is run on the grid distribution system whereas, with the sewer system, the size of the line is committed to from the treatment plant out to the far extremities. He is not expecting much of problem and the issues are re-examined every ten (10) years or so to try to account for some of the decisions made along the way.

Council President Jones asked if it would be beneficial to have the new Engineer Trainee present during this process so they can understand what is going on and may even have their own ideas to input.

Mr. Law said he shares those sentiments. He is planning on advertising that position shortly so they can participate in these types of things.

RESOLUTION AWARDDING CONTRACT FOR CONSULTING SERVICES TO KELLER ASSOCIATES IN THE AMOUNT OF \$82,650.00 FOR PREPARATION OF AN AMENDED WATER MASTER PLAN; DIRECTING EXPENDITURE OF FUNDS FROM THE WATER FUND FOR SAID WORK; AND AUTHORIZING THE MAYOR, CITY CLERK AND CITY ENGINEER TO EXECUTE CONTRACT DOCUMENTS WITH SAID CONSULTANT.

Council Member Buban-Vonder Haar moved to approve Resolution No. R67-2016. Seconded by Council Member McPherson. Approved by the following roll call vote:

Voting Aye: Council Members Cardoza, Jones, Buban-Vonder Haar, and McPherson.

Voting No: None

Motion carried 4-0.

- H.** Consideration to approve Resolution No. R68-2016 Ednetics Internet Services Agreement - Richard Roats, City Attorney
(Timestamp 00:32:06)

City Attorney Richard Roats explained Ednetics is the provider of internet fiber optics services to the School District. The City has extended fiber optics up to the plant and will be connecting the new City Hall to fiber optics. That will be approximately \$3,110.00; of that, \$210.00 will be monthly for those services instead of the thousands of dollars the City is paying now.

Council President Jones asked if this would replace the City's current internet.

Mr. Roats said it will replace the City's current internet service but there is still one (1) year left on the contract with Integra, IntegriNet, and Datatel for the current facility. He is working on that. The City may need to go with Datatel for phone service at the new City Hall. The plan was to use Ednetics for the phone service but there have been some questions on the reliability and the issues that could arise with it. There are a couple things being looked into and worked through.

Council President Jones asked if this affects anything the City runs off the internet. He wanted to know if they would just run off of Ednetics services.

Mr. Roats said yes.

Council President Jones noted that exchanging service on the antennas on the water towers had been discussed previously. He asked if he could get an update on that.

Mr. Roats said he is waiting to see if the service is reliable before bringing that contract before Council. The current City Hall has that for redundancy with wireless access. He explained how that redundancy helps with all the people using the wireless service. The antenna will be moved over to the new City Hall to retain that redundancy.

Council Member Cardoza asked Police Chief Justin Dusseau if the Police Department is with Ednetics.

Chief Dusseau said they are not. They use something totally separate because of the on-body video uploading capabilities. They do use fiber optics but it is done through

the County. Previously they contracted with the School District but they were not getting fast enough service so they had to go with something different.

Council Member Cardoza asked if it would be beneficial to look into bringing the Police Department into it as the City negotiates the contract.

Chief Dusseau said absolutely and it might be a cost savings. He offered to speak with Mr. Roats about it.

Council Member Cardoza asked that Mr. Roats look into that.

Mr. Roats agreed.

Council Member Buban-Vonder Haar asked about the section on Liability of the Customer. She was concerned it may cause problems with the City's insurance with ICRMP.

Mr. Roats said he can run that by ICRMP before the contract is signed.

A RESOLUTION OF THE CITY COUNCIL OF KUNA, IDAHO AUTHORIZING THE CITY ATTORNEY TO NEGOTIATE THE TERMS OF THE AGREEMENT AND THE MAYOR THEN AUTHORIZED TO EXECUTE SAID AGREEMENT WITH EDNETICS, INC. FOR INTERNET SERVICES FOR THE CITY OF KUNA, IDAHO.

Council Member Buban-Vonder Haar moved to approve Resolution No. R68-2016. Seconded by Council Member McPherson. Approved by the following roll call vote:

Voting Aye: Council Members Cardoza, Jones, Buban-Vonder Haar, and McPherson.

Voting No: None

Motion carried 4-0.

- I.** Consideration to approve Resolution No. R69-2016 Accepting Temporary Easement from Don Young Land Company Inc. – Richard Roats, City Attorney
(Timestamp 00:38:36)

City Attorney Richard Roats explained this is part of the extension improvements in Journey's end. He stood for questions.

A RESOLUTION OF THE CITY COUNCIL FOR KUNA, IDAHO ACCEPTING THE TEMPORARY EASEMENT BY AND BETWEEN DON YOUNG LAND COMPANY INC. (GRANTOR) AND THE CITY OF KUNA, IDAHO (GRANTEE) FOR THE PURPOSE OF CONSTRUCTION, MAINTENANCE, OPERATION AND REPLACEMENT OF A CITY OF KUNA, IDAHO WATER, SEWER AND MAINTAINING SEWER MAINS, PRESSURE IRRIGATION

MAIN, SEWER AND PRESSURIZED IRRIGATION MAIN, AND LOCATED AS DEPICTED ON EXHIBIT A OF SAID EASEMENT.

Council Member Buban-Vonder Haar moved to approve Resolution No. R69-2016. Seconded by Council Member McPherson. Motion carried 4-0.

- J.** Consideration to approve Resolution No. R62-2016 Idaho Humane Society Contract – Richard Roats, City Attorney
(Timestamp 00:40:18)

City Attorney Richard Roats stated that after the previous Council Meeting he met with the Idaho Humane Society to discuss Council's questions and he outlined that meeting in his memo. He stood for questions.

Council Member Buban-Vonder Haar moved to approve Resolution No. R69-2016. Seconded by Council Member McPherson.

Council Member Cardoza asked if the amount is what was allocated in next year's budget.

Mr. Roats explained that it is at approximately 3.5% and the Idaho Humane Society would like to get Kuna up to 4.9% in order for things to be fairly allocated with what the other cities are paying. That number may be changing now that Garden City has been added to the list of cities being serviced. Currently as it stands, Kuna is paying less of a percent than the number of calls being utilized. The intent is to even that out.

Council Member Cardoza clarified that they are not asking for an increase at this time but would like to be more in line with Kuna's percentage next year.

Mr. Roats said yes. It has gone up a little every year but not as high as they would like. The contract is a little higher this year; it was about \$59,000.00 last year and it is about \$61,000.00 this year. It is getting closer to the percentage they want to be at.

Council Member Cardoza asked if Garden City would be included in the evaluation of service percentages next year.

Mr. Roats said yes.

Mayor Stear said the City would continue to look at other options since the cost keeps increasing.

Mr. Roats said there are approximately four (4) officers on duty doing the work split into the different contracts, but the overall charge is \$1.7 million.

Council Member Cardoza asked if the four (4) territories were covered twenty-four (24) hours a day. He thought they only operate eight (8) hours a day and only have one (1) officer on duty from 6:00 pm to 8:00 am.

Mr. Roats said during business hours there are four (4) officers on duty and they are supposed to be divided into those quadrants unless they are assisting or transporting a dog to the Humane Society. During afterhours there is one (1) officer on duty to cover all of the quadrants.

Council Member Cardoza asked that Police Chief Justin Dusseau keep the Kuna City Clerk informed on the relationship between the Police Department and the Idaho Humane Society and of the Humane Society's performance.

Chief Dusseau said he would.

A RESOLUTION OF THE CITY OF KUNA, IDAHO AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT WITH THE IDAHO HUMANE SOCIETY TO PROVIDE ANIMAL CONTROL SERVICES WITHIN THE CITY OF KUNA, IDAHO FOR THE FISCAL YEAR OCTOBER 1, 2016 TO SEPTEMBER 30, 2017

Council Member Buban-Vonder Haar moved to approve Resolution No. R62-2016. Seconded by Council Member McPherson. Motion carried 4-0.

8. Ordinances:

- A. Consideration to approve Ordinance No. 2016-30 Kuna Counseling Center Irrigation Annexation
(Timestamp 00:45:51)

Consideration to waive three readings

Consideration to approve ordinance

Consideration to approve a summary publication of ordinance

AN ORDINANCE OF THE CITY OF KUNA, IDAHO, ANNEXING PARCEL R8048220042, INTO THE KUNA MUNICIPAL IRRIGATION DISTRICT FROM THE BOISE~KUNA IRRIGATION DISTRICT; CHANGING THE RESPECTIVE BOUNDARIES OF SAID DISTRICTS; DECLARING WATER RIGHTS APPURTENANT THERETO ARE POOLED FOR DELIVERY PURPOSES; DIRECTING THAT COPIES OF THIS ORDINANCE BE RECORDED AS PROVIDED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

Council Member Buban-Vonder Haar moved to waive three readings of Ordinance No. 2016-30. Seconded by Council Member McPherson. Motion carried 4-0.

Council Member Buban-Vonder Haar moved to approve Ordinance No. 2016-30. Seconded by Council Member McPherson. Approved by the following roll call vote:

Voting Aye: Council Members Cardoza, Jones, Buban-Vonder Haar, and McPherson.

Voting No: None

Motion carried 4-0.

Council Member Buban-Vonder Haar moved to approve summary publication of Ordinance No. 2016-30. Seconded by Council Member McPherson. Motion carried 4-0.

9. Mayor/Council Discussion Items:

- A. Discussion on future impact fee legislation – Council President Jones**
(Timestamp 00:47:45)

Council President Jones wanted to discuss fee legislation with Council. The Park Impact Fee was just implemented and he is sure everyone is aware of the emergency bond from the School District. He looked into some things and as he understands it the State does not allow impact fees for schools or for libraries but they do allow an impact fee for police and fire departments. He would like it to be known that if an impact fee was put out there for the police and fire departments he would not have an issue looking into that. He asked if the other Council Members would consider looking at that as well.

Mayor Stear said he went to the Fire District Board of Commissioners Meeting a couple months ago and presented the idea of starting the process for that. They have to setup their own committee and process for that and then the City can administrate those fees for them. The City can also charge a small administration fee in order to be reimbursed for staff time. He has not looked into the police department though.

City Attorney Richard Roats suggested that he, the Chief, and the Mayor look into that.

Council Member Buban-Vonder Haar said she would like to know what other cities have impact fees for the police and fire departments and how much they charge.

Mayor Stear said that will be part of the process of administering those fees. They have to be relative to the service that is provided now. He does know that Meridian and Boise charge Fire Impact Fees but he does not know the rate. It will be looked into.

Council Member Cardoza said Boise's and Meridian's fire and police departments are public entities of the city whereas Kuna's fire and police departments are separate entities for taxing.

Mayor Stear said Meridian has Meridian City Fire Department but also contracts with Meridian Rural Fire Department. Boise contracts with North Ada County Fire District and the Whitney Fire District so, although they are combined into one (1) unit, they contract out. The impact fees will be applied where they are applicable.

Council Member Cardoza asked if Kuna's impact fees would apply since the departments are separate tax entities.

Mayor Stear said they are not allowed to charge an impact fee. It has to be done through a city or a county.

Council Member Cardoza asked if Kuna's impact fee would be assessable to other tax entities in the city that are not City oriented.

Council Member Buban-Vonder Haar clarified that Council Member Cardoza was asking if Kuna is allowed to collect the assessment for the fire and police departments.

Council Member Cardoza said that is his question.

Mr. Roats said Kuna would have an agreement to collect the fees at the time the building permit application is done. The City does that with ACHD's fees and turns them over. It is essentially the same thing.

Council Member Cardoza asked if this would be a good time to bring up the amount of stress put on the School District by allowing growth and wondered if this could be done for the School District.

Mayor Stear said school districts receive state funding so they are not allowed by statute to receive any type of an impact fee although they are probably one (1) of the districts most impacted by growth.

B. Discussion on possible implementation of rules and regulations for Indian Creek –
Council President Jones
(Timestamp 00:53:39)

Council President Jones said he believes everyone is aware of some of the problems occurring with Indian Creek this year. He wanted to make sure the City was doing everything possible to try to curtail those problems. He did not know what sort of jurisdiction the City has over Indian Creek but he has seen numerous beer cans in pictures taken out there. There are also public urination issues which are probably related to the drinking. He asked if Council would like to look into this for next year. He is not sure where the Fire Department and the Police Department stand on these issues and he is not sure if there is any type of legislation the City should be looking at to help prevent these problems in the future.

Mayor Stear said he has discussed this with City Attorney Richard Roats and he is almost certain the Police and Fire Departments would prefer there be no alcohol floating down Indian Creek. There are some issues with the City legislating what can and can't be done on a water right of way that is not belong to the City. Mr. Roats was going to look into it with Boise City and see what they do.

Mr. Roats said Boise City has legislated prohibiting the alcohol along the banks and on the Boise River. They have the benefit of the put in point being at Barber Park which is a city facility. Kuna's facility is actually in the County so it may take some coordination with the County. He is not sure if they have any alcohol prohibitions on the Boise River outside of city jurisdictions. He will work on it and bring something before Council to review and pass if they choose.

Council President Jones asked if certain ingress and egress points were going to be set up.

Mr. Roats said signs were put up outlining where to get in and where to get out.

Council President Jones asked if there were any brochures or information on the internet that is available to the public.

Council Member Buban-Vonder Haar suggested putting it on the website.

Council President Jones said it would be good to push the education for next year.

Mr. Roats asked Police Chief Justin Dusseau if the signs helped with some of the problems.

Chief Dusseau said they helped a little.

Mr. Roats said they would continue to work on that. The problem they were addressing was trespassing issues.

Council President Jones suggested a sign with a map of the ingress and egress points posted at the first ingress point would be good.

Council Member Buban-Vonder Haar suggested QR codes so people could use their smart phones so they would not have to find a map.

Council Member Cardoza said Boise has concrete ramps at their ingress and egress points. He asked if it would simplify things with the Parks Department if there were ramps at Indian Creek.

Parks Director Bobby Withrow said they are actually working on a concrete egress for Swan Falls right now. The bank is currently being eaten away so he is pushing it as erosion control. A spot can be picked every year in the future.

10. Announcements:**11. Executive Session:**

- A. Adjourn to Executive Session pursuant to I.C. Section 74-206(f) Potential Litigation
(Timestamp 01:00:08)

Council Member Buban-Vonder Haar moved to adjourn to Executive Session pursuant to I.C. Section 74-206(f) Potential Litigation. Seconded by Council Member McPherson. Approved by the following roll call vote:

Voting Aye: Council Members Cardoza, Jones, Buban-Vonder Haar, and McPherson.

Voting No: None

Motion carried 4-0.

Council Member Buban-Vonder Haar moved to adjourn from Executive Session pursuant to I.C. Section 74-206(f) Potential Litigation. Seconded by Council Member McPherson. Motion carried 4-0.

Mayor Stear said information was received no action was taken.

12. Adjournment: 8:08 pm

Joe L. Stear, Mayor

ATTEST:

Chris Engels, City Clerk

*Minutes prepared by Ariana Welker, Customer Service Specialist
Date Approved: CCM 10.04.2016*



City of Kuna

Staff Memo

763 W. Avalon St.
 Kuna, ID 83634
 Phone: (208) 922-5274
 Fax: (208) 922-5989
 WWW.Kunacity.Id.gov

To: City Council

Case Number: 16-09-FP – Final Plat;
 Ensign Subdivision No. 1

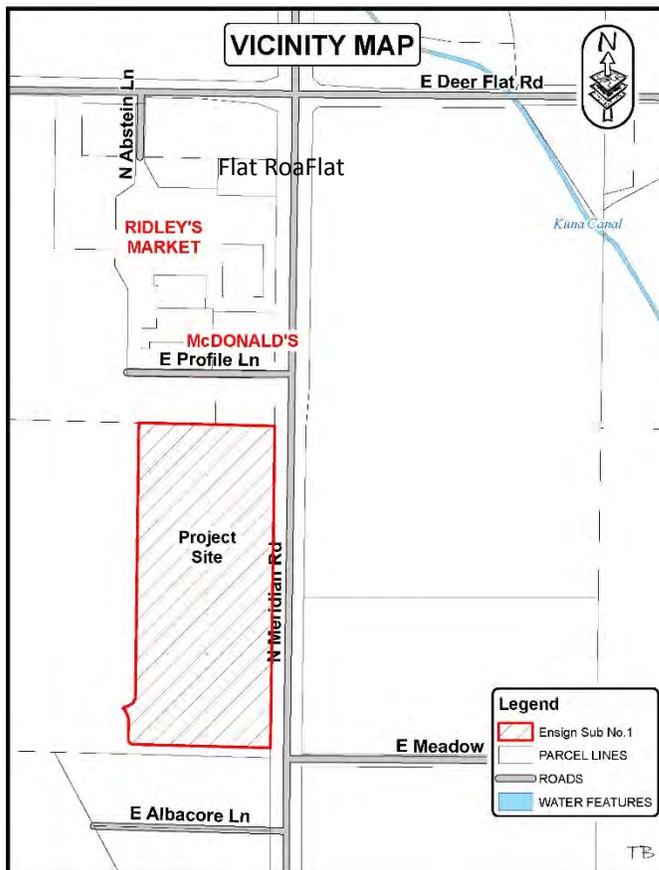
Location: SEC Meridian and Deer Flat
 Kuna, Idaho 83634

Planner: Troy Behunin, Senior Planner

Meeting Date: October 4, 2016

Applicant: Emmett Partners, LLC
 Jeremy Terry
 P.O. Box 344
 Bountiful, UT 84040
 801.303.5561
Jterry@comre.com

Representative: Aspen Engineers
 Lance Warnick
 PO Box 205
 Kuna, ID 83634
 208.466.8181
Lance@AspenEngineers.com



A. General Project Facts, Staff Analysis:

- In accordance with KCC Title 6; Subdivision Regulations, applicant requests Final Plat approval for Ensign Commercial Subdivision No. 1. The Final Plat for Ensign Subdivision No. 1 proposes 6 commercial lots over approximately 10.38 acres (APN # S1324142250).

B. Site Aerial Map:



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C. Staff Analysis:

1. After reviewing the application, staff has determined the proposed final plat for Ensign Subdivision No. 1 appears to be in substantial conformance with the approved preliminary plat for Profile Ridge Subdivision. Applicant shall secure all signatures on the final plat check-off list prior to requesting City engineer signature on the final plat Mylar sheets. Applicant shall be subject to the following recommended changes to the final plat and comments listed below, unless directed differently by Council;
 - a. The applicant shall adhere to all agency and staff recommendations.
 - b. Applicant shall follow all Kuna Rural Fire District standards.
 - c. On the cover sheet, remove note no. 6. The development agreement (DA) for this part of the Profile Ridge Subdivision was released September 1, 2015, (Res. 55-2015 and later recorded as Inst. # 2015-088079, September 23, 2015). Edit note no. 2 to remove mention of the DA.
 - d. On the cover sheet of the plat, slide the "Notes" title to the left.
 - e. State Highway 69 is simply named Meridian Road, please edit the street name on the plat and note no. 7.
 - f. Please edit the title of this plat to read "Ensign Subdivision No. 1".
 - g. Adjust the final plat to address and conform to staff and City Engineers comments and redlines.
 - h. If further correction is needed, the applicant shall amend the final plat until staff determines full technical compliance with all parts of the plat.
 - i. The applicant shall comply with all federal, state and local laws.



ASPEN
ENGINEERS

485 W. Main St, Suite B
PO Box 205
Kuna, Idaho 83634
(208) 466-8181
www.AspenEngineers.com

June 22, 2016

Troy Behunin
City of Kuna
PO Box 13
Kuna, Idaho 83634

SUBJECT: Request for Final Plat Approval
ENSIGN SUBDIVISION / MEADOW VIEW DEVELOPMENT / PROFILE RIDGE
Located 821 N. Meridian Rd, Kuna, Idaho

Dear Troy:

The purpose of this letter is to request that the City approve the final plat for the Ensign Subdivision. As you know this is a 6 lot commercial portion of the Profile Ridge Subdivision whose preliminary plat was approved by the City of Kuna in 2007. As outlined in the letter from Wendy Howell and dated April 26, 2016, we believe that our Ensign Subdivision is in substantial conformance with the preliminary plat for Profile Ridge.

We have been working with the City on the plans for the subdivision and the plans were recently approved for construction by your City Engineer.

To the best of our knowledge the plat and plans have been prepared in accordance with acceptable engineering practices and local standards in a manner consistent with that degree of skill and care ordinarily exercised by other practicing design professionals performing similar services in the same locality, at the same site and under the same or similar circumstances and conditions.

Please call me at (208) 466-8181 if you have questions or need any additional information.

Respectfully,

Aspen Engineers, Chartered

Lance Warnick, P.E.
Principal Engineer

cc: Aspen 15061, Attachments

RECEIVED
6-22-16

RECEIVED
6.22.16

City of Kuna

PO Box 763 * 763 W Avalon St * Phone: 208.922.5274 * www.kunacity.id.gov

April 26, 2016

Gary Inselman
Development Services Manager
Ada County Highway District
3775 Adams Street
Garden City, ID 83714
208.387.6180

Director's Determination – Project Status

RE: Property at 821 N. Meridian Road, Kuna, ID 83634 – Profile Ridge

To Mr. Gary Inselman and ACHD Commissioners:

This letter is in reply to an inquiry from Gary Inselman, regarding the project known as the Profile Ridge Subdivision (*subject property*) in Kuna, and whether this project is in conformance with its preliminary plat. This letter informs all interested parties that the Planning and Zoning Department of Kuna considers the Profile Ridge Subdivision and its multiple phases and changes since its original approval to be in substantial conformance with its preliminary plat, based on the following criteria:

The *subject property* began as a multi-owner, single controller, master planned project that was approved by Kuna City Council in 2007, along with a development agreement (DA) between Kuna City and Red Cliff Development. The unified project began to unravel during the 2008 economic downturn, as ownership changed for several properties. As a result of the downturn, and changes in ownership, the goals and visions changed, requiring the modification of the DA and preliminary plat. Each modification was processed by the public hearing process (Idaho Code 67-6509 and Kuna Code 5-1A-3 & 4). Notwithstanding these modifications, the City considers the project to be in substantial conformance with the preliminary plat.

In addition to, and more significantly, Profile Ridge will still be required to navigate the final platting process of Kuna, prior to requesting plat signatures. The City's final plat process requires that all public improvements (sewer, water, pressure irrigation, roadway construction and rights-of-way dedication(s)) within the project and along the frontages for all development be completed, tested and accepted. These required items are standard for Kuna, and may not be bonded for, and must be installed prior to final plat signature request. At final platting, ACHD will have at least one more opportunity to add to Kuna's review process for holding developers responsible for providing the necessary access and adding to the roadway systems that will benefit the City, ACHD and future customers.

In regards to the modifications, the residential acreage has been reduced resulting in a reduction of the number of buildable residential lots for the project. Kuna has determined that it is acceptable for a project to reduce the number of lots for homes without going through the preliminary plat process again. A project may not increase the number of lots without going

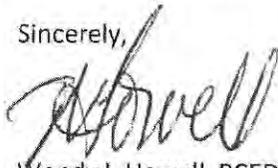
through the preliminary plat process. The basis for that reasoning is that a project must obtain approval for a number of lots, and if that number is reduced at final plat, anything less than the approved number is less impactful, and since it was approved for a greater impact, a reduced impact is acceptable without having to start over with a new preliminary plat. In this case, staff views this reduction and change in the number of residential lots to be less impactful and within substantial conformance with the approved preliminary plat from 2007.

Of concern to ACHD is the movement of the north/south coursing road. The original location of the north/south road that separated the commercial from the residential lots in the southern half has been shifted to the west. The commercial lots originally had the road on their west side. As modified, the new commercial lots will now have cross access agreements between properties, providing continuous public access from platted Profile Lane (private road) down to the ultimate outlet on the southern edge of the project, future Meadow View Road (public road). The new north/south coursing public road is shifted west about 450 feet, and will be built for residential purposes. Where the public road was once planned on the west side of the commercial lots, there will now be two driveways, one in front of the buildings and one behind them. This mirrors the approved final plat for Ridley's Market. Notably, this modification still provides the north/south coursing public road, and it also provides a necessary buffer between commercial and residential uses (competing uses). Shifting the road now provides two driveway systems (with a total-site cross-access agreement). Where there was once a single road. In reaching its conclusion, the City considered the increased accessibility, and determined these modifications help the property realize its highest and best use, and to be in substantial compliance with the preliminary plat.

For the foregoing reasons, the Planning and Zoning Director of Kuna, Idaho has determined the Profile Ridge project is in substantial conformance with the preliminary plat. This project is subject to the conditions of approval for final platting at the time of future site development.

Should you have additional questions, please let our office know.

Sincerely,



Wendy I. Howell, PCED
Planning and Zoning Director
whowell@kunaID.gov

RECEIVED
6.22.16



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

Type of Review (check all that apply):

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

| For Office Use Only | |
|---------------------------|-------------------------------|
| File Number (s) | 16-09-FP |
| Project name | ENSIGN SUB. (PRO. RIDGE AREA) |
| Date Received | 6.22.2016 |
| Date Accepted/Complete | 8.15.2016 |
| Cross Reference Files | |
| Commission Hearing Date | NONE |
| City Council Hearing Date | 10.4.2016 |

Contact/Applicant Information

| | |
|--|---|
| Owners of Record: <u>Emmett Partners, LLC</u> | Phone Number: <u>(801) 303-5561</u> |
| Address: <u>579 S. Moss Hill Drive</u> | E-Mail: <u>jterry@comre.com</u> |
| City, State, Zip: <u>Bountiful, Utah 84010</u> | Fax #: <u>Contact: Jeremy Terry</u> |
| Applicant (Developer): <u>Emmett Partners, LLC</u> | Phone Number: <u>(801) 303-5561</u> |
| Address: <u>579 S. Moss Hill Drive</u> | E-Mail: <u>jterry@comre.com</u> |
| City, State, Zip: <u>Bountiful, Utah 84010</u> | Fax #: <u>Contact: Jeremy Terry</u> |
| Engineer/Representative: <u>Aspen Engineers</u> | Phone Number: <u>(208) 466-8181</u> |
| Address: <u>PO Box 205</u> | E-Mail: <u>lance@AspenEngineers.com</u> |
| City, State, Zip: <u>Kuna, Idaho 83634</u> | Fax #: <u>Contact: Lance Warnick</u> |

Subject Property Information

| |
|---|
| Site Address: <u>821 N. Meridian Rd, Kuna, Idaho 83634</u> |
| Site Location (Cross Streets): <u>NW corner of N. Meridian Rd and E. Meadow View Dr</u> |
| Parcel Number (s): <u>S1324142250</u> |
| Section, Township, Range: <u>Section 24, T.2N, R.1W</u> |
| Property size : <u>16.03 acres (we are only subdividing 10.38 acres at this time)</u> |
| Current land use: <u>Vacant</u> Proposed land use: <u>Commercial</u> |
| Current zoning district: <u>C-1</u> Proposed zoning district: <u>C-1 (no change)</u> |

Project Description

Project / subdivision name: Ensign Subdivision

General description of proposed project / request: A Final Plat for a six lot commercial subdivision

Type of use proposed (check all that apply):

Residential _____

Commercial A 6 lot subdivision

Office _____

Industrial _____

Other _____

Amenities provided with this development (if applicable): _____

Residential Project Summary (if applicable) *Not Applicable*

~~Are there existing buildings? Yes No~~

~~Please describe the existing buildings: _____~~

~~Any existing buildings to remain? Yes No~~

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

~~Number of common and/or other lots: _____~~

~~Type of dwellings proposed:~~

~~Single-Family _____~~

~~Townhouses _____~~

~~Duplexes _____~~

~~Multi-Family _____~~

~~Other _____~~

~~Minimum Square footage of structure (s): _____~~

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

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

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

Non-Residential Project Summary (if applicable) *(This will come later)* HANDLED AT DEC.

Number of building lots: 6 Other lots: 0

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: [Signature] Date: 06/22/16



CITY OF KUNA
P.O. BOX 13
KUNA, ID 83634
www.kunacity.id.gov

GORDON N. LAW
CITY ENGINEER

Telephone (208) 287-1727; Fax (208) 287-1731
Email: glaw@kunaid.gov

MEMORANDUM

TO: Troy Behunin
FROM: Gordon N. Law
Kuna City Engineer
RE: Ensign Subdivision
Final Plat Review
DATE: September 16, 2016

The City Engineer and City Mapper have reviewed the proposed Final Plat document for the above referenced project. The following comments are provided to summarize the redline markups prepared in connection with the Final Plat review:

1. Plat Sheet 1 of 4
 - a. Plat Note No. 4 instrument number is #2016-0060881 and refers to Kuna City Ordinance 2016-22.
 - b. Plat Note No. 7 needs to be amended to read “State of Idaho and the City of Kuna”.
 - c. Plat Note No. 9 does not meet the intent of “cross-access” as required in the Development Agreement and conditions of preliminary plat approval. Specifically, all of the commercial lots throughout Profile Ridge should be beneficiaries of the cross access easement.
 - d. The plat notes do not mention a Business Owner’s Association or CC&Rs. Please have developer describe what is intended, provide the text of the terms and cite them on the plat as appropriate.
2. Plat Sheet 2 of 4
 - a. The easements shown do not address the extension, replacement and maintenance of sewer, water and pressure irrigation services crossing the property of others. Please have developer provide easement coverage for services or explain how they are otherwise adequately covered.
 - b. The easements shown do not seem to address the extension, replacement and maintenance of other utilities such as those normally located in a joint trench. If there are separate easements pre-existing or created in connection with this development, please have surveyor cite them by recording number.
3. Plat Sheet 3 of 4 – Add the page number.

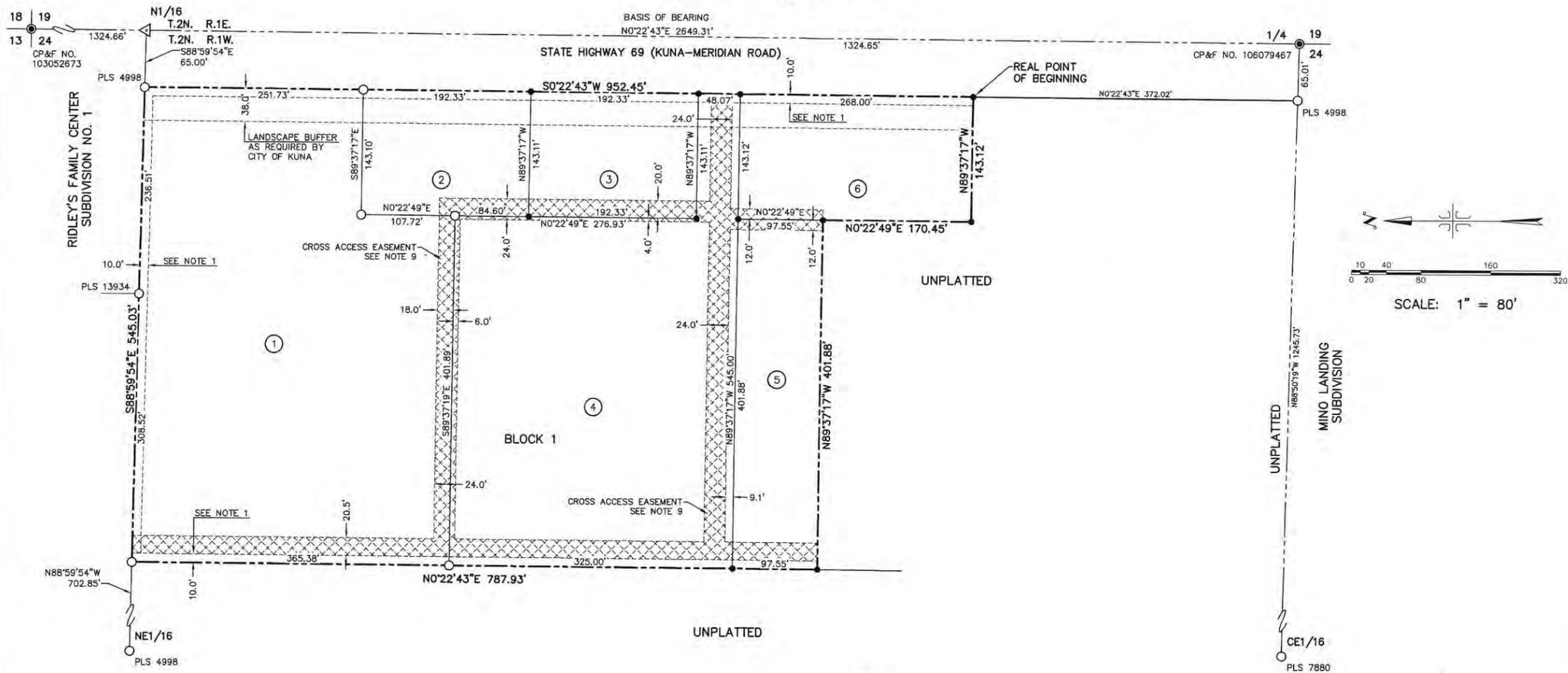
4. Plat Sheet 4 of 4 – Add the page number.
5. General Comments
 - a. Infrastructure and other required plat improvements are still being constructed and tested. Nothing contained herein is intended to convey the impression of “final acceptance” of these improvements.
 - b. Off-site easements are to be provided to allow future extension of water and pressure irrigation trunk mains. These have not been received by the City but are required before the City Engineer signs the final plat.
 - c. The developer requested permission to re-route the water trunk main off its usual route and place it internally in this subdivision. Permission was granted by the City Engineer on condition the City not be left with an increased length of construction for future extensions. The developer further requested the latitude of posting financial security in lieu of construction. The form of this security has not yet been received for review and approval by City Council and the security has not been provided. These are required before the City Engineer signs the final plat.

Attachment

Cc: Kuna Planning and Zoning Dept.

PLAT SHOWING ENSIGN SUBDIVISION

LOCATED IN THE SE 1/4 OF THE NE 1/4 OF SECTION 24,
T.2N., R.1W., B.M.
KUNA, ADA COUNTY, IDAHO
2016



LEGEND

- FOUND 5/8" IRON PIN PLS 7729 UNLESS OTHERWISE NOTED
- FOUND ALUMINUM CAP MONUMENT
- SET 5/8" IRON PIN WITH CAP PLS 7729
- SET 1/2" IRON PIN WITH CAP PLS 7729
- △ CALCULATED POINT
- PROPERTY BOUNDARY LINE
- EASEMENT LINE
- LOT LINE
- SECTION LINE
- ⑦ LOT NO.

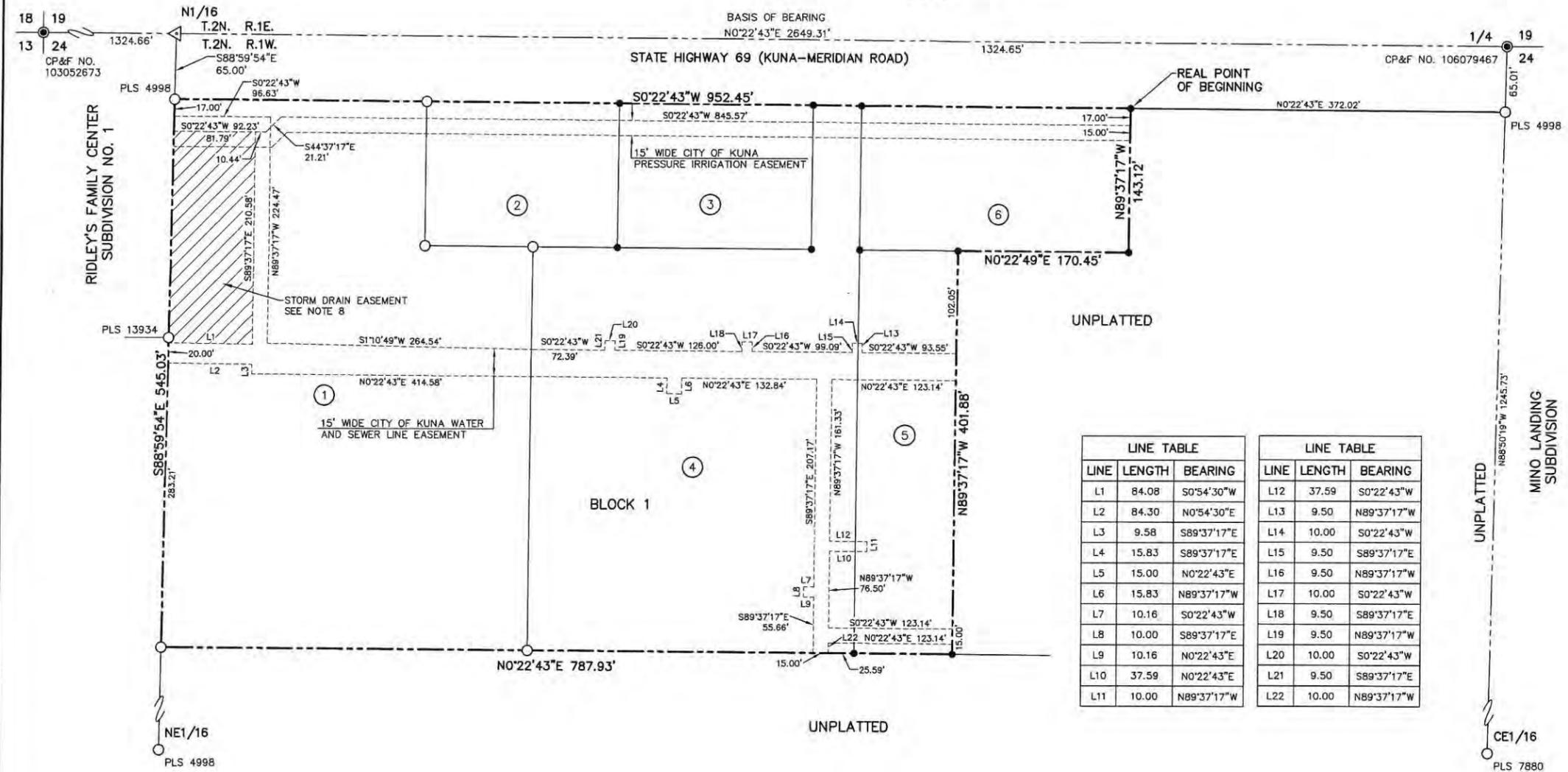
NOTES:

1. LOT LINES COMMON TO A PUBLIC RIGHT-OF-WAY LINE SHALL HAVE A TEN (10) FOOT WIDE PERMANENT PUBLIC UTILITIES AND PROPERTY DRAINAGE EASEMENT AS SHOWN. LOTS 1, 4 AND 5 SHALL HAVE A TEN (10) FOOT WIDE PERMANENT PUBLIC UTILITIES AND PROPERTY DRAINAGE EASEMENT AS SHOWN.
2. ANY RE-SUBDIVISION OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE ZONING REGULATIONS IN EFFECT AT THE TIME OF RE-SUBDIVISION AND MAY REQUIRE AMENDMENT OF THE DEVELOPMENT AGREEMENT.
3. MAINTENANCE OF ANY IRRIGATION, DRAINAGE PIPE OR DITCH CROSSING A LOT IS THE RESPONSIBILITY OF THE LOT OWNER UNLESS SUCH RESPONSIBILITY IS ASSUMED BY AN IRRIGATION/DRAINAGE DISTRICT.
4. IRRIGATION WATER WILL BE PROVIDED BY CITY OF KUNA IN COMPLIANCE WITH IDAHO CODE SECTION 31-3805(1)(B). ALL LOTS WITHIN THIS SUBDIVISION WILL BE ENTITLED TO IRRIGATION RIGHTS, AND WILL BE OBLIGATED FOR ASSESSMENTS FROM CITY OF KUNA SUBJECT TO THE ANNEXING OF ENSIGN SUBDIVISION INTO THE KUNA MUNICIPAL IRRIGATION DISTRICT AND POOLING THE APPURTENANT WATER RIGHTS THEREOF, RECORDED AS INSTRUMENT NO. XXXXX, RECORDS OF ADA COUNTY, IDAHO.
5. MINIMUM BUILDING SETBACKS SHALL BE IN ACCORDANCE WITH THE CITY OF KUNA APPLICABLE ZONING AND SUBDIVISION REGULATIONS AT THE TIME OF ISSUANCE OF INDIVIDUAL BUILDING PERMITS OR AS SPECIFICALLY APPROVED AND/OR REQUIRED.
6. ENSIGN SUBDIVISION IS SUBJECT TO A CITY OF KUNA DEVELOPMENT AGREEMENT RECORDED AS INSTRUMENT NUMBER AT THE ADA COUNTY RECORDERS OFFICE.
7. DIRECT LOT ACCESS TO KUNA-MERIDIAN ROAD IS PROHIBITED UNLESS SPECIFICALLY ALLOWED BY THE STATE OF IDAHO OR THE CITY OF KUNA.
8. LOT 1, BLOCK ONE IS SUBJECT TO A PRIVATE STORM DRAIN EASEMENT, AS SHOWN ON THIS PLAT, FOR THE BENEFIT OF LOTS 1-6, BLOCK 1.
9. LOTS 1-6, BLOCK 1 SHALL BE SUBJECT TO A CROSS ACCESS EASEMENT, AS SHOWN ON THIS PLAT, FOR THE BENEFIT OF LOTS 1-6, BLOCK 1
10. THIS DEVELOPMENT RECOGNIZES IDAHO CODE SECTION 22-4503, RIGHT TO FARM ACT, WHICH STATES: "NO AGRICULTURAL FACILITY OR AN EXPANSION THEREOF SHALL BE OR BECOME A NUISANCE, PRIVATE OR PUBLIC, BY ANY CHANGED CONDITIONS IN OR ABOUT THE SURROUNDING NONAGRICULTURAL ACTIVITIES AFTER IT HAS BEEN IN OPERATION FOR MORE THAN ONE (1) YEAR, WHEN THE OPERATION, FACILITY OR EXPANSION WAS NOT A NUISANCE AT THE TIME IT BEGAN OR WAS CONSTRUCTED. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY WHEN A NUISANCE RESULTS FROM THE IMPROPER OR NEGLIGENT OPERATION OF AN AGRICULTURAL OPERATION, AGRICULTURAL FACILITY OR EXPANSION THEREOF."



ISG IDAHO SURVEY GROUP, P.C.
1450 E. WATERTOWER ST.
SUITE 130
MERIDIAN, IDAHO 83642
PH. (208) 846-8570
FAX (208) 884-5399

PLAT SHOWING
ENSIGN SUBDIVISION
LOCATED IN THE SE 1/4 OF THE NE 1/4 OF SECTION 24,
T.2N., R.1W., B.M.
KUNA, ADA COUNTY, IDAHO
2016

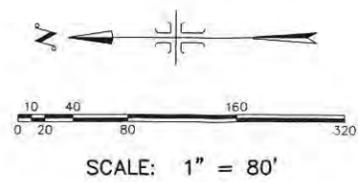


| LINE TABLE | | | LINE TABLE | | |
|------------|--------|-------------|------------|--------|-------------|
| LINE | LENGTH | BEARING | LINE | LENGTH | BEARING |
| L1 | 84.08 | S0°54'30"W | L12 | 37.59 | S0°22'43"W |
| L2 | 84.30 | N0°54'30"E | L13 | 9.50 | N89°37'17"W |
| L3 | 9.58 | S89°37'17"E | L14 | 10.00 | S0°22'43"W |
| L4 | 15.83 | S89°37'17"E | L15 | 9.50 | S89°37'17"E |
| L5 | 15.00 | N0°22'43"E | L16 | 9.50 | N89°37'17"W |
| L6 | 15.83 | N89°37'17"W | L17 | 10.00 | S0°22'43"W |
| L7 | 10.16 | S0°22'43"W | L18 | 9.50 | S89°37'17"E |
| L8 | 10.00 | S89°37'17"E | L19 | 9.50 | N89°37'17"W |
| L9 | 10.16 | N0°22'43"E | L20 | 10.00 | S0°22'43"W |
| L10 | 37.59 | N0°22'43"E | L21 | 9.50 | S89°37'17"E |
| L11 | 10.00 | N89°37'17"W | L22 | 10.00 | N89°37'17"W |

LEGEND

- FOUND 5/8" IRON PIN PLS 7729 UNLESS OTHERWISE NOTED
- FOUND ALUMINUM CAP MONUMENT
- SET 5/8" IRON PIN WITH CAP PLS 7729
- SET 1/2" IRON PIN WITH CAP PLS 7729
- △ CALCULATED POINT
- PROPERTY BOUNDARY LINE
- - - EASEMENT LINE
- ==== LOT LINE
- SECTION LINE
- ⑦ LOT NO.

EASEMENTS
(SEE PAGE 1 OF 4 FOR NOTES)



ISG IDAHO SURVEY GROUP, P.C.
1450 E. WATERTOWER ST.
SUITE 130
MERIDIAN, IDAHO 83642
PH. (208) 846-8570
FAX (208) 884-5399

ENSIGN SUBDIVISION

HEALTH CERTIFICATE

Sanitary restrictions as required by Idaho Code, Title 50, Chapter 13 have been satisfied according to the letter to be read on file with the County Recorder or his agent listing the conditions of approval. Sanitary restrictions may be re-imposed, in accordance with Section 50-1326, Idaho Code, by the issuance of a certificate of disapproval.

District Health Department, EHS Date

APPROVAL OF ADA COUNTY HIGHWAY DISTRICT

The foregoing plat was accepted and approved by the Board of Ada County Highway District Commissioners on the _____ day of _____, 20____.

President ACHD

APPROVAL OF CITY ENGINEER

I, Gordon Law, the City Engineer in and for the City of Kuna, Ada County, Idaho, on this day _____, hereby approve this plat.

City Engineer

APPROVAL OF CITY COUNCIL

I, the undersigned, City Clerk in and for the City of Kuna, Ada County, Idaho, hereby certify that at a regular meeting of the City Council held on the _____ day of _____, 20____, this plat was duly accepted and approved.

City Clerk, Kuna, Idaho

CERTIFICATE OF COUNTY SURVEYOR

I, the undersigned, County Surveyor in and for Ada County, Idaho, do hereby certify that I have checked this plat and that it complies with the State of Idaho Code relating to plats and surveys.

County Surveyor

CERTIFICATE OF COUNTY TREASURER

I, the undersigned, County Treasurer in and for the County of Ada, State of Idaho, per the requirements of I.C.50-1308 do hereby certify that any and all current and/or delinquent county property taxes for the property included in this subdivision have been paid in full. This certification is valid for the next thirty (30) days only.

Date

County Treasurer

COUNTY RECORDER'S CERTIFICATE

State of Idaho)
) s.s.
County of Ada)

I hereby certify that this instrument was filed for record at the request of _____ at _____ Minutes past _____ O'clock _____ .M. on this _____ day of _____, 20____, in Book _____ of plats at Pages _____.

Instrument No. _____

Deputy

Ex-Officio Recorder



| | | |
|------------|---------------------------------|--|
| ISG | IDAHO SURVEY GROUP, P.C. | 1450 E. WATERTOWER ST. SUITE 130 MERIDIAN, IDAHO 83642 (208) 846-8570 |
| | | |



City of Kuna

Staff Memo

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

To: Kuna City Council

Case Number(s): 16-02-S (Subdivision) and 16-02-ZC (Rezoning):
Airenel Park Subdivision

Location: East of Orchard Avenue, west of Kay Avenue, south of Avalon Street/Kuna Road.

Planner: Trevor Kesner, Planner II

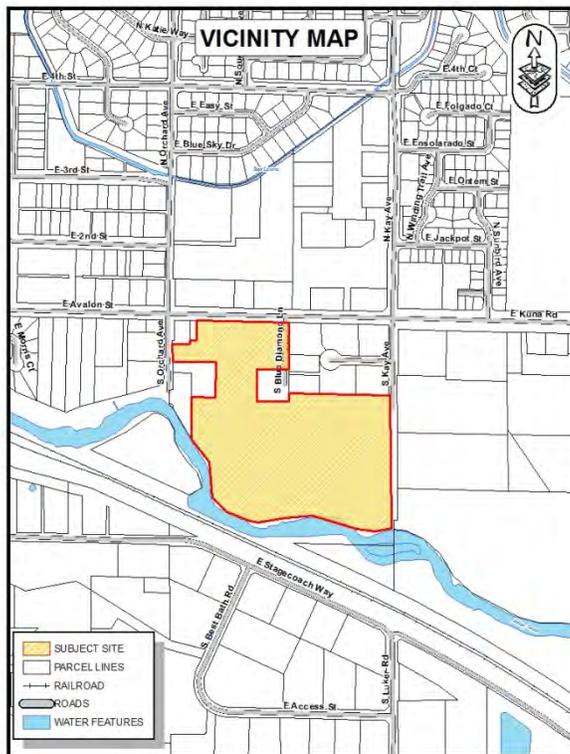
Hearing Date: October 4, 2016

Owner/Applicant: Don Young Land Company, Inc
PO Box 189
Kuna, Idaho 83634

Representative: A Team Land Consultants,
Steve Arnold
1785 Whisper Cove Ave.
Boise, Idaho 83709
steve@ateamboise.com

Table of Contents:

- A. Course Proceedings
- B. Applicants Request
- C. Site History
- D. General Project Facts
- E. Staff Analysis
- F. Applicable Standards
- G. Comprehensive Plan Analysis
- H. Procedural Background
- I. Proposed Findings of Fact
- J. Conclusions of Law
- K. City Code Analysis
- L. Proposed Council Decision



A. Course of Proceedings

1. Kuna City Code (KCC), Title 1, Chapter 14, Section 3, states subdivisions, rezones and special use permits are designated as public hearings, with the Planning and Zoning Commission as the decision-making body for special use permit and City Council as the decision-making body for rezones and subdivisions. This land use action 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 April 20, 2016
- ii. Agencies July 11, 2016
- iii. 300' Property Owners September 15, 2016
- iv. Kuna, Melba Newspaper September 14, 2016
- v. Site Posted September 09, 2016

B. Applicants Request:**1. Request:**

Applicant requests approval to subdivide the 22.88 acre site and rezone approximately 8.76 acres from the existing R-4 (Medium-Low Density Residential) to a C-1 (Neighborhood Commercial) zoning designation, and zone the remaining approximately 14.04 acres from the existing R-4 (Medium-Low Density Residential) to an R-6 (Medium Density Residential) zoning designation, to create a 102 lot mixed use subdivision (Airenel Park). The site is located west of South Orchard Avenue, east of South Kay Avenue and south of East Avalon Street/Kuna Road.



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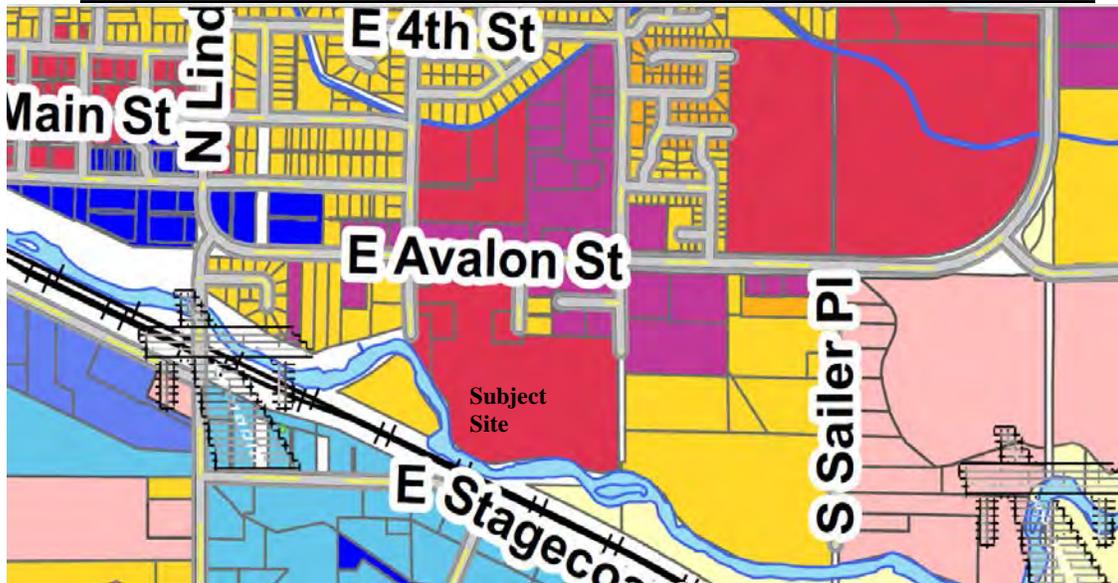
C. History: The 22.88 acre subject parcel is situated within Kuna City limits with an R-4 residential zoning designation. This property has historically been used for agricultural and light commercial purposes.

D. General Projects Facts:

- 1. Comprehensive Plan Designation:** The Future Land Use Map (FLU) identifies the subject site as 'Mixed Use City Center'. Staff generally views this land use request to be consistent with the approved Future Land Use Map within the Comprehensive Plan. There appears to be conflicting agency information regarding the current zoning designation of the subject site. A search of historical public records or City ordinances to support different zoning designations on the parcel was unsuccessful. As Kuna does not allow multiple zones on individual parcels, the City has deferred to Ada County parcel data for the current zoning designation of R-4 as provided by the Ada County Assessor's Office.

LEGEND

| | | | |
|---|-----------------------|---|--|
|  | MEDIUM DENSITY |  | NEIGHBORHOOD DISTRICT |
|  | HIGH DENSITY |  | WWTF |
|  | MIXED USE GENERAL*** |  | CITY INTEREST |
|  | MIXED USE CITY CENTER |  | MIXED USE GENERAL WITH A MINIMUM EQUIVALANCE OF 3 UNITS PER ACRE |
|  | LIGHT INDUSTRIAL |  | GREEN WAY WATERWAYS |
|  | HEAVY INDUSTRIAL |  | GREENBELT OVERLAY |



Comprehensive Plan Map

2. **Surrounding Land Uses:**

| | | |
|--------------|-------------|--|
| North | C-2 | Area Business District – City of Kuna |
| South | RUT/ M-1 | Rural Urban Transitional – Ada County Light Manufacturing District – City of Kuna |
| East | R-6/ C-1 | Medium Density Residential – City of Kuna Neighborhood Business District – City of Kuna |
| West | R-6/ R-4 | Medium Density Residential – City of Kuna Medium-Low Density Residential – City of Kuna |

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

- Approx. 22.88 total acres
- R-4 (Medium-Low Density Residential)
- Parcel # - S1303120820

4. **Services:**

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

5. **Existing Structures, Vegetation and Natural Features:** Currently, there is a commercial structure and outbuildings on the northern portion of the 22.88 acre parcel; the remaining land is used for agricultural purposes. None of the existing buildings are to remain as the site develops. The northern portion of the site has a natural downward slope of up to 3% southward as it levels to 0% grade midway toward Indian Creek canal. Soil composition is unknown.
6. **Transportation/Connectivity:** There are currently no existing public roadways internal on this site. The applicant proposes three access points to the development on the east side of the project from South Kay Avenue; two of which will serve as private drive aisles offering direct access to the multi-family portion of the project with a cross-access agreement. The third access from South Kay Avenue will be an improved 36 foot wide public street section within 50 feet of right-of-way (Exploration Way), which will align with the approved Journey's End development. The applicant proposes to utilize the existing site access from South Orchard Avenue on the west side of the project. The access and approach from South Orchard Avenue will be an improved roadway (Silver Rush Street) consistent with all proposed internal streets; 36 foot wide roadway pavement with curb, gutter and five foot detached sidewalks buffered by seven foot wide parkway strips throughout. Blue Diamond Way is currently a private lane being dedicated as a public street.

There are multiple pedestrian connections (using trails and pathways) throughout the subdivision blocks providing improved neighborhood connectivity options. The three proposed commercial lots will close the existing driveway access on the north side of the project along SH69/Kuna Road. Access to the commercial lots shall be internal to the development from the proposed Silver Rush Street.

7. **Environmental Issues:** Portions of the subject site lie within FEMA's current 'Zone A' flood hazard area, as it borders Indian Creek to the south. A development permit shall be obtained before construction begins within any area of special flood hazard as established in subsection 4-5-3B of Kuna City Code. The permit shall be for all structures, as set forth in the definitions section of Chapter 4, and for all development including fill and other activities, also as set forth in the definitions section of the same chapter. Other than FEMA's 1% annual chance flood hazard area, staff is not aware of any environmental issues, health or safety concerns or conflicts.
8. **Agency Responses:** The following agencies returned comments: City Engineer (Gordon Law, P.E.), Boise Project Board of Control (BPBoC), Ada County Highway District (ACHD), Central District Health Department (CDHD), Idaho Department of Environmental Quality (DEQ). Community Planning Association of Southwest Idaho (COMPASS). The responding agency comments are included as exhibits with this case file.

E. Staff Analysis:

Applicant proposes 21 multifamily lots (totaling 84 dwelling units) in a C-1 commercial zone, 16 townhouse lots, 41 single family home lots, and 21 common lots within an R-6 residential zone with a total of 22.88 acres. Three of the proposed 37 commercial lots will be situated on 2.52 acres along the northern portion of the site as it fronts E. Avalon Street. The applicant proposes to rezone approximately 8.76 acres of the site from the existing R-4 to a C-1 (Business/Commercial; Neighborhood Business District) zoning designation in order to construct the proposed townhomes and multi-family residential units and create the three commercial lots for future development. Public services will be extended by the developer to serve the development including the replacement and relocation of a pressurized sanitary sewer lift station.

Applicant is proposing approximately five (5) phases of development and will be required to submit a Design Review application for the multi-family buildings and landscaped common areas. Subdivision common areas comprise over 20% of the subject site (4.86 acres). The common lots will be developed as open space, pathways, a tot-lot and community center with a swimming pool facility. A homeowners association will be established for the care and maintenance of the common lots, private driveways and

community facilities. Indian Creek is the natural southern boundary for the project; therefore, one common lot will be developed as an extension of the public multi-use pathway along the northern bank of Indian Creek canal (Greenbelt). Applicant proposes to improve said portion of the pathway and deed it to the public.

Staff has determined this application complies with Title 5 of the Kuna City Code; Idaho Statute §67-6511, §67-6512, §67-6513 and the Kuna Comprehensive Plan; and forwards Case No.'s 16-02-S, 16-02-ZC and 16-02-SUP, to the City Council with the recommended conditions of approval.

F. Applicable Standards:

1. City of Kuna Zoning Ordinance No. 230, 546 and 570,
2. City of Kuna Subdivision Ordinance No. 2012-18, Title 5 Zoning Regulations,
3. City of Kuna Comprehensive Plan and Future Land Use Map (adopted September 1, 2009)
4. City of Kuna Landscape Regulations, Title 5, Chapter 17, Section 1 thru 26,
5. Idaho Code, Title 67, Chapter 65, Local Land Use Planning Act.

G. Proposed Comprehensive Plan Analysis:

The Kuna City Council accepts/rejects the Comprehensive Plan components as described below:

The proposed subdivision, rezone and special use permit applications for the subject site are consistent with the following Comprehensive Plan components:

Community Vision Statement:

Residents hoped for the creation of business and light commercial use centers within neighborhoods. These centers would include restaurants, gas stations, churches, *multi-family use* facilities, and other *mixed-use* developments (Page 21).

Housing:

Residents envisioned higher densities in the City's core to include opportunities for *mixed residential and light commercial* activity. They expressed interest in a mix of residential type dwellings; including *single-family, multi-family, apartments and condominiums*. They were receptive to a greater mix of lot sizes and house prices to appeal to a variety of people (Page 21).

Comment: *The proposal follows the community vision and housing goals as stated and adopted.*

Private Property Rights Goals and Objectives - Section 2 - Summary:

Ensure the City *land use policies, restrictions, conditions and fees do not violate private property rights and ensure that land use actions, decisions, and regulations do not effectively eliminate all economic value of the subject property*. Ensure that City land use actions, decisions, and regulations do not prevent a private property owner from taking advantage of a fundamental property right and 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.

Comment: *Utilizing the Idaho Attorney Generals criteria, and a review by the City Attorney, the proposed project does not constitute a "taking" and the economic value of the parcel(s) remains intact.*

Economic Development Goals and Objectives - Section 5 - Summary:

Ensure an adequate supply of housing for all income levels and facilitate pedestrian connections, both visually and physically, to enhance pedestrian movement (Pg. 42 – 1.5 and Pg. 43 – 3.1).

Comment: *The proposed development complies with these elements of the comprehensive plan by providing a varied mix of housing types which aligns with this goal.*

Land Use Goals and Objectives - Section 6 - Summary:

Adopt a future land use plan and map that includes natural and developed open spaces, while providing a variety of housing densities and types to accommodate various lifestyles, ages and economic groups. Protect existing neighborhoods and ensure new development is sustainable and keeps Kuna desirable. Develop cohesive neighborhoods with character and quality while incorporating a variety of densities and styles (Pg. 64 – 3.1 & Goal 3 and Pg. 65 – 4.3).

Neighborhood Core Concept:

The character of residential housing surrounding and within the core of a Neighborhood Center is that of a close-knit, mixed-density community. The Neighborhood District provides close access to community services located within the core. Higher density housing options should be located near the core service areas (schools, churches, parks, neighborhood commercial destinations). Housing types may include multi-family dwellings, duplexes, town houses, row homes, and single-family residences (Page 81).

Neighborhood District:

The Neighborhood District can be characterized as residential housing within the core of a close-knit, mixed-density community. The Neighborhood District provides close access to the community services located within the core. The highest density housing should be located near the core service areas (schools, churches, parks, neighborhood commercial). Housing types may include *multi-family* dwellings, duplexes, town houses, row homes, and single-family residences (Page 93).

Comment: *The proposal complies with the Comprehensive Land Use Plan as adopted by Kuna, by incorporating the following; a mix of different housing options in or near the neighborhood core while promoting quality development and transportation connectivity.*

Housing Goals and Objectives - Section 12 - Summary:

Encourage developers to provide high-quality development with a variety of lot sizes, dwelling types, densities and price points to meet the needs of current and future population while creating safe and aesthetically-pleasing neighborhoods. Ensure housing is available throughout the community for all income levels and those with special needs. Encourage logical and orderly residential development while discouraging developers from developing land divisions greater than one half acre because large lot subdivisions increase municipal costs, require public subsidy and create sprawl (Pg. 155 – Obj. 1.1, Pg. 163 12.4 and Pg. 165 – 2.1).

Encourage mixed-use development that includes town centers, single-family, *multi-family*, accessory units, and other types of residential development. – Policy 1.1.2, Section 12, Housing (Page 155).

Comment: *Applicant proposes a mix of residential densities comingled with commercial uses, which will contribute to the availability of varied housing types and home sizes in a logical and orderly manner.*

Existing Residential Subdivisions:

Residential placement is intended to increase social interactions at various times of the day. *Multi-family* residential uses will be located closer to the neighborhood cores and be interspersed with mixed-uses (Page 178).

Neighborhoods:

Kuna’s updated Plan is an advocate for the development of self-sufficient neighborhoods. These neighborhoods are intended to be connected by transit and other non-motorized methods of transportation. Each

neighborhood will have a center, a core and an edge. The Neighborhood Center will be the core of the neighborhoods churches, schools, and public facilities. The neighborhood centers will feature denser developments and multi-family residential development (Page 179).

Comment: *This application promotes sound community and urban design principles.*

H. Procedural Background:

The Planning and Zoning Commission conducted its Public Hearing on August 23, 2016, where it considered Case No.'s 16-02-S, 16-02-ZC and 16-02-SUP, including the application, agency comments, staff's report, application exhibits and public testimony presented or given. The Commission signed findings on September 27, 2016, where it approved 16-02-SUP and recommended approval of Case No.'s 16-02-S and 16-02-ZC to the City Council with the conditions as stated in the staff report.

I. Proposed Findings of Fact for Commission Consideration:

Based on the record contained in Case No.'s 16-02-S and 16-02-ZC, including the exhibits, staff report and public testimony, the Kuna City Council hereby *approves/denies* 16-02-S (Subdivision) and 16-02-ZC (Rezone) for the Airenel Park Subdivision Preliminary Plat and Rezone application by A-Team Land Consultants, with the conditions of *approval/denial* as stated in the staff report, to the City Council of Kuna.

Comment: *The Council's findings agree / do not agree with staff's analysis that the proposal complies with Idaho Code § 67-6511(2) C, 67-6512 and 67-6513, the Kuna Comprehensive Plan (as outlined in this report) and accompanying Comprehensive Plan Map.*

1. The Kuna City Council accepts/rejects the facts as outlined in the staff report, the public testimony and the supporting evidence list as presented.

Comment: *The Kuna City Council held a public hearing on the subject applications on October 4, 2016, to hear from City staff and the applicant to accept public testimony. The decision by the Council is based on the application, staff report and any public testimony, both oral and written.*

2. Based on the evidence contained in Case No.'s 16-02-S, 16-02-ZC and 16-02-SUP, this proposal appears to generally comply with the Comprehensive Plan and accompanying Comprehensive Plan Map.

Comment: *The Comprehensive Plan has listed numerous goals for providing multi-family housing in Kuna. The Comp Plan Map designates this property as Mixed Use City Center. As this is a proposed mixed residential and commercial use, the project generally follows the goals of the Comp Plan and the Comp Plan Map. In making a decision regarding a rezone, the Commission is to consider Idaho Code §67-6511 (2) C, which requires that it analyze a proposed change to the city's zoning ordinance to ensure that the requested change is not in conflict with the policies of the adopted comprehensive plan. If the request is found by the governing board to be in conflict with the adopted plan, or would result in demonstrable adverse impacts upon the delivery of services by any political subdivision providing public services, including school districts, within the planning jurisdiction then the request for re-zone may properly be denied.*

In addition, and in regard to the request for the subdivision of the property, Idaho Code §67-6513 states that the city may provide for mitigation of the effects of subdivision development on the ability of the city to deliver services without compromising quality of service delivery to current residents or imposing substantial additional costs upon current residents to accommodate the proposed subdivision.

3. The Kuna City Council has the authority to *approve or deny* the subdivision and rezone applications.

Comment: *On October 4, 2016, the Kuna City Council will vote to approve or deny case No's 16-02-ZC, and*

16-02-S.

4. The public notice requirements were met and the public hearing was conducted within the guidelines of applicable Idaho Code and City Ordinances.

Comment: *As noted in the process and noticing section, notice requirements were met to hold a public hearing on October 4, 2016.*

J. Proposed Conclusions of Law:

1. Based on the evidence contained in Case No's 16-02-S and 16-02-ZC, the Kuna City Council finds Case No's 16-02-S and 16-02-ZC comply with Kuna City Code.
2. Based on the evidence contained in Case No's 16-02-S and 16-02-ZC, the Kuna City Council finds Case No's 16-02-S and 16-02-ZC, are consistent with Kuna's Comprehensive Plan.
3. The public notice requirements have been met and the neighborhood meeting was conducted within the guidelines of applicable Idaho Code and City Ordinances.

Kuna City Code Analysis:

1. This request appears to be consistent and in compliance with all Kuna City Code (KCC).

Comment: *The proposed project meets the land use and area standards in Chapter 3, Title 5 of the (KCC). Staff also finds that the proposed project meets all applicable requirements of Title 6 of the KCC*

2. The site is physically suitable for a subdivision development.

Comment: *The approximate 22.8 acre project includes a request for a zone change from the current 'R-4' to a 'C-1' and an 'R-6' zoning designation. The City Council shall determine the extent and the nature of the rezone request in accordance with the adopted comprehensive plan per KCC 5-13-4. The site appears to be compatible with the proposal.*

3. The rezone, subdivision and special uses are not likely to cause substantial environmental damage or avoidable injury to wildlife or their habitat.

Comment: *The land to be rezoned and subdivided is not used or designated as wildlife habitat. Roads, driveways, family units and open spaces are planned for construction according City requirements and best practices and therefore will not cause environmental damage or loss of habitat.*

4. The rezone, special use and subdivision applications are not likely to cause adverse public health problems.

Comment: *The proposed subdivision development and land use designation requires connection to public sewer and potable water systems, therefore eliminating the occurrence of 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.

Comment: *Staff did consider the special use, rezone and subdivision applications along with the location of the property and adjacent uses. The current adjacent lands are small commercial and residential uses situated between two local collector roads. The development will be connected to the Kuna City central sewer and potable and pressure irrigation water systems.*

6. The existing and proposed street and utility services in proximity to the site are suitable and adequate for residential purposes.

Comment: *Correspondence from ACHD and Kuna Public Works confirms that the streets and utility services are suitable and adequate to serve the project.*

K. Proposed Decision by the Council:

Note: This proposed motion is to approve, conditionally approve, or deny the rezoned and subdivision. If the Council wishes to approve or deny specific parts of these requests as detailed in this report, those changes must be specified.

Based on the facts outlined in staff's report and public testimony given at the public hearing, the City Council of Kuna, Idaho, hereby (*approves/conditionally approves/denies*) Case No's 16-02-S subdivision and 16-02-ZC rezoned for the Airenel Park subdivision development (*with or without*) the following conditions of approval:

1. The applicant and/or owner shall obtain written approval on letterhead or may be written/stamped on the approved plans of the construction plans from the agencies noted below. All submittals are required to include the lighting, landscaping, drainage, and development plans. All site improvements are prohibited prior to approval of the following agencies:
 - a. The City Engineer shall approve the sewer hook-ups.
 - b. The City Engineer shall approve the drainage and grading plans. Central District Health Department recommends the plan be designed and constructed in conformance with standards contained in, "Catalog for Best Management Practices for Idaho Cities and Counties". No construction, grading, filling, clearing or excavation of any kind shall be initiated until the applicant has received approval of the drainage plan.
 - c. The Kuna Fire District shall approve fire flow requirements and/or building plans. Installation of fire protection facilities as required by Kuna Fire District is required.
 - d. The *Boise Project and Board of Control* shall approve any modifications to the existing irrigation system.
 - e. Approval from Ada County Highway District shall be obtained and impact fees must be paid prior to issuance of any building permit.
2. All public rights-of-way shall be dedicated and constructed to standards of the City, Ada County Highway District, and Idaho Transportation Department. No public street construction may be commenced without approval and proper permits from Ada County Highway District and/or Idaho Transportation Department.
 - 2.1- With future development and as necessary, dedicate right-of-way in sufficient amounts to follow Kuna City and ACHD standards and widths.
3. Installation of service facilities shall comply with the requirements of the public utility or irrigation district providing the services. 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. The applicant shall fully improve and dedicate (deed) the common lot(s) or portions of any common lots which are considered to be the Indian Creek Pathway (Greenbelt) extension along the southern boundary of the development, to the public. The applicant shall work with the Parks Director to ensure that the greenbelt/pathway improvements conform to the standards set forth in Kuna City Code for public pathways.
6. Street lighting shall use LED lights, with spacing and wattages meeting the approval of the City; Applicant shall coordinate a street light plan for Planning and Zoning approval in concert with the prepared construction drawings for the project.
7. Parking within the site shall comply with Kuna City Code, unless specifically approved otherwise.

8. Fencing within and around the site shall comply with Kuna City Code unless specifically approved otherwise.
9. Signage within the site shall comply with Kuna City Code (A separate Design Review application and sign permit is required prior to sign construction).
10. All required landscaping shall be permanently maintained in a healthy growing condition. The property owner shall remove and replace unhealthy or dead plant material within 3 days or as the planting season permits as required to meet the standards of these requirements. Maintenance and planting within public rights-of-way shall be with approval from the public entities owning the property.
11. Submit a petition to the City (if necessary and confirmed with the City engineer) consenting to the pooling of irrigation surface water rights for delivery purposes and requesting to annex the irrigation surface water rights appurtenant to the property to the Kuna Municipal Pressure Irrigation system of the City (KMID) prior to requesting final plat signature from the City Engineer.
12. The land owner/applicant/developer and any future assigns having an interest in the subject property, shall fully comply with all conditions of development as approved by the Commission and Council, or seek amending them through public hearing processes.
13. The applicant's proposed preliminary plat, landscaping and SUP map (dated 08/04/16) shall be considered binding site plans, or as modified and approved through the public hearing process.
14. Applicant shall follow all staff, city engineer and other agency recommended requirements as applicable.
15. Developer shall comply with all local, state and federal laws.



**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

Preliminary Plat Checklist

Preliminary Plats require 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: Airenel Park Subdivision **Applicant:** A Team Land Consultants

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

| Applicant (✓) | Description | Staff (✓) |
|---------------|--|-----------|
| X | Completed and signed Commission & Council Review Application. | ✓ |
| X | Vicinity map showing relationship of the proposed plat to the surrounding area with a 2-mile radius. | ✓ |
| X | Homeowner's maintenance agreement for the care of landscaped common areas. | ✓ |
| X | Legal description of the preliminary plat 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. | ✓ |
| X | Proof of ownership—A copy of your deed and Affidavit of Legal Interest (for all interested parties involved). | ✓ |
| X | Letter of Intent indicating reasons and details for preliminary plat. | ✓ |
| X | Commitment of Property Posting form signed by the applicant/agent. | ✓ |
| X | If preliminary plat includes 100 lots or more, please submit a traffic impact study. If preliminary plat includes 50 lots or more, please submit an estimate of tax revenue generation and an estimate of the public service costs to provide adequate service to the development. | ✓ |
| X | A letter from Ada County Engineer with the Subdivision Name reservation. ANY name change(s) needs to be submitted and approved by the Planning & Zoning Director and Ada County Engineer. | ✓ |
| X | Phasing Plan | ✓ |
| n/a | Include Large Scale Development Requirements. KCC 6-5-4 | |
| X | Landscape Plan—(in color) | ✓ |
| X | Neighborhood meeting certification (certification & neighborhood meeting list forms shall accompany this application). | ✓ |
| X | 8 1/2 x 11 proposed preliminary plat. | ✓ |
| X | Preliminary plat drawing on 24x36 quality paper drawn to scale of 1 to 100' or more. The following information shall be contained on the preliminary plat: <ul style="list-style-type: none"> ◇ Topography at two foot (2') intervals ◇ Land uses (location, layout, types & dimensions): residential, commercial & industrial land uses. ◇ Street right-of-ways: dimensions of right-of-way dedication for all roadways, street sections, improvements, etc. ◇ Easements/common space: utility easements, parks, community spaces ◇ Lots: layout and dimensions of lots ◇ Preliminary improvement drawing: show water, sewer, drainage, electricity, irrigation, telephone, natural gas, proposed street lighting, proposed street names, proposed subdivision name, fire hydrant placement, storm water disposal, underground utilities, and sidewalks.. | ✓ |

A-2f
 A-2g
 A-2i
 A-2j
 A-2k
 A-2m
 A-2n
 A-2o
 A-2p

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

Rezone Checklist

Rezone 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: Airenel Park Subdivision **Applicant:** A Team Land Consultants

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 rezone . If reason for rezone is development, also submit a conceptual plan. | ✓ A-2F |
| ✓ | Vicinity map drawn to scale, showing the location of the subject property. Map shall contain the following information: Shaded area showing the rezone property, Street names and names of surrounding subdivisions. | ✓ |
| ✓ | Legal description of the rezone 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. | ✓ |
| N/A | Development Agreement & Development Agreement Checklist | — |
| ✓ | Recorded warranty deed for the property. | ✓ |
| ✓ | Proof of ownership—A copy of your deed and Affidavit of Legal Interest. (All parties involved) | ✓ |
| ✓ | Neighborhood meeting certification (certification & neighborhood meeting list forms shall accompany this application). | ✓ A-2n |
| ✓ | Commitment of Property Posting form signed by the applicant/agent. | ✓ A-2g |

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

Special Use Checklist

Special Use requires a public hearing with the Planning & Zoning Commission. A public hearing sign will be required to be posted by the applicant for the meeting. Sign posting regulations are available online.

Project name: Airenel Park Subdivision **Applicant:** A Team Land Consultants
Steve Arnold

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

| Applicant (✓) | Description | Staff (✓) |
|---------------|--|-----------|
| X | Completed and signed Commission & Council Review Application. | ✓ |
| X | Detailed submittal letter explaining how the project enhances and beautifies the community and types of services the project will provide. | ✓ |
| X | Legal description of the property: Include a metes & bounds description to the section line of all adjacent roadways stamped & signed by a registered professional land surveyor with a calculated closure sheet & a map showing the boundaries of the legal description. | ✓ |
| X | Proof of ownership—A copy of your deed and Affidavit of Legal Interest (for all interested parties). | ✓ |
| X | 8 1/2 x 11 vicinity map showing streets, driveways, property lines, etc. | ✓ |
| X | Landscape plan drawn to scale as the same size as the site development plan with the following details: <ul style="list-style-type: none"> ◇ Type, size and location of all existing & proposed plant materials and other ground covers. The size of plants at planting and maturity should be included. ◇ Existing vegetation labeled to remain or to be removed with landscaping on adjacent properties by area (s) to be considered. ◇ Method of irrigation. ◇ Cross-sections through areas of special features, berms, retaining walls, etc. ◇ Footprints of all structures to be constructed. | ✓ |
| X | Site development plan on 24x36 to scale (not smaller than 1=30 unless otherwise approved) with the following information: <ul style="list-style-type: none"> ◇ Building locations—existing and proposed with spare-footages. ◇ Fences—existing, surrounding and proposed. ◇ Off-street parking, circulation and driveway locations and types. ◇ Location and size of adjacent streets and driveways. ◇ North arrow and property lines. ◇ Drawings of major exterior elevations. ◇ Building materials and color scheme. ◇ Existing grades and proposed new grades. ◇ Existing lighting and proposed lighting. | ✓ |
| X | Commitment of Property Posting form signed by the applicant/agent. | ✓ |
| X | Neighborhood meeting certification (certification & neighborhood meeting list forms shall accompany this application). | ✓ |

A-2f

Need color

A-2g

A-2n

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

Type of Review (check all that apply):

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

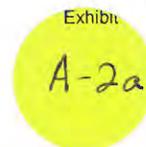
| For Office Use Only | |
|---------------------------|-----------------------|
| File Number (s) | 16-02-S |
| Project name | AIRENEL SUB. |
| Date Received | 6/6/16 |
| Date Accepted/Complete | 6/27/16 |
| Cross Reference Files | 16-02-ZC 16-02-SUP |
| Commission Hearing Date | |
| City Council Hearing Date | |

Contact/Applicant Information

| | |
|---|-------------------------------------|
| Owners of Record: <u>Don Young Land Company Inc.</u> | Phone Number: <u>871-7020</u> |
| Address: <u>PO Box 189</u> | E-Mail: <u>steve@ateamboise.com</u> |
| City, State, Zip: <u>Kuna ID 83634</u> | Fax #: <u>401-0977</u> |
| Applicant (Developer): <u>A Team Land Consultants</u> | Phone Number: <u>321-0525</u> |
| Address: <u>1785 Whisper Cove Avenue</u> | E-Mail: <u>steve@ateamboise.com</u> |
| City, State, Zip: <u>Boise, ID. 83709</u> | Fax #: <u>401-0977</u> |
| Engineer/Representative: <u>A Team Land Consultants</u> | Phone Number: <u>321-0525</u> |
| Address: <u>1785 S. Whisper Cove Ave</u> | E-Mail: <u>steve@ateamboise.com</u> |
| City, State, Zip: <u>Boise, Id 83709</u> | Fax #: <u>208-401-0977</u> |

Subject Property Information

| | |
|---|---|
| Site Address: <u>447 E Avalon Street, Kuna, Id 83634</u> | |
| Site Location (Cross Streets): <u>Orchard Avenue and Kay Avenue</u> | |
| Parcel Number (s): <u>R0 615253032</u> | |
| Section, Township, Range: <u>Section 25, T.2N, R.1W</u> | |
| Property size : <u>22.8 acres</u> | |
| Current land use: <u>Agriculture and commercial</u> | Proposed land use: <u>Single & Multi Fam., Com.</u> |
| Current zoning district: <u>R-4</u> | Proposed zoning district: <u>C1, and R-6</u> |



Project Description

Project / subdivision name: Airenel Park Subdivision

General description of proposed project / request: To develop a community of single family residential homes with a mix of Town homes, 4-plex units and commercial uses.

Type of use proposed (check all that apply):

Residential _____

Commercial _____

Office _____

Industrial _____

Other _____

Amenities provided with this development (if applicable): Clubhouse/pool, playground, pathways
Open areas

Residential Project Summary (if applicable)

Are there existing buildings? Yes No

Please describe the existing buildings: Barn and other out buildings

Any existing buildings to remain? Yes No

Number of residential units: 141 Number of building lots: 78

Number of common and/or other lots: 21

Type of dwellings proposed:

Single-Family 41

Townhouses 16

Duplexes _____

Multi-Family 21 lots = 84 Units

Other _____

Minimum Square footage of structure (s): 1,000 s.f for Multifamily, 1,200s.f for town, 1,400s.f Single

Gross density (DU/acre-total property): 7.19/AC Net density (DU/acre-excluding roads): 8.61/AC

Percentage of open space provided: 21% Acreage of open space: 4.86 AC

Type of open space provided (i.e. landscaping, public, common, etc.): Club house/pool, pathways, open

Non-Residential Project Summary (if applicable)

Number of building lots: 3 Other lots: None

Gross floor area square footage: N/A Existing (if applicable): None to remain

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: _____ Date: 6/2/16



AERIAL MAP

DEVELOPER

**LITTLE WOOD LANDING
4679 W. PRICKLY PEAR DR
EAGLE, ID 8616**

PLANNER / CONTACT

**STEVE ARNOLD
A-TEAM LAND CONSULTANTS
1785 WHISPER COVE AVE.
BOISE, ID 83709 PH. 208-871-7020**

AIRENAL PARK SUBDIVISION

**SECTION 25, T.2N., R.1W., B.M.
CITY OF KUNA, ADA COUNTY, IDAHO**

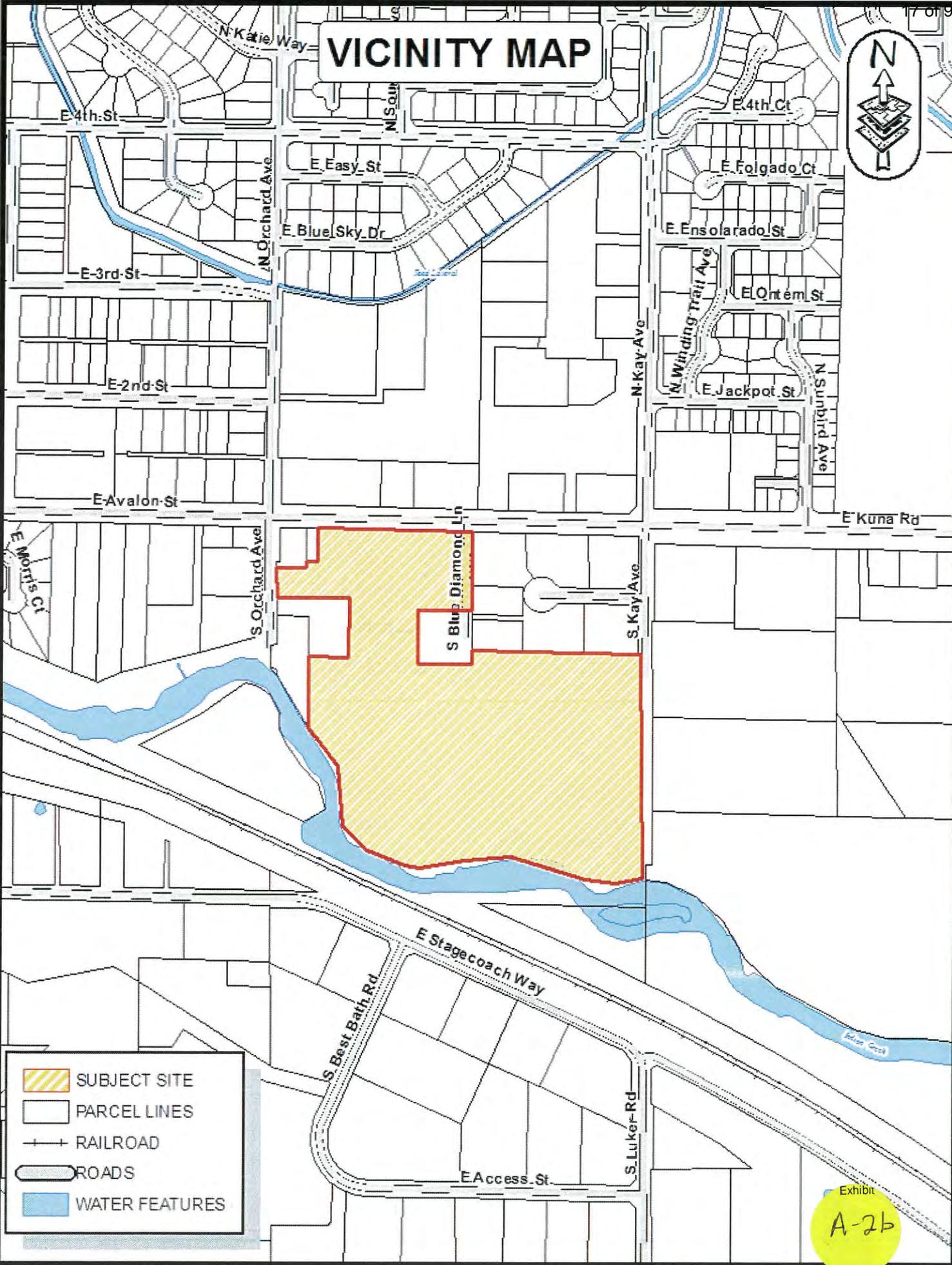
1" = 400'



A-TEAM
Land Development & Real Estate
Services

Exhibit
A-2b

VICINITY MAP



| | |
|--|----------------|
| | SUBJECT SITE |
| | PARCEL LINES |
| | RAILROAD |
| | ROADS |
| | WATER FEATURES |

Exhibit
A-2b

**RESTRICTIVE
COVENANTS (Airenel
Park Subdivision
Commercial)**

The undersigned ("Owner") is the titleholder of record of the real estate (hereinafter "the Properties" or each parcel herein described hereinafter as "Lot") as described in the attached "Exhibit B" legal description: The Properties together with any additions of Lots or Common Areas pursuant to Section 27 are collectively referred to as the "Business Park."

Airenel Park Development, Inc. ("Association") will be incorporated in Idaho for the purpose of enforcing the Restrictive Covenants established upon the Properties, administering and maintaining the Common Areas, and providing services to the members of the Association. These Restrictive Covenants are established within and upon the Business Park.

1. Completion of Construction. Any building or building shell placed or constructed upon any Lot within the Properties shall be completed within nine (9) months after the commencement of construction.

2. Approval of Plans. Owner or its assignees shall have the exclusive right to establish grades and slopes for any Lot within the Properties and fix the grade at which any building or other improvement shall be placed or constructed upon any Lot, in conformity with the general plan for the development of the Properties. Plans for any building or other improvement to be placed, constructed, or remodeled upon any Lot within the Properties shall be submitted to Owner and shall show the design, size, and exterior material for the building or improvement and the plot plan for the Lot. One set of plans shall be left on permanent file with the Owner or Association. Grading of the Lot or construction, placement or exterior remodeling of any building or improvement shall not be commenced unless written approval of the plans has been secured from the Owner. The Owner shall give written approval or disapproval of the plans within ten (10) days of receipt of the plans. In the event Owner fails to provide the approval or disapproval within thirty (30) days, the plans shall be deemed to be approved. Approval of the plans shall not be unreasonably withheld, conditioned, or delayed and upon disapproval a written statement of the grounds for disapproval shall be provided. The Owner shall have the exclusive right to disapprove the plans, if in the Owner's opinion, the plans do not conform to the general standard of development in the Properties. The Owner in writing may assign the rights and duties of the Owner under this Paragraph, except as to Lots of which the Owner is the titleholder, to the Association at any time. The Owner or the Association may charge reasonable fees in connection with the review including fees charged by engineers or architects or others employed by Owner to review the plans.

3. General Standards for Buildings. The following general standards of development



DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS

FOR

Airenel Park Subdivision (Residential)

THIS DECLARATION is made on the last date here in below set forth, by Airenel Park Development Inc., an Idaho Corporation, hereinafter referred to as "Declarant".

WHEREAS, Declarant is the owner of certain real property in the County of Ada, State of Idaho, hereinafter referred to as the "Development", more particularly described in Attachment "A".

WHEREAS, Declarant desires to place covenants, conditions, and restrictions on the Development to protect value, attractiveness, compatibility, and conformity of the use of the various lots and common areas;

NOW, THEREFORE, Declarant hereby declares that all of said Development is and shall be held and conveyed upon and subject to the easements, conditions, covenants, restrictions, and reservations hereinafter set forth. Said easements, covenants, restrictions, conditions, and reservations shall constitute covenants to run with the land and shall be binding upon all persons claiming under them, and shall inure to the benefit of and be limitations upon all future Owners of said Development or any interest therein.

ARTICLE I.
Definitions

1.1 "Association" shall mean and refer to Airenel Park Homeowners Association, Inc., an Idaho non-profit corporation, its successors and assigns.

1.2 "Declarant" shall mean and refer to Airenel Park Development, Inc., an Idaho Corporation, its successors and assigns, if such successors or assigns should acquire more than one (1) undeveloped Lot from the Declarant for the purpose of development.

1.3 "Development" shall mean and refer to that certain real property described in Attachment "A" and such additions thereto as may hereafter be brought within the jurisdiction of the Association. The Development includes all the property shown on the plat.

1.4 "Developed Property" shall mean and refer to the property adjacent to or an extension of any Lot that Declarant may develop for any use allowed under the zoning regulations and be known as Airenel Park Subdivision.



IN WITNESS WHEREOF, the undersigned Declarant has executed this Declaration of Covenants, Conditions, and Restrictions this ____ day of _____, 2016.

AIRENEL PARK DEVELOPMENT, INC.

By: _____
Title: _____

STATE OF IDAHO)
 : ss.:
County of Ada)

On this ____ day of _____, 2016, before me, the undersigned, a Notary Public in and for said State, personally appeared Doug Kowallis, the President of Airenel Park Development, Inc., an Idaho Corporation known to me to be the person who executed the within and foregoing instrument for and on behalf of said corporation, and acknowledged to me that said corporation executed the same.

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

Notary Public for Idaho
Residing at _____
Commission expires _____

B & A Engineers, Inc.

Consulting Engineers & Surveyors
5805 W. Franklin Rd. Boise, Id. 83705
Ph: 208-343-3381 Fax 208-342-5792

Don Young Land Company, Inc. Legal Description Parcel "A"

April 2009

A portion of Lot 1 of the Amended Avalon Orchard Tracts as shown in Book 6 of Plats at Page 254 records of Ada County, Idaho. Situate in the northeast quarter of the northwest quarter of Section 25, Township 2 North, Range 1 West, Boise Meridian, Kuna City, Ada County, Idaho, being more particularly described as follows:

Commencing at the northeast corner of the northwest quarter of said Section 25; thence N89°02'36"W, 610.00 feet along the northerly boundary of said Section 25 and the centerline of East Avalon Street; thence S00°22'07"E, 40.01 feet to the southerly right-of-way of East Avalon Street and to the northwest corner of Lot 3, Block 1 of Cement Falls Subdivision as shown in Book 89 of Plats at Page 10387 records of Ada County, Idaho; thence N89°02'36"W, 576.07 feet along the southerly right-of-way of East Avalon Street, which is 40.00 feet southerly of and parallel to the northerly boundary of the northeast quarter of the northwest quarter of said Section 25 to the *Point of Beginning*:

Thence S00°00'00"W, 139.19 feet;

Thence S90°00'00"W, 102.15 feet to the easterly right-of-way of Orchard Avenue;

Thence N00°24'03"W, 20.88 feet along the easterly right-of-way of Orchard Avenue;

Thence S89°02'36"E, 9.00 feet along the right-of-way of Orchard Avenue;

Thence N00°24'03"W, 120.03 feet along the easterly right-of-way of Orchard Avenue to the southerly right-of-way of East Avalon Street;

Thence S89°02'36"E, 94.15 feet along the southerly right-of-way of East Avalon Street, which is 40.00 feet southerly of and parallel to the northerly boundary of the northeast quarter of the northwest quarter of said Section 25 to the *Point of Beginning*.

*Comprising 13,295 square feet, more or less.
Subject to easements of record or apparent.*



Exhibit

A-2d

EXHIBIT "A"

B & A Engineers, Inc.

Consulting Engineers & Surveyors
5505 W. Franklin Rd. Boise, Id. 83705
Ph. 208-343-3381 Fax 208-342-5792

Don Young Land Company, Inc. Legal Description Parcel "C"

November 2009

A portion of Lots 1 through 5 of the Amended Avalon Orchard Tracts as shown in Book 6 of Plats at Page 254, and a portion of Lot 3 & 4 of the Avalon Orchard Tracts as shown in Book 4 of Plats at Page 189, records of Ada County, Idaho. Situate in the northeast quarter of the northwest quarter of Section 25, Township 2 North, Range 1 West, Boise Meridian, Kuna City, Ada County, Idaho, being more particularly described as follows:

Commencing at the northeast corner of the northwest quarter of said Section 25; thence N89°02'36"W, 610.00 feet along the northerly boundary of said Section 25 and the centerline of East Avalon Street; thence S00°22'07"E, 40.01 feet to the southerly right-of-way of East Avalon Street and to the northwest corner of Lot 3, Block 1 of Cement Falls Subdivision as shown in Book 89 of Plats at Page 10387 records of Ada County, Idaho which is also the *Point of Beginning*:

Thence S00°22'07"E, 273.11 feet along the westerly boundary of said Cement Falls Subdivision;

Thence S89°37'53"W, 188.00 feet;

Thence S00°22'07"E, 185.00 feet;

Thence N89°37'53"E, 188.00 feet;

Thence N00°22'07"W, 42.82 feet;

Thence N89°35'21"E, 179.95 feet to the southwest corner of Lot 2, Block 2 of said Cement Falls Subdivision;

Thence S89°02'36"E, 413.31 feet to the westerly right-of-way of South Kay Avenue;

Thence S00°47'25"E, 774.90 feet along the westerly right-of-way of South Kay Avenue to the top of the northerly bank of Indian Creek;

Thence the following courses and distances along the top of the northerly and northeasterly bank of Indian Creek:

S77°09'28"W, 95.60 feet;

N81°37'59"W, 106.72 feet;

N73°45'07"W, 272.84 feet;

S84°13'39"W, 161.42 feet;

S80°43'18"W, 157.54 feet;

N84°10'54"W, 53.77 feet;

N67°27'32"W, 138.32 feet;

N48°18'07"W, 120.61 feet;

N05°13'39"W, 211.14 feet;

N37°39'18"W, 170.11 feet to the easterly boundary of land described in Instrument No. 99025561, records of Ada County, Idaho;

B & A Engineers, Inc.

Consulting Engineers & Surveyors
5505 W. Franklin Rd. Boise, Id. 83705
Ph. 208-343-3381 Fax 208-342-5792

Thence N00°20'00"W, 245.28 feet along the easterly boundary of land described in said Instrument No. 99025561;

Thence S89°33'36"E, 141.36 feet;

Thence N00°00'00"W, 207.55 feet;

Thence N90°00'00"W, 252.63 feet to the easterly right-of-way of Orchard Avenue to a point which lies N00°24'03"W 50.00 feet from the southwest corner of said Lot 1 of the Amended Avalon Orchard Tracts;

Thence N00°24'03"W, 101.78 feet along the easterly right-of-way of Orchard Avenue and the westerly boundary of said Lot 1 of the Amended Avalon Orchard Tracts;

Thence N90°00'00"E, 102.15 feet;

Thence N00°00'00"E, 24.19 feet;

Thence S89°01'43"E, 39.90 feet to the easterly boundary of said Lot 1 of the Amended Avalon Orchard Tracts;

Thence N00°35'23"W, 115.04 feet along the easterly boundary of said Lot 1 of the Amended Avalon Orchard Tracts to the southerly right-of-way of East Avalon Street;

Thence S89°02'36"E, 537.35 feet along the southerly right-of-way of East Avalon Street, which is 40.01 feet southerly of and parallel to the northerly boundary of the northeast quarter of the northwest quarter of said Section 25 to the *Point of Beginning*.

Comprising 22.88 acres, more or less.

Subject to easements and right-of-ways of record or apparent.



Record of Survey No. 8738

Legend

- SURVEYED BOUNDARY
- ORIGINAL PROPERTY LINE
- ADJUSTED PARCEL LINE
- EXISTING EDGE OF PAVEMENT
- EXISTING FENCE LINE
- EXISTING VINYL FENCE LINE
- FOUND BRASS/ALUMINUM CAP, AS NOTED
- FOUND 1/2" PIN
- FOUND 5/8" PIN
- SET 1/2"x24" IRON PIN WITH PLASTIC CAP LABELED "B&A LS 4116"
- CALCULATED POINT, NOT SET OR FOUND

Record Documents

UNLESS OTHERWISE NOTED ALL RECORDS ARE ON FILE AT THE ADA COUNTY RECORDER'S OFFICE

RECORDS OF SURVEY

- ROS NO 7139
- ROS NO 7633
- SUBDIVISIONS
 - AVALON ORCHARD TRACTS, BOOK 4, PAGE 189
 - AVALON ORCHARD TRACTS AMENDED, BOOK 5, PAGE 254
 - CEMENT FALLS PARK SUBDIVISION, BOOK 69, PAGES 10387-10388
- DEEDS
 - WARRANTY DEED INSTRUMENT NO 7901088
 - WARRANTY DEED INSTRUMENT NO 8425832
 - QUITCLAIM DEED INSTRUMENT NO 8425833
 - QUITCLAIM DEED INSTRUMENT NO 8525545
 - WARRANTY DEED INSTRUMENT NO 8282712
 - WARRANTY DEED INSTRUMENT NO 85048011
 - WARRANTY DEED INSTRUMENT NO 101004631
 - QUITCLAIM DEED INSTRUMENT NO 101055172
 - QUITCLAIM DEED INSTRUMENT NO 103140144
 - RIGHT-OF-WAY EASEMENT INSTRUMENT NO 103209141
 - QUITCLAIM DEED INSTRUMENT NO 103212804
 - QUITCLAIM DEED INSTRUMENT NO 105125565
 - WARRANTY DEED INSTRUMENT NO 107013675
 - WARRANTY DEED INSTRUMENT NO 101010823

County Recorder's Certificate

STATE OF IDAHO } SS INSTRUMENT NO 110023185
COUNTY OF ADA }

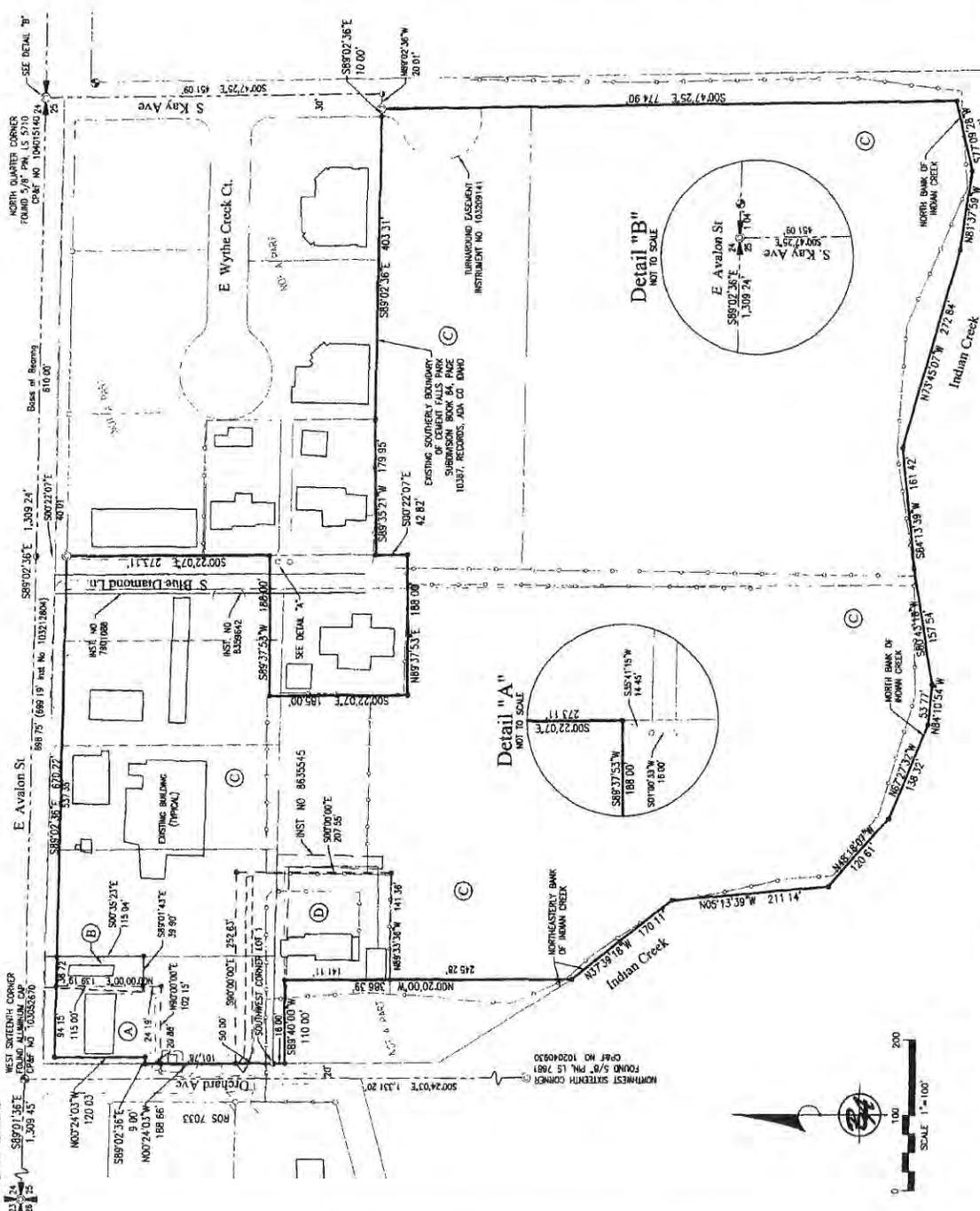
I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED AT THE REQUEST OF
B&A Engineers AT **8** MINUTES PAST **1** O'CLOCK
P.M., THIS **18TH** DAY OF **March**, 2010
FEE **40.00**

EX-OFFICIO RECORDER, J. DAVID MUMFORD
DEPUTY

Property Boundary Adjustment for:
Don Young Land Company, Inc.

LET A & B BE PART OF THE AVALON ORCHARD TRACTS SUBDIVISION, SHOWN IN THE AMENDED QUARTER OF THE AMENDED MAP OF THE AVALON ORCHARD TRACTS SUBDIVISION, BOOK 5, PAGE 254, IN THE COUNTY OF ADA, STATE OF IDAHO. ALSO BE PART OF THE CEMENT FALLS PARK SUBDIVISION, BOOK 69, PAGES 10387-10388, IN THE COUNTY OF ADA, STATE OF IDAHO. ALSO BE PART OF THE AVALON ORCHARD TRACTS SUBDIVISION, BOOK 4, PAGE 189, IN THE COUNTY OF ADA, STATE OF IDAHO. ALSO BE PART OF THE AVALON ORCHARD TRACTS AMENDED, BOOK 5, PAGE 254, IN THE COUNTY OF ADA, STATE OF IDAHO. ALSO BE PART OF THE CEMENT FALLS PARK SUBDIVISION, BOOK 69, PAGES 10387-10388, IN THE COUNTY OF ADA, STATE OF IDAHO. ALSO BE PART OF THE AVALON ORCHARD TRACTS SUBDIVISION, BOOK 4, PAGE 189, IN THE COUNTY OF ADA, STATE OF IDAHO. ALSO BE PART OF THE AVALON ORCHARD TRACTS AMENDED, BOOK 5, PAGE 254, IN THE COUNTY OF ADA, STATE OF IDAHO. ALSO BE PART OF THE CEMENT FALLS PARK SUBDIVISION, BOOK 69, PAGES 10387-10388, IN THE COUNTY OF ADA, STATE OF IDAHO.

DATE: MARCH 11, 2010
SURVEY BY: K.A. COMPTON
DRAWN BY: J.L. NEEDS
INDEX NO 214-25-4-1-0-0188
INDEX NO 214-25-4-1-0-0254



Surveyor's Certificate
I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR LICENSED BY THE STATE OF IDAHO, AND THAT THIS RECORD OF SURVEY HAS BEEN PREPARED FROM A SURVEY MADE ON THE GROUND UNDER MY SUPERVISION, AND THAT THIS RECORD OF SURVEY IS AN ACCURATE REPRESENTATION OF SAID SURVEY, AND IS IN CONFORMITY WITH THE CORNER PERPETUATION AND FILING ACT OF IDAHO CODE 55-1601 THROUGH 55-1612



Parcel Area Table

| DESIGNATION | AREA |
|-------------|------------|
| PARCEL A | 13,295 SF |
| PARCEL B | 4,520 SF |
| PARCEL C | 996,748 SF |
| PARCEL D | 36,613 SF |

EXHIBIT "B"

B&A Engineers, Inc.
Consulting Engineers, Surveyors & Planners
5505 W. Franklin Rd. Boise, Id 83726
(208) 343-3381



Record of Survey No. 8738

- Legend**
- SURVEYED BOUNDARY
 - ORIGINAL PROPERTY LINE
 - ADJUSTED PARCEL LINE
 - ADJUSTED PARCEL LINE TO BE ADJUSTED
 - EXISTING EDGE OF PAVEMENT
 - EXISTING FENCE LINE
 - EXISTING WYTH FENCE LINE
 - FOUND BRASS/ALUMINUM CAP, AS NOTED
 - FOUND 1/2" PIN
 - FOUND 5/8" PIN
 - SET 1/2" 2x2" IRON PIN WITH PLASTIC CAP LABELED "B&A 13 4116"
 - CALCULATED POINT, NOT SET OR FOUND

Record Documents

UNLESS OTHERWISE NOTED ALL RECORDS ARE ON FILE AT THE ADA COUNTY RECORDER'S OFFICE

- RECORDS OF SURVEY**
 ROS NO 2138
 ROS NO 7033
- SUBDIVISIONS**
 AVALON ORCHARD TRACTS, BOOK 4, PAGE 159
 AVALON ORCHARD TRACTS AMENDED, BOOK 6, PAGE 254
 CEMENT FALLS PARK SUBDIVISION, BOOK 89, PAGES 10397-10398
- DEEDS**
 WARRANTY DEED INSTRUMENT NO 7901988
 WARRANTY DEED INSTRUMENT NO 8356442
 QUITCLAIM DEED INSTRUMENT NO 8425833
 QUITCLAIM DEED INSTRUMENT NO 8635545
 QUITCLAIM DEED INSTRUMENT NO 8287712
 WARRANTY DEED INSTRUMENT NO 85249011
 QUITCLAIM DEED INSTRUMENT NO 100004831
 QUITCLAIM DEED INSTRUMENT NO 100551172
 QUITCLAIM DEED INSTRUMENT NO 1013175405
 QUITCLAIM DEED INSTRUMENT NO 103208141
 QUITCLAIM DEED INSTRUMENT NO 103212804
 QUITCLAIM DEED INSTRUMENT NO 105125585
 WARRANTY DEED INSTRUMENT NO 107013675
 WARRANTY DEED INSTRUMENT NO 101010823

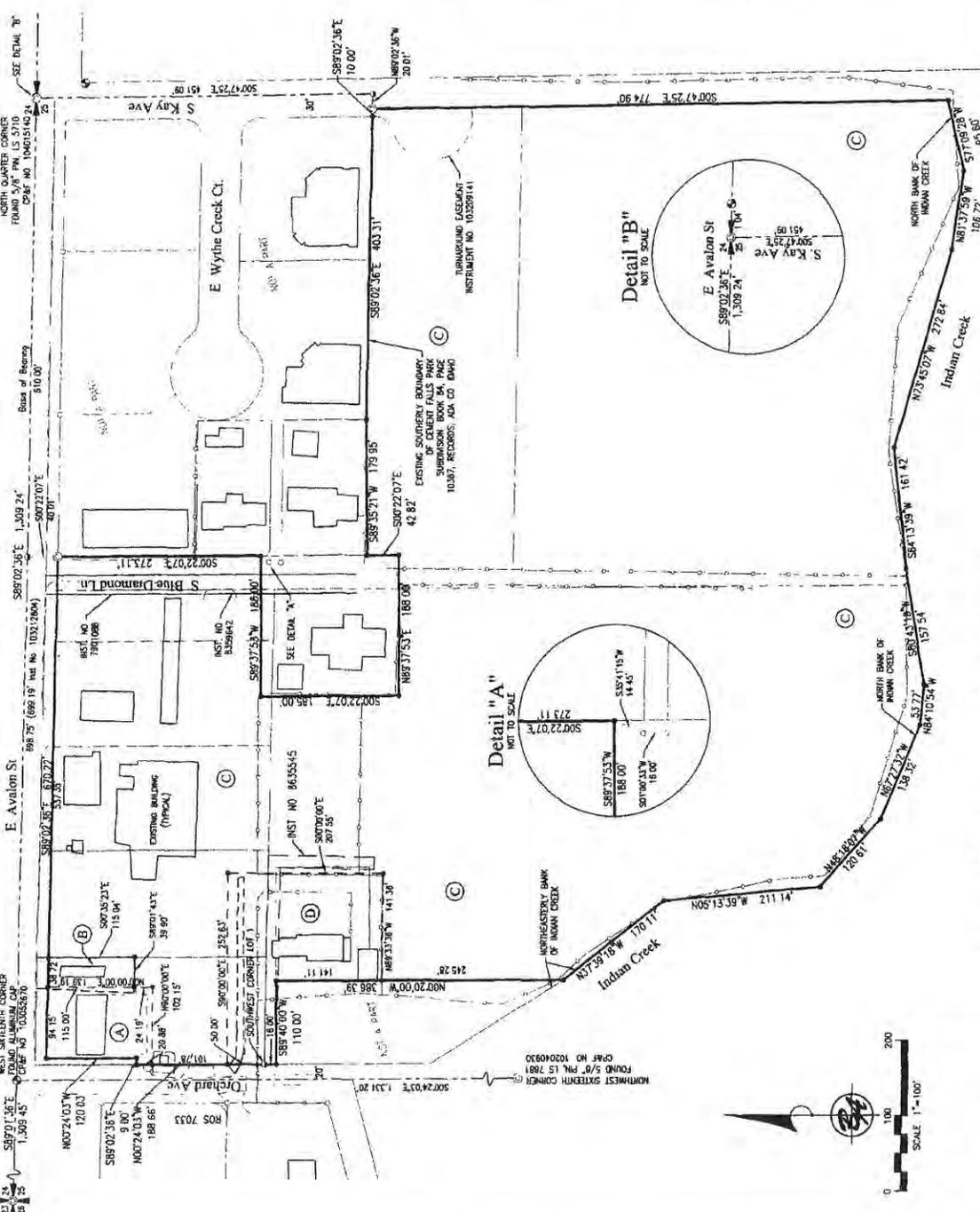
County Recorder's Certificate

STATE OF IOWA } \$5 INSTRUMENT NO 110023185
 COUNTY OF ADA }
 I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED AT THE REQUEST OF
B&A Engineers AT 8:00 MINUTES PAST 1 O'CLOCK
 P.M. THIS 15th DAY OF **March** 2010
 FEE \$40.00
 EX-OFFICIO RECORDER: J. DAVID WARRIOR
 DEPUTY: *[Signature]*

Property Boundary Adjustment for:
Don Young Land Company, Inc.

LOT 4 & A PORTION OF LOT 5 OF THE AVALON ORCHARD TRACTS SUBDIVISION, SQUARE IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 2 NORTH, RANGE 1 WEST, BOISE MERIDIAN, CITY OF IOWA, ADA COUNTY, IOWA. LOTS 4 & A PORTION OF LOT 5 OF THE AVALON ORCHARD TRACTS SUBDIVISION, SQUARE IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 2 NORTH, RANGE 1 WEST, BOISE MERIDIAN, CITY OF IOWA, ADA COUNTY, IOWA. LOTS 4 & A PORTION OF LOT 5 OF THE AVALON ORCHARD TRACTS SUBDIVISION, SQUARE IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 2 NORTH, RANGE 1 WEST, BOISE MERIDIAN, CITY OF IOWA, ADA COUNTY, IOWA.

DATE: MARCH 11, 2010
 SURVEY BY: J.A. COMFORT
 DRAWN BY: J.L. HERRICK
 ORDER NO 211-2-4-1-0-4-0168
 INDEX NO 211-2-4-1-0-8-054



Surveyor's Certificate

I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR LICENSED BY THE STATE OF IOWA, AND THAT THIS RECORD OF SURVEY HAS BEEN PREPARED FROM A SURVEY MADE ON THE GROUND UNDER MY SUPERVISION, AND THAT THIS RECORD OF SURVEY IS AN ACCURATE REPRESENTATION OF SAID SURVEY, AND IS IN CONFORMITY WITH THE CORNER PERPETUATION AND PLUNG ACT OF IOWA CODE 55-1601 THROUGH 55-1612

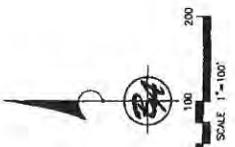


Parcel Area Table

| DESCRIPTION | AREA |
|-------------|------------|
| PARCEL A | 13,295 SF |
| PARCEL B | 4,520 SF |
| PARCEL C | 996,748 SF |
| PARCEL D | 36,813 SF |

EXHIBIT "B"

B&A Engineers, Inc.
 Consulting Engineers, Surveyors & Planners
 5525 W Franklin Rd. Rose, IA 50776
 (208) 340-3381



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

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



City of Kuna AFFIDAVIT OF LEGAL INTEREST

State of Idaho)
) ss
County of Ada)

I, DON YOUNG LAND CO. , Box 189
Name Address
Kuna ID 83634
City State Zip Code

being first duly sworn upon oath, depose and say:

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

A. That I am the record owner of the property described on the attached, and I grant my

Permission to Team A _____ 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 May, 2016

[Signature]
Signature

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

Kara Medrano
Notary Public for Idaho

Residing at: Kuna, ID

My commission expires: 9-3-21

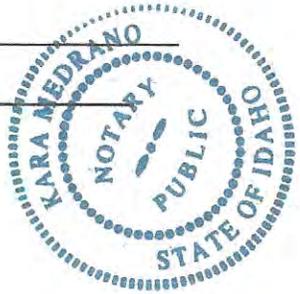


Exhibit
A-2e



June 4, 2016

Mr Trevor Kesner, Planner II
City of Kuna
763 W. Avalon
Kuna, Idaho 83634

Dear Trevor:

Subject: Airenel Park Subdivision

On behalf of Little Wood Landing LLC, A Team Land Consultants presents to the City of Kuna, a Rezone, Preliminary Plat and a Special Use application for the proposed Airenel Park Subdivision. The subject property is located on the west side of Kay Avenue and the east side of Orchard Avenue, approximately 400-feet south of State Highway 69. The property contains 22.8 total acres. The property is identified as Ada County Assessor's Tax Parcel Number R01615253032.

Project Summary

The applicant is proposing 21 multifamily lots, 16 town house lots, 41 single family lots and 3 commercial lots. The site is currently zoned R-4. The multifamily is being proposed adjacent to Kay Avenue, the commercial is proposed adjacent to Avalon Street, and the townhouse units are proposed as a transition between the commercial and single family units. The Special Use application is for that portion of the townhouse units located within the R-4 zoning. Each of the four plex buildings are being platted so that they may be sold or placed into separate entities.

Access Roads and Connectivity

Primary access to the proposed development will be off an extension of Kay Avenue, a new public street off Avalon Street, and a new road off Orchard Avenue. This will provide access north to State Highway 69 via Orchard Avenue and Kay Avenue, which is planned to be signalized in the future. Common drive isles within the multifamily will connect those units to the public roadway system. Drive isles within the townhouse units will also connect out to public roadways. A new commercial street is proposed in the same location as Blue Diamond Lane. Access to that lane by adjacent parcels will now be provided via a public street. The townhouse units will all be rear loaded, with common paseos in the front of each unit.

All the roadways and drive isles have been designed so that speeding and cut through traffic will not occur. Block length have been broken up and curves and bends have been placed to discourage excessive speeding. A stub street was not provided to the south because Indian Creek borders our southern boundary and a street connection at that location would be cost prohibited. There are numerous pathway connections to encourage pedestrian activity and discourage vehicular activity from the neighboring subdivision. All residents will have equal use to the provided amenities.

Proposed Multifamily Buildings

As part of the application we are submitting color photographs of the proposed buildings. The color combination for the buildings will be a mixture of earth tones as shown on the submitted pictures. The fascia and trim will be designed in such a way as to better accent the earth tones. Variations in wall panels and rooflines are provided to also add architectural amenities to the buildings appearance. All of the buildings will be constructed to a minimum of a Silver LEED standard, thus providing energy efficiency. This in turn allows the mechanical units to be constructed smaller. Two foot fencing will be provided to screen the mechanical units.

The buildings and the facades are architecturally attractive and help function to promote owner occupied buildings or a higher end rental unit. Each of the units are two stories with its own individual entrance on each side of the building. Each unit does not have a renter above it, which provides a quiet living quarters. Pathways to the entrances are provided from the parking area to each unit, thus giving the owner or renter the feel of a private entrance. This building type has been well received in many other communities.

As we have submitted in other projects, we varying the position of the building throughout the multifamily portion to break up the front and rear façade. This allows for larger landscape pocket and a nicer street scene. This makes for a very smooth transition between the uses.

Landscaping and Amenities

There is approximately 1.82 acres of open space being proposed in the multifamily area, and 3.04 acres being proposed in the single family, townhouse and commercial areas. Landscape buffers along Avalon Street will be provided when those lots develop. A landscape plan has been prepared in accordance with the City standards. There is a proposed 25-foot buffer along Avalon Street, 20-foot buffer along Kay, and Orchard Avenue and Blue Heron Way. Along the south boundary we are providing a 10-foot pathway along the Indian Creek which will eventually extend east and west of the site. That pathway will be located within a 30-40-foot common lot and extensively landscaped. Internal pathways will connect to that and to the proposed Club and Pool house. All of the landscaping will be maintained by a subdivision owner's association.

The trash enclosures within the multifamily will be cinder block and landscape screening will be provided to reduce their visibility. There is a 15-30-foot landscape strip separating the multifamily from the commercial uses to the north. This strip will be heavily landscaped. Sidewalks are provided throughout the site internal to the drive isles and all along the public roadways. A large club house and swimming pool are provided central to this development. The club house will have a gathering area and workout facility. In addition, there will be a common lot in the single family portion with play equipment on the lot. It is the intention of the developer to install landscaping that exceeds the City requirements and provide a nice amenity to all the residents.

Utilities, Irrigation, Storm Drainage and Parking Facilities

There are existing wet and dry utilities adjacent to this site's west and east property line. We have also been working with the City to relocate and upgrade a lift station from Orchard Avenue internal to this development. That lift station is proposed to serve existing and adjacent development and eventually all the way east to Falcon Crest Development. The developer of this project is proposing to extend both sewer and water from the west and east into this site. Dry utilities will also be extended into this site to all building lots. Portions of the common areas will be utilized for storm drain; subsurface seepage beds will dispose of the storm water. All storm drain will be designed to accommodate the 100-year event. During the construction of the site, a storm water pollution prevention plan will be provided and best management practices will be implemented. Pressurized irrigation is proposed to all common areas within this development. All the parking has been designed to City standards. Half of the parking will be covered. Bike racks are also being provided in addition Bike closets are provided for each unit. This will allow for alternatives to vehicular traffic.

Neighborhood Meetings

There was a neighborhood meeting conducted prior to submitting this application on April 20, 2016. There were several adjacent land owners that showed up to that meeting. There were color versions of the buildings and architectural drawings that seemed to get a lot of good attention. One of the concerns that people had was traffic onto neighboring streets. For the most part the neighbors took the proposed development well.

Vision Statement

Our vision is to promote a residential development with a series of building products to increase a variety of housing choices within the City of Kuna. This site is centrally located in an area of the City that has been developed with residential and commercial uses. There are entertainment and employment centers in very close proximity to the proposed development. The landscape entrance at the intersection off Kay and Orchard Avenue along with Blue Heron Way will create a very esthetic and nice entrance as you enter this site. Amenities are provided to enhance the livability of this development and promote a sense of being.

Page 4

The Developers is proposing three architectural styles of buildings within the subdivision that will provide a varied streetscape. This mix of development product will enhance the subdivision and provide value to the subdivision years after it has been developed. The landscaping and screening provide the residents of this development a more private sense than a typical rental unit, and the neighboring uses will have little impact from this development. Which in turn allows the developers to have higher fees associated with the units. This development will enhance the community and the project will be an asset to the City.

It is anticipated that the applications are in compliance with all applicable plans and codes adopted by the City. Please notify us as early as possible if you should need additional clarification or information regarding this application. The proposed development will be a great addition to the City. I look forward to working with the City as this development moves forward in the process.

Sincerely,
A Team Land Consultants

A handwritten signature in blue ink that reads "Steve Arnold". The signature is written in a cursive, flowing style.

Steve Arnold
Project & Real Estate Manager

Cc: Doug Kowallis
John Mackey



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

Steve Arnold

6-4-16

Applicant/agent signature

Date



ESTIMATE OF TAX REVENUE GENERATION
FOR
AIRENEL PARK SUBDIVISION

Meridian Rd & Kuna Rd
Kuna, ID 83642
Ada County, Idaho

1-Jun-2016

Property Details:
Section 25 T.2N R.1W



1785 Whisper Cove Avenue
Boise, Idaho 83709
208-321-0525





Project Airenel Park Single family
Residential Lot Count 41

ESTIMATE OF TAX REVENUE GENERATION

ONE-TIME FEES

| <u>Item</u> | <u>Per Lot</u> | <u>Total</u> |
|---------------------------------------|-----------------|------------------|
| Sewer Hook-up Fee | \$4,326 | \$177,366 |
| Sewer Intersepter Fee | \$829 | \$33,989 |
| Water Hook-up Fee | \$2,258 | \$92,578 |
| Water Intersepter Fee | \$1,173 | \$48,093 |
| Water Meter 1" | \$360 | \$14,760 |
| Irrigation Hook-up Fee | \$1,520 | \$62,320 |
| Mechanical Fee-w/o Gas Fireplace-%25 | \$93 | \$953 |
| Mechanical Fee-with Gas Fireplace-%75 | \$128 | \$3,936 |
| Building Permit-Zoning Fee | \$40 | \$1,640 |
| Building Permit-Application Fee | \$30 | \$1,230 |
| Building Permit-Energy Fee | \$25 | \$1,025 |
| Building Permit-Average SF Fee | \$1,000 | \$41,000 |
| Preliminary Submittal-Application Fee | | \$0 |
| ACHD Impact Fee | \$2,541 | \$104,181 |
| TOTAL ONE-TIME FEES | \$14,323 | \$583,071 |

ANNUAL TAXES AND FEES

| <u>Annual Fees</u> | <u>Per Lot</u> | <u>Total</u> |
|--------------------------|----------------|-----------------|
| Annual Water Fee | \$186 | \$7,626 |
| Annual Sewer Fee | \$210 | \$8,610 |
| Annual Highway User Tax | \$150 | \$6,150 |
| Total Annual Fees | \$546 | \$22,386 |

| <u>Annual Taxes</u> | | | | |
|--------------------------------------|---------------|----------------|------------------|--|
| <u>Description</u> | <u>Levy</u> | <u>Per Lot</u> | <u>Total</u> | |
| Assessed Property Value | \$270,000 | | | |
| Ada County | 0.256% | \$691 | \$28,343 | |
| Pest Extermination | 0.012% | \$33 | \$1,346 | |
| Emergency Medical | 0.011% | \$31 | \$1,257 | |
| Ada County Highway Dist | 0.095% | \$258 | \$10,571 | |
| School District No. 3 | 0.386% | \$1,042 | \$42,725 | |
| Kuna Library | 0.051% | \$138 | \$5,661 | |
| Kuna Cemetery | 0.010% | \$28 | \$1,137 | |
| Kuna Fire | 0.104% | \$281 | \$11,531 | |
| Mosquito Abatement | 0.003% | \$7 | \$306 | |
| Total Annual Taxes | 0.929% | \$2,509 | \$102,877 | |
| TOTAL ANNUAL TAXES & FEES | | \$3,055 | \$125,263 | |



Project **Airenel Park Multifamily**
 Commercial Unit Count **84**

ESTIMATE OF TAX REVENUE GENERATION

ONE-TIME FEES

| <u>Item</u> | <u>Per Lot</u> | <u>Total</u> |
|---------------------------------------|-----------------|--------------------|
| Sewer Hook-up Fee | \$4,326 | \$363,384 |
| Sewer Intersepter Fee | \$829 | \$69,636 |
| Water Hook-up Fee | \$2,258 | \$189,672 |
| Water Intersepter Fee | \$1,173 | \$98,532 |
| Water Meter 2" | \$680 | \$57,120 |
| Irrigation Hook-up Fee | \$900 | \$75,600 |
| HVAC (\$1,019/commercial lot) | \$1,019 | \$85,596 |
| Building Permit-Zoning Fee | \$40 | \$3,360 |
| Building Permit-Application Fee | \$30 | \$2,520 |
| Building Permit-Energy Fee | \$25 | \$2,100 |
| Building Permit-Average SF Fee | \$1,000 | \$84,000 |
| Preliminary Submittal-Application Fee | | \$0 |
| ACHD Impact Fee | \$2,541 | \$213,444 |
| TOTAL ONE-TIME FEES | \$14,821 | \$1,244,964 |

ANNUAL TAXES AND FEES

| <u>Annual Fees</u> | <u>Per Lot</u> | <u>Total</u> |
|--------------------------|----------------|-----------------|
| Annual Water Fee | \$186 | \$15,624 |
| Annual Sewer Fee | \$210 | \$17,640 |
| Annual Highway User Tax | \$150 | \$12,600 |
| Total Annual Fees | \$546 | \$45,864 |

Annual Taxes

Assessed Property Value* \$450,000

| <u>Description</u> | <u>Levy</u> | <u>Per Lot</u> | <u>Total</u> |
|--------------------------------------|---------------|----------------|------------------|
| Ada County | 0.256% | \$1,152 | \$96,781 |
| Pest Extermination | 0.012% | \$55 | \$4,598 |
| Emergency Medical | 0.011% | \$51 | \$4,291 |
| Ada County Highway Dist | 0.095% | \$430 | \$36,097 |
| School District No. 3 | 0.386% | \$1,737 | \$145,891 |
| Kuna Library | 0.051% | \$230 | \$19,330 |
| Kuna Cemetery | 0.010% | \$46 | \$3,883 |
| Kuna Fire | 0.104% | \$469 | \$39,373 |
| Mosquito Abatement | 0.003% | \$12 | \$1,043 |
| Total Annual Taxes | 0.929% | \$4,182 | \$351,288 |
| TOTAL ANNUAL TAXES & FEES | | \$4,728 | \$397,152 |

*Property Value is a weighted average based on Value/SF of comparable Multifamily properties in Kuna. Total square footage assumed is 4,000.



Project **Airenel Park Commercial**
Commercial
Unit Count 3

ESTIMATE OF TAX REVENUE GENERATION

ONE-TIME FEES

| <u>Item</u> | <u>Per Lot</u> | <u>Total</u> |
|---------------------------------------|-----------------|------------------|
| Sewer Hook-up Fee | \$4,326 | \$12,978 |
| Sewer Intersepter Fee | \$829 | \$2,487 |
| Water Hook-up Fee | \$2,258 | \$6,774 |
| Water Intersepter Fee | \$1,173 | \$3,519 |
| Water Meter 2" | \$680 | \$2,040 |
| Irrigation Hook-up Fee | \$900 | \$2,700 |
| HVAC (\$1,019/commercial lot) | \$1,019 | \$3,057 |
| Building Permit-Zoning Fee | \$40 | \$120 |
| Building Permit-Application Fee | \$30 | \$90 |
| Building Permit-Energy Fee | \$25 | \$75 |
| Building Permit-Average SF Fee | \$1,000 | \$3,000 |
| Preliminary Submittal-Application Fee | | \$30,000 |
| ACHD Impact Fee | \$56,000 | \$168,000 |
| TOTAL ONE-TIME FEES | \$68,280 | \$234,840 |

ANNUAL TAXES AND FEES

| <u>Annual Fees</u> | <u>Per Lot</u> | <u>Total</u> |
|--------------------------|----------------|----------------|
| Annual Water Fee | \$186 | \$558 |
| Annual Sewer Fee | \$210 | \$630 |
| Annual Highway User Tax | \$150 | \$450 |
| Total Annual Fees | \$546 | \$1,638 |

Annual Taxes

Assessed Property Value* \$1,500,000

| <u>Description</u> | <u>Levy</u> | <u>Per Lot</u> | <u>Total</u> |
|--------------------------------------|---------------|-----------------|-----------------|
| Ada County | 0.256% | \$3,841 | \$11,522 |
| Pest Extermination | 0.012% | \$182 | \$547 |
| Emergency Medical | 0.011% | \$170 | \$511 |
| Ada County Highway Dist | 0.095% | \$1,432 | \$4,297 |
| School District No. 3 | 0.386% | \$5,789 | \$17,368 |
| Kuna Library | 0.051% | \$767 | \$2,301 |
| Kuna Cemetery | 0.010% | \$154 | \$462 |
| Kuna Fire | 0.104% | \$1,562 | \$4,687 |
| Mosquito Abatement | 0.003% | \$41 | \$124 |
| Total Annual Taxes | 0.929% | \$13,940 | \$41,820 |
| TOTAL ANNUAL TAXES & FEES | | \$14,486 | \$43,458 |

*Property Value is a weighted average based on Value/SF of comparable Commercial properties in Kuna. Total square footage assumed is 25,600.



Project Airenel Park Townhouse
Commercial
Unit Count 16

ESTIMATE OF TAX REVENUE GENERATION

ONE-TIME FEES

| <u>Item</u> | <u>Per Lot</u> | <u>Total</u> |
|---------------------------------------|-----------------|------------------|
| Sewer Hook-up Fee | \$4,326 | \$69,216 |
| Sewer Intersepter Fee | \$829 | \$13,264 |
| Water Hook-up Fee | \$2,258 | \$36,128 |
| Water Intersepter Fee | \$1,173 | \$18,768 |
| Irrigation Hook-up Fee | \$900 | \$14,400 |
| HVAC (\$1,019/commercial lot) | \$1,019 | \$16,304 |
| Building Permit-Zoning Fee | \$40 | \$640 |
| Building Permit-Application Fee | \$30 | \$480 |
| Building Permit-Energy Fee | \$25 | \$400 |
| Building Permit-Average SF Fee | \$1,000 | \$16,000 |
| Preliminary Submittal-Application Fee | | \$0 |
| ACHD Impact Fee | \$2,541 | \$40,656 |
| TOTAL ONE-TIME FEES | \$14,141 | \$226,256 |

ANNUAL TAXES AND FEES

| <u>Annual Fees</u> | <u>Per Lot</u> | <u>Total</u> | |
|--------------------------------------|----------------|----------------|-----------------|
| Annual Water Fee | \$186 | \$2,976 | |
| Annual Sewer Fee | \$210 | \$3,360 | |
| Annual Highway User Tax | \$150 | \$2,400 | |
| Total Annual Fees | \$546 | \$8,736 | |
| <u>Annual Taxes</u> | | | |
| Assessed Property Value* | \$200,000 | | |
| <u>Description</u> | <u>Levy</u> | <u>Per Lot</u> | <u>Total</u> |
| Ada County | 0.256% | \$512 | \$8,193 |
| Pest Extermination | 0.012% | \$24 | \$389 |
| Emergency Medical | 0.011% | \$23 | \$363 |
| Ada County Highway Dist | 0.095% | \$191 | \$3,056 |
| School District No. 3 | 0.386% | \$772 | \$12,351 |
| Kuna Library | 0.051% | \$102 | \$1,636 |
| Kuna Cemetery | 0.010% | \$21 | \$329 |
| Kuna Fire | 0.104% | \$208 | \$3,333 |
| Mosquito Abatement | 0.003% | \$6 | \$88 |
| Total Annual Taxes | 0.929% | \$1,859 | \$29,739 |
| TOTAL ANNUAL TAXES & FEES | | \$2,405 | \$38,475 |

*Property Value is a weighted average based on Value/SF of comparable Townhouse properties in Kuna. Total square footage assumed is 1,600.

Steve Arnold

From: Jerry Hastings <jhastings@adaweb.net>
Sent: Monday, April 4, 2016 4:33 PM
To: Steve Arnold
Subject: Airenel Park Subdivision Name Reservation

April 4, 2016

Steve Arnold
A Team

RE: Subdivision Name Reservation: **"Airenel Park Subdivision" NW 1/4 SECTION 25, T2N, R1W, BM.**

Dear Steve,

At your request, I will reserve the name **"Airenel Park Subdivision"** for your project. I can honor this reservation only as long as your project is in the approval process. Final approval can only take place when the final plat is recorded.

This reservation is available for the project as long as it is in the approval process unless the project is terminated by the client or the jurisdiction or the conditions of approval have not been met. In which case the name can be re-used by someone else.

Sincerely,



Jerry L. Hastings, PLS 5359
County Surveyor
Deputy Clerk Recorder
Ada County Development Services
200 W. Front St., Boise, ID 83702
(208) 287-7912 office
(208) 287-7909 fax

From: Steve Arnold [mailto:steve@ateamboise.com]
Sent: Monday, April 04, 2016 3:57 PM
To: Jerry Hastings
Subject: RE: Subdivision Name

Jerry,

Let's go with Airenel Park Subdivision. I did not see "Airenel", it is our clients daughters name.

Thanks,



Steve Arnold, Project Manager
(208) 871-7020
1785 S Whisper Cove, Boise, Idaho 83709



steve@ateamboise.com

From: Jerry Hastings [<mailto:jhastings@adaweb.net>]
Sent: Monday, March 14, 2016 1:09 PM
To: Steve Arnold <steve@ateamboise.com>
Subject: RE: Subdivision Name

Hi Steve, the name would be a duplicate, there are already a boatload of Southsomethings in the list. Please pick another name. The website has some resources to check into and I have a pdf attached that should help also. Thanks, Jerry.



Jerry L. Hastings, PLS 5359
County Surveyor
Deputy Clerk Recorder
Ada County Development Services
200 W. Front St., Boise, ID 83702
(208) 287-7912 *office*
(208) 287-7909 *fax*

From: Steve Arnold [<mailto:steve@ateamboise.com>]
Sent: Thursday, March 10, 2016 4:04 PM
To: Jerry Hastings
Subject: Subdivision Name

Jerry,

I would like to reserve the name:

Southsky Estates Subdivision

The site is located in Kuna between Kay Avenue and Orchard Avenue, 2n 1w sect 25.

Thanks,



Steve Arnold, Project Manager
(208) 871-7020
1785 S Whisper Cove, Boise, Idaho 83709
steve@ateamboise.com

PROPOSED USE:

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

Application Type

- Annexation
- Re-zone
- Subdivision (Sketch Plat and/or Prelim. Plat)
- Special Use
- Variance
- Expansion of Extension of a Nonconforming Use
- Zoning Ordinance Map Amendment

Brief Description

The applicant is proposing a mixed use development with multifamily, townhouse, single family and commercial lots.
There will be a special use permit, preliminary plat and rezone application submitted for this development.

APPLICANT:

Name: A Team Land Consultants, Steve Arnold

Address: 1785 Whisper Cove Avenue

City: Boise State: ID Zip: 83709

Telephone: 321-0525 Fax: 401-0977

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 6/2/16



April 13, 2016

INVITATION TO NEIGHBORHOOD MEETING

Dear Property Owner:

Kuna City Code requires an opportunity for a meeting between the applicant of a development proposal and the residents of the neighborhood in which the development site is located. The meeting shall occur prior to formal submittal of the development application to the City. This letter is a notice of an opportunity to review and discuss our proposed preliminary plat generally located between Orchard and Kay Avenue, south of Avalon Street. If you have any questions regarding this Kuna City Code neighborhood meeting requirement, please contact the Planning Division at 922-5274. If you have any questions about the proposed development please give me a call at 871-7020.

Purpose: To review and provide comments regarding the proposed Preliminary Plat.

When: April 20, 2016, at 6:00-7:00 p.m.

Where: Kuna Rural Fire District Station # 1, 150 W. Boise Street, Kuna ID 83634.

Project Description: The applicant is proposing to subdivide 22.88-acres into approximately 3 commercial lots, 44 single family lots, and 20 four plex buildings.

If you cannot attend the meeting and have questions concerning the application for Preliminary Plat, SUP, and Rezone applications, please feel free to call me at 871-7020.

Sincerely,
A Team Land Consultants

A handwritten signature in blue ink that reads "Steve Arnold".

Steve Arnold
Project & Real Estate Manager

RECEIVED
APR 19 2016
CITY OF KUNA

SIGN IN SHEET

PROJECT NAME: Airenel Subdivision

Date: 4/20/2016

| | <u>Name</u> | <u>Address</u> | <u>Zip</u> | <u>Phone</u> |
|----|------------------------|---------------------|------------|--|
| 1 | Cathy Campbell | 208 S. Blue Diamond | 83634 | 208-899-3533 |
| 2 | Loretta Young-Sidener | 221 S. Blue Diamond | 83634 | 208-412-5912 |
| 3 | Mike Young | 1838 Toluca | 83712 | 860-9303 |
| 4 | Thomas W. Sidener | 221 S Blue Diamond | 83634 | 208-412-5679 |
| 5 | Nick Young | 200 S. Orchard ave | 83634 | 208-860-9306 |
| 6 | Jackie Young | 200 S Orchard ave | 83634 | 208-860-2665 |
| 7 | John Messmer | 235 S. Orchard | 83634 | 870 1384 |
| 8 | Barbara Charles | 418 E Stagecoach | 83634 | 866-2114 |
| 9 | Valerie Charles | 418 E. Stagecoach | 83634 | 794-1146 |
| 10 | UNC 345 (@Hotmail.com) | | | |
| 11 | | | | |
| 12 | | | | |
| 13 | | | | |
| 14 | | | | |
| 15 | Jackie + Nick Young | | | jackienickema@yahoo.com |
| 16 | | | | |
| 17 | Mike Young | | | mbugolf@yahoo.com |
| 18 | Loretta + Tom Sidener | | | tomisstude@yahoo.com or lyungsidener@gmail.com |
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Troy Behunin

From: Cathy Campbell <catnendrew@aol.com>
Sent: Monday, April 25, 2016 5:58 PM
To: steve@ateamboise.com; Troy Behunin
Subject: Orchard-Blue Diamond Lane-Kay St - Kuna ID layout idea
Attachments: 2846_001.pdf; Orchard-Blue Diamond-Kay St- Kuna Idea and meeting notes.docx

As promised I noted I would play with an idea of what might be a possible layout on the development under contract.

It really seems that a trade for Blue Diamond Lane directly West and East of Lorretta's home at 221 S. Blue Diamond Lane might be a great solution to making the street public with better access all the way around. That way she doesn't have 8 townhouses looking in her back yard and her nephew can build there, as expressed desired. The city and the development get a better access-layout to the future development.

I also realized that my letter on AOL didn't come out as I typed in the manner of which is "letter legible" I apologize for relying on AOL to deliver such.

Attached is the same letter sent 4-20-16 but in a word document.

I only hope this is helpful all around.

Sincerely,

Cathy Campbell



Troy Behunin

From: Cathy Campbell <catnendrew@aol.com>
Sent: Wednesday, April 20, 2016 11:16 PM
To: steve@eamboise.com; Troy Behunin
Subject: Proposed Preliminary plat between Orchard and Kay Ave Kuna -aka Young Family property

Mr. Arnold,

1. It seemed pretty clear that all the neighbors of the proposed plat plan for the development are highly against the townhouses location behind the commercial section that backs to 221 Blue Diamond Lane and 509 Avalon.

Suggestions were:

Put open area -park access to walk way there.

Lay out this as 4 Single Family homes in lieu of 4 (4 unit Townhouses) or 2 SFR's with beautification entrance.

Commercial

or Sell to interested parties with those plans which are family of the current owners.

2. The 5.17 acre site on the proposed plan is very high density for apartments. "The Journey's End" has the same quantity proposed on 20 acres that is 4 times the density in the next lot over. This location should be left as single family residential coming in from Kay Avenue. No rezoning preferred on that lot, especially if the intent is to resell the land. If multi-family homes are a City requirement in rezoning then Town homes should go there. The density would put a large burden on additional traffic in all directions thru the development. The Highway District should put the burden of a lighted intersection at Kay Avenue to allow this kind of density.
 - 44 homes= 88 car travel 2 times a day
 - 80 units=160 car travel 2 times a day.
 - 500 car trips just on residential through Kay St. Then add the Physical Fitness, Walgreens, St. Al's and the Dental office trips. All coming out on Kay Ave. Maybe 700-1000 per day.
 The Density is just too high... Double this number with "The Journey's End" development already in progress.

3. Vinyl Fencing is the only fencing requested by ALL neighbors directly touching development.

4. The pathway along the creek is the best possible requirement for the development for long term City preservation and beautification.
 - This Indian Creek pathway can be one of the best in the state due to the distance Kuna holds on it.

5. 5000 square foot residential single family lots do not provide ample building room for "High End" homes as indicated in the meeting.
 - 8000-10000 square foot lots are better suited to deal with the buyers that will have to choose to deal with the traffic into the development and the Freight Train noises nuisances they will expect to pay less for in value. The Freight Trains run 24/7/365 and honk their horn directly at this location. Some people do like trains....others do not.

6. Grading issues:

A. The Property at 509 Avalon sits lower than proposed commercial road.

B. The Property at 208 S. Blue Diamond Lane is lot line messed up from the original owners intent...so while that is it's own issue the grade on the South side of this property to the proposed development is easily 6 to 7 feet difference in

grade higher. Any fencing going in is welcome if vinyl and actually corrected on the property line as to make sure that the built in pool is not affected by grade work on proposed development.

7. We were told that the Highway District did NOT Want to "connect" Blue Diamond Lane directly to the residential development but to turn onto the commercial easement behind the Truss Shop to a new unnamed road. This doesn't make sense when Blue Diamond Lane could be taken directly into the development. This would require purchasing the road from Lorretta Young...& her husband Tom. It seemed to be a option they would consider.

It seems that purchasing approximately 50 feet is easier than developing the access road addition to the west of it. Traffic is the only concern, *mostly due to proposed density*.

8. Should the Development and Highway District and or City allow, prefer, or require the purchase of the continuation of Blue Diamond into the Development the Lot lines will need to be reviewed and adjusted. The original owner Don Young Jr and father Don Young Sr. intended the line to be different than is currently recorded. It is off on all lines of Blue Diamond Lane. Affecting the Commercial lot that's address is Wythe Creek backs up to Blue Diamond at corner of Avalon. Affecting 7-9 feet of 182 Blue Diamond Lane and 9-11 feet of 208 Blue Diamond Lane. 208 Blue Diamond Lane loses 9 feet on east property line and gains 11 feet on west property line as originally intended by Young family. This property currently owned by Campbell. "As originally intended" can be proved by electrical permits requested for original home with brick pillar lighting on the west side and the Young's development of vinyl fencing and landscaping on the east side on said property of which they have since sold the the Stafford Family Trust. The brick is that of which is actually on the home and the pillars as well as the electrical coming from the home to the pillars. The Sprinklers installed by the Young's also run from the electrical from the home. This is a perfect time to correct what was once asked to be corrected previously and scrapped on the bigger picture requested years ago when the owners wished to develop the property themselves. It truly benefits the City to have Blue Diamond be a complete public road, not a partial public road. The Lot line adjustment is minimal. It is also the right thing to do.

While most of this information is what was understood at the meeting and noted preferred by all the owners on most items.

I speak for myself on the 208 S. Blue Diamond Lane Property.

Please share this information with contract buyers and do your best. We do all feel this could and SHOULD be better than proposed.

Thank You for your time you have my contact information should you wish to contact me. I do work normal hours though, so limited there. I will give you a scratch idea to consider sometime next week.

Sincerely

Cathy Campbell
208-899-3533

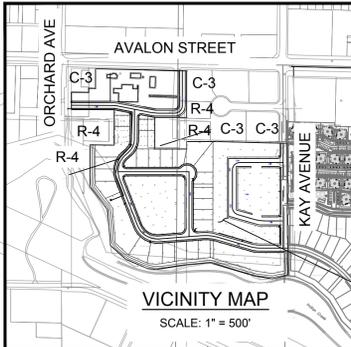
Mr. Behunin. Just sharing in the conversations of the meeting on April 20, 2016 and concerns noted. Thank you for your time.

P.S. The City should not call the walk way path the "Kuna Green Belt" It should be referred to " Indian Creek Pathway". We shouldn't be compared to Boise' Green Belt, but be known that we can be better with the Indian Creek Pathway and take it to both ends of the entire City limits. That's a great goal.

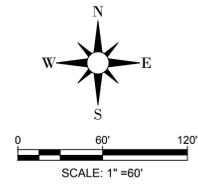


NOTES

- KUNA CITY SEWER AND WATER WILL BE EXTENDED TO ALL LOTS.
- ALL LOTS SHALL HAVE A PERMANENT EASEMENT FOR PUBLIC UTILITIES, STREET LIGHTS, IRRIGATION AND LOT DRAINAGE OVER THE 10 (TEN) FEET ADJACENT TO ANY PUBLIC OR PRIVATE STREET. THERE SHALL BE A 5 (FIVE) FOOT PUBLIC UTILITY, IRRIGATION AND LOT DRAINAGE EASEMENT ADJACENT TO ANY LOT LINE NOT ADJACENT TO A PUBLIC OR PRIVATE STREET.
- MINIMUM BUILDING SETBACK LINES SHALL BE IN ACCORDANCE WITH THE APPLICABLE STANDARDS OF THE CITY OF KUNA AT THE TIME OF ISSUANCE OF THE BUILDING PERMIT.
- EACH LOT WILL BE PROVIDED WITH PRESSURIZED IRRIGATION.
- STORM DRAINAGE SHALL BE RETAINED ON SITE THROUGH SURFACE AND SUBSURFACE FACILITIES AS APPROVED BY ACHD.
- MULTIFAMILY AND TOWNHOUSE UNITS WILL MAINTAIN A 15' SETBACK AT THE PERIMETER OF THE SUBDIVISION AND 0' TO ADJACENT UNITS.
- A PORTION OF THE SUBJECT PROPERTY FALLS WITHIN THE FEMA 100 YEAR FLOOD HAZARD ZONE AS SHOWN. REFERENCE FIRM PANEL 16001C400J, DATED OCT. 2, 2003.
- LOTS 1, 6, 11 BLOCK 1 - LOTS 1, 6, 11, 12, 20, 25, 41, 43, 45, 50 BLOCK 2 - LOTS 1 & 13 BLOCK 3 - LOTS 1, 6, 11, 16, 26, & 33 BLOCK 4 ARE ALL COMMON LOTS. ALL COMMON LOTS SHALL BE OWNED AND MAINTAINED BY THE AIRENEL PARK HOME OWNERS ASSOCIATION.
- LOT 45 BLOCK 2 IS A COMMON DRIVE ISLE LOT TO BE UTILIZED FOR UTILITIES AND INGRESS AND EGRESS FOR THE MULTIFAMILY UNITS. SAID LOT SHALL BE OWNED AND MAINTAINED BY AN ASSOCIATION OF THOSE UNITS.
- THERE SHALL BE A VEHICULAR CROSS ACCESS EASEMENT ALONG AVALON STREET FOR ALL THE COMMERCIAL LOTS FRONTING ON AVALON STREET.
- ALL EXISTING BUILDINGS WILL BE REMOVED



50' RIGHT-OF-WAY 36' STREET SECTION
NOT TO SCALE



PROJECT LOCATION

LEGEND

| | | | |
|-----|---------------------------------|---|-----------------------------|
| --- | SITE BOUNDARY LINE | ▲ | FOUND ALUMINUM CAP MONUMENT |
| --- | LOT LINE | ▲ | CALCULATED POINT |
| --- | RIGHT-OF-WAY LINE | ▲ | SURVEY CONTROL POINT |
| --- | 8" SANITARY SEWER LINE | ▲ | SANITARY SEWER MANHOLE |
| --- | WATER LINE | ▲ | STORM DRAIN MANHOLE |
| --- | PRESSURE IRRIGATION LINE | ▲ | CATCH BASIN |
| --- | STORM DRAINAGE RETENTION SYSTEM | ▲ | SURFACE FLOW DIRECTION |
| --- | ZONING BOUNDARY | ▲ | FIRE HYDRANT |
| --- | EXISTING PARCEL/LOT LINE | ▲ | WATER VALVE |
| --- | ACHD SLOPE EASEMENT LINE | ▲ | WATER SERVICE |
| --- | CENTERLINE | ▲ | IRRIGATION VALVE |
| --- | SECTION LINE | ▲ | WATER METER |
| --- | EXISTING FENCE LINE | ▲ | EXISTING LOT NUMBER |
| --- | TOP OF WATER LINE | ▲ | NATURAL GAS LINE MARKER |
| --- | EXISTING SANITARY SEWER LINE | ▲ | TELEPHONE SERVICE RISER |
| --- | EXISTING STORM DRAIN LINE | ▲ | ELECTRIC TRANSFORMER BOX |
| --- | EXISTING OVER HEAD POWER LINE | ▲ | SIGNAL JUNCTION BOX |
| --- | EXISTING WATER LINE | ▲ | GUY WIRE ANCHOR |
| --- | EXISTING IRRIGATION LINE | ▲ | POWER/UTILITY POLE |
| --- | EXISTING EDGE OF PAVEMENT | ▲ | STREET SIGN |
| --- | EXISTING EDGE OF GRAVEL | ▲ | DECIDUOUS TREE |
| --- | EXISTING CURB LINE | ▲ | CONIFEROUS TREE |
| --- | | ▲ | MAILBOX |
| --- | | ▲ | STREET LIGHT |

PRELIMINARY DEVELOPMENT FEATURES

| | | | |
|----------------|--|---|-----|
| PARCEL NO'S: | R0615253032 | PARKING REQUIREMENTS: | |
| ADDRESSES: | 447 E AVALON ST. KUNA, ID 83634 | PROVIDED: | 178 |
| ZONING: | R-4 (EXISTING) R-4 (TO REMAIN) C-1 (PROPOSED) MULTIFAMILY C-1 (PROPOSED) COMMERCIAL C-1 (PROPOSED) TOWNHOUSE | ADA PARKING: | 8 |
| PROPERTY SIZE: | 22.8 AC | COVERED PARKING: | 50% |
| TOTAL LOTS: | 102 | SETBACKS: | |
| COMMON: | 21 | FRONT: | 20' |
| RESIDENTIAL: | 41 | REAR: | 15' |
| TOWNHOMES: | 16 | SIDE: | 5' |
| 4-PLEXES: | 21 | SITE AMENITIES: | |
| COMMERCIAL: | 3 | CLUBHOUSE, POOL, PLAYGROUND, PATHWAYS, LANDSCAPE BUFFERS | |

| | |
|---|---|
| SURVEYOR IDAHO SURVEY GROUP, P.C. 1450 E. WATERTOWER ST. SUITE 130 MERIDIAN, IDAHO 83642 PH. (208) 846-8570 | OWNER DON YOUNG LAND INC. P.O. BOX 189 KUNA, ID 83634 |
|---|---|

| | |
|--|--|
| PLANNER / CONTACT STEVE ARNOLD A-TEAM LAND CONSULTANTS 1785 WHISPER COVE AVE. BOISE, ID 83709 208-871-7020 | DEVELOPER LITTLE WOOD LANDING LLC 4679 W PRICKLY PEAR DR EAGLE, ID 83616 |
|--|--|

PRELIMINARY PLAT MAP
AIRENEL PARK SUBDIVISION
SECTION 25, T.2N., R.1W., B.M.
CITY OF KUNA, ADA COUNTY, IDAHO

| | |
|--|-------------------------|
| A-TEAM Land Development & Real Estate Services | CJ SHERLOCK 8/4/2016 |
|--|-------------------------|



LEGEND

| | | | |
|-----|---------------------------------|---|-----------------------------|
| --- | SITE BOUNDARY LINE | ▲ | FOUND ALUMINUM CAP MONUMENT |
| --- | LOT LINE | △ | CALCULATED POINT |
| --- | RIGHT-OF-WAY LINE | + | SURVEY CONTROL POINT |
| SS | 8" SANITARY SEWER LINE | ⊙ | SANITARY SEWER MANHOLE |
| --- | WATER LINE | ⊙ | STORM DRAIN MANHOLE |
| --- | PRESSURE IRRIGATION LINE | ▭ | CATCH BASIN |
| --- | STORM DRAINAGE RETENTION SYSTEM | → | SURFACE FLOW DIRECTION |
| --- | ZONING BOUNDARY | ⊙ | FIRE HYDRANT |
| --- | EXISTING PARCEL/LOT LINE | ⊙ | WATER VALVE |
| --- | ACHD SLOPE EASEMENT LINE | ⊙ | WATER SERVICE |
| --- | CENTERLINE | ⊙ | IRRIGATION VALVE |
| --- | SECTION LINE | ⊙ | WATER METER |
| --- | EXISTING FENCE LINE | ⊙ | EXISTING LOT NUMBER |
| --- | TOP OF WATER LINE | ⊙ | NATURAL GAS LINE MARKER |
| --- | EXISTING SANITARY SEWER LINE | ⊙ | TELEPHONE SERVICE RISER |
| SD | EXISTING STORM DRAIN LINE | ⊙ | ELECTRIC TRANSFORMER BOX |
| --- | EXISTING OVER HEAD POWER LINE | ⊙ | SIGNAL JUNCTION BOX |
| --- | EXISTING WATER LINE | ⊙ | GUY WIRE ANCHOR |
| --- | EXISTING IRRIGATION LINE | ⊙ | POWER/UTILITY POLE |
| EP | EXISTING EDGE OF PAVEMENT | ⊙ | STREET SIGN |
| --- | EXISTING EDGE OF GRAVEL | ⊙ | DECIDUOUS TREE |
| --- | EXISTING CURB LINE | ⊙ | CONIFEROUS TREE |
| | | ⊙ | MAILBOX |
| | | ⊙ | STREET LIGHT |

PRELIMINARY DEVELOPMENT FEATURES

| | | | |
|------------------------------|------------------------------------|--|-----|
| PARCEL NO'S: | R0615253032 | PARKING REQUIREMENTS: | |
| | | PROVIDED: | 178 |
| | | ADA PARKING: | 8 |
| | | COVERED PARKING: | 50% |
| ADDRESSES: | 447 E AVALON ST. KUNA, ID 83634 | SETBACKS: | |
| | | FRONT: | 20' |
| | | REAR: | 15' |
| | | SIDE: | 5' |
| ZONING: | | SITE AMENITIES: | |
| R-4 (EXISTING) | 22.8 AC | CLUBHOUSE, POOL, PLAYGROUND, PATHWAYS, | |
| R-4 (TO REMAIN) | 14.04 AC | LANDSCAPE BUFFERS | |
| C-1 (PROPOSED) MULTIFAMILY | 5.17 AC | | |
| C-1 (PROPOSED) COMMERCIAL | 2.52 AC | | |
| C-1 (PROPOSED) TOWNHOUSE | 1.07 AC | | |
| PROPERTY SIZE: | 22.8 AC | | |
| TOTAL LOTS: | 99 | | |
| COMMON | 21 | | |
| RESIDENTIAL: | 41 | | |
| TOWNHOMES: | 16 | | |
| 4-PLEXES: | 21 | | |
| DENSITY: | | | |
| RESIDENTIAL: | 2.9 AC | | |
| TOWNHOMES: | 14.95 AC | | |
| 4-PLEXES: | 16.24 AC | | |
| SITE DETAILS: | | | |
| COMMON LANDSCAPE AREA | | | |
| 4-PLEX (EXCLUDING LOT 45) | .39 AC | | |
| TOWNHOME: | .18 AC | | |
| SINGLE FAMILY: | 1.97 AC | | |
| COMMERCIAL: | .50 AC | | |
| PAVED PUBLIC STREET AREA | 3.82 AC | | |
| PRIVATE DRIVE ISLE AREA | | | |
| 4PLEX (LOT 45): | 1.72 AC | | |
| TOWNHOMES: | .12 AC | | |
| LANDSCAPED AREA | | | |
| TOWNHOMES: | .58 AC | | |
| 4-PLEX UNITS: | 1.82 AC | | |
| (EXCLUDING 4 PLEX FOOTPRINT) | | | |
| LINEAR STREET LENGTH | 2551.41' | | |

SURVEYOR
IDAHO SURVEY GROUP, P.C.
1450 E. WATERTOWER ST.
SUITE 130
MERIDIAN, IDAHO 83642
PH. (208) 846-8570

OWNER
DON YOUNG LAND INC.
P.O. BOX 189
KUNA, ID 83634

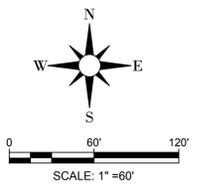
PLANNER / CONTACT
STEVE ARNOLD
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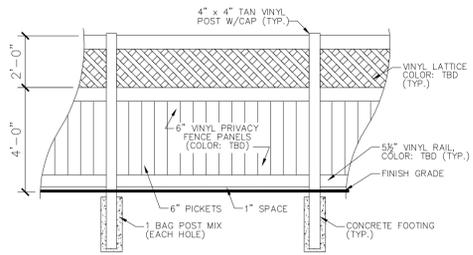
DEVELOPER
LITTLE WOOD LANDING LLC
4679 W PRICKLY PEAR DR
EAGLE, ID 83616

SUP MAP
AIRENEL PARK SUBDIVISION
SECTION 25, T.2N., R.1W., B.M.
CITY OF KUNA, ADA COUNTY, IDAHO

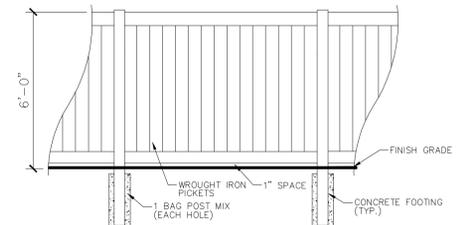
TEAM
Land Development & Real Estate Services

CJ SHERLOCK
08/04/2016

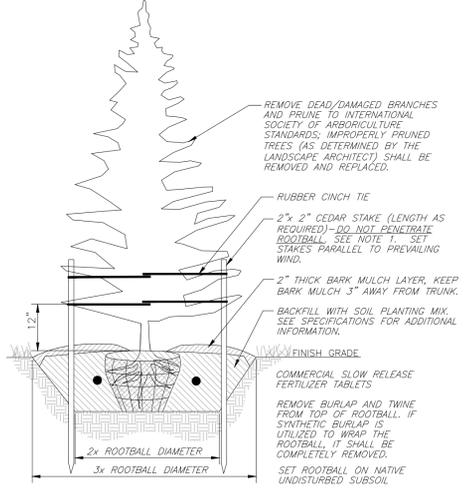




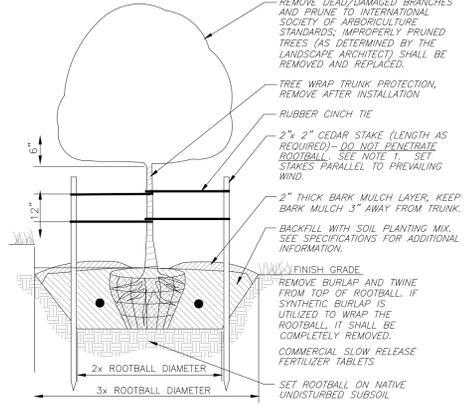
6' VINYL LATTICE TOP FENCE
NOT TO SCALE



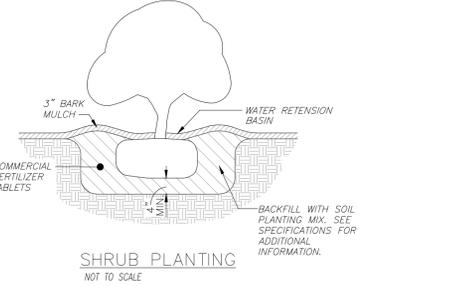
6' WROUGHT IRON FENCE
NOT TO SCALE



CONIFEROUS TREE PLANTING
NOT TO SCALE



DECIDUOUS TREE PLANTING
NOT TO SCALE



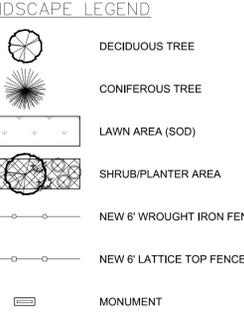
SHRUB PLANTING
NOT TO SCALE

| TREES (GRADE #1) | | | | SHRUBS | | | |
|------------------|--|---------------|---------|--------|---|---------------|--|
| KEY | COMMON/BOTANICAL NAME | PLANTING SIZE | CLASS | KEY | COMMON/BOTANICAL NAME | PLANTING SIZE | |
| AA | COLUMBIAN NORWAY MAPLE <i>Acer Platanoides 'Columnar'</i> | 2" B&B | I | ○ | DWARF BURNING BUSH <i>Eurosta alata 'Compacta'</i> | 2 Gal. | |
| AR | ROYAL RED MAPLE <i>Acer Platanoides 'Royal Red'</i> | 2" B&B | II | ○ | CRIMSON PYGMY JAPANESE BARBERRY <i>Opuntia 'Pygmy Japanese Barberry'</i> | 2 Gal. | |
| BN | RIVER BIRCH <i>Betula Nigra</i> | 2" B&B | II | ○ | IVORY PALM DOGWOOD <i>Cornus Alba 'Balaua'</i> | 2 Gal. | |
| CC | GOLD DEODAR CEDAR <i>Cedrus Deodara 'Nana'</i> | 5'-6'ht. B&B | Conifer | ○ | BLUE CHIP JUNIPER <i>Juniperus Horizontalis 'Blue Chip'</i> | 2 Gal. | |
| FP | CIMMARRON ASH <i>Fraxinus Pennsylvanica 'Cimmaron'</i> | 2" B&B | II | ○ | GOLD STAR POTENTILLA <i>Potentilla Fruticosa 'Gold Star'</i> | 2 Gal. | |
| GT | SKYLINE HONEYLOCUST <i>Gleditsia Triacanthos 'Semi Spicata'</i> | 2" B&B | II | ○ | EMERALD ARBORVITAE <i>Thuja Occidentalis 'Emerald'</i> | 4'-6" B&B | |
| MR | RED BARRON CRABAPPLE <i>Malus X 'Red Barron'</i> | 2" B&B | I | ○ | WHITE GROUNDCOVER ROSE <i>Rosa X 'Nasachne'</i> | 2 Gal. | |
| MS | RED JEWEL CRABAPPLE <i>Malus X 'Jewelton'</i> | 2" B&B | I | ○ | MERLOT FLOWER CARPET ROSE <i>Rosa X 'Flower Carpet'</i> | 2 Gal. | |
| PB | BACHERI SPRUCE <i>Picea pungens 'Bachner'</i> | 5'-6'ht. B&B | Conifer | ○ | NEON FLASH SPIRAEA <i>Spiraea Japonica 'Neon Star'</i> | 2 Gal. | |
| BS | BLUE SHAG EASTERN WHITE PINE <i>Pinus Strobus 'Blue Shag'</i> | 5 Gal. | Conifer | | | | |
| DB | Dwarf Globe Blue Spruce <i>Picea pungens 'Globeau'</i> | 5 Gal. | Conifer | | | | |
| PR | COLUMBIAN SARGENT CHERRY <i>Prunus Sargentii 'Columbian'</i> | 2" B&B | I | | | | |
| PP | COLORADO BLUE SPRUCE <i>Picea pungens 'Glauca'</i> | 6" B&B | Conifer | | | | |
| TC | GREENSPIRE LINDEN <i>Tilia Cordata 'Greenspire'</i> | 2" B&B | II | | | | |

| GROUND COVERS/GRASSES/PERENNIALS | | | |
|---|-------------------|--|--|
| COMMON/BOTANICAL NAME | PLANTING SIZE | | |
| DWARF FEATHER GRASS <i>Calamagrostis X Acutiflora 'Dwarfstar'</i> | 1 Gal. @ 36" O.C. | | |
| MOONBAM THREADLEAF TICKSEED <i>Chrysopsis Verticillata 'Moonbeam'</i> | | | |
| ELIJAH BLUE FESCUE <i>Festuca Ovina 'Elijah'</i> | | | |
| STELLA DE ORO DAYLILY <i>Hemerocallis X Stella De Oro</i> | | | |
| DILLY DILLY ENGLISH LAVENDER <i>Lavandula Angustifolia 'Dilly Dilly'</i> | | | |
| LITTLE BUNNY DWARF FOUNTAIN GRASS <i>Pennisetum Alopecuroides 'Little Bunny'</i> | | | |
| FRANCE PLANTAIN LILY <i>Hasta France'</i> | | | |
| GOLDSTRUM BLACK EYED SUSAN <i>Rudbeckia Fugata 'Goldstrum'</i> | | | |

- ### LANDSCAPE & IRRIGATION NOTES:
- Contractor shall report to landscape architect all conditions which impair and/or prevent the proper execution of this work, prior to beginning work.
 - Coordinate work schedule and observations with landscape architect prior to construction start-up.
 - New conifer and deciduous tree planting, see detail B and C/L1.0. Contractor shall stake all trees deemed necessary, i.e., from being blown over, planted with loose root ball, etc. Contractor's option.
 - New shrub planting. See detail A/L1.0.
 - All plant material shall conform to the American Nurseryman Standards for type and size shown. Plants will be rejected if not in a sound and healthy condition.
 - All planting beds shall be covered with a minimum of 3" of small (1" minus) bark chips. Submit for approval.
 - All plant material shall be guaranteed for a period of one year beginning at the date of acceptance by Owner. Replace all plant material found dead or not in a healthy condition immediately with the same size and species at no cost to the Owner.
 - Finish grades to be smooth and even gradients with positive drainage in accordance with site grading plan.
 - In all planter bed and lawn areas, the top 6 inches of topsoil will be amended at a ratio of 3 cubic yards of organic matter per 1000 square feet. Roto-till organic matter a minimum of 6 inches into topsoil.
 - Fertilize all trees and shrubs with 'Agriform' planting tablets. Quantity per manufacturer's recommendations.
 - All planting beds shall have a minimum of 18" of topsoil. Lawn areas shall have a minimum of 12" topsoil. Spread, compact and fine grade topsoil to a smooth and uniform grade 3" below surface of walks and curbs in planting bed areas, 1 1/2" at sod lawn areas, and 1" at seed lawn areas.
 - Reuse existing surface topsoil stockpiled on the site. Verify suitability of surface soil to produce topsoil meeting requirements and amend when necessary. Topsoil shall be a loose, friable, sandy loam, clean and free of toxic materials, noxious weeds, weed seeds, rocks, grass or other foreign material and a pH of 5.5 to 7.0. If on-site topsoil does not meet these minimum standards, contractors are responsible to either: a) provide approved imported topsoil, or b.) improve on-site topsoil with methods approved by landscape architect. Supplement with imported topsoil when quantities are insufficient. Clean topsoil of roots, plants, sods, stones, clay lumps and other extraneous materials harmful to plant growth. If imported topsoil from off-site sources is required, provide new topsoil that is fertile, friable, natural loam, surface soil, reasonably free of subsol, clay lumps, brush, weeds and other litter, and free of roots, stumps, stones larger than 2 inches in any dimension, and other extraneous or toxic matter harmful to plant growth.
 - Obtain topsoil from local sources or from areas having similar soil characteristics to that found at project site. Obtain topsoil only from naturally, well-drained sites where topsoil occurs in a depth of not less than 4 inches.
 - Representative samples shall be tested for acidity, fertility and general texture by a recognized commercial or government agency and copies of the testing agency's findings and recommendations shall be furnished to the Architects representative by the contractor. No topsoil shall be delivered in a frozen or muddy condition. Acidity/alkalinity range - Ph. 5.5 to 7.6.
 - Immediately clean up any topsoil or other debris on the site created from landscape operations and dispose of properly off site.
 - All landscaped areas shall have an automatic underground sprinkler system which insures complete coverage and properly zoned for required water uses. Each hydrozone is to be irrigated with separate individual stations.
 - Precise individual station timing
 - Run time capabilities for extremes in precipitation rates
 - At least one program for each hydrozone
 - Sufficient multiple cycles to avoid water run-off
 - Power failure backup for all programmed individual valved watering stations will be designed and installed to provide water to respective hydro-zones.
 - Planter beds and lawn areas are to have separate hydro-zones.
 - Pop-up sprinkler heads shall have a minimum riser height of 4 inches at lawn areas and 18" at planter beds.
 - Planter beds are to have drip irrigation systems or pop-up spray systems. Annuals, perennials ground covers or shrub massings shall have a pop-up spray system.
 - Electronic water distribution/ timing controllers are to be provided. Minimum controller requirements are as follows:
 - Precise individual station timing
 - Run time capabilities for extremes in precipitation rates
 - At least one program for each hydrozone
 - Sufficient multiple cycles to avoid water run-off
 - Power failure backup for all programmed individual valved watering stations will be designed and installed to provide water to respective hydro-zones.

- ### TREE PLANTING NOTES
- The staking of trees is to be the contractor's option; however, the contractor is responsible to insure that all trees are planted straight and that they remain straight for a minimum of 1 year. All staking shall be removed at the end of the one year warranty period.
 - Removal of burlap and twine from top of rootball may be postponed for 90 days at contractor's option.
 - In the event of a question or lack of clarity on the drawings, the contractor is to notify the landscape architect before proceeding.
 - Landscape contractor is to notify the landscape architect and owner prior to installation of plant material.
 - Wrap rubber cinch ties around the tree trunks and stakes using either the standard or figure eight tying method. Secure the ties to the stakes with galvanized nails to prevent slippage.
 - Deep soak tree twice within the first 24 hours.
 - In the event hardpan soils prevent tree planting as detailed, notify the landscape architect immediately.



LANDSCAPE DESIGNER
POWER ENTERPRISES
16131 FRANKLIN BLVD.
NAMPA, ID 83687

PLANNER / CONTACT
STEVE ARNOLD
A-TEAM LAND CONSULTANTS
1785 WHISPER COVE AVE.
BOISE, ID 83709
208-871-7020

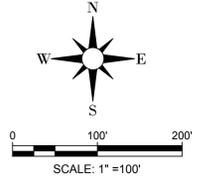
DEVELOPER
LITTLE WOOD LANDING LLC
4679 W PRICKLY PEAR DR
EAGLE, ID 83616

LANDSCAPE PLAN AIRENEL PARK SUBDIVISION

SECTION 25, T.2N., R.1W., B.M.
CITY OF KUNA, ADA COUNTY, IDAHO

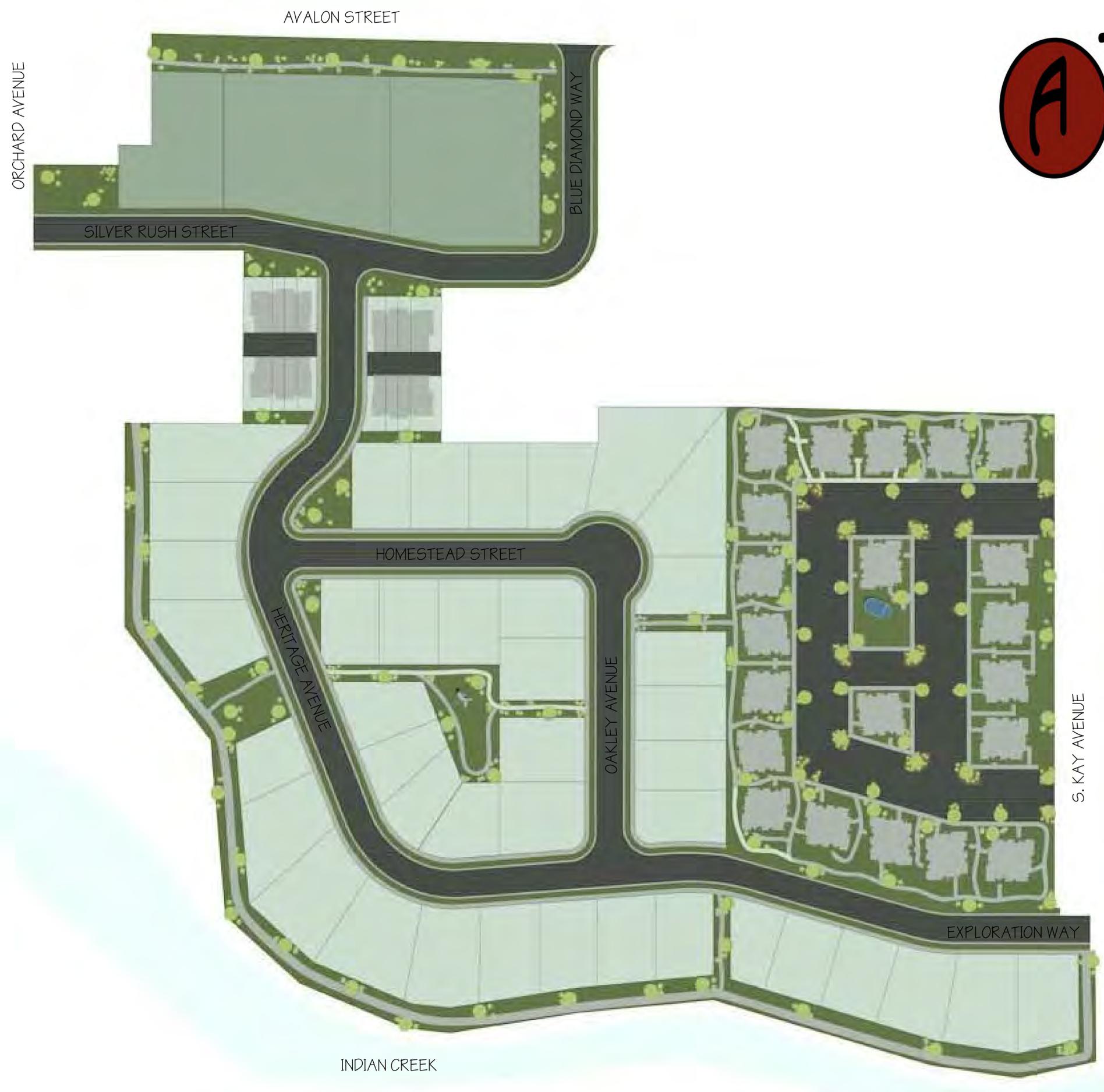


CJ SHERLOCK
08/04/2016





1785 WHISPER COVE AVE.
BOISE, ID 83709
(208) 871-7020



AIRENEL PARK - KUNA, ID

**DESCRIPTION FOR
MULTIFAMILY PARCEL
AIRENAL SUBDIVISION**

A parcel of land being a portion of Lot 3, Block 14 of Amended Avalon Orchard Tracts as is filed in Book 6 of Plats at Page 254, records of Ada County, Idaho and a portion of Lots 3 and 4 of Avalon Orchard Tracts as if filed in Book 4 of Plats at Page 189, records of Ada County, Idaho, located in the NW 1/4 of Section 25, T.2N., R.1W., B.M., Kuna, Ada County, Idaho, more particularly described as follows:

Commencing at the N1/4 corner of said Section 25 from which the W1/16 corner of said Section 25 bears North 88°39'09" West, 1,309.24 feet;

Thence along the North-South centerline of said Section 25 South 00°23'58" East, 451.09 feet;

Thence leaving said North-South centerline North 88°27'29" West, 20.01 feet to the **REAL POINT OF BEGINNING**;

Thence along the West right-of-way line of S. Kay Avenue South 00°23'58" East, 591.09 feet;

Thence leaving said West right-of-way line North 89°45'48" West, 166.11 feet;

Thence 45.90 feet along the arc of a curve to the right, said curve having a radius of 165.00 feet, a central angle of 15°56'17" and a long chord of 45.75 feet which bears North 81°47'40" West;

Thence North 73°49'32" West, 202.91 feet;

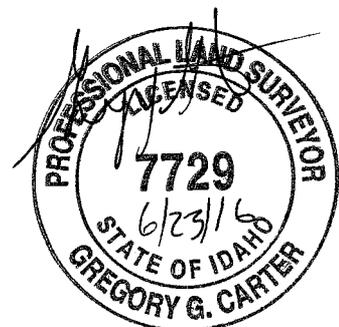
Thence 37.79 feet along the arc of a curve to the left, said curve having a radius of 275.00 feet, a central angle of 07°52'26" and a long chord of 37.76 feet which bears North 77°45'45" West;

Thence North 00°04'19" East, 528.98 feet to a point on the South boundary line of Cement Falls Park Subdivision s filed in Book 89 of Plats at Pages 10387 and 10388, record of Ada County, Idaho;

Thence along said South boundary line the following two courses and distances:

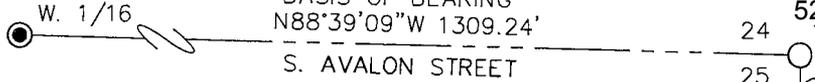
Thence North 89°58'48" East, 25.19 feet

Thence South 88°39'09" East, 413.31 feet to the **REAL POINT OF BEGINNING**.
Containing 5.18 acres, more or less.



BASIS OF BEARING
N88°39'09"W 1309.24'

24 52 of 97
25 1/4



CEMENT FALLS PARK SUB.

N88°27'29"W
20.01'

S88°39'09"E 413.31'

N89°58'48"E
25.19'

REAL POINT
OF BEGINNING

MULTIFAMILY PARCEL
5.81 ACRES

N0°04'19"E 529.04'

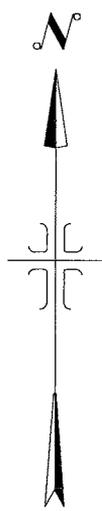
S. KAY AVENUE
S0°23'58"E 2649.83'
S0°23'58"E 591.09'

2198.74'

C2 N73°49'32"W 202.91'

C1 N89°45'48"W 166.11'

C 1/4



SCALE: 1" = 120'



CURVE TABLE

| CURVE | RADIUS | LENGTH | CHORD DIST. | CHORD BRG. | DELTA |
|-------|--------|--------|-------------|-------------|-----------|
| C1 | 165.00 | 45.90 | 45.75 | N81°47'40"W | 15°56'17" |
| C2 | 275.00 | 37.79 | 37.76 | N77°45'45"W | 7°52'26" |

ISG IDAHO SURVEY GROUP, P.C.
1450 E. WATERTOWER ST.
SUITE 130
MERIDIAN, IDAHO 83642
(208) 846-8570

EXHIBIT DRAWING FOR
MULTIFAMILY PARCEL
AIRENAL SUBDIVISION

LOCATED IN THE NW 1/4 OF SECTION 25, T.2N., R.1W., B.M.,
KUNA, ADA COUNTY, IDAHO

| |
|------------------------|
| JOB NO. 16-058 |
| SHEET NO. 1 |
| DWG. DATE 6/23/2016 |

**DESCRIPTION FOR
COMMERCIAL-TOWNHOUSE PARCEL
AIRENAL SUBDIVISION**

A parcel of land being Lot 1, Block 13, Lot 3 and a portion of Lots 1, 2, 4 and 5, Block 14 of Amended Avalon Orchard Tracts as is filed in Book 6 of Plats at Page 254, records of Ada County, Idaho and a portion of Lots 3 and 4 of Avalon Orchard Tracts as if filed in Book 4 of Plats at Page 189, records of Ada County, Idaho, located in the NW 1/4 of Section 25, T.2N., R.1W., B.M., Kuna, Ada County, Idaho, more particularly described as follows:

Commencing at the N1/4 corner of said Section 25 from which the W1/16 corner of said Section 25 bears North 88°39'09" West, 1,309.24 feet;

thence along said North boundary line of Section 25 North 88°39'09" West, 609.99 feet;

thence leaving said North boundary line South 00°01'20" West, 40.00 feet to the **REAL POINT OF BEGINNING**;

Thence South 00°01'20" West, 273.11 feet;

thence North 89°58'40" West, 188.00 feet;

thence South 00°01'20" West, 185.00 feet;

thence South 90°00'00" West, 108.03 feet;

thence North 63°55'47" West, 50.27 feet;

thence South 89°57'54" West, 86.41 feet;

thence North 00°23'27" East, 207.55 feet;

thence North 89°36'33" West, 252.63 feet to a point on the East right-of-way line of S. Orchard Avenue;

thence along said East right-of-way line North 00°00'36" West, 101.78 feet;

thence leaving said East right-of-way line South 89°36'33" East, 102.15 feet;

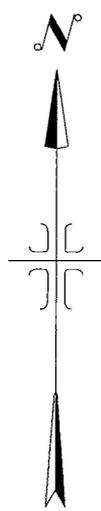
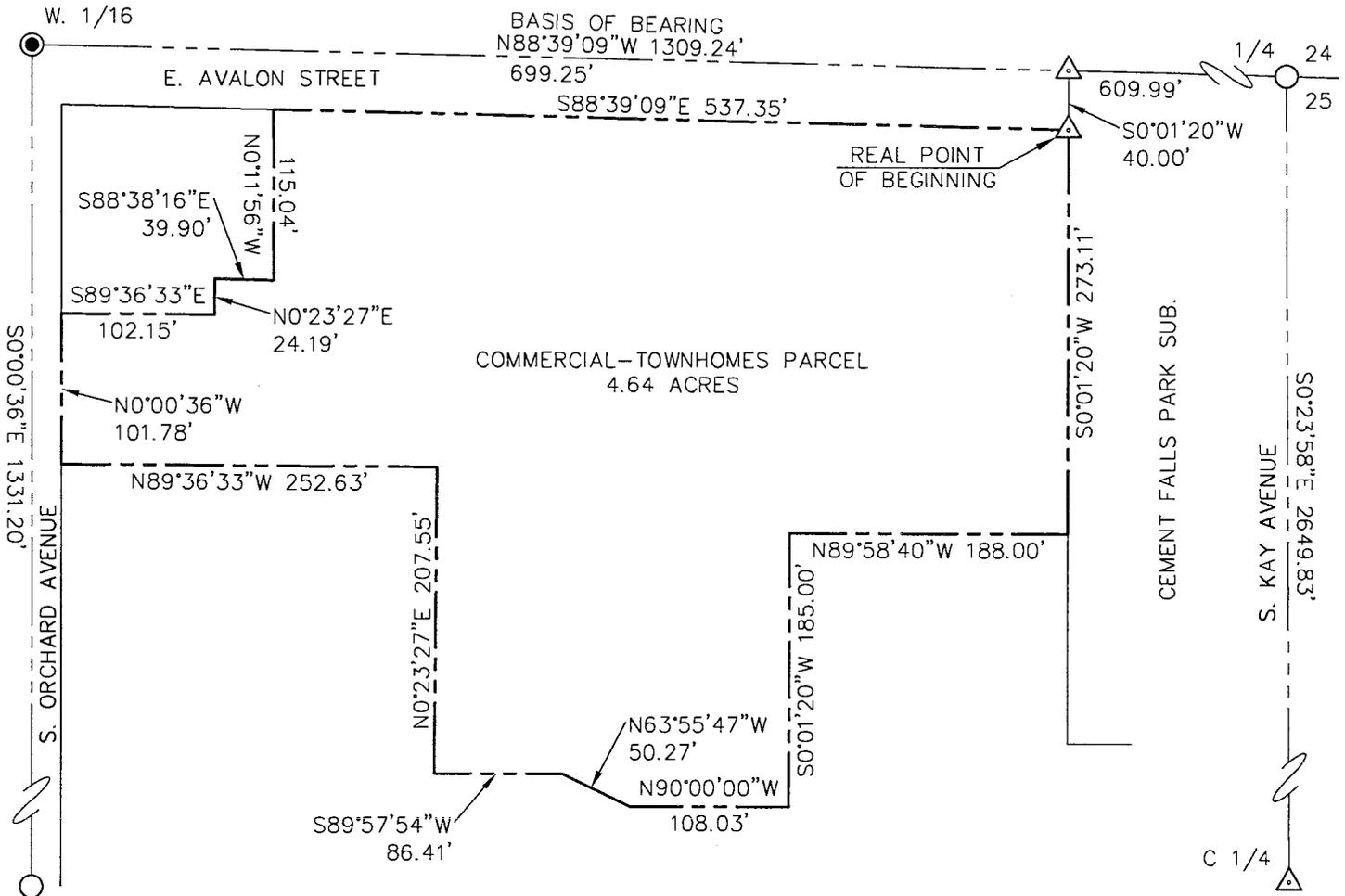
thence North 00°23'27" East, 24.19 feet;

thence South 88°38'16" East, 39.90 feet;

thence North 00°11'56" West, 115.04 feet to a point on the South right-of-way line of E. Avalon Street;

thence along said South right-of-way line South 88°39'09" East, 537.35 feet to the **REAL POINT OF BEGINNING**. Containing 4.64 acres, more or less.





SCALE: 1" = 120'



S:\ISG Projects\South_Sky 16-058\dwa\Boundary.dwg 6/23/2016 11:45:06 AM

ISG IDAHO SURVEY GROUP, P.C.

1450 E. WATERTOWER ST.
SUITE 130
MERIDIAN, IDAHO 83642
(208) 846-8570

EXHIBIT DRAWING FOR
COMMERCIAL-TOWNHOUSE PARCEL
AIRENAL SUBDIVISION

| |
|------------------------|
| JOB NO. 16-058 |
| SHEET NO. 1 |
| DWG. DATE 6/23/2016 |

LOCATED IN THE NW 1/4 OF SECTION 25, T.2N., R.1W., B.M.,
KUNA, ADA COUNTY, IDAHO



CENTRAL DISTRICT HEALTH DEPARTMENT
Environmental Health Division

Return to: 55 of 97

- ACZ
- Boise
- Eagle
- Garden City
- Kuna
- Meridian
- Star

Rezone # Area 16-02-ZC

Conditional Use # 16-02-SUP

Preliminary / Final / Short Plat 16-02-S

Airenel Park

- 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
 - bedrock from original grade
 - waste flow characteristics
 - 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
 - interim sewage
 - individual sewage
 - community sewage system
 - central water
 - individual water
 - community water well
- 9. The following plan(s) must be submitted to and approved by the Idaho Department of Environmental Quality:
 - central sewage
 - sewage dry lines
 - community sewage system
 - central water
 - community 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
 - beverage establishment
 - swimming pools or spas
 - grocery store
 - child care center
- 13. Infiltration beds for storm water disposal are considered shallow injection wells. An application and fee must be submitted to CDHD.

14. _____
 RECEIVED
 JUL 18 2016
 CITY OF KUNA

Reviewed By: [Signature]
 Date: 7/12/16





CITY OF KUNA
P.O. BOX 13
KUNA, ID 83634
www.kunacity.id.gov

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: Airenel Subdivision Project
Preliminary Plat
16-02-S, 16-02-ZC, 16-02-SUP
DATE: July 12, 2016

The City Engineer has reviewed the Preliminary Plat request of the above applicant dated July 11, 2016. It is noted that specific development plans are provided, which includes 81 firm buildable lots comprising 141 dwelling units, 3 commercial lots and 21 common lots. Accordingly, the City Engineer provides the following comments:

1. Sanitary Sewer Needs

- a) The City has sufficient sewer treatment capacity to serve this site. All wastewater flows from this project would receive treatment at the South Wastewater Treatment facility. A portion of the site is connected to the city system but would be subject to connection fees for the demand of the ultimate connected load less a credit for the presently connected load as provided in the City’s Fee Resolution and Standard Table.
- b) The Sewer Master Plan for disposal of wastewater from this area proposes discharge to a “re-conditioned Orchard Lift Station”, which in turn, pumps to the Ten Mile Regional Lift Station. The City has determined that neither the City nor this project is best served by a re-conditioned Lift Station, and instead, proposes to construct a new regional lift station within the bounds of this project. The developer proposes to provide Lot 16, Block 4 as a location for the new Lift Station and to provide any necessary easements ahead of platting to construct trunk lines, re-route gravity mains and construct force mains. The City Engineer requests this proposal be made a condition of the preliminary plat.
- c) This property was not included in Local Improvement District 2006-1 nor did it pre-pay sewer connection fees, and consequently, has no connection fee credits and no reserved sewer treatment capacity. However, there are sufficient treatment connections available at standard rates 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.
- d) City Code (6-4-20) requires connection to the City sewer system for all sanitary sewer needs.
 - e) The elevation of this project site and adjacent properties is too low to be serviced by gravity from the existing collection system and a lift station is required. Further, the capacity of the nearest lift station, Orchard, is almost fully committed. These two issues together suggest the propriety of a regional solution to address both deficiencies. The City Engineer recommends the condition applied to Merlin Subdivision also be applied jointly to this development, to wit: **“It is recommended a sewer service study is conducted**, with input from the developer and in consideration of this development’s and the City’s needs, to determine the preferred sewer service option for this property”.
 - f) For any connected load, it is recommended this application be conditioned to conform to the sewer master plan and the results of the “sewer service study” mentioned in 1.d, particularly to the providing of lift stations, sewer mains and trunk lines in the master plan and study.
 - g) At all reasonable locations where sewer service could be extended to adjoining properties, sewer mains should be stubbed to the property line or extended in right-of-way in or adjacent to the project – both at useable depths. This applies to a sewer trunk in the Exploration Way right-of-way extended into the right-of-way for Kay Avenue.
 - h) 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 City has sufficient potable water supply to serve this site. A portion of the project site is connected to the city system but would be subject to connection fees for the demand of the ultimate connected load less a credit for the presently connected load as provided in the City’s Fee Resolution and Standard Table.
- b) The nearest available water main (14-inch) is located in the Kay Avenue right-of-way on the east boundary of the project.
- c) There is a 10-inch main in Avalon across the street from the project. It is recommended the project makes connection to this main for fire protection to the commercial lots. ITD controls Avalon at this location and may require the crossing to be bored.
- d) City Code (6-4-2X) requires connection to the City water system for all potable water needs.
- e) For any connected load, it is recommended this application be conditioned to conform to the water master plan.
- f) 8-inch water mains should be installed by developer in internal subdivision streets.
- g) At least 8-inch water mains are to be extended and connected by developer to water trunk lines and mains through all stub and entry-way streets.
- h) Improvements necessary to provide adequate fire protection as required by Kuna Fire District will be required of the development.
- i) For assistance in locating existing facilities, please contact the City Engineer at 287-1727.
- j) The City Engineer concludes redundancy of water transmission route to the development site is provided by existing facilities.
- k) The City Engineer has evaluated the distribution of supply wells and available supply in the vicinity of the project and concludes there is not a need for a well site within the bounds of the project.

3. Pressure Irrigation

- a) The applicant's property is not connected to the City pressure irrigation system. The nearest pressure main (10-inch) is located in Kay Avenue right-of-way on the north boundary of the project.
- b) There is an 8-inch main in Avalon across the street from the project. It is recommended the project makes connection to this main just west of Orchard to augment irrigation supplies to the project. ACHD controls Avalon at this location.
- c) The property's irrigation needs are presently served by the Boise-Kuna Irrigation District. The City Engineer has evaluated the distribution of irrigation pump stations and available supply in the vicinity of the project and concludes there is not a need for a pump station and reservoir within the bounds of the project.
- d) Relying on drinking water for irrigation purposes is contrary to City Code (6-4-21) and the public interest and is not accounted for in the approved Water Master Plan. It is recommended this project be conditioned to require connection and annexation to the City Pressure Irrigation system at the time of development.
- e) The development is subject to connection fees based on number of dwellings and lot size for the residential area and based on ultimate landscaped area for the common lots, as provided in City Resolutions.
- f) For any connected load, it is recommended this application be conditioned to conform to the Pressure Irrigation Master Plan. The Master Plan designates the providing of a 10-inch trunk line in the Kay Avenue frontage where it does not presently exist.
- g) It is further recommended that annexation into the municipal irrigation district and pooling of water rights is a requirement at the time of final platting.
- h) It is recommended that conformity with approved City PI standards is required, including the providing of adequately sized internal and boundary loop lines.

4. Grading and Storm Drainage

The following is required because alteration of surface features is proposed (such as grading or paving) in connection with this application:

- a) Runoff from public right-of-way is regulated by ACHD or ITD, depending on the agency responsible for the right-of-way. Plans are required to conform to the appropriate agency standards.
- b) Exclusive of public right-of-way, any increase in quantity or rate of runoff or decrease in quality of runoff compared to historical conditions must be detained, treated and released at rates no greater than historical amounts. In the alternative, offsite disposal of storm water in excess of historical rates or conditions of disposal at locations different than provided historically, approval of the operating entity is required. The City of Kuna relies on the ACHD Stormwater Policy Manual to establish the requirements for design of any private disposal system.
- c) The city is now requiring with every new development, a documentation map that illustrates the surface and sub-surface water irrigation supply as well as drainage ways that exist in the applicant's property and in the right-of-way adjacent to the proposed development to be submitted with construction plans. The map must include 2-foot contours, a layout and essential features of existing irrigation ditches, drainage ditches and pipelines within and adjacent to the proposed development. Open and piped facilities should be noted. The map should include any proposed changes to the systems.

- d) All upstream drainage rights and downstream water delivery rights are to be preserved as a condition of development. Constructed facilities to preserve these rights must be designed by a licensed professional engineer, plans provided with the project plan set for review by the City Engineer and constructed in a manner and with materials acceptable to the City Engineer. Facilities provided must be accessible (easements or right-of-way) for continued maintenance, and if necessary, replacement.

5. General

- a) With the addition of this property into the corporate limits of Kuna and its potential connection to water and irrigation services, this property will be placing demand not only on constructed facilities but on water rights provided by others. It is the reasonable expectation, in return, that this property transfer to the City, at time of connection, any conveyable water rights by deed and "Change of Ownership" form from IDWR. The domestic water right associated solely with a residence and ½ acre or less is not conveyable. The water right held in trust by an irrigation district is also not conveyable.
- b) A plan approval letter will be required if this project affects any local irrigation districts or its facilities. Indian Creek is one of those facilities.
- c) The City reserves the right of prior approval to all agreements involving the applicant (or its successors) and the irrigation or drainage district related to the property of this application and any attempt to abandon surface water rights.
- d) Verify that existing and proposed elevations match at property boundaries such that a slope burden is not imposed on adjacent properties.
- e) State the vertical datum used for elevations on all drawings.
- f) Provide engineering certification on all final engineering drawings.
- g) The submittals attached to the application include some alignments for City infrastructure. This information is helpful but has not been reviewed in detail and has not received final approval. The applicant is advised that detailed review and plan approval occurs at the time of approval of the official improvement plans.

6. Inspection Fees

An inspection fee will be required for City inspection of the construction of any public or community 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 City inspection fee is \$1.00 per lineal foot of sewer, water and irrigation related pipe and payment is due and payable prior to City's scheduling of a pre-construction conference.

7. Right-of-Way

The subject property fronts one section line street (Avalon) and one mid-mile street (Kay).

- a) Sufficient half right-of-way on the quarter line and section line for the classified streets should be provided pursuant to City and ACHD standards.

- b) Residential Easements – City Code (6-3-8) requires the providing of 10-foot front and back lot line easements and side-lot easements, as necessary. The City Engineer recommends the following:
 - a. 10-foot minimum subdivision boundary easement;
 - b. 10-foot minimum street frontage easement;
 - c. 10-foot back lot line easement as required in code;
 - d. 5-foot side lot line easement subject to further discussion on the townhome lots;
 - e. Additional easements as needed for facilities not in right-of-way of width and alignment acceptable to the City Engineer.
- c) It is recommended approaches onto classified streets comply with ACHD approach policies.
- d) 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, development 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.

9. Phasing of Development

- a) Any phasing plan, to be acceptable, must extend city services, extend transportation facilities and extend other utilities in a manner to maintain reliable service to the buildable lots in the subdivision and not disrupt service to neighboring properties.
- b) A phasing plan, to be acceptable, must not delay expenditures for infrastructure to burden with expenses in a disproportionate manner the later phases of a project.
- c) Irrespective of compliance with the above conditions, the City Engineer in general does not approve or reject phasing plans without the advice and consent of the Planning and Zoning Director.

10. Property Description

- a) The applicant is required to provide a metes and bounds property description of the subject parcel.



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

DEQ Response to Request for Environmental Comment

Date: 07/19/2016
 Agency Requesting Comments: City of Kuna
 Date Request Received: 07/11/2016
 Applicant/Description: 16-02-S, 16-02-ZC, 16-02-SUP
 Airenel Park Subdivision

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

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

1. Air Quality

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

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

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

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

2. Wastewater and Recycled Water

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

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

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

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

3. Drinking Water

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

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

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

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

4. Surface Water

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

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

5. Hazardous Waste And Ground Water Contamination

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

Page 4 of 4

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

- **Ground Water Contamination.** DEQ requests that this project comply with Idaho's Ground Water Quality Rules (IDAPA 58.01.11), which states that "No person shall cause or allow the release, spilling, leaking, emission, discharge, escape, leaching, or disposal of a contaminant into the environment in a manner that causes a ground water quality standard to be exceeded, injures a beneficial use of ground water, or is not in accordance with a permit, consent order or applicable best management practice, best available method or best practical method."

For questions, contact Dean Ehlert, Waste & Remediation Manager, at 373-0550.

6. Additional Notes

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

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

Sincerely,

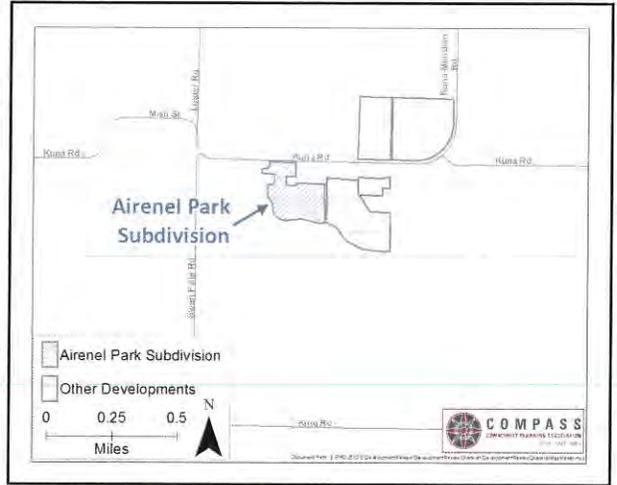


Aaron Scheff
aaron.scheff@deq.idaho.gov
Regional Administrator
Boise Regional Office
Idaho Department of Environmental Quality

C: File # 2167

Communities in Motion 2040 Development Checklist

The Community Planning Association of Southwest Idaho (COMPASS) is the metropolitan planning organization (MPO) for Ada and Canyon Counties. COMPASS has developed this checklist as a tool for local governments to evaluate whether land developments are consistent with the goals of *Communities in Motion 2040* (CIM 2040), the regional long-range transportation plan for Ada and Canyon Counties. CIM 2040 was developed through a collaborative approach with COMPASS member agencies and adopted by the COMPASS Board on **July 21, 2014**.



Click to view enlarged map.

This checklist is not intended to be prescriptive, but rather a guidance document based on CIM 2040 goals, objectives, and performance measures. A checklist user guide is available [here](#); and more information about the CIM 2040 goals can be found [here](#); and information on the CIM 2040 Vision can be found [here](#).

Name of Development: Airenel Park Sub - 78 residential lots (157 units) & 3 commercial lots on 22.8 acres.

Summary: Located to the south of Kuna Rd between Orchard Ave and Kay Ave, there are 3 other active developments in the adjacent TAZs to the proposal. These other development are anticipated to add 227 residential lots (309 units), and 20 commercial lots to this area. A Complete Streets Level of Service was not conducted for Avalon Street as infrastructure exists.
The proposal supports 13 CIM 2040 checklist items, and does not support 9 CIM 2040 checklist items.

Land Use

In which of the [CIM 2040 Vision Areas](#) is the proposed development? (**Goal 2.1**)?

- Downtown Employment Center Existing Neighborhood Foothills
- Future Neighborhood Mixed Use Prime Farmland Rural
- Small Town Transit Oriented Development

Yes No N/A The proposal is within a CIM 2040 Major Activity Center. (**Goal 2.3**)

Neighborhood (Transportation Analysis Zone) Demographics

TAZ: 1237

| Existing | | Existing TAZ + Proposal | | 2040 Forecast | |
|------------|------|-------------------------|------|---------------|------|
| Households | Jobs | Households | Jobs | Households | Jobs |
| 32 | 88 | 189 | 125 | 237 | 382 |

Yes No N/A The number of jobs and/or households in this development is consistent with jobs/households in the CIM 2040 Vision in this neighborhood. (**Goal 2.1**)

Area (Adjacent Transportation Analysis Zone) Demographics

TAZs: 1229, 1230, 1231, 1232, 1235, 1238, 1256, 1259

| Existing | | Existing TAZs + Net Proposed | | 2040 Forecast | |
|------------|-------|------------------------------|-------|---------------|-------|
| Households | Jobs | Households | Jobs | Households | Jobs |
| 756 | 1,092 | 1,222 | 1,129 | 1,908 | 2,909 |

Yes No N/A The number of jobs and/or households in this development is consistent with jobs/households in the CIM 2040 Vision in this area. (**Goal 2.1**)



More information on COMPASS and *Communities in Motion 2040* can be found at:
www.compassidaho.org
Email: info@compassidaho.org
Telephone: (208) 475-2239



COMPASS
COMMUNITY PLANNING ASSOCIATION
of Southwest Idaho

Communities in Motion 2040 Development Checklist

Transportation

- Attached** **N/A** An Area of Influence Travel Demand Model Run is attached.
- Yes** **No** **N/A** There are relevant projects in the current Regional [Transportation Improvement Projects](#) (TIP) within one mile of the development.

Comments:

- Yes** **No** **N/A** The proposal uses appropriate access management techniques as described in the [COMPASS Access Management Toolkit](#).

Comments: The proposal does not appear to conflict with the COMPASS Access Management Toolkit.

- Yes** **No** **N/A** This proposal supports Valley Regional Transit's [valleyconnect](#) plan. See [Valley Regional Transit Amenities Development Guidelines](#) for additional detail.

Comments: Future bus services are proposed along Highway 69. See valley connect for details.

The **Complete Streets Level of Service (LOS) scoring** based on the proposed development will be provided on an separate worksheet (**Goals 1.1, 1.2, 1.3, 1.4, 2.4**):

- Attached** **N/A** Complete Streets LOS scorecard is attached.
- Yes** **No** **N/A** The proposal maintains or improves current automobile LOS.
- Yes** **No** **N/A** The proposal maintains or improves current bicycle LOS.
- Yes** **No** **N/A** The proposal maintains or improves current pedestrian LOS.
- Yes** **No** **N/A** The proposal maintains or improves current transit LOS.
- Yes** **No** **N/A** The proposal is in an area with a [Walkscore](#) over 50.

Housing

- Yes** **No** **N/A** The proposal adds [compact housing](#) over seven residential units per acre. (**Goal 2.3**)
- Yes** **No** **N/A** The proposal is a mixed-use development or in a mixed-use area. (**Goal 3.1**)
- Yes** **No** **N/A** The proposal is in an area with lower transportation costs than the [regional average](#) of 26% of the median household income. (**Goal 3.1**)
- Yes** **No** **N/A** The proposal improves the jobs-housing balance by providing housing in employment-rich areas. (**Goal 3.1**)

Community Infrastructure

- Yes** **No** **N/A** The proposal is infill development. (**Goals 4.1, 4.2**)
- Yes** **No** **N/A** The proposal is within or adjacent to city limits. (**Goals 4.1, 4.2**)
- Yes** **No** **N/A** The proposal is within a city area of impact. (**Goals 4.1, 4.2**)

Health

- Yes** **No** **N/A** The proposal is within 1/4 mile of a transit stop. (**Goal 5.1**)
- Yes** **No** **N/A** The proposal is within 1/4 mile of a public school. (**Goal 5.1**)
- Yes** **No** **N/A** The proposal is within 1/4 mile of a grocery store. (**Goal 5.1**)
- Yes** **No** **N/A** The proposal is within 1 mile of a park and ride location. (**Goal 5.1**)

Economic Development

- Yes** **No** **N/A** The proposal improves the jobs-housing balance by providing employment in housing-rich areas. (**Goal 3.1**)
- Yes** **No** **N/A** The proposal provides grocery stores or other retail options for neighborhoods within 1/2 mile. (**Goal 6.1**)

Open Space

- Yes** **No** **N/A** The proposal is within a 1/4 mile of a public park. (**Goal 7.1**)
- Yes** **No** **N/A** The proposal provides at least 1 acre of parks for every 35 housing units. (**Goal 7.1**)

Farmland

- Yes** **No** **N/A** The proposal is outside "Prime Farmland" in the CIM 2040 Vision. (**Goals 4.1, 8.2**)
- Yes** **No** **N/A** The proposal is outside prime farmland. (**Goal 8.2**)

Communities in Motion 2040 Checklist User Guide

Community Planning Association of Southwest Idaho (COMPASS) is a forum for regional collaboration that helps maintain a healthy and economically vibrant region, offering people choices in how and where they live, work, play, and travel. COMPASS serves as the metropolitan planning organization (MPO) for Ada and Canyon Counties, Idaho. More information about COMPASS can be found [here](#).

CIM 2040 describes the current transportation system, outlines what is needed to accommodate future growth, explores how to fund future transportation needs, discusses how to maintain a safe and secure transportation system, and examines the environmental issues that have the potential to impact, or be impacted by, transportation investments. More information about the CIM 2040 can be found [here](#).

Highlighted text indicates that there is a hyperlink to a document on the internet that further explains the background, topic, or methodology used to develop the information.

Yes and no answers to each of the 8 CIM 2040 elements have been developed to indicate how well a development aligns with the goals and vision of CIM. More information about the eight CIM 2040 goals, objectives, and tasks can be found [here](#).

QR Codes (or Quick Response Codes) can be scanned with a personal electronic device, such as a cell phone or tablet, top open a web page. The QR code on the CIM 2040 land development checklist will take the user to the COMPASS home page (www.compassidaho.org).

Communities in Motion 2040 Development Checklist

The Community Planning Association of Southwest Idaho (COMPASS) is the metropolitan planning organization for Ada and Canyon Counties. COMPASS has developed this checklist as a tool for local governments to evaluate whether land development is consistent with the goal of *Communities in Motion 2040* (CIM 2040) regional long-range vision for growth and development in Ada and Canyon Counties. CIM 2040 was developed through a collaborative approach with COMPASS member agencies and adopted by the COMPASS Board on July 21, 2014.

This checklist is not intended to be prescriptive, but rather a guidance document based on CIM 2040 goals, objectives, and performance measures. A checklist user guide is available [here](#), and more information about the CIM 2040 goals can be found [here](#); and information on the CIM 2040 Vision can be found [here](#).

Name of Development:

Summary:

Land Use In which of the CIM 2040 Vision Areas is the development? (Goal 2.1.1)?

- Downtown Employment Center Existing Neighborhood Foothills
 Future Neighborhood Mixed Use Prime Farmland Rural
 Small Town Transit Oriented Development

Yes No N/A This proposal is within a CIM 2040 Major Activity Center. (Goal 2.1.2)

Neighborhood (Transportation Analysis Zone) Demographics

| Existing | Existing + Proposed | 2040 Forecast |
|------------|---------------------|---------------|
| Households | Households | Households |
| Jobs | Jobs | Jobs |

Yes No N/A The number of jobs and/or households in this development is consistent with jobs/households in the CIM 2040 Vision in this neighborhood. (Goal 2.1.3)

Area (Adjacent Transportation Analysis Zone) Demographics

| Existing | Existing + Proposed | 2040 Forecast |
|------------|---------------------|---------------|
| Households | Households | Households |
| Jobs | Jobs | Jobs |

Yes No N/A The number of jobs and/or households in this development is consistent with jobs/households in the CIM 2040 Vision in this area. (Goal 2.1.4)



More information on COMPASS and Communities in Motion 2040 can be found at:
www.compassidaho.org
 Email: info@compassidaho.org
 Telephone: (208) 475-2239

(Page 1 of 2)

Location map highlights the location of the proposed development and the nearby 2040 functionally classified roadways. Functional street classification groups roads into classes according to the character of service they are intended to provide. More information on functional classification can be found [here](#).

CIM 2040 Vision Areas highlight the general vision for how the region will grow. Each typology describes different uses and densities as well as approaches to promoting housing, economic development, open space, farmland, health, and community infrastructure. More information about the CIM 2040 Vision is found [here](#).

Major Activity Centers (MACs) are important trip generators and are logical destinations for public transit service. MACs tend to increase productivity and support economic development, reduce land consumption and sprawl, and provide options for those that are carless. More information about Major Activity Centers can be found [here](#).

Traffic Analysis Zones (or TAZs) are designated areas used for travel demand modeling. CIM 2040 was developed using TAZs at the core unit of geography. "Neighborhood demographics" to the exact TAZs where the development will occur, while "area demographics" refer to the neighborhood TAZs plus TAZs adjacent to the development area to provide an overview of the impact on the broader area. More information about the regional travel demand model can be found [here](#).

COMPASS staff welcome the opportunity to discuss *Communities in Motion*, the checklist, or specific development proposals with stakeholders. Please feel free to contact us at to schedule an appointment using the phone number/email address to the left. More information on the COMPASS member service can be found [here](#).



Communities in Motion 2040 Vision

The *Communities in Motion 2040* Vision illustrates a preferred growth scenario for the Treasure Valley, specifically Ada and Canyon Counties. Defined by local stakeholders, including the public, the Vision will help guide development of the *Communities in Motion 2040* regional long-range transportation plan.

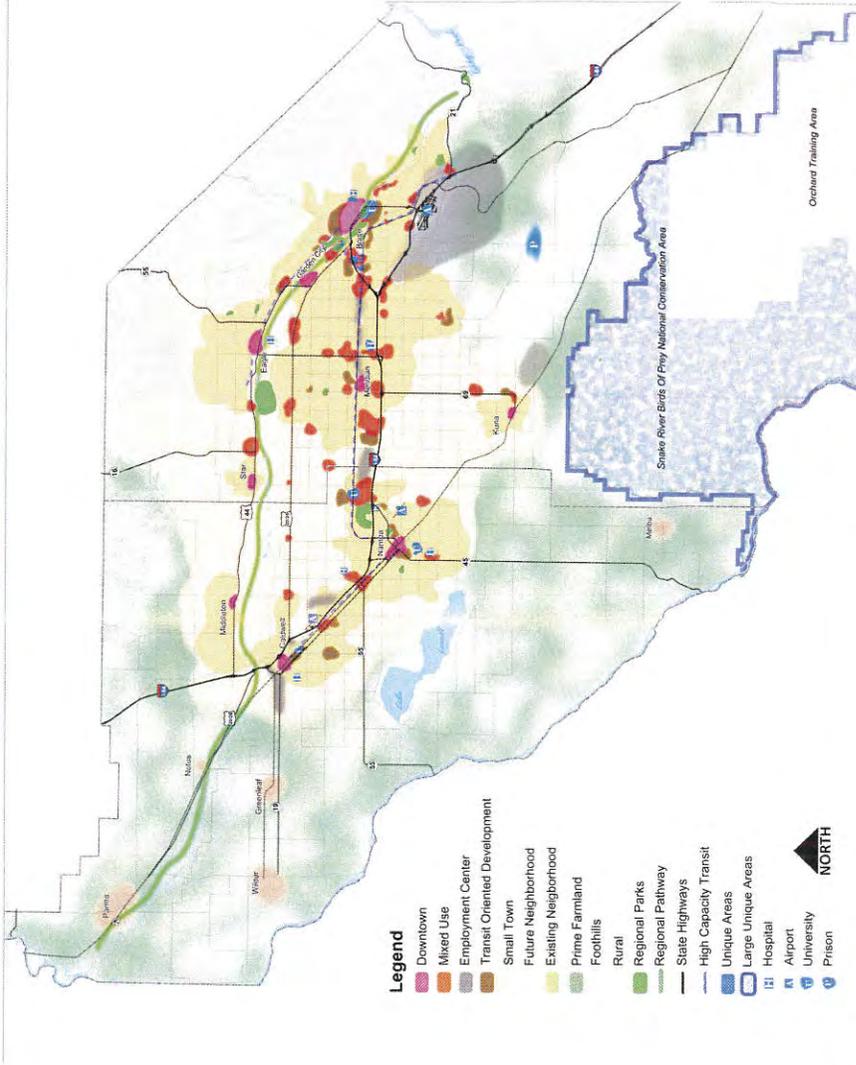
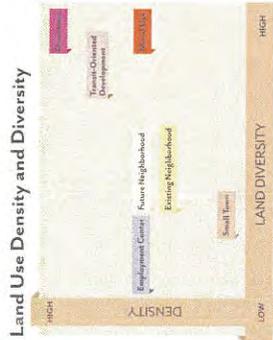
Vision Statement

The *Communities in Motion 2040* Vision provides new housing and jobs along transit corridors and in major activity centers with a strong focus on maintaining the region's recreation and open space areas. New growth would be comprised of a variety of housing types, as well as infrastructure, nearby services, and outside of prime farmland or environmental constraints.

This scenario supports local comprehensive plan goals and densities, and includes unutilized developments as of July 2012. This scenario would support high-capacity transit for State Street (Highway 44) and a route parallel to Interstate 84, as well as multimodal infrastructure and services throughout the region.

Key goals include walkability, preserving farmland, minimizing congestion, increasing transportation options, improving job-housing balance, better access to parks, and maintaining environmental resources.

Vision Map



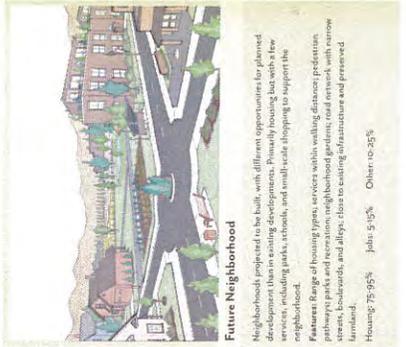
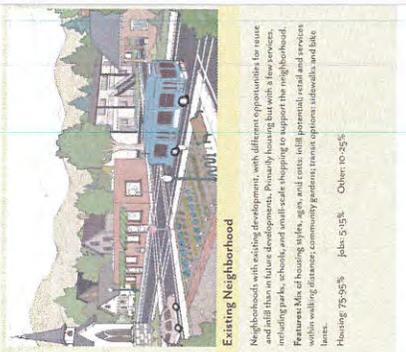
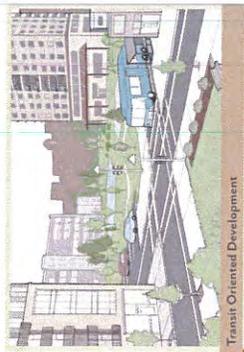
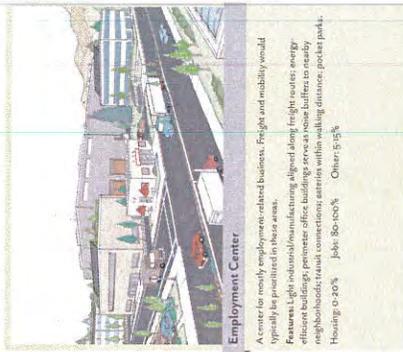
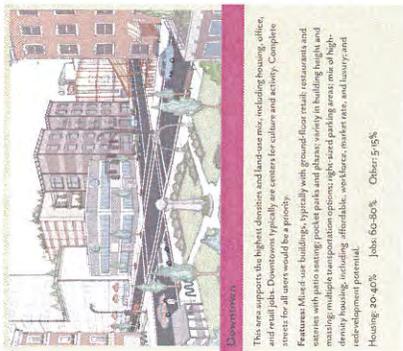
Please note: The Vision Map reflects the preferred growth scenario approved by the COMPASS Board. It is not a plan and has no regulatory authority.



The Community Planning Association of Southwest Idaho (COMPASS) is an association of local governments working together to plan for the future of the region. COMPASS members consider factors that affect quality of life for area residents when making decisions about transportation and setting priorities for spending federal transportation dollars over the next 25 years.

Vision Areas

Below are possible interpretations of how the land use types included in *Communities in Motion 2040* could look.



Unique Areas

Areas for special consideration, including regional higher education centers and regional medical centers, that have regional impact but that don't fit other center typologies. These areas will differ in types of use, densities, and layout. They include airports (A), hospitals (H), prisons (P), and universities (U). In the Treasure Valley, you'll see:

- Boise State University
- College of Idaho
- Northwest Nazarene University
- College of Western Idaho
- St. Alphonsus Medical Center (Boise, Eagle, and Shoshone)
- St. Luke's Medical Center (Boise and Meridian)
- Boise International Airport
- Nampa Airport, Caldwell Airport

Communities in Motion is the regional long-range transportation plan for Ada and Canyon Counties.

- It offers a vision that addresses:
- How land use affects transportation
 - How investments in transportation influence growth
 - What the transportation system is supposed to achieve
 - How transportation projects are selected
 - How transportation projects serve regional needs

It is based on:

Connections: Providing options for safe access and expanded mobility choices in a cost-effective manner in the region.

Coordination: Achieving better inter-jurisdictional coordination of transportation and land use planning.

Environment: Minimizing transportation impacts to people, cultural resources, and the environment.

Information: Coordinating data gathering and dispense better information.

The complete *Communities in Motion 2040* plan is available online at www.compassidaho.org.

Vision Benefits

Economic Development: A 0% increase in composite population near downtowns and other activity centers. Growth in these areas is typically more sustainable than other locations due to the proximity of features.

Housing: Growth in areas with transportation and other infrastructure improve overall affordability by locating housing near transit routes, employment centers, and basic services.

Land User: Better jobs-housing balance reduces traffic, improves air quality, and increases discretionary time.

Transportation: Strong transportation infrastructure and services promote economic development and quality of life.

Open Space: Access to parks and open space enables citizens to enjoy the natural beauty of the region.

Health: More transportation options and development near services enables physical activity and improves air quality.

Farmland: Almost 80% of farmland can be preserved by developing infill sites and other non-farm areas. This will increase agricultural economic value in the area and preserve food security.

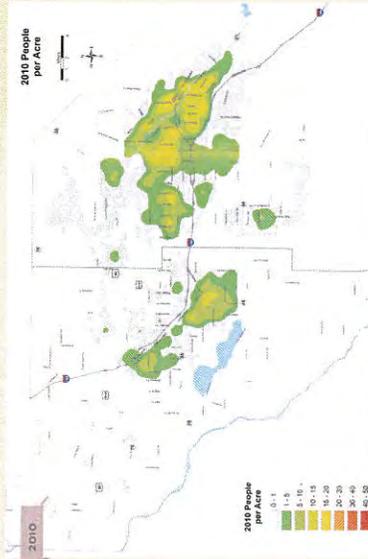
Community Infrastructure: Development in or nearby areas served by infrastructure reduces infrastructure costs and can save municipalities millions of maintenance and operations costs.

Vision Demographics

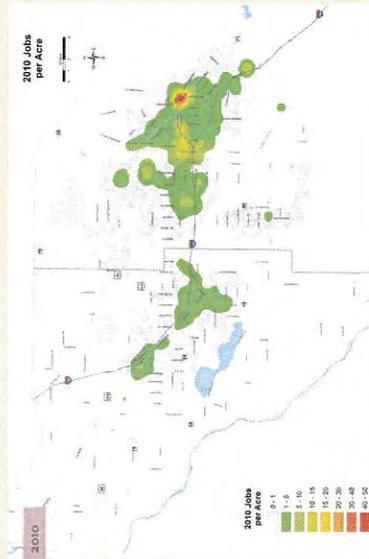
| City Area of Impact | 2010 | | | 2040 | | |
|---|------------|------------|---------|------------|------------|---------|
| | Population | Households | Jobs | Population | Households | Jobs |
| Boise | 237,241 | 96,654 | 141,628 | 377,892 | 148,848 | 234,520 |
| Engle | 23,122 | 8,197 | 8,832 | 52,246 | 18,832 | 15,498 |
| Garden City | 11,001 | 4,949 | 7,648 | 18,301 | 8,301 | 13,394 |
| Kuna | 5,379 | 4,283 | 3,866 | 12,379 | 10,379 | 14,426 |
| Mendon | 81,786 | 38,296 | 30,772 | 164,280 | 57,201 | 65,642 |
| Star | 6,472 | 2,177 | 3,644 | 12,035 | 3,144 | 79,324 |
| Ada County (outside areas of impact) | 174,416 | 3,925 | 7,618 | 79,453 | 23,056 | 13,161 |
| Ada County Total | 385,305 | 148,445 | 190,334 | 674,377 | 271,444 | 380,679 |
| Caldwell | 58,672 | 16,540 | 33,444 | 105,101 | 40,038 | 37,550 |
| Greenleaf | 7,248 | 959 | 547 | 23,547 | 2,445 | 977 |
| Melba | 845 | 279 | 295 | 2,358 | 801 | 539 |
| Middletown | 10,348 | 3,914 | 1,882 | 18,076 | 6,666 | 1,937 |
| Nampa | 9,575 | 32,299 | 39,278 | 160,886 | 59,886 | 6,973 |
| Notus | 984 | 335 | 134 | 2,454 | 822 | 462 |
| Parma | 2,508 | 905 | 687 | 6,866 | 2,456 | 1,188 |
| Wildier | 1,931 | 612 | 285 | 3,377 | 729 | 729 |
| Canyon County (outside areas of impact) | 22,634 | 7,654 | 4,729 | 34,833 | 12,224 | 5,635 |
| Canyon County Total | 188,933 | 53,604 | 30,085 | 347,585 | 121,575 | 110,978 |
| Total Region | 581,288 | 212,049 | 240,506 | 1,022,000 | 399,419 | 461,657 |

Note: Totals may not sum due to overlapping areas of impact.

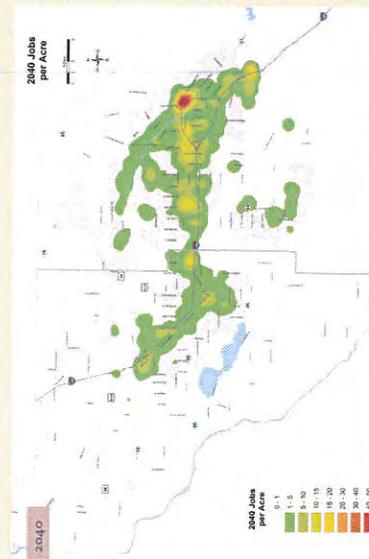
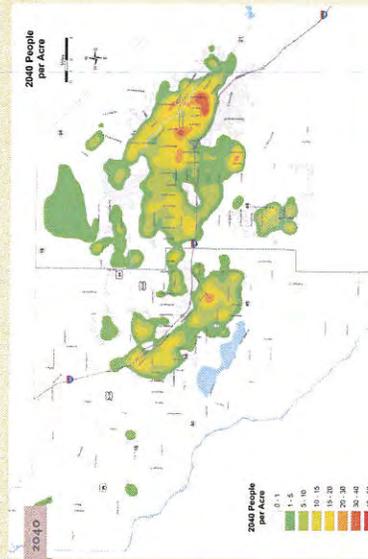
Population Density Maps



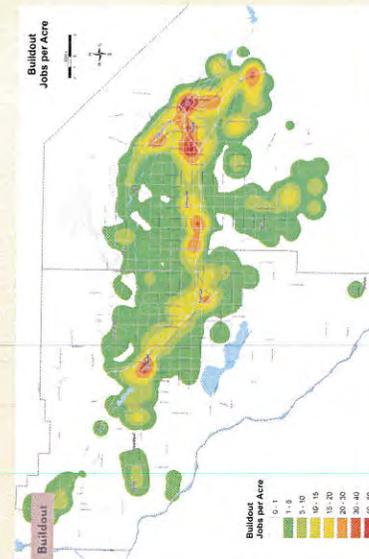
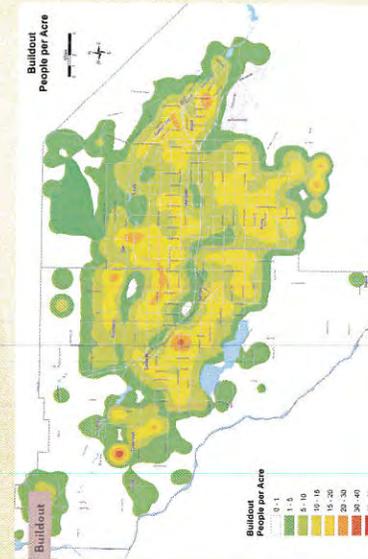
Employment Density Maps



The 2010 maps show the baseline conditions used to develop the *Communities in Motion 2040* Vision. These maps are based on the 2010 census counts and 2010 BLS Department of Labor employment data.



The above maps show the generalized densities when the *Communities in Motion 2040* Vision is implemented.



Buildout is the quantification of local land use (comprehensive) plans. It enables COMPASS to consider long-range corridor preservation and is not constrained by the 2040 population forecast adopted by the COMPASS Board. It is not an official forecast for air quality conformity.

RON PLATT
CHAIRMAN OF THE BOARD

RICHARD MURGOITIO
VICE CHAIRMAN OF THE BOARD

TIMOTHY M. PAGE
PROJECT MANAGER

ROBERT D. CARTER
ASSISTANT PROJECT MANAGER

APRYL GARDNER
SECRETARY-TREASURER

JERRI FLOYD
ASSISTANT SECRETARY-TREASURER

BOISE PROJECT BOARD OF CONTROL

(FORMERLY BOISE U.S. RECLAMATION PROJECT)

2465 OVERLAND ROAD
BOISE, IDAHO 83705-3165

OPERATING AGENCY FOR 167,000
ACRES FOR THE FOLLOWING
IRRIGATION DISTRICTS

NAMPA-MERIDIAN DISTRICT
BOISE-KUNA DISTRICT
WILDER DISTRICT
NEW YORK DISTRICT
BIG BEND DISTRICT

TEL: (208) 344-1141
FAX: (208) 344-1437

22 July 2016

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

RE: A-Team Land Consultants c/o Steve Arnold
SE of Orchard Ave. & SW of Kay Ave. **16-02-SUP, 16-02-S, 16-02-ZC**
Boise-Kuna Irrigation District
Teed Lateral 96+70 **BK-1287**
Sec. 25, T2N, R1W, BM.

Trevor Kesner:

The United States' New York Canal (that portion that runs through the Indian Creek Channel) lies within the boundary of the above-mentioned location. The easement for this facility is held in the name of the United States through the Bureau of Reclamation under the authority of the Act of August 30, 1890. (26 Stat. 391; 43 U.S.C. 945)

The Boise Project Board of Control is contracted to operate and maintain this facility. We assert the federal easement 25 feet northerly of the uppermost shoulder of the channel. Whereas this area is for the operation and maintenance of our facilities, no activity should hinder our ability to do so.

Project easements must be called out on the final plat.

The Boise Project does not approve landscaping (other than grass) within its easements, as this will certainly increase our cost of maintenance.

Fencing (as may be required) must be constructed just off the easement, to insure public safety and prevent encroachments.

Pathways must be constructed just outside the easement, to insure public safety and prevent encroachments.

Parking lots, curbing, light poles, signs, etc. and the placing of asphalt and/or cement over Project facility easements must be approved by Boise Project Board of Control prior to construction.



Project facilities and/or easements that parallel, and are within and/or intended to be within road right-of-ways due to any development of this property must be relocated outside of road right-of-ways. The easements of Boise Project facilities will remain the same unless agreed upon and/or approved with written permission from Boise Project Board of Control.

Utilities planning to cross any project facility must do so in accordance with the master policies now held between the Bureau of Reclamation and most of the utilities. In any case, no work shall take place within the easement before proper crossing agreements have been secured through both the Bureau of Reclamation and the Boise Project Board of Control.

Crossing agreements must be secured and signed by all parties prior to March 1st of each year. A time schedule for the construction to be done during the non-irrigation season must be approved by Boise Project prior to any activity within Project easements. No construction will be allowed within the easement boundaries of the Boise Project Board of Control facilities after March 15th of each year. However, on a case by case, overhead utilities and utilities boring underneath a Project facility may be allowed after March 15th if reviewed and approved by the Boise Project.

Storm Drainage and/or Street Runoff must be retained on site.

NO DISCHARGE into any live irrigation system is permitted.

Local irrigation/drainage ditches that cross this property, in order to serve neighboring properties, must remain unobstructed and protected by an appropriate easement.

Should there be any small (neighborhood) irrigation ditches on this site, the developers and/or landowners will be obligated to protect them and allow water to pass to downstream neighbors.

This development is subject to Idaho Code 31-3805, in accordance, this office is requesting a copy of the irrigation and drainage plans.

If the irrigation system will be incorporated into the City of Kuna's pressure system, Boise Project Board of Control will require confirmation from both the City of Kuna and the Boise-Kuna Irrigation District.

Boise Project Board of Control must receive a written response from the Boise-Kuna Irrigation District as to who will own and operate the pressure irrigation system prior to review and approval of an irrigation plan by Boise Project Board of Control.

Wording on the preliminary and final recorded plat needs to state that any proposed and/or future usage of the Boise Project Board of Control facilities are subject to Idaho Statutes, Title 42-1209.

This office is requesting a full size set of plans for our review and approval.

Whereas this development is in its preliminary stages, Boise Project Board of Control reserves the right to review plans and require changes when our easements and/or facilities are affected by unknown factors.

If you have any further questions or comments regarding this matter, please do not hesitate to contact me at (208) 344-1141.

Sincerely,



Bob Carter
Assistant Project Manager- BPBC

bdc/bc

cc: Clint McCormick Watermaster, Div; 2 BPBC
Lauren Boehlke Secretary – Treasurer, BKID
File



Project/File: Airenel Park/ KPP16-0003/ 16-02-S/ 16-02-ZC/ 16-02-SUP
This is a preliminary plat, rezone, and special use permit application to construct a mixed use subdivision on 23-acres.

Lead Agency: City of Kuna

Site address: 447 E Avalon Street

Staff Approval: August 16, 2016

Applicant/ Representative: A Team Land Consultants
 Steve Arnold
 1785 Whisper Cove Avenue
 Boise, ID 83709

Staff Contact: Stacey Yarrington
 Phone: 387-6171
 E-mail: syarrington@achdidaho.org



A. Findings of Fact

1. **Description of Application:** The applicant is requesting approval to construct a mixed use development to include single-family, multi-family, and commercial lots; rezone the property from R-4 (Medium density residential) to R-6 (Medium density residential) and C-1 (Neighborhood commercial district) on 23-acres.

The proposed zoning of the property is consistent with the City of Kuna's comprehensive plan.

2. **Description of Adjacent Surrounding Area:**

| Direction | Land Use | Zoning |
|-----------|--|----------|
| North | Area Commercial district/ Medium density residential | C-2/ R-4 |
| South | Public district/ Light manufacturing/industrial district | P/ M-1 |
| East | Neighborhood commercial district/ Medium density residential | C-1/ R-6 |
| West | Medium density residential/ Public district | R-6/ P |

3. **Site History:** ACHD previously reviewed a portion of this site as K09-16-RZ/K09-16-DA/K09-01-LLA a rezone, development agreement, and lot-line adjustment application in January 2010. No actual development was planned at that time. The requirements of this staff report are consistent with those of the prior action.

4. **Adjacent Development:** The following developments are pending or underway in the vicinity of the site:

- *Journey's End, a mixed-use single-family and multi-family development located directly east of the site, was approved by ACHD on August 13, 2015.*
- *Merlin Pointe, a mixed use multi-family and commercial development located northeast of the site, was approved by ACHD on August 14, 2013.*



5. **Transit:** Transit services are not available to serve this site.
6. **New Center Lane Miles:** The proposed development includes 0.64 centerline miles of new public road.
7. **Impact Fees:** There will be an impact fee that is assessed and due prior to issuance of any building permits. The assessed impact fee will be based on the impact fee ordinance that is in effect at that time.
8. **Capital Improvements Plan (CIP)/ Integrated Five Year Work Plan (IFYWP):**
 There are currently no roadways, bridges or intersections in the general vicinity of the project that are currently in the Integrated Five Year Work Plan (IFYWP) or the District’s Capital Improvement Plan (CIP).
 - The intersection of Linder Road, Main Street, and 3rd Street was reconstructed as a roundabout in 2016.

B. Traffic Findings for Consideration

1. **Trip Generation:** This development is estimated to generate 1,032 additional vehicle trips per day (10 existing); 100 additional vehicle trips per hour in the PM peak hour (1 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 |
|-----------------------------------|----------|---------------------------|----------------------------|-------------------------------|-----------------------|
| **SH 69/ Avalon Street/ Kuna Road | 538-feet | Principal Arterial | 642 | Better than “E” | Better than “E” |
| Orchard Avenue | 103-feet | Local | N/A | N/A | N/A |
| Kay Avenue | 775-feet | Local | 75 | N/A | N/A |

* Acceptable level of service for a five-lane principal arterial is “E” (1,770 VPH).

** ACHD does not set level of service thresholds for State Highways.

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 SH-69/ Avalon Street/ Kuna Road east of Orchard Avenue was 10,702 on 2/5/2014.
 - The average daily traffic count for Kay Avenue south of Avalon Street was 1,774 on 8/9/2015.

C. Findings for Consideration

1. **State Highway SH-69 /Avalon Street/ Kuna Road**
 State Highway SH-69 /Avalon Street/ Kuna Road is under the jurisdiction of the Idaho Transportation Department (ITD). The applicant, Lead Land Use Agency, and ITD should work together to determine if additional right-of-way or improvements are necessary on State Highway SH-69 /Avalon Street/ Kuna Road.

Staff Comments/Recommendations: Comply with requirements of ITD and City of Kuna for the Avalon Street/ Kuna Road frontage. Submit to the District a letter from ITD regarding said

requirements prior to District approval of the final plat or issuance of a building permit (or other required permits), whichever occurs first. Staff is in support of the applicant's proposal to close the existing driveways onto SH-69/ Avalon Street/ Kuna Road from the site.

2. Kay Avenue

a. Existing Conditions: Kay Avenue is improved with 2-travel lanes, and no curb, gutter or sidewalk abutting the site. There is 40-feet of right-of-way for Kay Avenue (20-feet from centerline). The paved portion of Kay Avenue terminates 466-feet to the south of Avalon Street (measured from centerline of Avalon Street) into a temporary cul-de-sac. A portion of the temporary turnaround is located within the site. Kay Avenue continues south of the temporary turn around as a 20-foot wide gravel road approximately 714-feet to its point of termination.

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.

Sidewalk Policy: District Policy 7207.5.7 states that five-foot wide concrete sidewalk is required on both sides of all local streets, 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.

Half Street Policy: District Policy 7207.2.2 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.

Minor Improvements Policy: District Policy 7203.3 states that minor improvements to existing streets adjacent to a proposed development may be required. These improvements are to correct deficiencies or replace deteriorated facilities. Included are sidewalk construction or replacement; curb and gutter construction or replacement; replacement of unused driveways with curb, gutter and sidewalk; installation or reconstruction of pedestrian ramps; pavement repairs; signs; traffic control devices; and other similar items.

- c. **Applicant's Proposal:** The applicant is proposing to construct Kay Avenue as one-half of a 36-foot street section (back of curb to back of curb) with curb, gutter, and 5-foot wide detached concrete sidewalk abutting the site.
- d. **Staff Comments/Recommendations:** As part of Cement Falls Park Subdivision Kay Avenue was constructed as half of a 40-foot street section. Consistent with that action and what was required with the Journey's End Subdivision, the applicant should construct Kay Avenue as one-half of 40-foot street section (back of curb to back of curb), with curb, gutter and 5-foot attached concrete sidewalk abutting the site. IF Kay Street has not been constructed as part of the Journey's End development, the applicant should be required to construct additional 12-feet of pavement plus 3-foot wide gravel shoulders beyond the centerline of Kay Avenue abutting the site. The applicant should dedicate approximately 56-feet of right-of-way (28-feet from centerline). The applicant should terminate Kay Avenue approximately 160-feet south of Exploration Way intersection.

3. Orchard Avenue

- a. **Existing Conditions:** Orchard Avenue is improved with 30-feet of pavement and vertical curb, gutter, and 7-foot wide sidewalk on the east side for approximately 120-feet reducing down to approximately 18-feet of pavement with no curb, gutter, or sidewalk for approximately 120-feet where it terminates into gravel at the site's south property line. There is between 68 to 50-feet of right-of-way for Orchard Avenue (26 to 30-feet from centerline).

- 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.

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.

Half Street Policy: District Policy 7207.2.2 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.

Minor Improvements Policy: District Policy 7203.3 states that minor improvements to existing streets adjacent to a proposed development may be required. These improvements are to correct deficiencies or replace deteriorated facilities. Included are sidewalk construction or replacement; curb and gutter construction or replacement; replacement of unused driveways with curb, gutter and sidewalk; installation or reconstruction of pedestrian ramps; pavement repairs; signs; traffic control devices; and other similar items.

- c. **Applicant Proposal:** The applicant is proposing to construct Orchard Avenue as one-half of a 36-foot street section (back of curb to back of curb) with curb, gutter, and 5-foot wide detached concrete sidewalk within 50-feet of right-of-way abutting the site.
- d. **Staff Comments/Recommendations:** The applicant's proposal meets District policy and should be approved, as proposed. The applicant should be required to construct additional 12-feet of pavement plus 3-foot wide gravel shoulders beyond the centerline of Orchard Avenue abutting the site.

4. Internal Streets

- a. **Existing Conditions:** There are no public roadways internal to the site. Blue Diamond Way is currently a private lane being dedicated as a public street from the site onto SH-69 /Avalon Street/ Kuna Road.

- 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.

Half Street Policy: District Policy 7207.2.2 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.

Private Road Policy: District policy 7212.1 states that the following requirements must be met if the applicant wishes to dedicate the private roadway to ACHD:

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

- c. **Applicant Proposal:** The applicant is proposing to construct the internal streets, Silver Rush, Heritage Avenue, Homestead Street, Oakley Avenue, and Exploration Way as 36-foot street section (back of curb to back of curb) with curb, gutter, 7-foot wide parkway strip, within 50-

feet of right-of-way; and 1-foot of parkway strip and 5-foot wide detached sidewalk within an easement.

The applicant is proposing to construct a knuckle at the Homestead Street/Oakley Avenue intersection.

The applicant is proposing to reconstruct Blue Diamond Lane, a private road, as Blue Diamond Way, a public street, as a 36-foot street section (back of curb to back of curb) with curb, gutter, 7-foot wide parkway strip, within 50-feet of right-of-way; and 1-foot of parkway strip and 5-foot wide detached sidewalk within an easement. Blue Diamond Way will intersect with Silver Rush Street.

- d. **Staff Comments/Recommendations:** The applicant's proposal meets District policy and should be approved, as proposed.

The applicant should be required to provide a permanent easement for any public sidewalk located outside of the dedicated right-of-way. The easement should encompass the area between the right-of-way line and 2-feet behind the back edge of the sidewalk.

5. Roadway Offsets

- a. **Existing Conditions:** There are no public roadways internal to the site.

- b. **Policy:**

Local Offset Policy: District policy 7207.4.2, requires local roadways to align or provide a minimum offset of 125-feet from any other street (measured centerline to centerline).

District policy 7208.4.2, requires commercial roadways intersecting other local streets (residential, industrial or commercial) to provide a minimum offset of 125-feet from any other roadway or intersection (measured centerline to centerline).

District policy 7209.4.2, requires industrial roadways intersecting other local streets (residential, industrial or commercial) to provide a minimum offset of 125-feet from any other roadway or intersection (measured centerline to centerline).

- c. **Applicant's Proposal:** The applicant is proposing to construct a new local street, Silver Rush Street, onto Orchard Avenue, located approximately 250-feet south of SH-69 /Avalon Street/ Kuna Road.

The applicant is proposing to construct a new local street, Exploration Way, onto Kay Street, located approximately 819-feet south of Wythe Creek Court to align with Exploration Way in the Journey's End subdivision; and 260-feet south of the proposed Odyssey Street (Journey's End).

The applicant is proposing to construct the internal streets with a minimum 125-foot offsets.

- d. **Staff Comments/Recommendations:** The applicant's proposal meets District policy and should be approved, as proposed.

6. Driveways

6.1 Kay Street

- a. **Existing Conditions:** There are no existing driveways onto Kay Street from the site.

- b. **Policy:**

Driveway Location Policy: District policy 7207.4.1 requires driveways located near intersections to be located a minimum of 75-feet (measured centerline-to-centerline) from the nearest street intersection.

Successive Driveways: District Policy 7207.4.1 states that successive driveways away from an intersection shall have no minimum spacing requirements for access points along a local street, but the District does encourage shared access points where appropriate.

Driveway Width Policy: District policy 7207.4.3 states that where vertical curbs are required, residential driveways shall be restricted to a maximum width of 20-feet and may be constructed as curb-cut type driveways.

Driveway Paving Policy: Graveled driveways abutting public streets create maintenance problems due to gravel being tracked onto the roadway. In accordance with District policy, 7207.4.3, the applicant should be required to pave the driveway its full width and at least 30-feet into the site beyond the edge of pavement of the roadway.

- c. **Applicant's Proposal:** The applicant is proposing to construct two driveways for a private drive isle as follows:
- One 45-foot driveway located 312-feet south of Wythe Creek Court.
 - One 45-foot driveway located 165-feet north of Exploration Way and 120-feet south of the proposed Odyssey Street (Journey's End).
- d. **Staff Comments/Recommendations:** The applicant's proposal for the driveway width does not meet District policy. The applicant should be required to construct the 2 driveways a maximum of 24-feet in width; one located 312-feet south of Wythe Creek Court and one located 165-feet north of Exploration Way and 120-feet south of Odyssey Street.

7. 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.

8. 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.

9. Other Access

SH-69 /Avalon Street/ Kuna Road classified as a principal arterial roadway. Other than the access specifically approved with this application, direct lot access is prohibited to this roadway and should be noted on the final plat.

D. Site Specific Conditions of Approval

1. Dedicate approximately 56-feet of right-of-way (28-feet from centerline) for Kay Avenue.
2. Construct Kay Avenue as one-half of 40-foot street section, with curb, gutter and 5-foot attached concrete sidewalk abutting the site. IF Kay Street has not been constructed as part of the Journey's End development; construct additional 12-feet of pavement plus 3-foot wide gravel shoulders beyond the centerline of Kay Avenue abutting the site. Terminate Kay Avenue approximately 160-feet south of the Exploration Way intersection.

3. Construct Orchard Avenue as one-half of a 36-foot street section with curb, gutter, and 5-foot wide detached concrete sidewalk; plus additional 12-feet of pavement with 3-foot wide gravel shoulder, within 50-feet of right-of-way abutting the site.
4. Construct the internal streets, Silver Rush, Heritage Avenue, Homestead Street, Oakley Avenue, and Exploration Way as 36-foot street section with curb, gutter, 7-foot wide parkway strip, within 50-feet of right-of-way; and 1-foot of parkway strip and 5-foot wide detached sidewalk within an easement.
5. Construct a knuckle at the Homestead Street/Oakley Avenue intersection.
6. Reconstruct Blue Diamond Lane, a private road, as Blue Diamond Way, a public street, as a 36-foot street section with curb, gutter, 7-foot wide parkway strip, within 50-feet of right-of-way; and 1-foot of parkway strip and 5-foot wide detached sidewalk within an easement.
7. Provide a permanent easement for any public sidewalk located outside of the dedicated right-of-way. The easement should encompass the area between the right-of-way line and 2-feet behind the back edge of the sidewalk.
8. Construct a new local street, Silver Rush Street, onto Orchard Avenue, located approximately 250-feet south of SH-69 /Avalon Street/ Kuna Road.
9. Construct a new local street, Exploration Way, onto Kay Street, located approximately 819-feet south of Wythe Creek Court to align with Exploration Way in the Journey's End subdivision; and 260-feet south of the proposed Odyssey Street.
10. Construct the internal local streets with minimum 125-foot offsets.
11. Construct 2 driveways a maximum of 24-feet in width onto Kay Street; one located 312-feet south of Wythe Creek Court and one located 165-feet north of Exploration Way and 120-feet south of Odyssey Street.
12. Payment of impacts fees are due prior to issuance of a building permit.
13. Comply with all Standard Conditions of Approval.

E. Standard Conditions of Approval

1. All proposed irrigation facilities shall be located outside of the ACHD right-of-way (including all easements). Any existing irrigation facilities shall be relocated outside of the ACHD right-of-way (including all easements).
2. Private Utilities including sewer or water systems are prohibited from being located within the ACHD right-of-way.
3. In accordance with District policy, 7203.3, the applicant may be required to update any existing non-compliant pedestrian improvements abutting the site to meet current Americans with Disabilities Act (ADA) requirements. The applicant's engineer should provide documentation of ADA compliance to District Development Review staff for review.
4. Replace any existing damaged curb, gutter and sidewalk and any that may be damaged during the construction of the proposed development. Contact Construction Services at 387-6280 (with file number) for details.
5. A license agreement and compliance with the District's Tree Planter policy is required for all landscaping proposed within ACHD right-of-way or easement areas.
6. All utility relocation costs associated with improving street frontages abutting the site shall be borne by the developer.

7. It is the responsibility of the applicant to verify all existing utilities within the right-of-way. The applicant at no cost to ACHD shall repair existing utilities damaged by the applicant. The applicant shall be required to call DIGLINE (1-811-342-1585) at least two full business days prior to breaking ground within ACHD right-of-way. The applicant shall contact ACHD Traffic Operations 387-6190 in the event any ACHD conduits (spare or filled) are compromised during any phase of construction.
8. Utility street cuts in pavement less than five years old are not allowed unless approved in writing by the District. Contact the District's Utility Coordinator at 387-6258 (with file numbers) for details.
9. All design and construction shall be in accordance with the ACHD Policy Manual, ISPWC Standards and approved supplements, Construction Services procedures and all applicable ACHD Standards unless specifically waived herein. An engineer registered in the State of Idaho shall prepare and certify all improvement plans.
10. Construction, use and property development shall be in conformance with all applicable requirements of ACHD prior to District approval for occupancy.
11. No change in the terms and conditions of this approval shall be valid unless they are in writing and signed by the applicant or the applicant's authorized representative and an authorized representative of ACHD. The burden shall be upon the applicant to obtain written confirmation of any change from ACHD.
12. If the site plan or use should change in the future, ACHD Planning Review will review the site plan and may require additional improvements to the transportation system at that time. Any change in the planned use of the property which is the subject of this application, shall require the applicant to comply with ACHD Policy and Standard Conditions of Approval in place at that time unless a waiver/variance of the requirements or other legal relief is granted by the ACHD Commission.

F. Conclusions of Law

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. Site Plan
3. Utility Coordinating Council
4. Development Process Checklist
5. Request for Reconsideration Guidelines

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.



**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 City Council is scheduled to hold a public hearing on **October 4, 2016** beginning at 6:00 pm or as soon after as it may be heard for the following case:

A request by 'A-Team Land Consultants' to approve a Preliminary Plat and Zone Change for the proposed **Airenel Park Subdivision**. Applicant proposes 21 multifamily lots (totaling 84 dwelling units) and 16 townhouse lots in a C-1 commercial zone, 41 single family home lots within an R-6 residential zone and 21 common lots over a total of 22.88 acres.

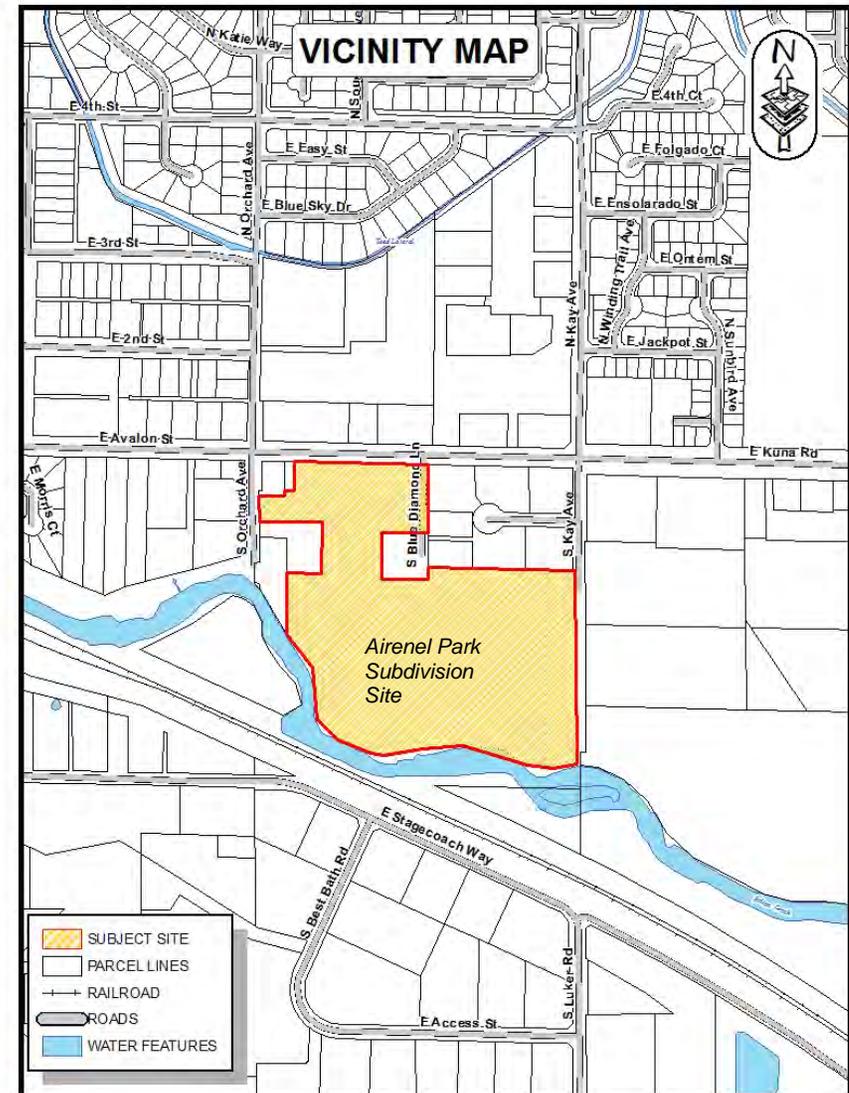
The site is located west of S. Kay Avenue and the east of S. Orchard Avenue, approximately 300-feet south of Avalon Street/Kuna Road, Kuna, Idaho 83634. (Refer to vicinity map shown).

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

All documents concerning public hearing items may be viewed at Kuna City Hall. 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 Division at (208) 922-5274.

You are invited to provide oral or written comments to the Council for the hearing. Please note that all testimony made to the Council during the public hearing will be restricted to three (3) minutes per person. Written comments may be submitted at least seven (7) days prior to the hearing. These comments will be forwarded to the City Council to be entered into the public record.

In all future correspondence concerning this case, please refer to the case name: **16-02-S and 16-02-ZC (Airenel Park Subdivision)**



Mailed: September 14, 2016



CITY OF KUNA
PLANNING & ZONING DEPARTMENT
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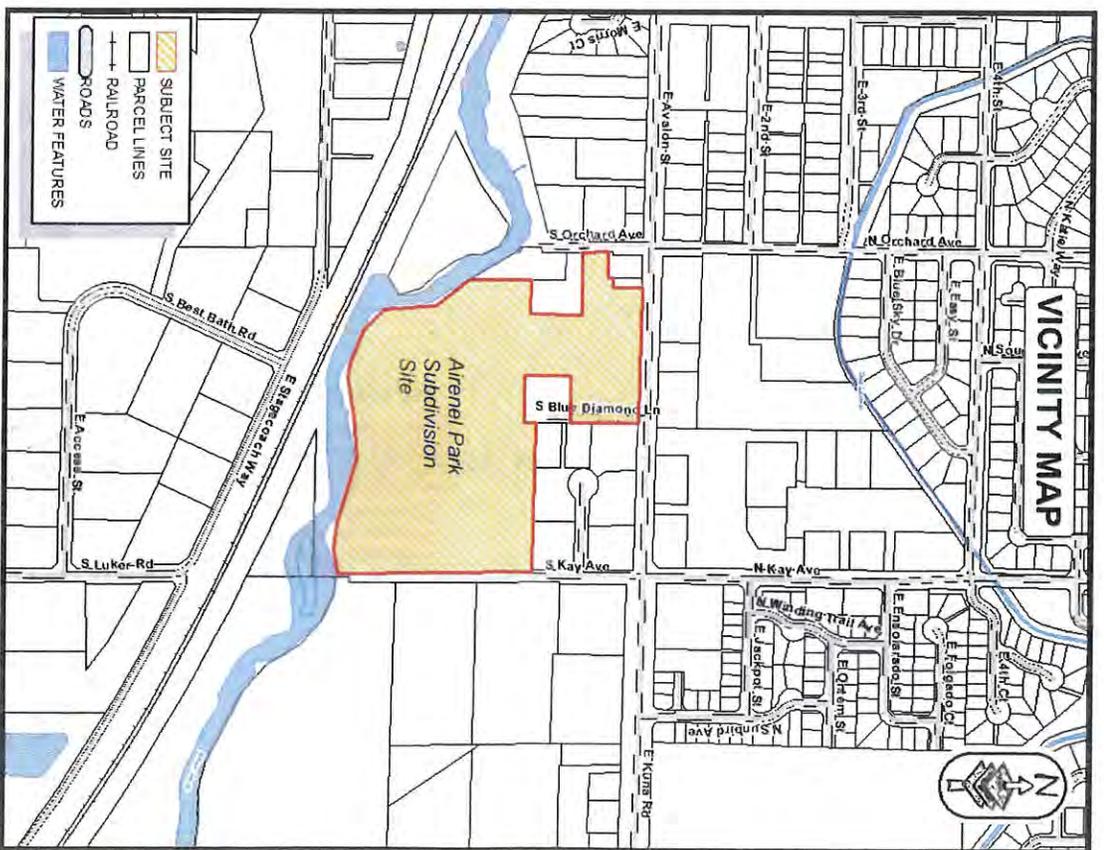
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Mailed: September 14, 2016

shown above, an adjustment may be necessary after we receive your check. For further information write or call the Successor Trustee at the address or telephone number provided above. Basis of default: failure to make payments when due. Please take notice that the Successor Trustee will sell at public auction to the highest bidder for certified funds or equivalent the property described above. The property address is identified to comply with IC 60-113 but is not warranted to be correct. The property's legal description is: Part of the Northwest quarter of the Northwest quarter, of Section 23 in Township 3 North, Range 2 East, of the Boise Meridian, more particularly described as follows: Commencing at a stone 662.87 feet South and 668 feet East of the corners of Sections 14, 15, 22 and 23 Township 3 North, Range 2 East, Boise Meridian; thence North 125 feet to the Real Place of Beginning; thence East 140 feet; thence North 50 feet; thence West 140 feet; thence South 50 feet to the Real Point of Beginning. Except a strip of land 15 feet wide along the entire Westerly side of said tract. The sale is subject to conditions, rules and procedures as described at the sale and which can be reviewed at www.northwest-trustee.com or USA-Foreclosure.com. The sale is made without representation, warranty or covenant of any kind. Corn, Steve C (TS# 7303.25555) 1002.288021-File No.

August 24, 31, 2016
 September 7, 14, 2016
 1501299

LEGAL NOTICE

NOTICE OF TRUSTEE'S SALE

Notice of Trustee's Sale Idaho Code 45-1506 Today's date: September 1, 2016 File No.: 7431.20698 Sale date and time (local time): January 4, 2017 at 9:00 AM Sale location: Courtyard by Marriott Boise Downtown, 222 S. Broadway Avenue, Boise, ID 83702, Auction.com Room Property address: 6025 North Smokey Way Garden City, ID 83714 Successor Trustee:

September 14, 21, 28, 2016
 October 5, 2016
 1516040

LEGAL NOTICE

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

Case # 16-02-S (Subdivision) and 16-02-ZC (Zone Change)

NOTICE IS HEREBY GIVEN, the Kuna City Council will hold a public hearing, Tuesday, October 4, 2016, at 6:00 pm, or as soon as can be heard at Kuna City Hall, 763 W. Avalon, Kuna, ID; in connection with a request by 'A-Team Land Consultants' to approve a Preliminary Plat and Zone Change for the proposed **Airenel Park Subdivision**, Kuna

Applicant requests approval to subdivide the 22.88 acre site and rezone approximately 8.76 acres from the existing R-4 (Medium-Low Density Residential) to a C-1 (Neighborhood Commercial) zoning designation; and zone the remaining approximately 14.04 acres from the existing R-4 (Medium-Low Density Residential) to an R-6 (Medium Density Residential) zoning designation, to create a 102 lot mixed use subdivision (Airenel Park).

The site is located west of S. Kay Avenue and east of S. Orchard Avenue, approximately 300 feet south of Avalon Street/Kuna Road, Kuna, Idaho 83634 (APN #: R01615253032).

The public is invited to present written and/or oral comments. Any written testimony must be received by 5:00 pm, September 29th, 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.

If you have any questions about the application materials or require special accommodations for the hearing, please contact the Kuna Planning & Zoning Department prior to the meeting at 922-5274.

Kuna Planning & Zoning Department

September 14, 2016
 1511299

gas leases in Ada, Bonneville, Canyon, Cassia, Gem, Payette and Washington counties on October 19, 2016.

The lease tract list and additional information concerning the lease auction are available: online at: <http://www.idl.idaho.gov/oil-gas/leasing/index.html>; or by writing the Idaho Department of Lands, 300 N. 6th Street, Suite 103, Boise, Idaho 83702; or by calling Dave Schwarz at (208) 334-0260.

September 14, 21, 2016
 1513865

LEGAL NOTICE

UNCLAIMED PROPERTY

The Idaho State Treasurer's Unclaimed Property Program acts as a consumer protection agency to ensure forgotten funds are returned to their rightful owners. Idaho Unclaimed Property regularly posts an updated list of owners on the internet. This online list can be viewed at yourmoney.idaho.gov. Unclaimed Property consists of abandoned bank accounts, forgotten refund checks, utility deposits, gift certificates, and more.

September 14, 2016
 1513817

LEGAL NOTICE

ORDINANCE 2016-27

AN ORDINANCE ENTITLED THE ANNUAL APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016 AND ENDING SEPTEMBER 30, 2017, APPROPRIATING THE SUM OF \$18,064,679 TO DEFRAY EXPENSES AND LIABILITIES OF THE CITY OF KUNA FOR SAID FISCAL YEAR; AUTHORIZING A LEVY OF A SUFFICIENT TAX UPON THE TAXABLE PROPERTY; SPECIFYING THE OBJECTS AND PROPOSED EXPENSES FOR WHICH SAID APPROPRIATION IS MADE; AND PROVIDING AN EFFECTIVE DATE.

The full text of this ordinance is available at the City Clerk's Office, Kuna City Hall, 763 W. Avalon Street, Kuna, Idaho.

THE FOREGOING SUM-



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 AIRIEL (**NAME OF SUBDIVISION**) was posted as required per Kuna City Ordinance 5-1-5B. Sign posted (**DAY OF THE WEEK, MONTH, DATE AND YEAR**).
9/9/16 FRIDAY

DATED this 15th day of SEPTEMBER, 2016.

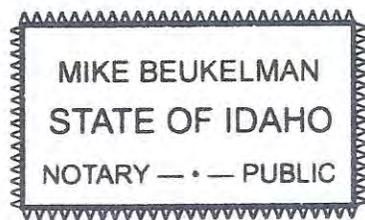
Signature, 
Owner/Developer

STATE OF IDAHO)
County of Ada) : ss)

On this 15th day of September, 2016, before me the undersigned, a Notary Public in and for said State, personally appeared before me (Owner, Developer). David Redford

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


Notary Public
Residing at Boise
Commission Expires 12-15-21



PUBLIC HEARING NOTICE KUNA CITY COUNCIL

THE CITY OF KUNA will hold a public hearing on October 4, 2016 at 6:00 p.m. at Kuna City Hall (763 W. Avalon) in the City Council Chambers

PURPOSE: The applicant is proposing a preliminary plat consisting of 21 multifamily lots, 16 town house lots, 41 single family lots and 3 commercial lots on the south side of Avalon Street. There is also a rezone and special use permit associated with this application.

LOCATION: South side of Avalon Street, between Kay Avenue and Cochran Avenue

APPLICATION BY: Team Land Consultants

PUBLIC HEARING NOTICE KUNA CITY COUNCIL

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LOCATION: South side of Avalon Street, between Kay Avenue and Orchard Avenue.

APPLICATION BY: A Team Land Consultants







CITY OF KUNA
P.O. BOX 13
KUNA, ID 83634
www.kunacity.id.gov

GORDON N. LAW
CITY ENGINEER

Telephone (208) 287-1727; Fax (208) 287-1731
Email: glaw@kunaid.gov

MEMORANDUM

TO: Mayor Stear and Members of City Council

FROM: Gordon N. Law
Kuna City Engineer

RE: Water Fee Resolution
Inflation Adjustment

DATE: September 20, 2016

REQUEST: Approve Resolution for Adjusted Water Fees

The typical residence pays \$20.16 per EDU per month for water fees. Each year the purchasing power of this revenue is reduced by the rate of inflation, and ultimately, the monthly user fee will no longer support operations costs, let alone capital costs. In 2013, the City decided to annually correct for this loss of purchasing power by adjusting the various fees by the inflation rate of the previous year.

Accordingly, the attached resolution proposes a 1.5% adjustment – corresponding to the 1.5% increase in the CPI-U over the last year. This will result in a seventy cents per month increase for the typical residence. The base fee per EDU will increase from \$20.16 per month to \$20.47. It is estimated the additional amount collected during the year will equal approximately \$24,000. The same inflationary adjustment is also applied to most other fees except connection fees.

All changes from the previous fee resolution are underlined.

Attachments

City of Kuna, Idaho Water System Fees and Policies

RESOLUTION NO. R70-2016

A RESOLUTION AMENDING PORTIONS OF RESOLUTION R74-2015 THAT: SETS FORTH THE AUTHORITY FOR ADOPTING WATER CONNECTION FEES AND MONTHLY WATER SERVICE RATES; ESTABLISHES FEES FOR CONNECTING TO THE WATER SYSTEM; ESTABLISHES WATER USE FEES THAT ARE NOW AMENDED WITH WATER RATE CHANGES FOR ALL CUSTOMERS; PROVIDES FOR MISCELLANEOUS WATER CUSTOMER SERVICE POLICIES; SETS FORTH MINIMUM LINE SIZES; REPEALS FEES ESTABLISHED BY EARLIER RESOLUTIONS; AND SETS AN EFFECTIVE DATE.

WHEREAS, Section 7-5-5 authorizes the City of Kuna, Idaho to set water connection fees by resolution of City Council; and

WHEREAS, Section 7-5-3 authorizes the City of Kuna, Idaho to set monthly service rates for water use by resolution of City Council:

I. WATER CONNECTION FEES

NOW THEREFORE BE IT RESOLVED, that the charge(s) for connecting to the City Water System shall be determined as follows:

A) Water Main Capacity Fee: Each dwelling unit (single family residence, manufactured home, town home, condominium or apartment), or any other user based upon volume of demand compared to an “equivalent dwelling unit”, to be connected to the City potable water system, shall be assessed one thousand one hundred and seventy-three dollars (\$1,173.00) per “equivalent dwelling unit” at or before the time of connection for the capital costs of providing oversized mains and trunk lines to convey potable water required by each connection.

B) Water Supply Fee: Each dwelling unit (single family residence, manufactured home, town home, condominium or apartment), or any other user based upon volume of demand compared to an “equivalent dwelling unit”, to be connected to the City potable water system requiring water for domestic use only shall be assessed one thousand and eighty-five dollars (\$1,085.00) per equivalent dwelling unit at or before the time of connection for the capital costs of

providing water supply required by each connection. In instances where a developer or property owner has prepaid this fee as a condition of developing, and the area to which the prepayment applies is specifically defined, then any further water supply fee for connection subsequent to passage of this act shall be waived.

C) Industrial/Commercial Connection: Each commercial or industrial facility to be connected to the publicly owned potable water works shall be assessed water main capacity fees and water supply fees, computed based on peak usage at full capacity and prorated compared to an equivalent dwelling unit. The minimum fees charged any connection shall be one equivalent dwelling unit.

The peak usage shall be determined from the usage of the proposed facility at full capacity based on flows obtained from IDAPA 58.01.03.007.08 in the chart titled WASTEWATER FLOWS FROM VARIOUS ESTABLISHMENTS IN GALLONS PER DAY. For uses not specifically addressed in the aforementioned regulation, it shall be the responsibility of the City Engineer to equitably estimate peak usage at full capacity based on predictive equations, comparative usage, or historical usage as approved by the City Engineer. The minimum charge for non-irrigated property shall be the charge for one equivalent dwelling unit.

D) Water Meter and Service Fees: Each water connection shall be assessed charges for completing services and connections, when required, in accordance with the following schedule:

| | | |
|---------------------------|------------------|---|
| 3/4" | Setter & Service | \$ 740 751 .00/ea |
| 1" | Setter & Service | \$ 1,096 1,113 .00/ea |
| 1-1/2" | Setter & Service | \$ 1,561 1,585 .00/ea |
| 2" | Setter & Service | \$ 1,950 1,980 .00/ea |
| 3" & larger | Meter & Service | Time & Material |
| 3/4" | Meter Only | \$ 326 331 .00/ea |
| 1" | Meter Only | \$ 367 373 .00/ea |
| 1 1/2" | Meter Only | \$ 588 597 .00/ea |
| 2" | Meter Only | \$ 727 738 .00/ea |
| 1/2 Street Asphalt Patch | | \$ 374.00 380.00 |
| Full Street Asphalt Patch | | \$ 587.00 596.00 |

E) Previous Connections: In instances where an improvement on a property has

previously been connected to the water system and complied with the connection fee(s) in force at the time of connection, the above fees do not apply. If, however, the connection involves an increase in number of dwelling units or an increase in demand on the system, then the connection is subject to these fees for the amount of the increase only and prorated in comparison to the demand of an equivalent dwelling unit.

II. WATER USE FEES

BE IT FURTHER RESOLVED that fees for water usage and other charges shall be determined as follows:

A) Customer Water Use Charges:

1. Standard Water Use Fee - Metered water usage for City of Kuna residents and original Danskin Well customers shall be billed at a flat rate of twenty dollars and ~~sixteen~~**forty-seven** cents (~~\$20.16~~**20.47**) for the first ten thousand (10,000) gallons of usage in a monthly billing cycle. Metered water usage for City residents, where the head of house is over sixty-five (65) years of age, resides at the residence and has completed an application with the City, shall be billed at a flat rate of fifteen dollars and ~~sixty-seven~~**ninety-one** cents (~~\$15.67~~**15.91**) for the first ten thousand (10,000) gallons of usage in a monthly billing cycle. Metered water usage for all other users and users with oversized service lines shall be billed at a flat rate of ~~twenty-two~~ **twenty-three** dollars and ~~ninety-five~~ **thirty** cents (~~\$22.95~~**23.30**) for the first ten thousand (10,000) gallons of usage in a monthly billing cycle.

2. Excess Water Use Fee- Metered water usage beyond ten thousand (10,000) gallons shall be billed at one dollar and ~~sixty-seven~~ **seventy** cents (~~\$1.67~~**1.70**) per one thousand (1,000) gallons except for the special situation noted in the following paragraph.

3. Irrigation Water Use Fee-

a. The irrigation season shall run from May 1 to October 31.

b. For City residential property (a single family residence located within the City Limits of Kuna) that has no access to pressure irrigation or gravity irrigation service because the service is not available in the area that the property is located, and where the usage is beyond ten thousand (10,000) gallons, but less than forty-five thousand (45,000) gallons, said residential property shall be billed as follows:

For the irrigation seasons 2014, 2015 and 2016, the rate shall be seventy-five cents (\$0.75) per one thousand (1,000) gallons.

For the irrigation seasons 2017 and 2018, the rate shall be one dollar (\$1.00) per thousand (1,000) gallons.

For the irrigation seasons 2019 and thereafter, the rate shall be the same as the excess water use fee.

c. For City Commercial property, City residential property that has access to the City pressurized irrigation system or gravity irrigation and elects not to connect to the system, or residential property that is without the city limits that has no access to pressure irrigation or gravity irrigation service because the service is not available in the area that the property is located or has elected not to connect to either service, and where the usage is beyond ten thousand (10,000) gallons, but less than forty-five thousand (45,000) gallons, said property shall be billed as follows:

For the irrigation seasons 2014 and 2015, the rate shall be one dollar (\$1.00) per one thousand (1,000) gallons.

For the irrigation seasons 2016 and thereafter, the rate shall be the same rate as the City excess water use fee.

e. For City Enterprise Funds (except Water Fund) usage of City potable water shall be billed as follows:

For the irrigation seasons 2014 and thereafter, the rate shall be fifty cents (\$0.50) per one thousand (1,000) gallons.

4. **Bulk Water Charges** - All bulk sales shall be approved by the Water Superintendent or his designated representative prior to delivery, and be obtained from designated sources only. The rate for bulk sales shall be one dollar and ~~sixty-seven~~ **seventy** cents (~~\$1.67~~ **1.70**) per one thousand (1,000) gallons.

B) Other Charges:

1. **Connection Fees (Outside City Limits)** - Any customer outside the corporate limits of the City requesting water service, who is legally able to annex to the City, must do so to connect to the City Water System, thereafter to pay connection fees as any other resident. Any customer outside City corporate limits requesting water service,

who is not legally able to annex, cannot connect without explicit Council approval, which approval is solely at the option of City Council.

2. **Damage Repair Costs** - Damages to Water Department facilities by other utilities, excavators or others will be repaired by or at the direction of Water Department Personnel. All direct and indirect costs incurred in the repair will be billed to the party causing the damage.

3. **Short Notice Line Location Charges** - The City of Kuna, as required by law, participates in the Dig Line system. Forty-Eight hours notification is required prior to excavation by any party. Exceptions will be allowed for line locations during times of individual hazard or public emergency.

III. NEW CONSTRUCTION

BE IT FURTHER RESOLVED, that in connection with new development, the assumed water main size is a minimum nominal diameter of eight (8") inches. When, in conformance with the needs of the City Water System, a larger line is requested of the developer than this minimum nominal diameter, and the larger line is beyond the developer's flow needs, the developer may be reimbursed in conformance with adopted City reimbursement policies.

BE IT FURTHER RESOLVED that connection fees and all other charges, other than the Customer Water Use Fees shall be in effect upon passage of this ordinance.

BE IT FURTHER RESOLVED that the Customer Water Use Fees shall be in effect beginning with the November 1st, ~~2015~~ **2016** billing.

BE IT FURTHER RESOLVED, that all similar fees and policies established by earlier resolution(s) are hereby repealed.

PASSED BY THE COUNCIL of the City of Kuna, this 4th day of October 2016.

APPROVED BY THE MAYOR of the City of Kuna, this 4th day of October 2016.

Joe L. Stear, Mayor

ATTEST:

Chris Engels, City Clerk



CITY OF KUNA
P.O. BOX 13
KUNA, ID 83634
www.kunacity.id.gov

GORDON N. LAW
CITY ENGINEER

Telephone (208) 287-1727; Fax (208) 287-1731
Email: glaw@kunaid.gov

MEMORANDUM

TO: Mayor Stear and Members of City Council

FROM: Gordon N. Law
Kuna City Engineer

RE: Sewer Fee Resolution
Inflation Adjustment

DATE: September 20, 2016

REQUEST: Approve Resolution for Adjusted Sewer Fees

The typical residence pays \$26.19 per EDU per month for sewer fees. Each year the purchasing power of this revenue is reduced by the rate of inflation, and ultimately, the monthly user fee will no longer support operations costs, let alone capital costs. In 2013, the City decided to annually correct for this loss of purchasing power by adjusting the various fees by the inflation rate of the previous year.

Accordingly, the attached resolution proposes a 1.5% inflation adjustment – corresponding to the 1.5% increase in the CPI-U over the last year. The monthly increase is forty cents per month for the typical residence. The base fee per EDU will increase from \$26.19 per month to \$26.59. It is estimated the additional amount collected during the year will equal approximately \$29,000.

All changes from the previous fee resolution except dates are underlined in the Council copy.

Attachments

City of Kuna, Idaho Sewer System Fees and Policies

RESOLUTION NO. R71-2016

A RESOLUTION AMENDING CERTAIN SECTIONS OF RESOLUTION R75-2015 THAT: SETS FORTH THE AUTHORITY FOR ADOPTING SEWER FEES; ESTABLISHES FEES FOR CONNECTING TO SEWER SYSTEM; ESTABLISHES MONTHLY SEWER USE FEES THAT ARE NOW AMENDED WITH SEWER RATE CHANGES FOR ALL CUSTOMERS; SETS FORTH MINIMUM LINE SIZES; PROVIDES FOR A METHOD OF COMPUTING USER EQUIVALENT; REPEALS FEES ESTABLISHED BY EARLIER RESOLUTIONS; AND SETS AN EFFECTIVE DATE.

WHEREAS, Section 7-6-3A of the Kuna City Code authorizes the City of Kuna, Idaho to prescribe charges for sewer connections and such charges to be in force after approval of the Mayor and City Council by resolution; and

WHEREAS, Section 7-6-4A of the Kuna City Code authorizes the City of Kuna, Idaho to establish user charges for service by the Publicly Owned Treatment Works, based on the volume and strength of the effluent discharged by the users, and consistent with the benefit derived by the users;

I. SEWER CONNECTION FEES

NOW THEREFORE BE IT RESOLVED that the fee for connecting to the Publicly Owned Treatment Works shall be determined as follows:

A) Interceptor Capacity Fee: Each dwelling unit (single family residence, manufactured home, town home, condominium or apartment), or any other user prorated based upon volume and strength when compared to a “user equivalent” as defined in Kuna City Code, to be connected to the Publicly Owned Treatment Works, shall be assessed eight hundred and twenty-nine dollars (\$829.00) per “user equivalent” at the time of connection for the capital costs of providing oversized mains, and interceptor and trunk lines to convey the wastewater flow generated by each unit.

B) Treatment Capacity Fee: Each dwelling unit (single family residence, manufactured home, town home, condominium or apartment), or any other user prorated based upon volume and strength when compared to a “user equivalent” as defined in Kuna City Code, to be connected to the Publicly Owned Treatment Works shall be assessed four thousand three hundred and twenty-six dollars (\$4,326.00) per “user equivalent” at the time of connection for the capital costs of providing treatment capacity to treat the biochemical oxygen demand and total suspended solids generated by each unit. In instances where a developer or property owner has prepaid this fee as a condition of development, and the treatment plant to which the proposed connection and prepayment applies is the same, then the prepaid fee shall suffice for full or partial credit for payment of the Treatment Capacity Fee defined herein and as provided in City Resolution R10-2010.

C) Industrial/Commercial Connection: Each commercial or industrial facility to be connected to the publicly owned treatment works shall be assessed interceptor capacity and treatment capacity fees based on user equivalents established by adopted policies, and in instances not addressed by established policies, computed as follows, based on peak usage at full capacity and prorated compared to a typical residence:

The peak usage shall be determined from the usage of the proposed facility at full capacity based on flows obtained from IDAPA 58.01.03.007.08 in the chart titled WASTEWATER FLOWS FROM VARIOUS ESTABLISHMENTS IN GALLONS PER DAY. Waste Strength shall be obtained from the chart in Section II.B of this resolution by averaging the high and low extremes of the applicable Category. For uses not specifically addressed in the aforementioned charts, it shall be the responsibility of the City Engineer to equitably estimate peak usage at design capacity for the connecting facility.

D) Previous Connections: In instances where an improvement on a property has previously been connected to the sewer system and complied with the connection fee(s) in force at the time of connection, the above fees do not apply. If, however, the connection involves an increase in number of dwelling units or an increase in demand on the system, then the connection is subject to these fees for the increase only. For existing connections proposing to increase levels of discharge, a fee proportional to the increase of quantities, when compared to a “user equivalent” as defined in Kuna City Code, shall be assessed. For existing commercial and industrial users, the existing level of usage is generally the discharge defined by connection fees previously paid at the

time they were paid. In the absence of a record of connection fees previously paid, the existing level of usage derived from the existing facility at full capacity, or the discharges defined in a "discharge permit" or "user agreement" existing at the promulgation of this act may be utilized.

II. SEWER USER CHARGES

BE IT FURTHER RESOLVED, the monthly use fee for sewer service provided by the Publicly Owned Treatment Works to each user connected to the system within the City Limits shall include a Monthly Use Fee based upon volume and strength of discharge as follows:

A) Monthly Use Fee: Sewer Use Fees shall be twenty-six dollars and ~~nineteen~~ **fifty-nine** cents (~~\$26.19~~ **26.59**) per "user equivalent" as defined in Kuna City Code. The monthly use fee for fractions of a month shall be prorated according to time in service.

B) Waste Strength: The Kuna City Code defines "user equivalent" in terms of flow and waste strength as follows:

| | |
|------|-----------------|
| Flow | 190 gallons/day |
| BOD | 350 mg/liter |
| COD | 750 mg/liter |
| TSS | 285 mg/liter |

The City has adopted by Resolution **R33-2012** a "Simplified EDU Chart" which shall be relied on in establishing "user equivalents" for each discharger as provided in Kuna City Code.

~~Waste strength categories are based on the highest concentration of either B.O.D.⁵ or T.S.S. in the waste stream. The concentration ranges for each category are:~~

| | |
|-------------------------|--------------------------|
| Category I | 0-200 mg/L |
| Category II | 200-400 mg/L |
| Category III | 400-600 mg/L |
| Category IV | 600-800 mg/L |
| Category V | 800-1000 mg/L |

~~The waste strength category for each user may be determined by laboratory analysis, or in lieu of periodic sampling and analysis, may be assigned in accordance with the following classification chart:~~

SEWER WASTE STRENGTH CLASSIFICATION

CATEGORY I

Car Wash

Dry Cleaners

Laundromats

Animal Clinics

Barber Shops

Beauty Salons

Bars and Taverns

Car Dealers

Cold Storage

Department and Retail

Domestic (Single and Multiple)

Fruit and Produce

Garages

Hotels and Motels

Medical/Dental

Offices

Photo Finishing

Printers

Service Station/Bulk

CATEGORY II

Airports

Commercial Laundries

Hospitals, Schools, Churches

Mortuaries

Soft Drink Company

Theaters

CATEGORY III

Food Markets

Restaurants

CATEGORY IV

Bakery, Wholesale

- _____ Dairies
- _____ Fish and Poultry
- _____ Restaurants (Drive-In)

2. **Non-Category Rate:** For users whose **“user equivalent” is not** waste strength is outside the range of categories defined in this Resolution **R33-2012**, the monthly use fee shall be computed and prorated based on the higher concentration of either B.O.D.⁵ or T.S.S.

3. **Purpose:** The waste strength category may be used at the discretion of the City Engineer to compute the “user equivalent” for each user for the purpose of assessing connection and monthly use fees.

III. NEW CONSTRUCTION

BE IT FURTHER RESOLVED, that in connection with new development, the minimum sewer main size is a nominal diameter of eight (8") inches. When, in conformance with the needs of the City Sewer System, a larger line is requested of the developer than this nominal diameter, and the larger line is beyond the developer's flow needs, the developer may be reimbursed in conformance with adopted City reimbursement policies.

IV. OTHER POLICIES

BE IT FURTHER RESOLVED that:

1. **Connections Outside City Limits** - Any customer outside the corporate limits of the City requesting sewer service, who is legally able to annex to the City, must do so as a condition to connect to the City sewer system except as approved by resolution of City Council. Any customer outside City corporate limits requesting sewer service, who is not legally able to annex, cannot connect without explicit Council approval, which approval is solely at the option of City Council.

2. **Damage Repair Costs** - Damages to Sewer Department facilities by other utilities, excavators or others will be repaired using City approved contractors, procedures and specifications. All direct and indirect costs incurred by the City to perform, oversee, monitor and/or inspect the repair will be billed to the party causing the damage.

3. **Short Notice Line Location Charges** - The City of Kuna, as required by law, participates in the Dig Line system. Forty-eight hours notification is required prior to excavation by any party. Exceptions will be allowed for line locations during times of

individual hazard or public emergency.

V. EFFECTIVE DATE

BE IT FURTHER RESOLVED that sewer connection fees are to be in effect beginning November 1, 2008 and that sewer use fees are to be in effect for the water meter reading cycle beginning in October 2016 and appearing in the November 1st, 2016 billing, and all fees that are in conflict with the new fees as established by earlier resolution are hereby repealed.

PASSED BY THE COUNCIL of the City of Kuna, this 4th day of October 2016.

APPROVED BY THE MAYOR of the City of Kuna, this 4th day of October, 2016.

Joe L. Stear, Mayor

ATTEST:

Chris Engels, City Clerk



CITY OF KUNA
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GORDON N. LAW
CITY ENGINEER

Telephone (208) 287-1727; Fax (208) 287-1731
Email: glaw@kunaid.gov

MEMORANDUM

TO: Mayor Nelson and Members of City Council
FROM: Gordon N. Law
Kuna City Engineer
RE: 2017 Irrigation Assessments
DATE: September 23, 2016

REQUEST: **Adopt Irrigation Assessment Resolution.
Accept Assessment Roll**

The State Code requires that by the second Wednesday of February, the City Council shall make an estimate of the irrigation expenses for the coming season and apportion the same to the benefitting properties.

The State Code authorizes cities to establish municipal irrigation systems or districts, in which cities may take delivery of irrigation water (in the same manner as if they were a farmer) and distribute it to their citizens for landscape irrigation purposes. The process pools all the water rights for all the property served by the municipal irrigation district, and for delivery and payment purposes, treats the City as if it was a single "farmer" for that land. The State Code also directs in detail the manner in which assessments are to be established for benefitted lands.

The setting of assessments is an annual process that involves the following essential requirements:

1. Preparation of an assessment roll;
2. Preparation of an estimate of costs;
3. Development of a uniform method of distributing costs to benefitted lands according to the benefit derived by a parcel;
4. Providing of notice of assessment; and
5. Providing an opportunity for objections to assessments to be heard.

The attached resolution fulfills the essential requirements of State Law and continues, with some modification, the assessment methodology adopted for the 2016 irrigation season. Of particular note are the paragraphs describing the uniform method of assessment. A purely flat rate of assessment, without any regard to property area, may not be "uniform" in that it gives no consideration to the greater benefit derived by a larger parcel compared to a smaller one. In a similar manner, an assessment method proportioned solely on parcel size fails to account for costs that are not proportional to property size.

The assessment method employed in the resolution mixes both approaches by assigning a flat rate to all parcels 10,000 SF in size or less and a surcharge based on property area to parcels exceeding 10,000 SF in size. The attached resolution assumes the excess area is charged at the rate of \$2.15/1,000 SF but Council would have the latitude of amending the resolution and altering rates according to their own findings. Also included is an analogous assessment method governing properties served by gravity irrigation and vacant properties not yet occupied. The attached resolution is structured largely as the 2016 Resolution with the following items of note:

1. Paragraph IV.E is retained which allows a 50% reduction in connection fees for parcels in older areas of town to encourage their conversion from the use of potable water for irrigation to the use of pressurized surface water. **The allowance was to expire in 2017 but in this resolution is extended to expire in 2018.**
2. The common lots in subdivisions are a significant group of properties which are connected to the system but which have never paid connection fees as a proportionate share of the capital costs for constructing the system. Paragraph V.A.4 outlines a methodology for these properties to pay their fair share and includes payment of it in the annual assessment in perpetuity. It is called a "Capital Reimbursement Assessment". The proposal imposes the fee gradually over 4 years and provides an allowance for paying the connection fees and avoiding the capital reimbursement assessment. Council is invited to review Paragraph V.A.4 and provide comment.

The assessment rates adopted in 2016 are adjusted for 2017 to cover the projected costs. The annual assessment for a typical residence increases from \$97.00 to \$99.50, or an increase of 2.5%. Inflation over the last year approximated 1.5%. The resolution also adopts anew, the pressure irrigation connection fees and miscellaneous charges from the previous year with the exception of a 1.5% increase in the cost for new services and asphalt patches. The proposed assessment rates may be adjusted the night of Council Meeting based on updated property data available October 2, 2016 from Ada County.

EXPENSES

One of the key responsibilities of the assessment process is to estimate expenses for the 2017 irrigation season and include the same in the fee resolution in Section II. For 2013, the net estimated expenses for purposes of assessment were \$468,156, \$482,750 for 2014, \$503,060 for 2015, \$533,500 for 2016 and proposed to be \$558,300 for 2017. No expenditures are included from contingency account or for capital expenditures related to system expansion - which is funded by connection fees. The attention of Council is directed toward differences year-to-year in the following expenditures:

1. Power Costs: Increased \$24,000 to match budget which accounts for city growth, the addition of a well and pump station into the system and Idaho Power's right to a "Power Cost Adjustment".
2. Water Rental: Water rental costs from Boise-Kuna and New York Irrigation Districts are \$10,000 more than assessed costs in 2016. This is due to a year-over-year increase in annexed property, which includes 16 new subdivision phases.
3. Equipment Costs: This item includes the Pressure Irrigation Fund's share of large ticket price items of equipment, an amount established at budget time and which varies from year-to-year. Smaller tools are provided under Other Operational Costs. The 2017 increase from 2016 is \$18,000.
4. Potable Water Cost: When irrigation demand exceeds the ability of the PI system to deliver water, potable water is used to make up the difference. In 2014, the potable system provided 234 million gallons to the PI system valued at \$117,000. For 2015, the potable demand was 96 million gallons valued at \$48,000. Projections for 2016 and 2017 3-8 million gallons if trends continue, a value of \$2,000-4,000.

- 5. Connections After Assessment: When building permits are issued after the date of assessment, the property converts from “vacant” to “occupied”. These properties are charged a fee reflecting their use of the system for which they have not been assessed. These fees are entered as a credit against expenses and are projected to reduce total expenses by \$4,000.

SCHEDULE

The Idaho Code requires that a proposed assessment roll be in the clerk’s office on or before the fourth Monday of January. It also requires that assessments are officially adopted by Council on or before the second Wednesday of February. It was decided in 2013 the city would move to a November assessment schedule, would implement a monthly payment system, would combine irrigation billings onto the water-sewer-trash statement and would replace the over-the-fence shut-off with the potable water shut-off. The potable water shut-off has substantially reduced PI delinquencies. This will be the fourth November assessment. The annual assessment will be spread equally over nine months for 2017. If unpaid, the assessment becomes delinquent July 1st, with a lien recorded against the property by the 4th Monday in July.

BOARD OF CORRECTION

The Idaho Code requires a Board of Correction is convened on or before March 20th of each year. The Mayor and Council are designated as the Board. The proposed resolution sets March 7th, 2017 at 5:30 pm in City Hall as the date for the meeting of the Board. The purpose of the Board is to hear objections to individual assessments and make corrections as appropriate.

ANNUAL ASSESSMENTS

For 2016 the annual assessment for pressure irrigation for the typical residential lot less than 10,000 SF in area was \$97.00. With the increases in costs, the annual assessment for 2017 would be \$99.50 for a typical residential lot or an increase of 2.5% . The 2016 gravity irrigation assessment for the typical residential lot less than 10,000 SF in area is \$36.25. With the aforementioned changes the 2017 gravity assessment would be \$37.00 or an increase of 2.1%. Vacant lots under one acre will increase from \$14.50 to \$14.75 or an increase of 1.0%.

DELIBERATIONS

This information is provided to Council so that they may examine the projections, consider options, confer with staff, and ultimately make an informed decision. The latest data for the 2017 assessment roll lists 5,071 occupied lots with pressure irrigation, 264 lots with gravity irrigation, 390 vacant lots with pressure irrigation available and 94 special accounts (like HOA lots) - for a total assessed lots of 5,819.

If Council is not inclined to adopt the resolution as presented, it may be helpful to address the adoption of the amended assessment resolution in the following ordered manner:

- 1. Review and tentatively concur with the proposed expenditures or amend the proposal as appropriate.
- 2. Review and tentatively concur with the proposed assessment formulas or amend the proposals as appropriate.
- 3. Review and tentatively concur with the proposed Board of Correction schedule or amend the proposal as appropriate.

4. Review and tentatively concur with the proposed text changes or amend the proposals as appropriate.

4. Adopt the resolution as amended and direct staff to prepare a clean version consistent with Council's intent for signature.

Enclosures

City of Kuna, Idaho
2017 Irrigation Assessment Resolution

Kuna Municipal Irrigation District Assessments and Fees
RESOLUTION NO. R72-2016

A RESOLUTION OF THE COUNCIL OF THE CITY OF KUNA, IDAHO SETTING FORTH FEES, ASSESSMENTS AND POLICIES FOR THE KUNA MUNICIPAL IRRIGATION DISTRICT FOR SAID CITY; RECEIVING AND ACCEPTING THE ASSESSMENT BOOK FOR THE 2017 IRRIGATION SEASON; RECEIVING AND ACCEPTING THE ESTIMATE OF EXPENSES FOR THE 2017 IRRIGATION SEASON; SETTING THE TIME AND PLACE FOR THE MEETING OF THE BOARD OF CORRECTION FOR 2017 ASSESSMENTS; SETTING FEES FOR CONNECTING TO SAID IRRIGATION SYSTEM; SETTING UNIFORM METHOD OF ALLOCATING ASSESSMENTS FOR THE 2017 IRRIGATION SEASON; ESTABLISHING BILLING POLICIES; SETTING CUSTOMER SERVICE CHARGES; SETTING SYSTEM POLICIES; REPEALING EXISTING FEES AND POLICIES AS PREVIOUSLY SET BY RESOLUTION, AND SETTING AN EFFECTIVE DATE.

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

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

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

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

I. ASSESSMENT ROLL

NOW THEREFORE BE IT RESOLVED, that pursuant to Idaho Code 50-1807, an assessment book for the Kuna Municipal Irrigation District was filed in the office of City Clerk on October 17, 2016, and by this action, Mayor and Council of said City duly receive, make corrections and accept the same.

II. ESTIMATE OF EXPENSES

BE IT FURTHER RESOLVED the estimated expenses or the necessary funds for the expenses of maintaining, operating, improving, extending and enlarging said City’s irrigation system for the 2017 irrigation season, and which shall be allocated in proportion to the benefits received to the properties in said assessment book, are as follows:

| | |
|--|---|
| Estimated Power Costs | \$ 82,000 <u>106,000</u> |
| BK Irrigation Water Rental (1,638 Ac) | \$ 86,400 <u>93,800</u> |
| NY Irrigation Water Rental (251 Ac) | \$ 17,200 <u>20,200</u> |
| <u>NM Irrigation Water Rental (0 Ac)</u> | <u>\$ 0</u> |
| Wages and Benefits | \$158,000 |
| Other Operational Costs | \$ 117,600 <u>118,000</u> |
| Equipment Costs | \$ 42,000 <u>60,000</u> |
| System Improvements | \$ 16,000 - |
| Interest and Retirement of Debt | \$ - |
| Unpaid and Delinquent Assessments | \$ 3,700 |
| Adjustments by Council | \$ 2,000 |
| Potable Water Cost (50.8 <u>8</u> MG) | \$ 16,000 <u>4,000</u> |
| Redemptions - Credit | (\$ 3,400) |
| Connections After Assessment – Credit | (\$ 4,000) |
| TOTAL ESTIMATED EXPENSES | <u>\$533,500</u> <u>558,300</u> |

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

III. BOARD OF CORRECTION

BE IT FURTHER RESOLVED the Board of Correction to hear protests to aforesaid assessments, and as deemed appropriate, to correct the same, shall meet March 7, 2017 at 5:30 P.M. at the Kuna City Hall, 763 W. Avalon, Kuna, Idaho, and continue as long thereafter as may be necessary to conduct the business of the Board. The Board of Correction shall receive protests as to issues of fact in setting assessments, shall correct assessments to conform to the facts and shall conclude the process by confirming the corrected assessment roll. A protestant unable to attend the meeting of the Board may submit a protest in writing any time up to 3:00 P.M. March 7, 2017.

IV. IRRIGATION CONNECTION FEES

BE IT FURTHER RESOLVED, that the charge(s) for connecting to the City

Irrigation System shall be determined as follows:

A) **Irrigation Main Fees:** Each residential property to be connected to a System pressurized irrigation main shall be assessed a one-time connection fee for reimbursement of the capital cost of providing pressurized irrigation trunk mains to serve the property. The amount of said fee shall be a minimum six hundred and twenty dollars (\$620.00) for each lot or parcel up to ten thousand (10,000) square feet in total area plus eight and nine tenths cents (\$.089) per square foot for area exceeding ten thousand square feet.

Each commercial property to be connected to a System pressurized irrigation main shall be assessed a one-time connection fee for reimbursement of the capital cost of providing pressurized irrigation trunk mains to serve the property. The amount of said fee shall be a minimum six hundred and twenty dollars (\$620.00) for each lot or parcel up to seven thousand (7,000) square feet in total landscaped area plus eight and nine tenths cents (\$.089) per square foot for landscaped area exceeding seven thousand square feet.

B) **Irrigation Supply Fee:** Each residential property to be connected to a System pressurized irrigation pump station shall be assessed a one-time connection fee for reimbursement of the capital cost of providing pressurized irrigation pump stations to serve the property. The amount of said fee shall be a minimum nine hundred dollars (\$900.00) for each lot or parcel up to ten thousand square feet in total area plus twelve and nine tenths cents (\$.129) per square foot for area exceeding ten thousand square feet.

Each commercial property to be connected to a System pressurized irrigation main shall be assessed a one-time connection fee for reimbursement of the capital cost of providing pressurized irrigation pump stations to serve the property. The amount of said fee shall be a minimum nine hundred dollars (\$900.00) for each lot or parcel up to seven thousand (7,000) square feet in total landscaped area plus twelve and nine tenths cents (\$.129) per square foot for landscaped area exceeding seven thousand square feet.

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

| | | |
|--------|---------|---|
| 1" | Service | \$ 214 <u>218</u> /ea |
| 1 1/2" | Service | \$ 267 <u>272</u> /ea |

| | | |
|---------------------------|---------|----------------------------------|
| 2" | Service | \$ 321 <u>326</u> /ea |
| 3" & larger | Service | Time & Material |
| 1/2 Street Asphalt Patch | | See Resolution R70-2016 |
| Full Street Asphalt Patch | | See Resolution R70-2016 |

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

E) **Conversion To Pressure Irrigation:** In instances where a parcel was annexed into the corporate limits of the City of Kuna prior to January 1, 1998, was not annexed and connected into the pressurized system of the Kuna Municipal Irrigation District, and subsequently desires to connect to the pressurized system, the applicable connection fees are 50% of the full amount chargeable per paragraphs A through C above. After January 1, ~~2017~~ **2018**, the connection fees shall return to the full amount chargeable per paragraphs A through C above.

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

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

In instances where mandatory conversion is ordered by the City, the fifty percent reduction

in connection fees and amortization shall be applied as outlined in Paragraph IV.E above and IV.I below.

G) **Capital Improvements Fund:** All funds collected from connection fees (Irrigation Main, Irrigation Supply) may be used only for initial construction, late-comer reimbursements according to adopted policies or replacement of Irrigation System Facilities.

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

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

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

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

V. **IRRIGATION ASSESSMENTS**

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

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

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

2. **Base Assessment** - Each parcel or lot shall be assessed at the rate of fifty-three dollars and twenty-five cents (\$53.25) per acre, but with a minimum assessment per account of forty-one dollars and no cents (\$41.00). This component of the total assessment is largely to defray the cost of water rental charged by the underlying irrigation districts, with any amounts remaining to contribute to capital replacement and maintenance costs.

3. **Operations Assessment** - Any properties with pressure irrigation service shall be assessed annually ~~fifty-two~~ **fifty-four** dollars and **fifty cents** (~~\$52.00~~ **54.50**) per account for a property up to ten thousand (10,000) square feet in total area. The added assessment for accounts larger than ten thousand (10,000) square feet shall be two dollars and ~~ten~~ **fifteen** cents (~~\$2.10~~ **2.15**) per thousand (1,000) square feet for the portion of the property exceeding ten thousand (10,000) square feet in area.

4. **Capital Reimbursement Assessment – Any property with pressure irrigation service, which has not paid connection fees as a precedent condition for connection, shall pay annually a capital reimbursement fee of 1 percent (1%) for the 2017 irrigation season, 2 percent (2%) for 2018, 3 percent (3%) for 2019 and 4 percent (4%) for the 2020 irrigation season and thereafter, of the amount of the connection fees. This assessment is particularly applicable to landscaped common lots and is in addition to the annual Assessment Expense, Base Assessment and Operations Assessment. Forty-one percent**

(41%) of the monies collected shall be credited to the account designated for Pressure Irrigation Trunk Line Fees and fifty-nine percent (59%) to the account designated for Pressure Irrigation Supply Fees. Properties subject to this fee, which subsequently pay the applicable one-time connection fees, shall thereafter be excused from payment of the capital reimbursement fee.

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

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

2. Base Assessment - Each parcel or lot shall be assessed at the rate of fifty-three dollars and twenty-five cents (\$53.25) per acre, but with a minimum assessment per account of twelve dollars (\$12.00). This component of the total assessment is largely to defray the cost of water rental charged by the underlying irrigation districts, with any amounts remaining to contribute to capital replacement and maintenance costs.

3. Operations Assessment - Any properties with gravity irrigation service shall be assessed at the rate of twenty~~one~~ dollars ~~and twenty-five cents~~ (\$~~20.25~~ **21.00**) per account for a property less than one acre in total area. The added assessment for residential accounts one acre and larger shall be two dollars and ~~ten~~ **fifteen** cents (\$~~2.10~~ **2.15**) per acre for the portion of the property exceeding one acre in area.

C. Assessments Due – Assessments are due and payable on April 1st or the first business day thereafter.

D. Partial Year Assessment – For purposes of calculating partial year assessments, the irrigation season is presumed to be April 10th to October 10th. For initial connections made during the course of the irrigation season (such as properties newly annexed into the municipal irrigation system), the new connection shall pay the full Base Assessment, the full Assessment Expense and a prorated Operations Assessment based on

the portion of the irrigation season remaining. Partial year assessments are due and payable at the time of building permit issuance, and in instances where a building permit is not being issued, at or before the time of connection.

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

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

G. Vacant Lot Assessment – A non-irrigated parcel of one acre or less in area which has access to pressure irrigation and which is eligible for a building permit for either residential or commercial purposes, but which has not yet exercised that right at the time of assessment, shall be assessed fourteen dollars and ~~forty~~ **seventy-five** cents (\$~~14.50~~ **14.75**) per buildable parcel. Vacant lots larger than one acre in size are assessed as a gravity irrigation lot. In the event a building permit is obtained on said parcel after the time of assessment, but before the end of the irrigation season, said parcel shall be treated as a “partial year” or “full year” assessment, as defined above, with credit given for the vacant lot assessment already paid.

VI. CUSTOMER BILLING:

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

B. Monthly Billings – Each residential or commercial property that is served by potable water that also has a municipal irrigation account shall be billed for the annual irrigation assessment, as part of their municipal utilities billing statement, in equal monthly installments until paid in full, and be subject to shut-off of the potable water

service in addition to other statutory remedies if the monthly payments are delinquent as provided in Kuna City Code.

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

D. Monthly Rates – The monthly installments for payment of the 2017 annual irrigation assessment shall be nine (9) equal installments. After retirement of the 2017 annual irrigation assessment, the monthly installments shall end until re-started by the 2018 annual irrigation assessment resolution.

VII. CUSTOMER SERVICE CHARGES:

A. New Service Accounts - Requests to subdivide an account into additional accounts or aggregate existing accounts under single ownership, into fewer accounts, may be made by application in person at Kuna City Hall between 8:00 a.m. and 5:00 p.m. during normal workdays. Customers will be billed five dollars (\$5.00) for each account added or reduced, payable at the time of the request. Adjustments in assessments during irrigation season, to the benefit or to the expense of the resulting accounts, shall be treated as “Partial Year Assessments” and prorated from the date of the request. Adjustments to the expense of an account shall be payable at the date of request and adjustments to the credit of an account shall be processed as an account payable in conformance with city procedures.

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

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

D. Re-connect Fee – A re-connect fee of fifteen dollars (\$15.00), if performed during normal work hours or fifty dollars (\$50.00) if performed after normal work hours,

which shall be paid prior to the account being reconnected, or as subsequently adopted by resolution of City Council, shall be charged to any account to reconnect service following disconnection for non-payment or for any other reason not in the discretion of the City of Kuna or its agents. This fee shall be applied separately for each request and must be paid before reconnection can occur.

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

F. Unauthorized Connection – In the event a parcel connects to the pressurized irrigation system without authorization, meaning without having paid connection fees and receiving explicit approval to connect, it shall be presumed that the parcel owner has petitioned to connect, but without authorization. The City may collect a tampering fee as outlined in Paragraph VI.E and disconnect the parcel from service, or collect full payment of connection fees and commence billing monthly assessment charges, or commence charging monthly amortization of the connection fees as provided in Paragraph IV.I and commence billing monthly assessment charges. In the event the parcel does not have a water right for use of the water, and one cannot be provided, the only option available is to collect a tampering fee and disconnect the parcel from service.

VII. WATER ALLOTMENT

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

irrigation district.

VIII. REPEAL OF EXISTING FEES AND POLICIES

BE IT FURTHER RESOLVED that the connection fees and other charges established herein are effective beginning October 4, 2016; prior similar fees and policies established by earlier resolution(s) are hereby repealed.

IX. SEVERABILITY CLAUSE

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

X. EFFECTIVE DATE

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

PASSED BY THE COUNCIL of the City of Kuna, this 4th day of October, 2016.

APPROVED BY THE MAYOR of the City of Kuna, this 4th day of October, 2016.

Joe L. Stear, Mayor

ATTEST:

Chris Engels, City Clerk



CITY OF KUNA
P.O. BOX 13
KUNA, ID 83634
www.kunacity.id.gov

GORDON N. LAW
CITY ENGINEER

Telephone (208) 287-1727; Fax (208) 287-1731
Email: glaw@kunaid.gov

MEMORANDUM

TO: Mayor Stear and Members of City Council

FROM: Gordon N. Law
Kuna City Engineer

RE: Kuna Counseling Enter
Easement for Water and PI Facilities

DATE: September 21, 2016

REQUEST: Accept Easement by Resolution

Attached hereto is a proposed easement to allow City personnel to operate and maintain certain water and pressure irrigation facilities which are not within existing right-of-way nor easement for the Kuna Counseling Center project.

Also attached is a resolution which, if approved, accepts the easement and directs the City Clerk to record it. The City Engineer recommends approval of the resolution.

Attachments

RESOLUTION NO. R73-2016**RESOLUTION APPROVING ACCEPTANCE OF A PERPETUAL EASEMENT ON PROPERTY OWNED BY PEOPLE EMPOWERMENT SERVICES, LLC FOR THE PURPOSE OF CONSTRUCTING AND MAINTAINING WATER AND PRESSURE IRRIGATION MAINS.**

BE IT HEREBY RESOLVED by the Mayor and Council of the City of Kuna, Idaho (“Grantee”), to accept that certain Easement titled: “Pressure Irrigation and Water Easement”, dated September 20, 2016, provided by People Empowerment Services, LLC (“Grantor”), and directing that said Easement is recorded in the records of Ada County, State of Idaho, which easement is for the purpose of operating and maintaining water and pressure irrigation mains on the Grantor’s property, and which Easement is attached hereto, and made a part hereof, as if set forth in full.

PASSED BY THE COUNCIL of Kuna, Idaho this 4th day of October, 2016.

APPROVED BY THE MAYOR of Kuna, Idaho this 4th day of October, 2016.

Joe L. Stear, Mayor

ATTEST:

Chris Engels, City Clerk

PRESSURE IRRIGATION AND WATER EASEMENT

THIS PERPETUAL CITY OF KUNA PRESSURE IRRIGATION MAIN AND WATER MAIN EASEMENT granted this 20th day of September 2016, by and between **PEOPLE EMPOWERMENT SERVICES, LLC**, whose mailing address is 1914 N. Summerwind Place, Kuna, Idaho 83634; (the "Grantor") and the **CITY OF KUNA**, an Idaho municipal corporation (the "Grantee"), whose mailing address is 763 West Avalon, Kuna, Idaho 83634:

(Wherever used herein the term "Grantor" and "Grantee" include all the parties to this instrument and their respective heirs, legal representatives, successors and assigns.)

WITNESSETH:

That Grantor, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, hereby grants to the Grantee, its successors, contractors, agents, and assigns, a Perpetual Easement for Construction, Maintenance, Operation and Replacement of a City of Kuna Pressure Irrigation Main and Water Main, more particularly described in Exhibit "A" (the "Easement Premises"), attached hereto and incorporated herein by reference.

This easement is made subject to the following conditions:

1. The easement described above is hereby reserved for the utility purposes herein set forth and no structures other than those for such utility purposes are to be erected within the limits of said easement.
2. The CITY OF KUNA, or their assigns, shall have the right at any time to cut, trim, and clear all trees, brush, and other obstructions that may injure, endanger, or interfere with the construction, operation, or maintenance of said utilities.
3. In exercising the rights granted herein, the CITY OF KUNA, or their assigns, will not unreasonably interfere with the normal use of the premises and will, at its sole cost and expense and with due diligence, restore the premises to its original or better condition following any use of the easement either for construction, repair, maintenance, and/or replacement of said facilities and appurtenances thereto.

TOGETHER With the right of ingress and egress on said real property for the purpose of constructing, operating, and maintaining said facilities and the necessary appurtenances thereto.

The undersigned hereby covenants and warrants that Grantor owns the said land described herein and the undersigned, as or on behalf of Grantor, has the right to grant this perpetual easement.

IN WITNESS WHEREOF, the Grantor has duly authorized and caused this City of Kuna Sewer Main Easement to be executed in its name as of the day and year first herein written.

GRANTOR:

[Signature], (authorized signature)

PEOPLE EMPOWERMENT SERVICES, LLC

Print Name/Title Jim Grigg - Owner

STATE OF IDAHO)

) ss.

County of)

On this 20 day of September, 2016, before me, the undersigned, a Notary Public in and for said State, personally appeared Jim Grigg known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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



[Signature]

Notary Public

Residing at 504 W. Colorado Ave
Trampa, ID 83686

My Commission Expires March 1, 2022

**DESCRIPTION FOR
CITY PRESSURE IRRIGATION AND WATER EASEMENT
KUNA COUNSELING CENTER**

A utility easement located in Lot 5, Block 1 of South Linder Estates Subdivision as is filed in Book 30 of Plats at Pages 1,832 and 1,833, records of Ada County, Idaho located in the NW 1/4 of the NW 1/4 of Section 24, T.2N., R.1W., B.M., Kuna, Ada County, Idaho more particularly described as follows:

Commencing at the NW corner of said Section 24 from which the N 1/4 corner of said Section 24 bears South 88°45'54" East, 2,630.62 feet;

thence along the North boundary line of said Section 24 South 88°45'54" East, 460.86 feet;

thence leaving said North boundary line South 00°08'30" West, 48.01 feet to a point on the South right-of-way line of E. Deer Flat Road, said point being the **REAL POINT OF BEGINNING**;

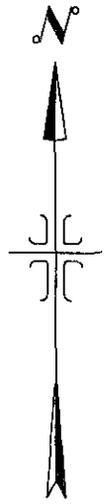
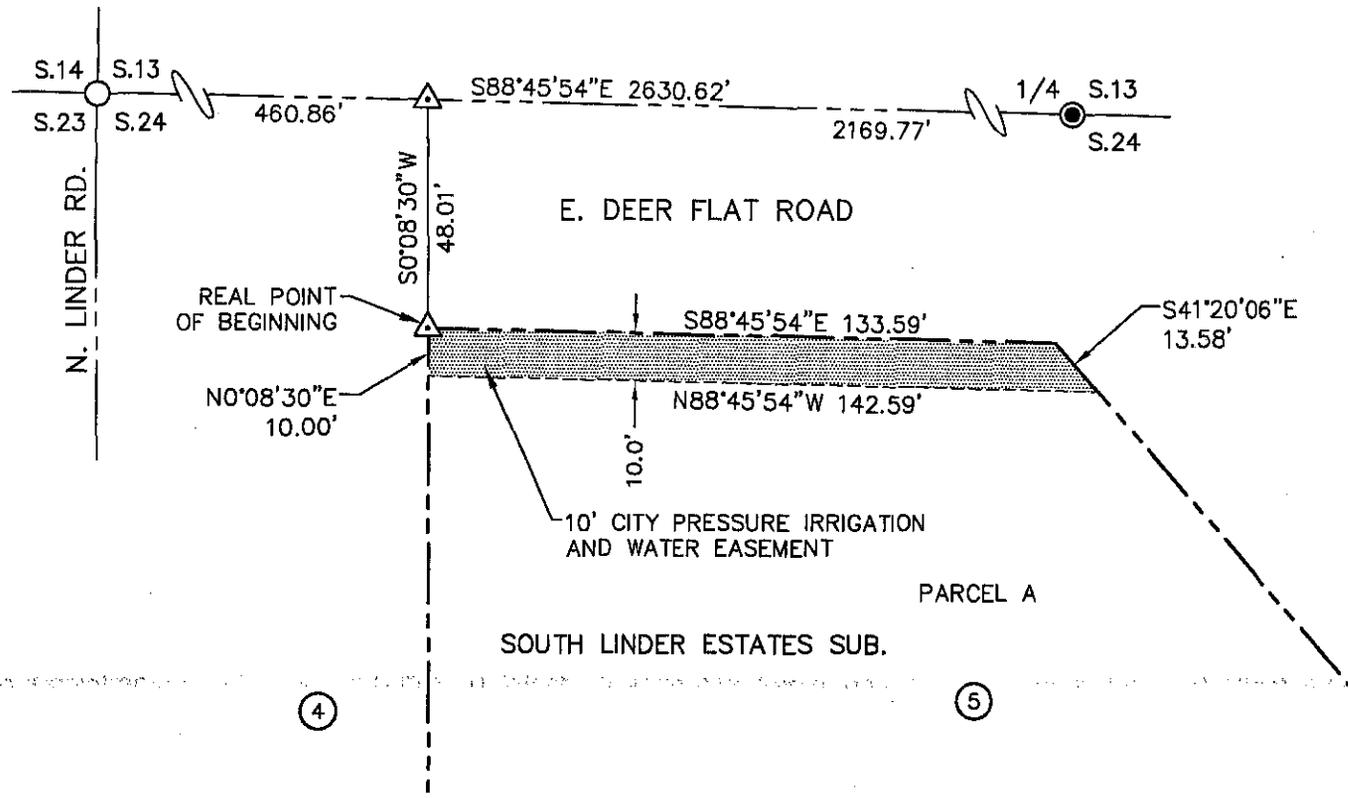
thence along said South right-of-way line South 88°45'54" East, 133.59 feet to a point on the northeasterly boundary line of said Lot 5;

thence along said northeasterly boundary line South 41°20'06" East, 13.58 feet;

thence leaving said northeasterly boundary line North 88°45'54" West, 142.59 feet to a point on the West boundary line of said Lot 5;

thence along said West boundary line North 00°08'30" East, 10.00 feet to the **REAL POINT OF BEGINNING**.





SCALE: 1" = 40'

| | |
|--|--|
| | IDAHO SURVEY GROUP, P.C. 1450 E. WATERTOWER ST. SUITE 130 MERIDIAN, IDAHO 83642 (208) 848-8570 |
| | EXHIBIT DRAWING FOR CITY PRESSURE IRRIGATION AND WATER EASEMENT KUNA COUNSELING CENTER |

| |
|------------------------|
| JOB NO. 15-215 |
| SHEET NO. 1 |
| DWG. DATE 9/14/2016 |

LOCATED IN THE NW 1/4 OF THE NW 1/4 OF SECTION 24, T.2N., R.1W., B.M., KUNA, ADA COUNTY, IDAHO



CITY OF KUNA
P.O. BOX 13
KUNA, ID 83634
www.kunacity.id.gov

GORDON N. LAW
CITY ENGINEER

Telephone (208) 287-1727; Fax (208) 287-1731
Email: glaw@kunaid.gov

MEMORANDUM

TO: Mayor Stear and Members of City Council

FROM: Gordon N. Law
Kuna City Engineer

RE: Kuna Public Works Projects
2016 Pressure Irrigation Master Plan
Consultant Agreement

DATE: September 23, 2016

REQUEST: Approve Resolution for Keller Associates Agreement

The City Engineer proposes the use of consultant services to prepare an amended Pressure Irrigation Master Plan. The existing Master Plan is now 11 years old with almost all of the previously identified capital projects completed. In addition, the proposed increase in the size of our impact area includes substantial area not included in the previous Master Plan.

The City of Kuna has created a registry of qualified consultants to perform design on modest sized water, sewer and pressurized irrigation projects. Of the qualified firms from the registry, Keller Associates was determined to be the best qualified for the above referenced project because their team brings with it experience from the 2005 Master Plan and has the most familiarity with the Kuna system.

Major items included in the work will include performing a demand and supply evaluation for areas with and without surface water rights, evaluating the practical and fiscal impact of utilizing treated wastewater in the pressurized irrigation system, quantifying storage needed to efficiently support pump stations, evaluating the practical and fiscal effect on the potable water system, wells and water rights portfolio when development extends into areas without surface rights, evaluating the question whether a separate pressure irrigation system should extend into areas without surface water rights, establishing boundaries for new pressure zones, placing wells and storage facilities appropriately, refining system capacity and peaking factors and identifying and prioritizing appropriate capital projects for the next decade. Because the City is expanding in areas without irrigation districts and surface water rights, this master plan is critical in defining water demands when our only source of supply is wells.

Keller Associates has provided an Agreement for Professional Services and an estimate of costs in the amount of \$45,950 for the Scope of Work. In selecting a consultant, the Idaho State Code does not allow selection on the basis of the cost of consultant services – only on the basis of qualifications to provide the services. The City staff will continue to make consultant selection as required in state code, but does evaluate costs to make sure expenditures are appropriately controlled.

The City Engineer requests the attached Agreement for Professional Services, Scope and Budget and Estimate of Costs is approved and the services of Keller Associates is secured for the work. Please note the attachment is in DRAFT form because of an accelerated submission schedule. Clean copies will be provided at or before Council Meeting. A resolution is attached, which if approved, authorizes the Mayor, Clerk and City Engineer to execute the requisite documents. The FY2016-17 Irrigation budget has \$30,000 for the project plus \$150,000 in the fund's Contingency Account.

Attachments

RESOLUTION NO. R74-2016

RESOLUTION AWARING CONTRACT FOR CONSULTING SERVICES TO KELLER ASSOCIATES IN THE AMOUNT OF \$45,950.00 FOR PREPARATION OF AN AMENDED PRESSURE IRRIGATION MASTER PLAN; DIRECTING EXPENDITURE OF FUNDS FROM THE IRRIGATION FUND FOR SAID WORK; AND AUTHORIZING THE MAYOR, CITY CLERK AND CITY ENGINEER TO EXECUTE CONTRACT DOCUMENTS WITH SAID CONSULTANT.

WHEREAS, the City of Kuna, Idaho has determined it to be in said City’s best interest to prepare an Amended Pressure Irrigation Master Plan; and

WHEREAS, the City of Kuna, Idaho has prepared a registry of qualified pressure irrigation design consultants; and

WHEREAS, the City of Kuna, Idaho has selected Keller Associates from its registry of qualified consultants and proposes to contract with them for design services on the basis of their being best qualified to provide consultant services for preparation of an Amended Pressure Irrigation Master Plan:

BE IT HEREBY RESOLVED by the Mayor and Council of the City of Kuna, Idaho, that the Mayor, City Engineer and City Clerk of said city are hereby authorized to execute that certain agreement titled “Pressure Irrigation Supply, Storage and Demand Evaluation”, by and between said city and Keller Associates, which Agreement is for consulting services related to preparation of an Amended Pressure Irrigation Master Plan, which agreement and associated scope of work is estimated to cost forty-five thousand nine hundred fifty dollars (\$45,950), which services are to be funded from designated funds and Contingency Account of the Irrigation Fund, and which Agreement is attached hereto, and made a part hereof, as if set forth in full.

PASSED BY THE COUNCIL of Kuna, Idaho this 4th day of October, 2016.

APPROVED BY THE MAYOR of Kuna, Idaho this 4th day of October, 2016.

Joe L. Stear, Mayor

ATTEST:

Chris Engels, City Clerk

AGREEMENT FOR PROFESSIONAL SERVICES

This is an Agreement effective as of _____ ("Effective Date") between the City of Kuna, Idaho ("Owner") and Keller Associates, Inc. ("Consultant").

Owner's Project, of which Consultant's services under this Agreement are a part, is generally identified as follows: Pressure Irrigation Supply, Storage, and Demand Evaluation ("Project").

The Owner and the Consultant agree to the following Project scope, schedule, and compensation:

SCOPE: Consultant's services under this Agreement are generally identified as follows: See Attachment A.

SCHEDULE: The Agreement shall commence on the above written date. Consultant shall provide Owner draft technical memorandums within four months of authorization to proceed conditioned on the City furnishing items outlined in Tasks 2 through 4 within fifteen days of authorization to proceed.

COMPENSATION:

Basic Services. As compensation for services to be performed by Consultant, the Owner will pay Consultant lump sum fee of \$ 45,950 (Forty Five Thousand Nine Hundred and Fifty dollars) as described in Attachment A.

Additional Services. Compensation for performing Additional Services will be pursuant to a mutually agreed upon Addendum to this Agreement.

In Witness Whereof, the parties hereto have executed this Agreement as of the date first above written. Owner further acknowledges that it has reviewed and accepted the attached Standard Terms and Conditions.

OWNER: City of Kuna, Idaho

Signature: _____

Name: _____

Title: _____

Address: 763 W. Avalon
Kuna, Idaho 83634

Date: _____

CONSULTANT: Keller Associates, Inc.

Signature: [Handwritten Signature]

Name: Rod J. Linja

Title: President

Address: 131 S.W. 5th Avenue, Suite A
Meridian, ID 83642

Date: 9/26/2016

STANDARD TERMS AND CONDITIONS:

- 1. **CONTRACT** – This document constitutes the full and complete Agreement between the parties and supersedes all prior negotiations, representations or agreements, whether written or oral. The Agreement may be amended only if both parties specifically agree in writing to such amendment of the Agreement.
- 2. **INVOICES AND PAYMENT** – Owner will make payment within 30 calendar days of the invoice date. Consultant shall keep accurate records of expenses. If Owner contests an invoice, Owner shall advise the Consultant within 15 days of receipt of invoice of the specific basis for doing so, may withhold only that portion so contested, and shall pay the undisputed portion.

Interest. If payment is not received by the Consultant within 30 calendar days of the invoice date, Owner shall pay interest at a rate of 1½% per month (or the maximum allowable by law, whichever is lower) of the past due amount. Payments will be credited first to interest and then to principal.

Suspension. If the Owner fails to make payments when due, the Consultant may suspend performance of services upon five (5) calendar days' notice to the Owner. Owner agrees to indemnify and hold Consultant harmless from any claim or liability resulting from such suspension.

- 3. **DOCUMENTS** – All documents prepared or furnished by Consultant are instruments of service, and Consultant retains ownership and property interest (including the copyright and the right of reuse) in such documents. Owner shall have a limited license to use the documents in and for the Project subject to full payment for all services relating to preparation of the documents. The Owner agrees to obtain prior written agreement for any reuse or modifications of the instruments of service, and understands that any unauthorized use of the instruments of service shall be at the Owner's sole risk and without liability to the Consultant.
- 4. **STANDARD OF CARE** – The standard of care for all professional engineering and related services performed or furnished by the Consultant under this Agreement will be the care and skill ordinarily used by members of the subject profession practicing under similar circumstances at the same time and in the same locality. Consultant shall exercise usual and customary professional care in its efforts to comply with applicable codes, regulations, laws, rules, ordinances, and such other requirements in effect as of the date of execution of this Agreement.
- 5. **CHANGES OR DELAYS** – The proposed scope of services, compensation, schedule, and allocation of risks reflect Consultant's understanding of the Project at the date of this Agreement. Costs and schedule commitments shall be subject to renegotiation for changed conditions, unreasonable delays caused by the Owner's failure, independent government agencies, acts of God, or causes beyond the reasonable control of Consultant. Where this occurs, changes in the Agreement shall be negotiated and an equitable adjustment shall be made.
- 6. **TERMINATION** – The Owner and Consultant may terminate this Agreement in whole or in part at any time by giving 30 days written notice thereof. The Owner shall promptly pay Consultant for all services rendered to the effective date of suspension of services, plus suspension charges, which shall include the cost of assembling documents, personnel and equipment, rescheduling or reassignment, and commitments made to others on the Owner's behalf.
- 7. **SUSPENSION OF SERVICES** – If the Owner suspends services of the Consultant for any reason for more than thirty days, the Consultant shall be reimbursed for expenses incurred due to suspension of services, including costs associated with rescheduling or reassigning personnel, and commitments made to others on Owner's behalf.
- 8. **INDEMNITY**– Owner and Consultant each agree to indemnify and hold the other (including their respective officers, directors, employees, agents, owners, shareholders, members, partners, sub-consultants, subcontractors, and representatives) harmless from and against liability for all claims, losses, damages and expenses, to the extent such claims, losses, damages, or expenses are caused by the indemnifying party's negligent acts, errors or omissions. In the event claims, losses, damages, or expenses are caused by the joint or concurrent negligence of Owner and Consultant, they shall be borne by each party in proportion to its negligence. Neither the Owner nor Consultant shall be liable for incidental, indirect or consequential damages.
- 9. **OPINIONS OF COST** – Consultant's opinions of probable cost represent Consultant's judgment as an experienced and qualified design professional. Since Consultant has no control over the cost of labor, materials, equipment, or services furnished by others, or over the Owner's and other contractor's methods of determining prices, or over competitive

bidding or market conditions, the Consultant cannot and does not guarantee that proposals, bids, or actual construction cost will not vary from opinions of probable cost prepared by the Consultant.

10. **CONSTRUCTION PHASE SERVICES** – If Consultant performs any services during the construction phase of the Project, Consultant shall not supervise, direct, or have control over Contractor’s work. Consultant shall not have authority over or responsibility for the construction means, methods, techniques, sequences or procedures or for safety precautions and programs in connection with the work of the Contractor. Consultant does not guarantee the performance of the construction contract by the Contractor and does not assume responsibility for the Contractor’s failure to furnish and perform its work in accordance with the Contract Documents.

11. **MISCELLANEOUS**

Right of Entry: Unless otherwise noted in the scope of work, the Owner shall provide for Consultant’s right to enter the property owned by the Owner and others in order to fulfill the services to be performed hereunder.

Dispute Resolution: Owner or its Contractor agree to notify Consultant of any claims against the Consultant within 10 days of discovery of any allegations, errors or omissions. Should a dispute arise, Owner and Consultant agree to negotiate disputes between them in good faith for a period of 30 calendar days from the date the dispute is raised in writing by either the Owner or Consultant. If the parties fail to resolve the dispute through negotiation, then the dispute shall be decided through non-binding mediation or other mutually agreed alternative dispute resolution technique. Fees and expenses for mediation shall be split equally between the parties. The Owner and Consultant agree non-binding mediation or other mutually acceptable dispute resolution technique shall precede litigation. This Agreement shall be governed by the laws of the State where the Project is located.

Hazardous Environmental Conditions: The scope of Consultant’s services does not include any responsibility for detection, remediation, accidental release, or services relating to waste, oil, asbestos, lead or other hazardous materials, as defined by Federal, State, and local laws or regulations. Consultant is not required to become an arranger, operator, generator, or transporter of hazardous substances, and shall have no responsibility for the discovery, handling, removal, disposal or exposure of persons to hazardous substances of any form.

Consultant Reliance: Consultant shall be entitled to rely, without liability, on the accuracy and completeness of any and all information provided by Owner, Owner’s consultants and contractors, and information from public records, without the need for independent verification.

Certifications: Consultant shall not be required to sign any documents that result in Consultant having to certify, warrant, or guarantee the existence of conditions whose existence Consultant cannot ascertain within its services for the Project.

Third Parties: Nothing contained in this Agreement shall create a contractual relationship with, or a cause of action in favor of, a third party against either the Owner or Consultant. Consultant’s services hereunder are being performed solely for the benefit of the Owner, and no other entity shall have any claim against Consultant because of this Agreement or Consultant’s performance of services hereunder.

Severability & Waiver: In the event any of these Contract Provisions are found to be illegal or otherwise unenforceable, the unenforceable Contract Provisions will be stricken, and those remaining Contract Provisions shall continue in full force and effect. The failure of either party of this Agreement to insist, in any one or more instances, upon the performance of any of the terms, covenants or conditions of this Agreement, shall not be construed as a waiver of such term, covenant or right.

Joint Drafting: The Parties expressly agree that this Agreement was jointly drafted, and that they both had opportunity to negotiate its terms and to obtain the assistance of counsel in reviewing its terms prior to execution. Therefore, this Agreement shall be construed neither against nor in favor of either Party, but shall be construed in a neutral manner.

**City of Kuna
Attachment A to Professional Services Agreement**

**PRESSURE IRRIGATION SUPPLY, STORAGE, AND DEMAND
EVALUATION**

(September 2016)

Article I: Scope of Services

Project Background

The City of Kuna (Owner) has recently increased its area of impact (proposed pressure irrigation master planning boundary) from 20,000 acres to approximately 50,000 acres which extends much further east to Pleasant Valley Road (Attachment B). The City desires to complete an existing pressure irrigation demand and supply evaluation in order to establish planning criteria for existing and new impact area. It is noted that a portion of the new impact area has available surface water rights. The City also desires to estimate impact of using reuse water from the Kuna North Wastewater Treatment Plant to augment pressure irrigation demands. In addition, the City desires to quantify irrigation storage reservoir volumes needed for future facilities. Technical memorandum(s) will be developed that outline the findings of these evaluations which are contemplated to be incorporated into a pressure irrigation master plan update to be completed in the future.

Task 1: Project Management & Meetings

Consultant shall provide administrative and management support for activities further described in this scope of services.

1. Organizing and directing the schedule and performance of activities, identifying and resolving cost and schedule issues, and coordinating the flow of information between the consultant team members and the City. Establish cost accounting, communications, and project reporting structure.
2. Prepare and submit monthly billing and regular status reports. Reports shall be presented in an organized manner with costs distributed among defined tasks.
3. Organize, prepare materials for and participate in up to (4) technical review workshops.
 - a. Two for Task 3
 - b. Two for Task 4
4. Take and distribute minutes of all meetings.

*Consultant Deliverables: Meeting agendas and meeting minutes;
Regular progress reports*

City Deliverables: Attendance at technical review workshops; Provide venue for meetings

Task 2: Data Collection

Data Collection. The Consultant will prepare a Request for Information (RPI) listing the data needed to complete the scope of work. This request will include items such as land use, water

delivery data from canals and water production from booster stations data, and population data. The City will provide water delivery and production data in a spreadsheet format with totalized daily data.

The City will provide a base mapping as needed. The Consultant will review this data, and indicate where additional information may be desired.

Consultant Deliverables: Request for information;

City Deliverables: Provide Information on RFI; Base map; Provide irrigation supply (canal delivery data), City delivery (well/booster station data) in spreadsheet format with totalized daily/monthly data; Provide cumulative, 24-hour PI totals from each PI delivery facility for each hour on a representative maximum demand day; Provide all available metered data for back-flow devices to the pressure irrigation system; Access to SCADA data; monthly water consumption records in spreadsheet format for residents in downtown area without separate pressure irrigation.

Task 3: Pressure Irrigation Supply, Demand, Storage Evaluation

Pressure Irrigation Demands. Existing pressure irrigation demands will be developed based on metered water production at the wells, booster stations, and back-flow devices to the municipal pressure irrigation system. The Consultant will use existing SCADA/telemetry data (provided in electronic format by the City) to develop a 24-hour demand pattern for the City system. Estimates of irrigation usage with potable water will be developed based on annual water demand patterns and metered irrigation water through back-flow devices. Consultant will quantify irrigation demands per EDU for residents in downtown area without surface water based on water consumption records furnished by City. Consultant will also gather available data from 2-3 local communities regarding irrigation usage with potable water. No monthly water consumption data will be gathered, quantified, or evaluated for other communities. The resulting data will be used to calculate average pressure irrigation demands per acre for areas with and without surface water available for irrigation. A density of wells or surface water booster stations per area will be developed based on an assumed pumping capacity for each facility provided by City.

Peaking Factors. Peaking factors for maximum day and peak hour will be developed relative to the average summer day demands for those areas with available surface water. Average 24-hour demand information will be used to develop a demand pattern.

Recommended Reservoir Storage Volume. The City intends on providing water storage reservoir in conjunction with future irrigation pumping facilities. The Consultant will use the 24-hour demand pattern to develop a recommended standard storage volume based on a given service area and specified irrigation water delivery rate furnished by the Owner.

Impacts of Reuse Water. Consultant will use wastewater effluent flow data furnished by Owner to quantify impact on irrigation supply if treated effluent (reuse water) were used to augment water supply to the pressure irrigation system. Consultant will estimate how many pump stations could be offset with reuse water supply.

Compare Potable versus Pressure Irrigation Supply Evaluation. Portions of the proposed City impact area does not have available surface water supply. Consultant will evaluate,

compare, and contrast the alternatives of 1) providing residents irrigation water using groundwater wells to supply a separate pressure irrigation system and 2) providing residents irrigation water using the potable water system supplied by groundwater wells. Consultant will provide general inventory of estimated capital costs and the operational, maintenance, and replacement (OM&R) costs for the two alternatives. Consultant will also develop other non-financial considerations and factors. A planning-level cost per EDU will be developed for capital costs and OM&R costs for both alternatives.

Policy Recommendations. Consultant will research measures from 2-3 other Idaho communities with similar circumstances and recommend policy measures the City may consider for new development in areas without available surface water.

Consultant Deliverables: Technical memorandum that documents findings of Task 3

City Deliverables: WWTP effluent records (daily for last two years and 24-hour flow pattern for specified days) in electronic format; target design pumping capacity for surface water booster station and groundwater well; Review and comment on Technical Memorandum

Task 4: Future Pressure Zone and Water Supply Evaluation

Planning Boundary, Demographics. Consultant will use demographic information developed as part of the water master plan update. It is assumed the service area and planning boundary for the pressure irrigation system is identical to the potable water system.

Pressure Zone Evaluation. The proposed impact area (planning boundary) illustrated in Attachment B includes land with ground elevations that range from approximately 2,550 feet to 3,100 feet above sea level. Multiple pressure zones or water systems will be required to provide pressure irrigation service. Consultant will prepare a pressure zone map that illustrates the approximate pressure zone boundaries and estimated total irrigation demand for each pressure zone.

Future Water Rights and Water Supply Evaluation. Consultant will summarize the City’s existing surface water rights and irrigation shares as documented by the Idaho Department of Water Resources (IDWR) and irrigation company/district records. Consultant will research irrigation company/district records and document available information on canal delivery system within the proposed impact area including information such as location and name of delivery canals, capacity of canals, property with surface water rights, and property without surface water rights. Consultant will also arrange up to two meetings with canal companies as part of the data gathering process. Consultant will use available information to determine the preferred delivery canals for future irrigation pumping facilities in planning area. The Consultant will analyze the City’s water rights and permits in conjunction with the operational characteristics of the pressure irrigation system. Consultant will talk to representatives of IDWR to assess availability of getting new appropriations in surface and groundwater rights. This task does not include hydraulic evaluations of any canals.

Consultant Deliverables: Map showing pressure zone boundaries; Technical memorandum summarizing findings of Task 4.

City Deliverables: Any and all records regarding surface water

rights; Attendance to meetings with canal companies; Review and comment on Technical Memorandum

Not Included in Consultant Scope of Work

In addition to the items identified under the "City Deliverables" for each task, the following elements are not included in the Scope of Work, but could be provided on a time and materials basis if authorized in writing by the Owner.

- Existing and future water modeling scenarios or updates
- Master plan update including report.
- Other services not included in the Consultant's Scope of Work, if required, for completing the design and construction administration process or authorize an Additional Services request to Consultant to provide other services.

Other Assumptions

- Owner shall furnish to Consultant all existing studies, reports, and other available data pertinent to the project, obtain or authorize Consultant to obtain or provide additional reports and data as required, and furnish to Consultant such services of others as may be necessary for the performance of Consultant's services.
- Owner shall be responsible for, and Consultant may rely upon, the accuracy and completeness of all requirements, instructions, reports, data, and other information Owner-furnished by Owner to Consultant pursuant to this Agreement. Consultant may use such requirements, instructions, reports, data, and information in performing or furnishing services under this Agreement.

Article II: Compensation

The Consultant will be compensated a lump sum of Forty Five Thousand Nine Hundred and Fifty Dollars (\$45,950) for Tasks 1 through 4. The lump sum amount allocation is summarized in the table below.

Summary of Professional Services Fees

| Task | Description | Budget |
|--------------------------|--|-----------------|
| Task 1 | Project Management & TRC Meetings | \$5,100 |
| Task 2 | Data Collection | 2,850 |
| Task 3 | Pressure Irrigation Supply, Demand, Storage Evaluation | 25,600 |
| Task 4 | Future Pressure Zone and Water Supply Evaluation | 12,400 |
| TOTAL ENGINEERING | | \$45,950 |

Article III: Schedule

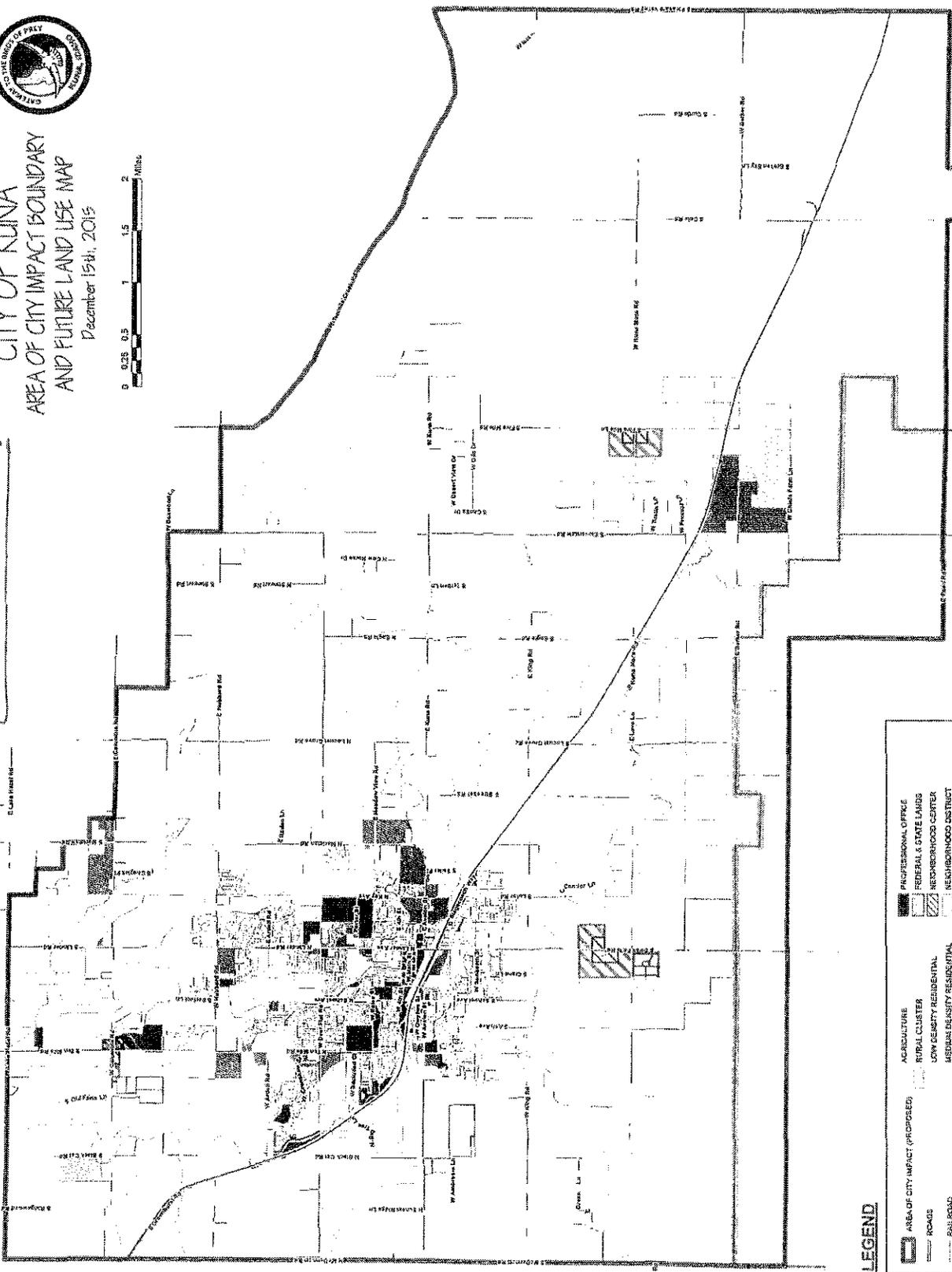
Once Consultant has received authorization to proceed through a signed contract, Consultant shall promptly proceed with the work outlined in Article I. Consultant anticipates providing the Owner draft technical memorandums within four months of authorization to proceed conditioned on the City furnishing the City Deliverables outlined in Tasks 2 through 4 within 15 days of authorization to proceed.



CITY OF KUNA
AREA OF CITY IMPACT BOUNDARY
AND FUTURE LAND USE MAP
December 15th, 2015



Attachment B



LEGEND

| | | | |
|--|---------------------------------------|--|---|
| | AREA OF CITY IMPACT (PROPOSED) | | PROFESSIONAL OFFICE |
| | ROADS | | FEDERAL & STATE LANDS |
| | RAILROAD | | NEIGHBORHOOD CENTER |
| | WATER BODIES (LAKES, RIVERS & CANALS) | | NEIGHBORHOOD DISTRICT |
| | PROPOSED AIR STRIP | | BURD OF FAIRY BOUNDARY |
| | PROPOSED OVERPASS | | AAA COUNTY COMP PLAN AREA |
| | | | AGRICULTURE |
| | | | RURAL CLUSTER |
| | | | LOW DENSITY RESIDENTIAL |
| | | | MEDIUM DENSITY RESIDENTIAL |
| | | | HIGH DENSITY RESIDENTIAL |
| | | | MIXED USE GENERAL |
| | | | MIXED USE CITY CENTER |
| | | | COMMERCIAL UNDERHOOD & COMMUNITY |
| | | | LIGHT INDUSTRIAL |
| | | | HEAVY INDUSTRIAL |
| | | | PUBLIC |
| | | | MIXED USE GENERAL EXPECTED RESIDENTIAL DEVELOPMENT (RANGE FROM 2 TO 25 UNITS) |

DATE: 12/15/15
DRAWN BY: [Name]
CHECKED BY: [Name]