



**KUNA PLANNING AND ZONING COMMISSION**  
**Agenda for January 27, 2015**

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

**REGULAR MEETING**  
**6:00 pm**

**1. CALL TO ORDER AND ROLL CALL:**

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

**2. CONSENT AGENDA:**

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

**3. OLD BUSINESS:**

- a. None

**4. PUBLIC HEARING:**

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

**5. DEPARTMENT REPORTS:**

**6. CHAIRMAN / COMMISSIONER DISCUSSION.**

**7. ADJOURNMENT.**

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

**6:00 pm – COMMISSION MEETING & PUBLIC HEARING**

**Call to Order and Roll Call**

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

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**1. CONSENT AGENDA**

- a. None

**2. NEW BUSINESS:**

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

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

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

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

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

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

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

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

C/Gealy: No questions.

C/Wierschem: I have nothing.

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

Gina Safford: Yes?

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

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

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

Gina Safford: Yes.

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

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

C/Young: Ok.

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

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

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

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

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

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

C/Young: Any questions for staff?

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

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

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

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

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

Trevor Kesner: Thank you.

### **3. PUBLIC HEARING**

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

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

**4. DEPARTMENT REPORTS:**

a. None

**5. CHAIRMAN / COMMISSIONER DISCUSSION:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

C/Young: Ok.

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

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

C/Wierschem: Yes, please.

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

\*Whitney approaches Dias with photos\*

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

C/Wierschem: Have you discussed this with staff?

Dale Whitney: With staff? You mean Troy?

C/Young: Yes, Troy.

Dale Whitney: Yes. Yes I have.

C/Wierschem: Could we have staff approach?

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

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

C/Gealy: Not at this time.

C/Wierschem: Not at this time.

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

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

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

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

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

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

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C/Young: Any questions for staff?

C/Gealy: I have no questions.

C/Wierschem: I have none.

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

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

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

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

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

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

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

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

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

C/Wierschem: Thank you.

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

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

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

**6. ADJOURNMENT:**

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

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Lee Young, Chairman  
Kuna Planning and Zoning Commission

ATTEST:

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



# City of Kuna

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## Findings of Fact and Conclusions of Law

**To:** Planning and Zoning Commission

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

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

**Planner:** Trevor Kesner, Planner I

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

**Applicant:** Daniel & Gina Safford  
1036 S. Ten Mile Rd.  
Kuna, Idaho 83634  
208.869.8323  
[saffordranch@gmail.com](mailto:saffordranch@gmail.com)

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- I. Findings of Fact
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- K. Proposed Decision by the Commission

### A. Course of Proceedings

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

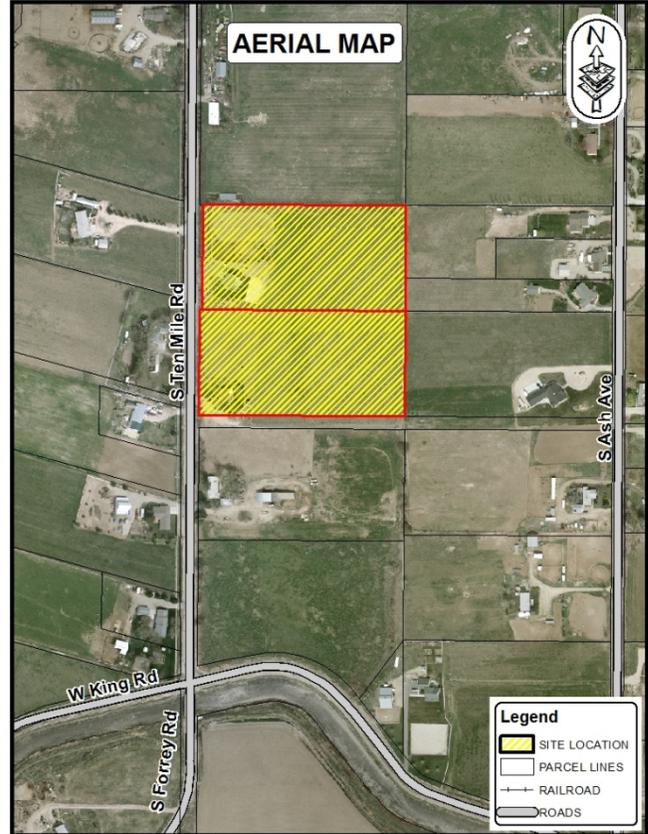
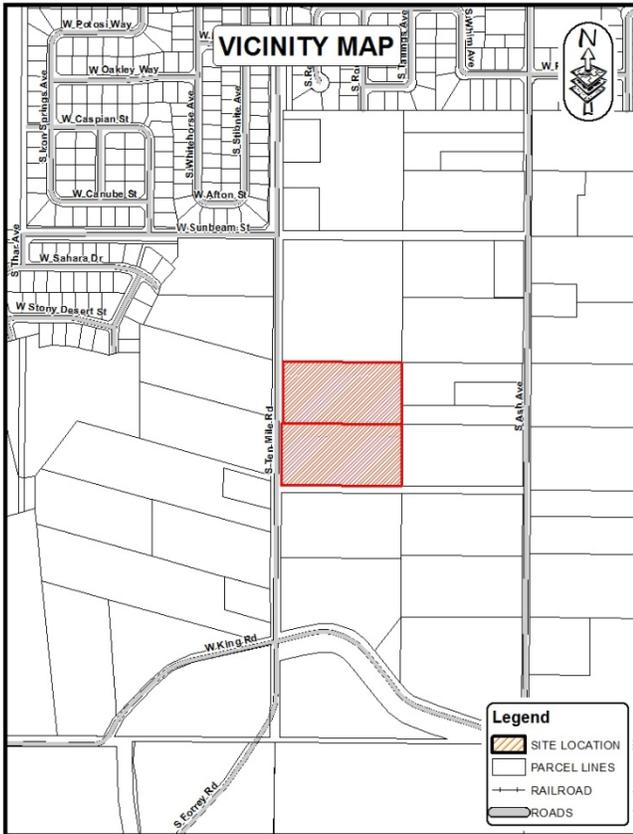
#### a. Notifications

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

**B. Applicant Request:**

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

**C. Vicinity and Aerial Maps:**



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

**E. General Projects Facts:**

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

2. **Surrounding Land Uses:**

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

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

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

4. **Services:**

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

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

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

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

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

**F. Staff Analysis:**

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

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

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

**G. Applicable Standards:**

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

**H. Comprehensive Plan Analysis:**

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

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

**GOALS AND POLICY – Property Rights**

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

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

**GOALS AND POLICY – Housing**

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

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

**GOALS AND POLICY – Land Use**

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

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

**I. Findings of Fact:**

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

**J. Conclusions of Law:**

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

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

**K. Decision by the Planning and Zoning Commission:**

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

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

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

DATED this \_\_\_\_\_ day of 2015,

---

Lee Young, Chairman  
Kuna Planning and Zoning Commission

ATTEST:

---

Wendy I. Howell, PCED  
Kuna Planning and Zoning Director



**CITY OF KUNA  
PLANNING & ZONING DEPARTMENT**

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

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

**(ANNEXATION)**

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

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

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

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



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

### Annexation Checklist

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

<b>Project name:</b> 14-07-AN (Annexation)	<b>Applicant:</b> DANIEL & GINA SAFFORD
---	--

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

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

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

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



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

**Commission & Council Review Application**

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

\*Please submit the appropriate checklist (s) with application

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

**Type of Review (check all that apply):**

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

**Contact/Applicant Information**

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

**Subject Property Information**

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



**Project Description**

Project / subdivision name: Safford Property

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

Type of use proposed (check all that apply):

Residential \_\_\_\_\_

Commercial \_\_\_\_\_

Office \_\_\_\_\_

Industrial \_\_\_\_\_

Other ag

Amenities provided with this development (if applicable): \_\_\_\_\_

**Residential Project Summary (if applicable)**

Are there existing buildings?  Yes  No

Please describe the existing buildings: Single family home existing

Any existing buildings to remain?  Yes  No

Number of residential units: \_\_\_\_\_ Number of building lots: \_\_\_\_\_

Number of common and/or other lots: \_\_\_\_\_

Type of dwellings proposed:

Single-Family \_\_\_\_\_

Townhouses \_\_\_\_\_

Duplexes \_\_\_\_\_

Multi-Family \_\_\_\_\_

Other \_\_\_\_\_

Minimum Square footage of structure (s): \_\_\_\_\_

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

Percentage of open space provided: \_\_\_\_\_ Acreage of open space: \_\_\_\_\_

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

**Non-Residential Project Summary (if applicable)**

Number of building lots: \_\_\_\_\_ Other lots: \_\_\_\_\_

Gross floor area square footage: \_\_\_\_\_ Existing (if applicable): \_\_\_\_\_

Hours of operation (days & hours): \_\_\_\_\_ Building height: \_\_\_\_\_

Total number of employees: \_\_\_\_\_ Max. number of employees at one time: \_\_\_\_\_

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

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

Proposed Parking:

a. Handicapped spaces: \_\_\_\_\_ Dimensions: \_\_\_\_\_

b. Total Parking spaces: \_\_\_\_\_ Dimensions: \_\_\_\_\_

c. Width of driveway aisle: \_\_\_\_\_

Proposed Lighting: \_\_\_\_\_

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

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

RECEIVED

OCT 21 2014

CITY OF KUNA

June 8, 2014

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

Re: Detailed Letter

Dear City of Kuna Planning & Zoning Staff,

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

Attached find the appropriate checklists and supporting documents.

Thank you for your consideration.

Sincerely,

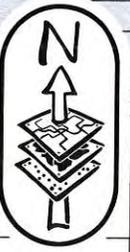


Daniel and Gina Safford  
1036 & 1200 S. Ten Mile Rd  
Kuna, ID 83634

Exhibit

A-2b

# Vicinity Map

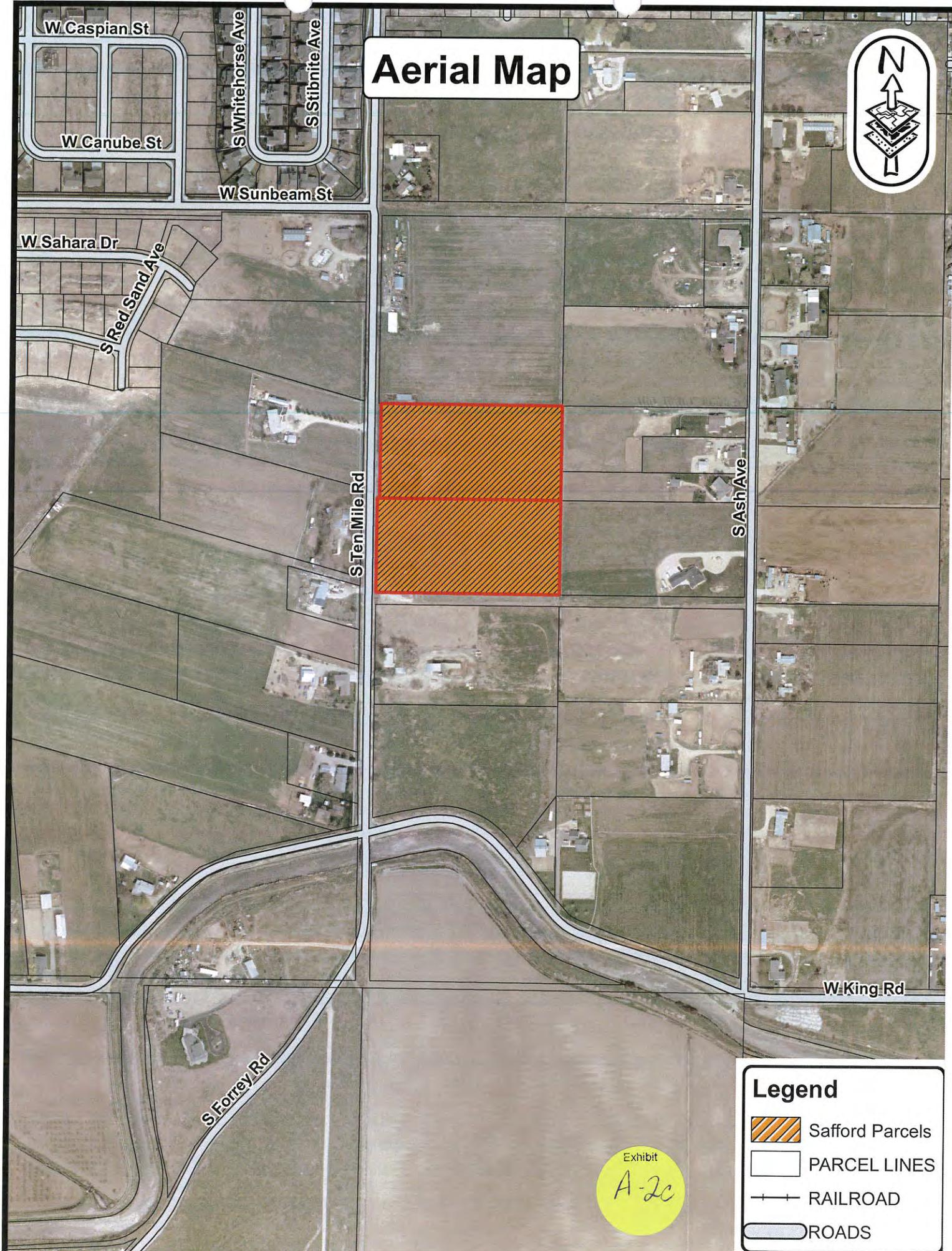
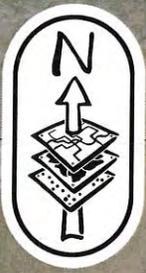


**Legend**

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

Exhibit  
A-2c

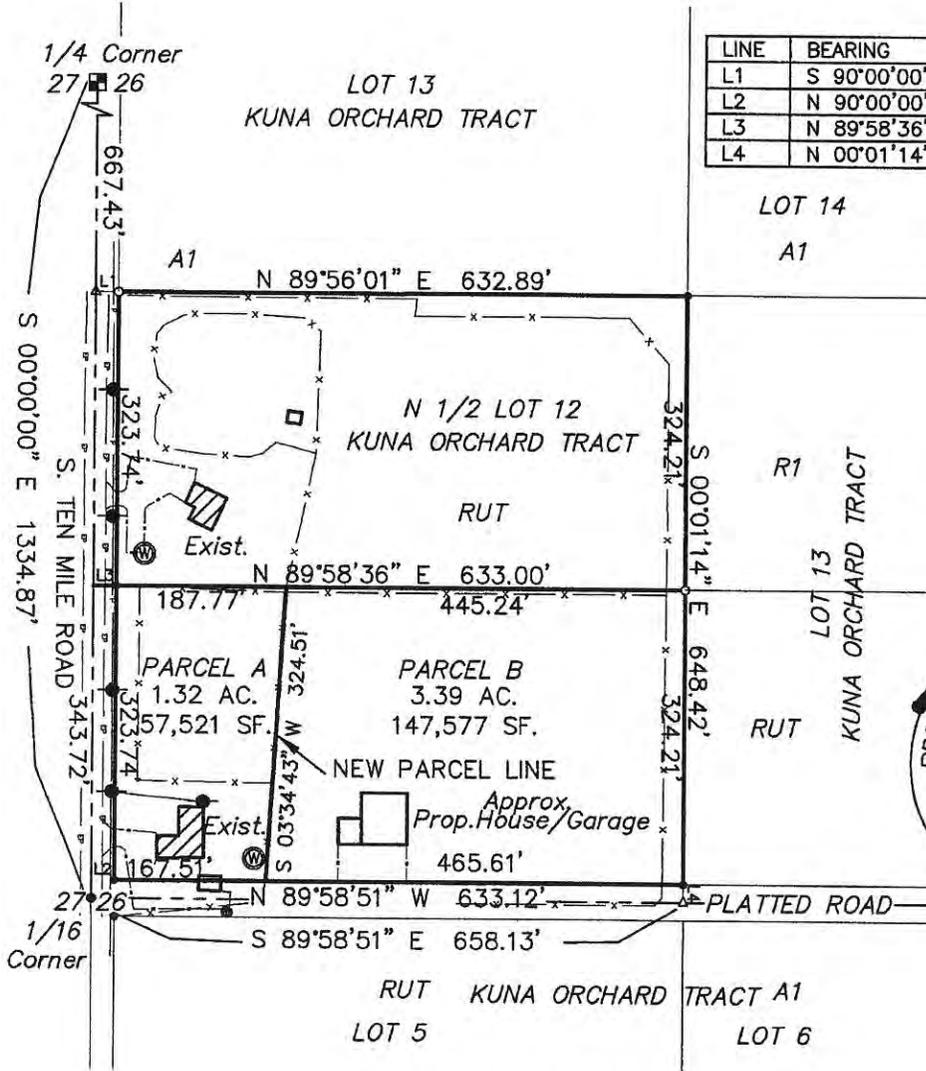
# Aerial Map



**Legend**

-  Safford Parcels
-  PARCEL LINES
-  RAILROAD
-  ROADS

Exhibit  
*A-2c*



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

SCALE: 1"=200'

LEGEND

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

EXHIBIT MAP

ANNEXATION AND LOT SPLIT  
FOR DANIEL & GINA SAFFORD



**Accurate**  
Surveying &  
Mapping

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

DATE: SEPT., 2014      JOB 14-200

*Accurate Surveying & Mapping**A Professional Corporation*

1602 W. Hays St., Suite 102

Boise, ID 83702

www accuratesurveyors.com

## Annexation Land Description

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

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

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

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

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

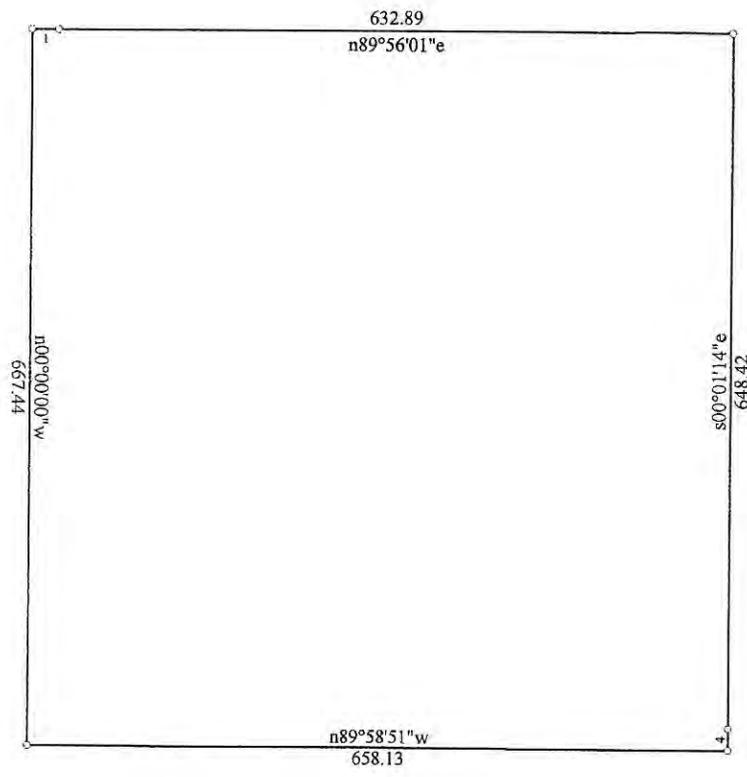
Thence continuing South 00° 01' 14" East for a distance of 20.00 feet to the center of the road dedication as shown on the plat of said Kuna Orchard Tract;

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

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

Parcel contains 10.09 acres, more or less.





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



# Accurate Surveying & Mapping



A Professional Corporation

1602 W. Hays St., Suite 102

Boise, ID 83702

www accuratesurveyors.com

## Overall Parcel Land Description

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

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

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

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

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

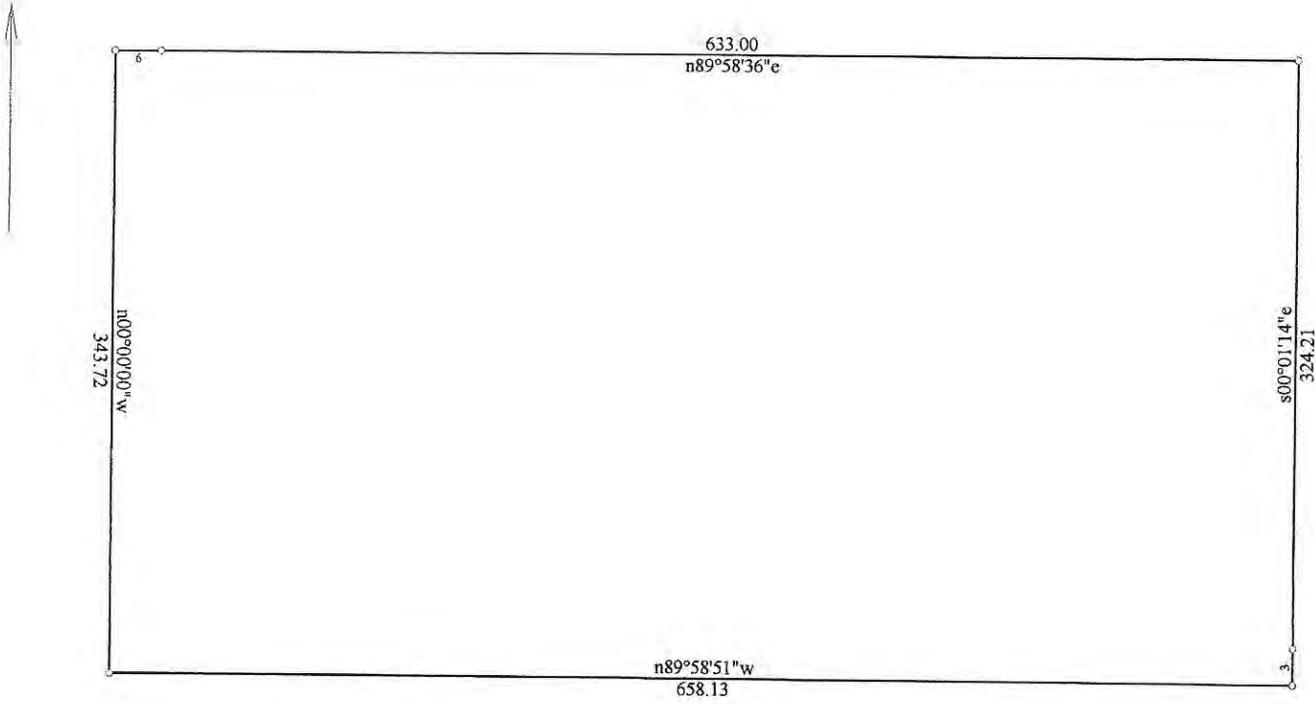
Thence North 89° 58' 51" West for a distance of 658.13 feet to the found 5/8<sup>th</sup> inch rebar at the south sixteenth corner location between said Sections 26 and 27 as perpetuated by document 94051699, Records of Ada County;

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

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

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





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



OCT 21 2014

CITY OF KUNA

*Accurate Surveying & Mapping**A Professional Corporation*

1602 W. Hays St., Suite 102

Boise, ID 83702

www accuratesurveyors.com

## Parcel A

## Land Description

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

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

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

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

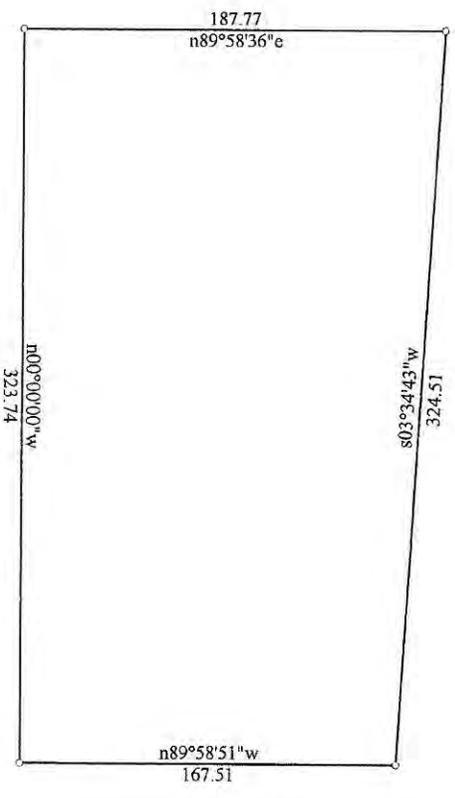
Thence North 89° 58' 51" West along said Southerly line for a distance 167.51 feet to a found ½ inch rebar at the Southwest corner of said Lot 12;

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

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

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





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



*Accurate Surveying & Mapping**A Professional Corporation*

1602 W. Hays St., Suite 102

Boise, ID 83702

www accuratesurveyors.com

## Parcel B

## Land Description

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

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

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

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

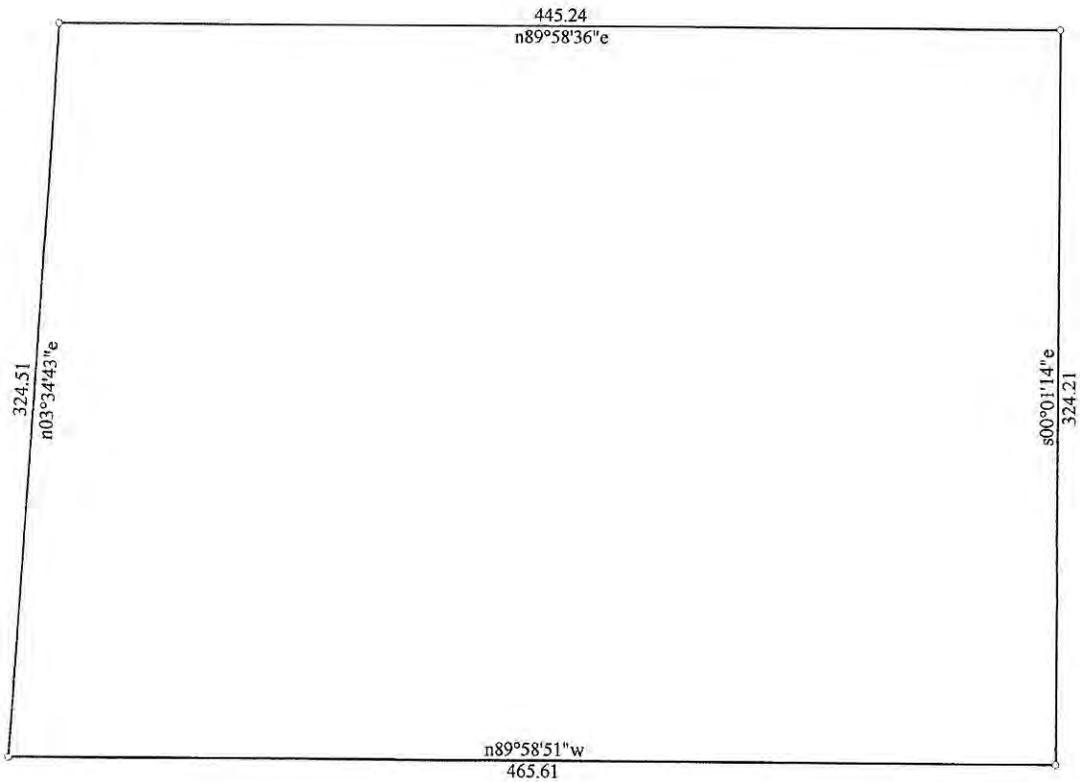
Thence North 89° 58' 51" West along the Southerly line of said Lot 12 for a distance of 465.61 feet to a set 5/8 inch rebar;

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

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

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





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



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

### WARRANTY DEED

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

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

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

Dated this 20 day of August, 2004.

Gordon White  
Gordon White  
Virginia White  
Virginia White

STATE OF IDAHO, County of Clearwater Ada, ss.

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

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

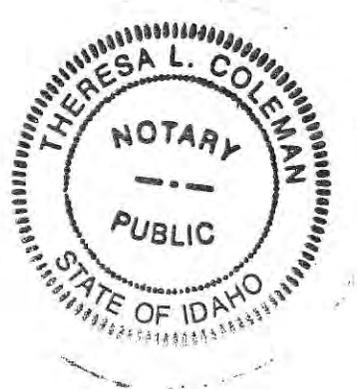


Exhibit  
A-2e

OCT 21 2014

CITY OF KUNA



# City of Kuna AFFIDAVIT OF LEGAL INTEREST

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

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

State of Idaho )  
                          ) ss.  
County of Ada )

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

being first duly sworn upon oath, depose and say:

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

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

to submit the accompanying application pertaining to that property.

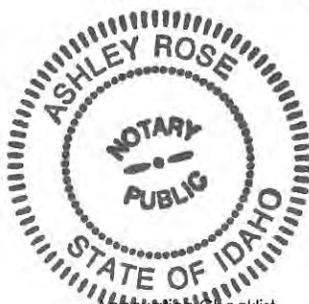
B. I agree to indemnify, defend and hold City of Kuna and its employees harmless from any  
claim or liability resulting from any dispute as to the statements contained herein or as to  
the ownership of the property which is the subject of the application.

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

Dated this 1st day of October, 2014

[Signature] [Signature]  
Signature

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



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



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

**Development Agreement Checklist**

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

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

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

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

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

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



RECEIVED

OCT 21 2014

CITY OF KUNA

June 8, 2014

Attention: Planning & Zoning committee and Kuna City Council

Proposed Development Agreement for Safford property

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

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

Thank you for your consideration of our project.



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

OCT 21 2014

CITY OF KUNA



# Neighborhood Meeting Certification

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

## GENERAL INFORMATION:

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

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

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

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

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

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

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

Description of proposed project: Safford Property

Date and time of neighborhood meeting: Wed, Oct 15th, 2014

Location of neighborhood meeting: ON-SITE 1036 S. Ten Mile Rd.

## SITE INFORMATION:

Location: Quarter: SW Section: 26 Township: 2N Range: 1W Total Acres: 10

Subdivision Name: Kuna Orchard Tracts Lot: 12 Block: \_\_\_\_\_

Site Address: 1036 + 1200 S. Ten mile Rd Tax Parcel Number(s): R5070501602  
Kuna, ID 83634 +R507050163

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

## CURRENT PROPERTY OWNER:

Name: Daniel + Gina Safford

Address: 1036 S. Ten Mile City: Kuna State: Id Zip: 83634

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

Name: Angela Gilman Business (if applicable): Engineering + Waste Solutions

Address: 3140 N. 34th PL City: Boise State: ID Zip: 83703

Exhibit  
A-2h

**PROPOSED USE:**

**Application Type**

Annexation

Re-zone

Subdivision (Sketch Plat and/or Prelim. Plat)

Special Use

Variance

Expansion of Extension of a Nonconforming Use

Zoning Ordinance Map Amendment

Lot Split

**Brief Description**

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

**APPLICANT:**

Name: Gina + Danie Safford

Address: 1036 S. Ten Mile

City: Kuna

State: Id

Zip: 83634

Telephone: 208-869-8323

Fax: 208-722-9456

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

Gina Safford Danie Safford  
Signature: (Applicant)

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

# SIGN IN SHEET

PROJECT NAME: \_\_\_\_\_

*Kura*  
Safford Annexation

Date: \_\_\_\_\_

10/15/14

call  
IN

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

RECEIVED  
OCT 21 2014  
CITY OF KUNA

Oct 1, 2014

Dear Neighbors,

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

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

**Wednesday October 15, 2014**

**6-8 PM**

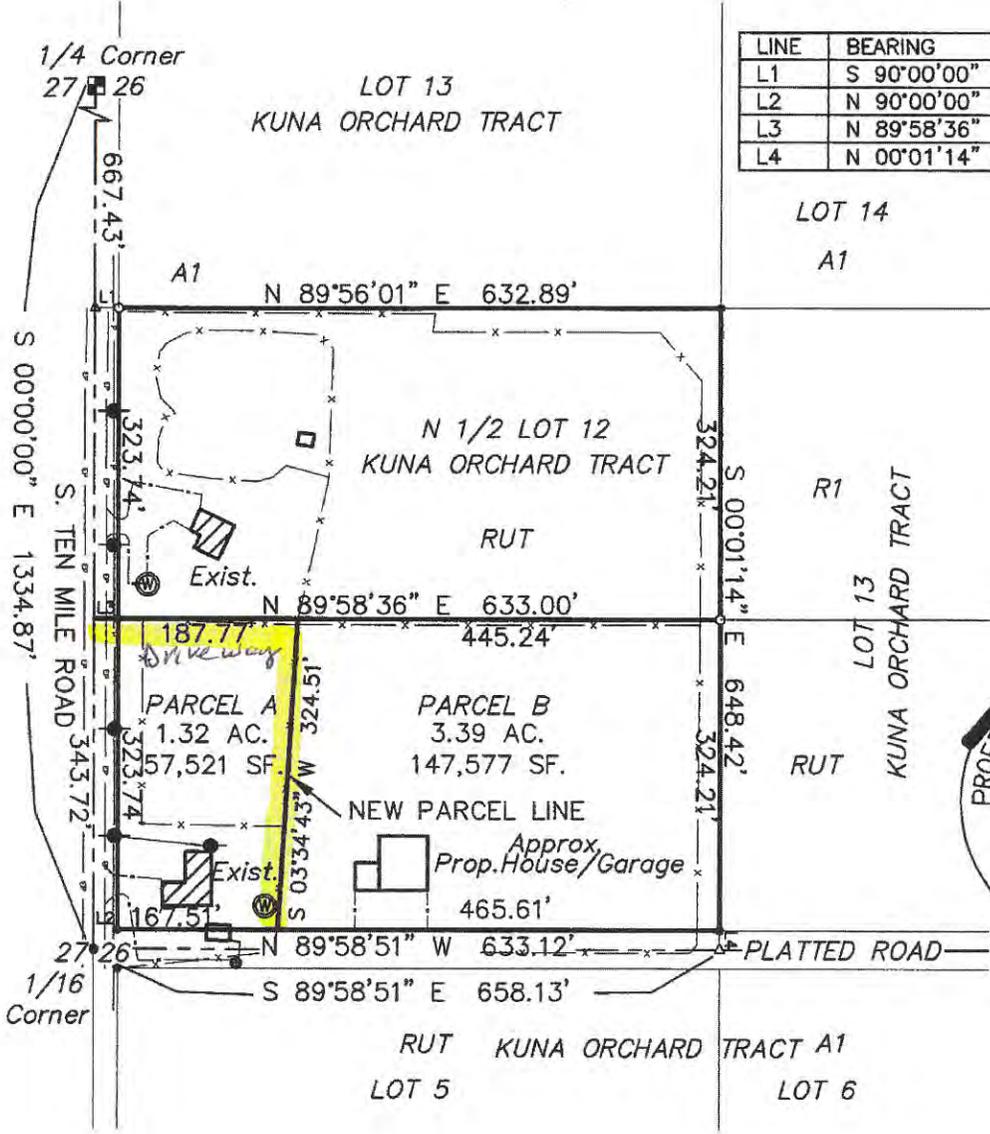
**1036 S. Ten Mile**

**Kuna, Idaho 83634**

Thank you and kind regards,



Dan & Gina Safford



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



**LEGEND**

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

**EXHIBIT MAP**

ANNEXATION AND LOT SPLIT  
FOR DANIEL & GINA SAFFORD



**Accurate**  
*Surveying & Mapping*

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

DATE: SEPT., 2014      JOB 14-200



*City of Kuna*  
**COMMITMENT TO  
PROPERTY POSTING**

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

Phone: (208) 922-5274  
Fax: (208) 922-5989  
Web: [www.cityofkuna.com](http://www.cityofkuna.com)

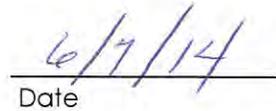
Per City Code 5-1A-8, the applicant for all applications requiring a public hearing shall post the subject property not less than ten (10) days prior to the hearing. The applicant shall post a copy of the public hearing notice or the application (s) on the property under consideration.

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

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

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

  
Applicant/agent signature

  
Date

RECEIVED

DEC 30 2014

CITY OF KUNA



# City of Kuna PROOF OF PROPERTY POSTING

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

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

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

12-30-14  
MONTH, DATE AND YEAR)

DATED this 30th day of December, 2014

Signature,

Dan Safford  
Owner/Developer

STATE OF IDAHO )  
County of Ada ) : ss

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

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

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



# CITY OF KUNA PUBLIC HEARING NOTICE

*Kuna City Council*

THE CITY OF KUNA will hold a public hearing on

Jan 13, 2015 at 6 PM at the Kuna City Hall (763 W. Avalon)

PURPOSE: 14-07AN (Annexation) [REDACTED] 14-06-DA

(Development Agreement) - City of Kuna Parcels 2 Parcels on S.  
Ten Mile Rd between Kuna rd and King rd into Kuna city  
limits under the designation of the Agriculture Zone

PROPERTY LOCATION: Parcel# R5070501602/ R5070501603

Addresses: 1036 & 1200 S. Ten Mile Rd

APPLICATION BY: City of Kuna

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



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

**Lot Split Checklist**

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

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

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

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

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

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





CITY OF KUNA  
P.O. BOX 13  
KUNA, ID 83634  
[www.cityofkuna.com](http://www.cityofkuna.com)

GORDON N. LAW  
CITY ENGINEER

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

## MEMORANDUM

TO: Director of Kuna Planning and Zoning

FROM: Gordon N. Law  
Kuna City Engineer

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

DATE: December 1, 2014

RECEIVED

DEC 02 2014

CITY OF KUNA

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

### 1. Sanitary Sewer Needs

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

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

## 2. Potable Water Needs

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

## 3. Pressure Irrigation

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

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

#### 4. Grading and Storm Drainage

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

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

#### 5. General

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

#### 6. Inspection Fees

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

## 7. Right-of-Way

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

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

## 8. As-Built Drawings

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

## 9. Property Description

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



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

RECEIVED  
DEC 10 2014  
CITY OF KUNA

## *DEQ Response to Request for Environmental Comment*

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

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

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

### **1. Air Quality**

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

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

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

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

### **2. Wastewater and Recycled Water**

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

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

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

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

### **3. Drinking Water**

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

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

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

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

### **4. Surface Water**

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

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

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

#### **5. Hazardous Waste And Ground Water Contamination**

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

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

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

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

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

**6. Additional Notes**

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

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

Sincerely,

*Danielle Robbins*

Danielle Robbins  
[danielle.robbins@deq.idaho.gov](mailto:danielle.robbins@deq.idaho.gov)  
Boise Regional Office  
Idaho Department of Environmental Quality

C: File # 1994

**Trevor Kesner**

---

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

RECEIVED  
DEC 11 2014  
CITY OF KUNA

Trevor,

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

Below is our comment regarding this particular lot split:

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

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

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

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

Good morning Lori:

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

## Trevor Kesner

---

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

Dear Mr. Kesner,

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

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

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

Sincerely,

Michael Reno  
Supervisor, Land Programs

Sent from my iPhone

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

For you to answer on Friday...

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

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

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

Lori,

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

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

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

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

Trevor Kesner  
Planning Technician  
(208) 387-7731  
[trevor@cityofkuna.com](mailto:trevor@cityofkuna.com)

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

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

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

Trevor,

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

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

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

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

**To:** Lori Badigian

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

Ok, sounds good. Thanks Lori.

Trevor Kesner  
Planning Technician  
(208) 387-7731  
[trevor@cityofkuna.com](mailto:trevor@cityofkuna.com)

<image004.jpg>  
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Kuna, ID 83634

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

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

**To:** Trevor Kesner

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

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

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

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

Good morning Lori:

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

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

Thanks.

Trevor Kesner  
Planning Technician  
(208) 387-7731  
[trevor@cityofkuna.com](mailto:trevor@cityofkuna.com)

<image004.jpg>  
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**From:** Lori Badigian [<mailto:LBadigia@cdhd.idaho.gov>]  
**Sent:** Monday, November 24, 2014 8:03 AM  
**To:** Trevor Kesner  
**Subject:** RE: City of Kuna: Agency notification for an Annexation, Lot-Split and Development Agreement Application

Trevor,

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

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

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---

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

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

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

**Cc:** Troy Behunin

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

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

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

**STAFF CONTACT**

Trevor Kesner, Planning Technician  
[Trevor@cityofkuna.com](mailto:Trevor@cityofkuna.com)  
Phone: 387-7731  
Fax: 922.5989

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

Trevor Kesner  
*Planning Technician*  
(208) 387-7731  
[trevor@cityofkuna.com](mailto:trevor@cityofkuna.com)

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# City of Kuna

## Staff Report

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

**To:** Planning and Zoning Commission

**Case Numbers:** 14-05-Sub (Subdivision), 14-12-DR (Design Review) and 05-05-SUP (Amended- Special Use Permit) for Crimson Point Villas Subdivision No. 2

**Location:** Southwest corner of Ten Mile Road and Crenshaw Street – Northwest corner of Ten Mile and Deer Flat Roads. Kuna, Idaho 83634

**Planner:** Troy Behunin, Senior Planner

**Hearing Date:** January 27, 2015

**Applicant:** **Corey Barton Homes**  
1977 E Overland Road  
Meridian, ID. 83642  
208.286.0520

**Engineer:** **LEI Engineering and Planning - Laren Bailey**  
3023 E. Copper Pt. Drive Ste. 201  
Meridian, ID. 83642  
208.846.9600  
[Lbailey@lei-eng.com](mailto:Lbailey@lei-eng.com)

### Table of Contents:

- A. Course Proceedings
- B. Applicants Request
- C. Vicinity & Aerial Maps
- D. Site History
- E. General Project Facts
- F. Staff Analysis
- G. Applicable Standards
- H. Comprehensive Plan Analysis
- I. Proposed Findings of Fact
- J. Proposed Conclusions of Law
- K. Proposed Conditions of Approval

### A. Course of Proceedings

1. Kuna City Code (KCC), Title 1, Chapter 14, Section 3, states Special Use Permit amendments and subdivisions are designated as public hearings, with the City Council as the decision making body. This land use was given proper public notice and followed the requirements set forth in Idaho Code, Chapter 65, Local Planning Act.

#### a. Notifications

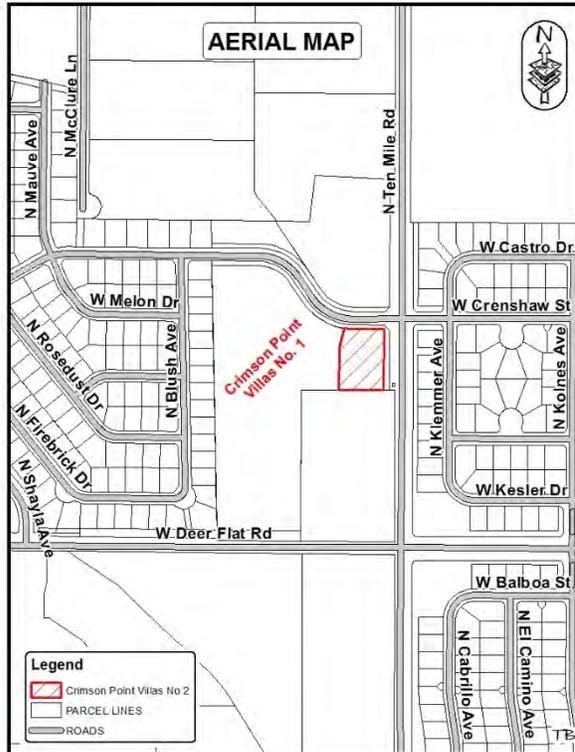
- |                           |                   |
|---------------------------|-------------------|
| i. Neighborhood Meeting   | February 24, 2014 |
| ii. Agencies              | December 4, 2014  |
| iii. 300' Property Owners | January 2, 2015   |
| iv. Kuna, Melba Newspaper | January 7, 2015   |
| v. Site Posted            | January 17, 2015  |

**B. Applicants Request:**

**1. Request:**

Applicant requests amending the original Special Use Permit (SUP) and approval for a proposed preliminary plat, creating a multi-family subdivision (Crimson Point Villas No. 2) over approximately 1.24 acres. The applicant requests to amend the SUP, including permission to develop the site for multi-family housing. Applicant is proposing five (5) lots for multi-family units and two (2) common lots and will be under the responsibility and maintenance of a Homeowners Association (HOA).

**C. Vicinity and Aerial Maps:**



**D. History:** The subject parcel is in City limits and currently zoned C-1 (Neighborhood Commercial District), and is adjacent to Crimson Point Villas No 1. This parcel was originally farmed. Seven (7) years ago, many public utilities were installed for its development and it has been idle since that time.

**E. General Projects Facts:**

**1. Comprehensive Plan Designation:** The Future Land Use Map (FLU) identifies this site as Mixed-Use General, which allows for residential and commercial uses. Staff views this land use request to be consistent with the approved FLU map.

**2. Surrounding Land Uses:**

<b>North</b>	C-1	Neighborhood Commercial District – Kuna City
<b>South</b>	RUT	Rural Urban Transition – Ada County
<b>East</b>	R-6	Medium Density Residential – Kuna City
<b>West</b>	C-1	Neighborhood Commercial District – Kuna City

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

- Approx. 1.24 total acres
- C-1; Neighborhood Commercial District
- Parcel No. - S1315449455 and R1610610240

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 the land is vacant, except for the utility improvements previously installed. Vegetation on site is consistent with a vacant parcel. This site’s topography is generally flat.

6. **Transportation / Connectivity:** The applicant proposes two access points; one on Deer Flat Road and the second on the north side of the project, from Crenshaw Street.

7. **Environmental Issues:** Staff is not aware of any environmental issues, health or safety conflicts.

8. **Agency Responses:** The following agencies returned comments: City Engineer (Gordon Law, P.E.), Ada County Highway District (ACHD), the Department of Environmental Quality (DEQ), the Idaho Transportation Department (ITD), and Ada County Engineer – Angela Gilman. The responding agency comments are included as exhibits with this case file. The following agencies did not send in comments; Kuna School District, Kuna Police Department, Central Dist. Health Dept., Ada County Planning and Zoning, Idaho Power, J&M Sanitation, or the US Post Office.

**F. Staff Analysis:**

This site is located near the northwest corner (NWC) of Ten Mile & Deer Flat Roads. The applicant proposes to place a seven (7) lot multi-family subdivision on 1.24 acres, creating five (5) buildable lots. The applicant proposes two (2) lots for common space and will be owned and maintained by an HOA. This project will be a part of Crimson Point Villas No.1 to the west and is a smaller part of the greater Crimson Point PUD project.

The applicant requests amending the SUP. This will include allowing for multi-family units where the Council had approved “Limited Office” uses in 2006.

In 2005 the Planning and Zoning Commission recommended denial of the SUP and preliminary plat for the Crimson Point Villas site. The 2005 site plan showed “multi-family over the north part of the site, “Area Business” over the southern part and “Limited Office” over the eastern tip of the site (1.034 acres). In early 2006, City Council approved the SUP (allowing for multi-family in a C-1 zone), but denied the preliminary plat. The applicant reduced the number of units and requested reconsideration by the Council, who then re-heard the application (with a new layout) and approved it with conditions. The March 2006 staff report is included as an exhibit with this request.

Staff has determined this application complies with Title 5 of the Kuna City Code; Idaho Statute §50-222; and the Kuna Comprehensive Plan; and forwards a recommendation of approval for Case No.'s 14-05-Sub, 14-12-DR, 05-05-SUP, subject to the recommended conditions of approval.

**G. 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,
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.

**H. Comprehensive Plan Analysis:**

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

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

**GOALS AND POLICY – Property Rights**

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

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

**GOALS AND POLICY – Land Use**

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

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

Policy 2.3: Retail and residential land uses should be appropriately mixed and balanced with professional offices and service facilities to provide residents with a broader mix of services within walking distance from their homes.

**GOALS AND POLICY – Housing**

**Goal 1: *Provide a wide-range of housing to meet the needs of the current and future population. Ensure that housing is available throughout the community for people of all income levels and for those with special needs.***

Objective 1.3: Encourage mixed-use development that includes town centers, single-family, multi-family, accessory units, and other types of residential development.

**Goal 2: *Encourage logical and orderly residential development.***

Objective 2.1: Ensure that development proceeds in a logical and orderly manner so that public services are provided in a cost efficient manner.

Policy 2.6: Encourage infill housing development to reduce urban sprawl.

**Goal 3: Encourage high-quality residential development.**

Objective 3.1: Encourage the development of safe and aesthetically-pleasing neighborhoods.

**I. Proposed Findings of Fact:**

1. This request appears to be consistent and in compliance with Kuna City Code (KCC).
2. The use appears to meet the general objectives of Kuna's Comprehensive Plan.
3. The site is physically suitable for a multi-family subdivision.
4. The proposed uses are not likely to cause substantial environmental damage or avoidable injury to wildlife or their habitat.
5. This application is not likely to cause adverse public health problems.
6. 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.
7. The existing and proposed street and utility services in proximity to the site are suitable and adequate for residential purposes.
8. The Kuna Planning and Zoning Commission accepts the facts as outlined in the staff report, any public testimony and the supporting evidence list as presented.
9. Based on the evidence contained in Case No.s 14-05-Sub, 14-12-DRC and 05-05-SUP, this proposal appears to comply with the Comprehensive Plan and the Kuna Comprehensive Future Land Use Map (FLU).
10. The Planning and Zoning Commission has the authority to recommend approval or denial for these applications.
11. The public notice requirements were met and the public hearing was conducted within the guidelines of applicable Idaho Code and City Ordinances.

**J. Proposed Conclusions of Law:**

1. Based on the evidence contained in Case No.s 14-05-Sub, 14-12-DR and 05-05-SUP, the Kuna Planning and Zoning Commission finds Case No.s 14-05-Sub, 14-12-DR and 05-05-SUP, comply with Kuna City Code.
2. Based on the evidence contained in Case No's 14-05-Sub, 14-12-DR and 05-05-SUP, the Kuna Planning and Zoning Commission finds Case No.s 14-05-Sub, 14-12-DR and 05-05-SUP, 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.

**K. Proposed Decision by the Commission:**

**14-05-Sub and 05-05-SUP (Amended), Note:** *This proposed motion is to recommend approval, conditional approval, or denial for this request to City Council. If the Commission wishes to approve or deny specific parts of the requests as detailed in this report, those changes must be specified.*

**14-12-DR:-Design Review Note:** *The proposed motion is also to approve or deny the design review request. If the Planning and Zoning Commission wishes to approve or deny specific parts of the requests as detailed in the report, those changes must be specified.*

Based on the facts outlined in staff's report and the public testimony at the public hearing, the Planning and Zoning Commission of Kuna, Idaho, hereby recommends (*approval/conditional approval/denial*) for Case No.s 14-05-Sub, 14-12-DR and 05-05-SUP, preliminary plat, Design Review and Special Use Permit (amended), (*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 approval 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 the approval and permit from Ada County Highway District and/or Idaho Transportation Department.
    - 2.1– Dedicate rights-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. Street lighting shall be LED lights and meet the approval of the City.
  6. Parking within the site shall comply with Kuna City Code, unless specifically approved otherwise.
  7. Fencing within and around the site shall comply with Kuna City Code unless specifically approved otherwise.
  8. Signage within the site shall comply with Kuna City Code (A sign permit is required prior to sign construction).
  9. 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 seven (7) 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.
  10. 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).
  11. 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 Council, or seek amending them through public hearing processes.
  12. The applicant's proposed preliminary plat (dated 9.25.14) and landscape plan (dated 4.28.2014) shall be considered a binding site plans, or as modified and approved.
  13. Applicant shall follow all Staff, city Engineer and other agency recommended requirements as applicable.
  14. Developer shall comply with all local, state and federal laws.

**DATED:** This \_\_\_ day of \_\_\_\_\_, 2015.

# VICINITY MAP



W Ardell Rd

N McClure Ln

N Ten-Mile Rd

N Rosebud Dr

N Mauve Ave

W Castro Dr

W Melon Dr

W Crenshaw St

**CRIMSON POINT  
VILLAS PHS I**

N Blush Ave

N Klemmer Ave

N Kolnes Ave

W McHenry St

N Firebrick Dr  
N Shayla Ave

W Feltson St

W Kesler Dr

W Deer Flat Rd

W Balboa St

## Legend

-  Villas Phase II
-  PARCEL LINES
-  RAILROAD
-  ROADS
-  WATER FEATURES

**KUNA CAVES  
SELF-STORAGE**

TB

# AERIAL MAP



W Crenshaw St

Crimson Point  
Villas No. 1



N Ten Mile Rd

## Legend



Crimson Point Villas No 2



PARCEL LINES



ROADS

TB



ENGINEERS

SURVEYORS

PLANNERS

October 21, 2014

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

RE: Letter of Intent, The Villas at Crimson Point – Phase II Preliminary Plat/Special Use Permit Application

To Whom It May Concern:

LEI Engineers and Surveyors, on behalf of Corey Barton Homes, Inc., is seeking approval of a preliminary plat and special use permit to subdivide 1.24 acres of land, located at the southwest corner of North Ten Mile Road and West Crenshaw Road, into five (5) multi-family residential lots and one (1) open space lot. Each multi-family residential lot will contain one four-unit apartment building, resulting in a total of 20 dwelling units and a gross density of 16 dwelling units per acre. The proposed use and development density is consistent with the subject property’s existing C-1 zoning designation.

All lots will take access from Alizarin Avenue, which is currently under construction as part of The Villas at Crimson Point – Phase 1. The internal circulation system will consist of a 22-foot-wide looped drive aisle connecting to Alizarin Avenue at two locations, and a six-foot-wide paved pedestrian walkway. A central 35-stall parking area, located primarily on proposed Lot 3, will serve the five buildings. A reciprocal parking/cross access easement will ensure that the parking stalls and drive aisles are accessible to all of the buildings.

The proposed development will comply with all requirements of the C-1 zone and with applicable public works standards. Open space constituting 17 percent of the site area will buffer the development from North Ten Mile Road and West Crenshaw Road. Landscape islands will be constructed within the parking area. Storm drainage will be retained on site. The buildings will be connected to the city of Kuna water and sewer systems, which have capacity to serve the number of dwelling units proposed. Frontage improvements will be provided consistent with Ada County Highway District standards.

Thank you for considering the attached preliminary plat application. Please contact me if you need additional information.

Sincerely,

Laren Bailey  
Principal, LEI

- Civil Engineering
- Structural Engineering
- Surveying
- Land Planning
- Landscape Architecture



ENGINEERS  
SURVEYORS  
PLANNERS

June 24, 2014

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

RECEIVED  
JUN 26 2014  
CITY OF KUNA

RE: Letter of Intent, The Villas at Crimson Point – Phase II Preliminary Plat

To Whom It May Concern:

LEI Engineers and Surveyors, on behalf of Corey Barton Homes, Inc., is seeking approval of a preliminary plat to subdivide 1.24 acres of land, located at the southwest corner of North Ten Mile Road and West Crenshaw Road, into five (5) multi-family residential lots and one (1) open space lot. Each multi-family residential lot will contain one four-unit apartment building, resulting in a total of 20 dwelling units and a gross density of 16 dwelling units per acre. The proposed use and development density is consistent with the subject property’s existing C-1 zoning designation.

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Thank you for considering the attached preliminary plat application. Please contact me if you need additional information.

Sincerely,

Laren Bailey  
Principal, LEI

- Civil Engineering
- Structural Engineering
- Surveying
- Land Planning
- Landscape Architecture

JUN 26 2014

CITY OF KUNA



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

**Commission & Council Review Application**

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

\*Please submit the appropriate checklist (s) with application

For Office Use Only	
File Number (s)	14-05-SUB 14-12-DEC
Project name	CRIMSON POINT VILLAS #2
Date Received	6.26.14 & 10.21.2014 (NEW LOI)
Date Accepted/Complete	
Cross Reference Files	
Commission Hearing Date	01.27.2015
City Council Hearing Date	

**Type of Review (check all that apply):**

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

**Contact/Applicant Information**

Owners of Record: COREY BARTON HOMES, INC	Phone Number: 208-286-0520
Address: 1977 E OVERLAND RD	E-Mail: _____
City, State, Zip: MERIDIAN, ID 83642	Fax #: _____
Applicant (Developer): LAREN BAILEY / LEI	Phone Number: 208-846-9600
Address: 3023 E COPPER PT DR #201	E-Mail: _____
City, State, Zip: MERIDIAN, ID 83642	Fax #: _____
Engineer/Representative: SAME AS ABOVE	Phone Number: _____
Address: _____	E-Mail: _____
City, State, Zip: _____	Fax #: _____

**Subject Property Information**

Site Address: NO STREET ADDRESS - <sup>N</sup> TEN MILE RD, KUNA, ID 83634	
Site Location (Cross Streets): SW CORNER OF TEN MILE RD & CRENSHAW	
Parcel Number (s): S1315449455	
Section, Township, Range: S15, T2N, R1W	
Property size: 1.24 acres	
Current land use: VACANT	Proposed land use: MF
Current zoning district: <del>C-1</del> C-1	Proposed zoning district: N/A

**Project Description**

Project / subdivision name: THE VILLAS AT CRIMSON POINT - PHASE II

General description of proposed project / request: SUBDIVISION OF 1.24 ACRES INTO 5 MULTI-FAMILY RESIDENTIAL LOTS AND 1 OPEN SPACE TRACT

Type of use proposed (check all that apply):

Residential 4-PLEXES

Commercial \_\_\_\_\_

Office \_\_\_\_\_

Industrial \_\_\_\_\_

Other \_\_\_\_\_

Amenities provided with this development (if applicable): 35 OFF-STREET PARKING SPACES, INTERNAL WALKWAYS, AND LANDSCAPING

**Residential Project Summary (if applicable)**

Are there existing buildings?  Yes  No

Please describe the existing buildings: N/A

Any existing buildings to remain?  Yes  No

Number of residential units: 20 Number of building lots: 5

Number of common and/or other lots: 1

Type of dwellings proposed:

Single-Family \_\_\_\_\_

Townhouses \_\_\_\_\_

Duplexes \_\_\_\_\_

Multi-Family 4 DU PER BLDG

Other \_\_\_\_\_

Minimum Square footage of structure (s): \_\_\_\_\_

Gross density (DU/acre-total property): 16.12 Net density (DU/acre-excluding roads): 16.12

Percentage of open space provided: 17 Acreage of open space: 91606 SF (0.22 ACRE)

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

**Non-Residential Project Summary (if applicable)**

Number of building lots: \_\_\_\_\_ Other lots: \_\_\_\_\_

Gross floor area square footage: \_\_\_\_\_ Existing (if applicable): \_\_\_\_\_

Hours of operation (days & hours): \_\_\_\_\_ Building height: \_\_\_\_\_

Total number of employees: \_\_\_\_\_ Max. number of employees at one time: \_\_\_\_\_

Number and ages of students/children: \_\_\_\_\_ Seating capacity: \_\_\_\_\_

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

Proposed Parking: a. Handicapped spaces: 5 Dimensions: \_\_\_\_\_

b. Total Parking spaces: 35 Dimensions: \_\_\_\_\_

c. Width of driveway aisle: 22 FT

Proposed Lighting: \_\_\_\_\_

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

Applicant's Signature: [Signature] Date: 6-26-14



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.

<b>Project name:</b>	<b>Applicant:</b>
----------------------	-------------------

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

Applicant (✓)	Description	Staff (✓)
✓	Completed and signed Commission & Council Review Application.	✓
✓	Vicinity map showing relationship of the proposed plat to the surrounding area with a 2-mile radius.	✓
✓	Homeowner's maintenance agreement for the care of landscaped common areas.	✓
✓	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.	✓
✓	Proof of ownership—A copy of your deed <u>and</u> Affidavit of Legal Interest (for all interested parties involved).	✓
✓	Letter of Intent indicating reasons and details for preliminary plat.	✓
✓	Commitment of Property Posting form signed by the applicant/agent.	✓
N/A	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.	N/A
N/A	A letter from Ada County Engineer with the Subdivision Name reservation. <b>ANY</b> name change(s) needs to be submitted and approved by the Planning & Zoning Director and Ada County Engineer.	—
N/A	Phasing Plan	—
N/A	Include Large Scale Development Requirements. KCC 6-5-4	—
✓	Landscape Plan— (in color)	✓
✓	Neighborhood meeting certification (certification & neighborhood meeting list forms shall accompany this application).	✓
✓	8 1/2 x 11 proposed preliminary plat.	✓
✓	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"> <li>◇ Topography at two foot (2') intervals</li> <li>◇ Land uses (location, layout, types &amp; dimensions): residential, commercial &amp; industrial land uses.</li> <li>◇ Street right-of-ways: dimensions of right-of-way dedication for all roadways, street sections, improvements, etc.</li> <li>◇ Easements/common space: utility easements, parks, community spaces</li> <li>◇ Lots: layout and dimensions of lots</li> <li>◇ 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..</li> </ul>	✓

*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**  
**P.O. BOX 13**  
**KUNA, ID 83634**  
[www.cityofkuna.com](http://www.cityofkuna.com)

GORDON N. LAW  
CITY ENGINEER

Telephone (208) 287-1727; Fax (208) 287-1731

Email: [gordon@cityofkuna.com](mailto:gordon@cityofkuna.com)

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## MEMORANDUM

TO: Director of Kuna Planning and Zoning

FROM: Gordon N. Law  
Kuna City Engineer

RE: Crimson Villas 2 Subdivision PUD, Preliminary Plat  
14-05-S, 05-05-SUP (amendment)

DATE: December 8, 2014

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The City Engineer has reviewed the Preliminary Plat request of the above applicant dated December 4, 2014. It is noted that the request and application do provide a detailed narrative description or plan for development of the site and comments will be structured accordingly. Please note that staff has recommended the re-platting the portion of the common lot fronting Ten Mile, Crenshaw and this project (known as Lot 40, Block 1, Crimson Point Subdivision Phase 5) as part of this subdivision. The re-platting will remedy a right-of-way conflict on Alizarin Avenue.

### 1. Sanitary Sewer System

- a) The City has sufficient sewer treatment capacity to serve this site. The Sewer Master Plan for disposal of wastewater from this area proposes discharge to the Crimson Point Lift Station for ultimate treatment at the North Wastewater Treatment facility. This site is not presently connected to the city system and would be subject to connection fees for the demand of the ultimate connected load as provided in the City's Standard Table.
- b) This property was included in Local Improvement District 2006-1 but never satisfied its obligations to the District and consequently does not have reserved treatment capacity. Treatment capacity may be secured for this site only from those who have reserved capacity or from capacity not reserved and upon payment of appropriate fees.
- c) The nearest gravity main (8-inch) is located in Alizarin Avenue adjacent to the project.
- d) Specific recommendations of note are as follows:
  - 1) City Code (6-4-20) requires connection to the City sewer system for all sanitary sewer needs.

- 2) For any connected load, it is recommended this application be conditioned to conform to the sewer master plan.
- 3) 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 adjacent to the project. This requirement does not appear to affect the project.
- e) For assistance in locating existing facilities and understanding issues associated with the Master Plan and connection, please contact the City Engineer.

## **2. Potable Water System**

- a) The City has sufficient potable water supply to serve this site. This site is not connected to the city system and would be subject to connection fees for the demand of the ultimate connected load as provided in the City's Standard Table.
- b) The nearest available water main (8-inch) is located in Alizarin Avenue adjacent to the project.
- c) Water supply capacity is available for this site upon payment of appropriate fees. Specific recommendations of note are as follows:
  - 1) City Code (6-4-2X) requires connection to the City water system for all potable water needs.
  - 2) For any connected load, it is recommended this application be conditioned to conform to the water master plan.
  - 3) 8-inch water mains should be installed by developer in internal subdivision streets (no internal streets required).
  - 4) At all reasonable locations where water service could be extended to adjoining properties, water mains should be stubbed to the property line or extended in right-of-way adjacent to the project. This requirement does not appear to affect the project.
- d) Improvements necessary to provide adequate fire protection as required by Kuna Fire District will be required of the development.
- e) For assistance in locating existing facilities and understanding issues associated with connection, please contact the City Engineer.
- f) Please verify there is adequate separation between potable water service lines and all non-potable water lines (storm drains, sewer services, etc.).

## **3. Pressure Irrigation**

- a) The applicant's property is not connected to the City pressure irrigation system. The nearest pressure main (12-inch) is located in Ten Mile Road adjacent to the project.
- b) 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.
- c) Irrigation supply capacity is available for this site upon payment of appropriate fees. Specific recommendations of note are as follows:
  1. Relying on drinking water for irrigation purposes is contrary to City Code (6-4-2I) 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.
  2. 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 Ten Mile Road frontage – a 12-inch is already provided.

3. 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.
4. It is recommended that conformity with approved City PI standards is required, including the providing of adequately sized internal loop lines.

#### **4. Grading, Gravity Irrigation, Drainage**

- 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.

#### **5. General**

At the time of, or prior to redevelopment:

- a) Plan approvals and license agreements from any affected irrigation District will be required.
- b) 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.
- c) Verify that existing and proposed elevations match sufficiently at property boundaries to not impose a slope burden on adjacent properties.
- d) State the vertical datum used for elevations on all plans.
- e) Provide engineering certification on all final engineering drawings.

#### **6. Inspection Fees**

An inspection fee will be required for any **public** water, sewer and irrigation construction work 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 pressure irrigation pipe and payment is due and payable prior to City's scheduling of a pre-construction conference.

## **7. Right-of-Way**

Sufficient full and half right-of-way on section and quarter lines for arterial and collector streets shall be provided and developed pursuant to City, ITD and ACHD standards. In this instance, the site fronts on Ten Mile Road - which is considered a classified street. The recommendations or conclusions of the City Engineer are as follows:

- a) The right-of-way for Alizarin is to be platted in an earlier phase of Crimson Villas and has been approved by the City.
- b) The right-of-way for Crenshaw was platted as part of Crimson Point Subdivision Phase 5 and has been approved by the City.
- c) The right-of-way for Ten Mile Road, a classified street, was platted as part of Crimson Point Subdivision Phase 5 and has been approved by the City.
- d) 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:
  1. 10-foot minimum subdivision boundary easement;
  2. 10-foot minimum street frontage easement;
  3. 10-foot back lot line easement as required in code;
  4. 5-foot side lot line easements;
  5. Parking/cross access easements.
- d) It is recommended approaches onto local, section line and quarter line streets comply with ACHD approach policies and generally are as far as practical from adjacent intersections.
- e) Curb and Gutter – City Code (6-4-2C) requires the installation of curb and gutter: vertical curb on classified streets (Ten Mile) and either rolled or vertical elsewhere. The documents submitted with the application show an intent to construct curb and gutter as required. The City Engineer recommends compliance with City Code.
- f) Street Drainage – The application includes some facilities for handling storm drainage from local streets. The documents submitted with the application show an intent to construct storm drainage facilities as required. The City Engineer recommends compliance with ACHD policies.
- g) Sidewalk - City Code (6-4-2Q) requires the installation of sidewalk on all local and classified streets. The documents submitted with the application show an intent to construct sidewalk as required. The City Engineer recommends compliance with City Code.
- h) Entrances/Approaches – The application proposes two entrances to Alizarin Avenue. The City Engineer concurs with the entrances proposed.

## **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 as a condition of final platting.

## **9. Property Description**

- a) A metes and bounds description prepared by a licensed surveyor has been provided by the applicant.



Jim D. Hansen, President  
Sara M. Baker, Vice President  
Rebecca W. Arnold, Commissioner  
Kent Goldthorpe, Commissioner  
Paul Woods, Commissioner

Date: January 21, 2015  
To: Laren Bailey  
LEI Engineering and Planning  
3023 E. Copper Pt. Drive, STE 201  
Meridian, ID 83642  
Subject: KPP15-0001/14-05-S/05-05-SUP  
Southwest corner of Ten Mile and Crenshaw  
Re-plat a portion of The Villas at Crimson Point to allow for  
multi-family development.

On July 20, 2005, the Ada County Highway District approved a development application The Villas Subdivision K05-10-S/K05-05-SUP for 40 4-plex lots, 3 office lots and 5 common lots on 11.24 acres. The conditions and requirements also apply to KPP15-0001/14-05-S/05-05-SUP The applicant may be required to update any existing non-compliant pedestrian improvements adjacent to the site to meet current ADA (Americans with Disabilities Act) requirements.

- The applicant shall be required to meet all of the ACHD Standard Conditions of Approval as well as all ACHD Policies and requirements that may apply as noted below.

If you have any questions or concerns please feel free to contact this office at (208) 387-6178.

Sincerely,

Mindy Wallace, AICP  
Planner III  
Development Services

CC: Project File  
City of Kuna

## 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). Private Utilities including sewer or water systems are prohibited from being located within the ACHD right-of-way.
2. In accordance with District policy, 7203.6, 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.
3. 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.
4. 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.
5. All utility relocation costs associated with improving street frontages abutting the site shall be borne by the developer.
6. 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.
7. 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.
8. 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.
9. Construction, use and property development shall be in conformance with all applicable requirements of ACHD prior to District approval for occupancy.
10. 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.
11. 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.

## 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.



This application requires Commission action due to the size of the development. This item is scheduled to be on the consent agenda on July 20, 2005. Tech Review for this item was held with the applicant on Friday, July 8, 2005. This application was approved by the commission on July 20, 2005. Please refer to the attachment for request for reconsideration guidelines. Staff contact: Lisa Bachman, 208-387-6174-phone, 208-387-6393-fax, [lbachman@achd.ada.id.us](mailto:lbachman@achd.ada.id.us)

**File Numbers:** The Villas Subdivision / K05-10-S / K05-05-SUP

**Site address:** The southwest corner of Ten Mile Road and Crenshaw Road

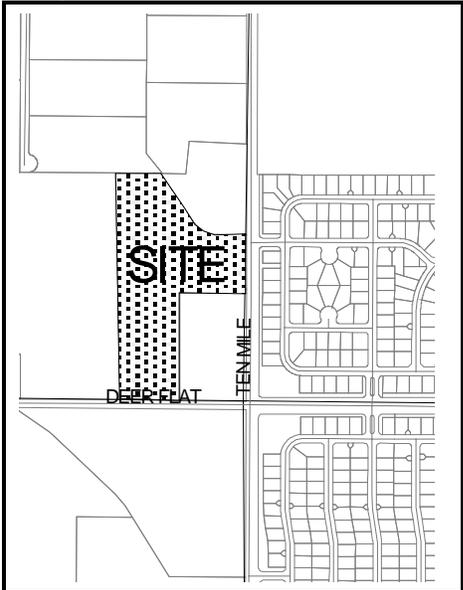
**Owner/Applicant:** JLJ Enterprises, Inc.  
516 S. Capitol Blvd.  
Boise, Idaho 83702

**Representative:** W.H. Pacific, Inc.  
3130 S. Owyhee St.  
Boise, Idaho 83705

**Application Information:**

Acreage:	11.24-acres
Current Zoning:	C-1
Proposed Zoning:	C-1
Buildable Lots:	48 lots
	40 4-plex lots / 3 office lots
Common Lots:	5 lots

**Vicinity Map**



## A. Findings of Fact

1. **Trip Generation:** This development is estimated to generate 1,116 additional vehicle trips per day (0 existing) based on the Institute of Transportation Engineers Trip Generation Manual.
2. **Impact Fees:** There will be an impact fee that is assessed and due prior to issuance of a building permit. The assessed impact fee will be based on the impact fee ordinance that is in effect at that time.
3. **Traffic Impact Study:** A traffic impact study was not required with this application.
4. **Site Information:** The site is currently vacant.
5. **Description of Adjacent Surrounding Area:**
  - a. North: 2 five (5)-acre parcels zoned RUT, with single-family residences.
  - b. South: A vacant 6-acre parcel zoned RUT and 17.8-acres zoned C-1, with 1 single-family dwelling and some outbuildings.
  - c. East: Palomar Heights Subdivision zoned R-6 with single-family residences.
  - d. West: Future Crimson Point Subdivision zoned R-3.

### 6. Impacted Roadways

Street Name: Ten Mile Road  
Frontage: 270-feet  
Functional Street Classification: Minor Arterial  
Traffic count: 3,968 south of Columbia on 04-07-04  
Level of Service: Better than C  
Speed limit: 50 MPH  
*An acceptable Level of Service for this segment of roadway is a level of Service D.*

Street Name: Deer Flat Road  
Frontage: 376-feet  
Functional Street Classification: Minor Arterial  
Traffic count: 96 west of Ten Mile on 02-18-03  
Level of Service: Better than C  
Speed limit: 30 MPH  
*An acceptable Level of Service for this segment of roadway is level Service D.*

Street Name: Crenshaw Road  
Frontage: 790-feet  
Functional Street Classification: Local  
Traffic count: Not constructed  
Speed limit: 20 MPH

### 7. Roadway Improvements Adjacent To and Near the Site

Ten Mile Road is improved with two (2) traffic lanes, with no curb, gutter or sidewalks. Deer Flat Road is improved with two (2) traffic lanes, with no curb, gutter or sidewalks. Crenshaw Road is currently not constructed and is anticipated to be constructed with a 36-foot street section with curb, gutter and sidewalks.

### 8. Existing Right-of-Way

Ten Mile Road has a total of 58-feet of right-of-way (25-feet from centerline). Deer Flat Road has a total of 50-feet of right-of-way (25-feet from centerline). Crenshaw Road has a total of 50-feet of right-of-way (25-feet from centerline).

9. **Existing Access to the Site**

There is no delineated access to the Public Transportation System at this time.

10. **Site History**

The District has not previously reviewed a development application for this site.

11. **Capital Improvements Plan/Five Year Work Program**

The surrounding roadways are not included in the District's Five Year Work Program or Capital Improvements Plan.

**B. Findings for Consideration**

1. **Ten Mile Road**

*Right-of-Way and Improvements*

District policy requires 96-feet of right-of-way on arterial roadways (Figure 72-F1B). This right-of-way allows for the construction of a 5-lane roadway with curb, gutter, 5-foot concrete detached sidewalks and bike lanes.

- Ten Mile Road is not listed as a proposed project in the District's currently adopted Five-Year Work Program or in the currently adopted 20-year Capital Improvements Plan. ACHD has purchased this right-of-way from the developer. The developer is required to construct a 5-foot wide concrete sidewalk on Ten Mile Road located a minimum of 41-feet from the centerline.

2. **Deer Flat Road**

*Right-of-Way and Improvements*

District policy requires 96-feet of right-of-way on arterial roadways (Figure 72-F1B). This right-of-way allows for the construction of a 5-lane roadway with curb, gutter, 5-foot concrete detached sidewalks and bike lanes. Deer Flat Road is an arterial; however, with previous development applications, ACHD has noted that this segment of Deer Flat Road will only be 3-lanes because it is presently a dead end road. The total right-of-way width for a 3-lane roadway is 70-feet.

- Deer Flat Road is not listed as a proposed project in the District's currently adopted Five-Year Work Program or in the currently adopted 20-year Capital Improvements Plan. As such, the applicant cannot receive reimbursement for dedicated right-of-way from available collected impact fees. The applicant shall do one of the following:
  - a. Dedicate by donation a total of 35-feet of right-of-way along Deer Flat Road, and construct a minimum 5-foot wide concrete sidewalk along Deer Flat Road, located a minimum of 28-feet from the centerline of the right-of-way.
  - b. Do not dedicate additional right-of-way, but construct a minimum 5-foot wide concrete sidewalk along Deer Flat Road, located a minimum of 28-feet from the centerline of the right-of-way, in an easement provided to the District.
  - c. Do not dedicate additional right-of-way, but construct a minimum 5-foot wide concrete sidewalk along Deer Flat Road, located at the back edge of the existing right-of-way. Accomplish all necessary adjustments to properly accommodate existing drainage and utilities.

3. **Right-of Way and Improvements**

Crenshaw Road

District policy 7204.4.1 and Figure 72-F1A requires 50-feet of right-of-way on local streets. This right-of-way allows for the construction of a 2-lane roadway with curb, gutter and 5-foot wide concrete sidewalks.

#### 4. **Street Sections**

District policy 72-F1A, allows local residential public roads with a 33-foot street section with parking on both sides of the roadway, if the amount of vehicle trips per day on the street does not exceed 1,000 and the appropriate fire department reviews and approves the street section. The proposed density of the development that will utilize the internal local residential streets is anticipated to generate less than 1,000 vehicle trips per day.

District policy 7203.4.2 states “if a proposed development abuts an unpaved street or streets the developer shall construct one-half of the full street improvements, including curb, gutter and concrete sidewalk plus additional pavement widening beyond the centerline established for the street to provide a minimum 24-foot wide paved surface. A 3-foot wide gravel shoulder and a drainage swale sized to accommodate the roadway storm runoff shall be constructed on the unimproved side. This street section shall be constructed within a minimum 40-foot right-of-way.”

- **Wasabi Avenue:** The applicant is proposing to construct one half of a 33-foot street section with a minimum of 24-feet of pavement with curb, gutter and a 5-foot attached concrete sidewalk on the west side of Wasabi Ave. In order to meet district policy, the applicant should be required to dedicate an additional 7-foot right-of-way (to equal a total of 40-foot right-of-way) and include a 3-foot wide gravel shoulder and a drainage swale sized to accommodate the roadway storm runoff.
- **Lampblack Street:** The applicant is proposing to construct one half of a 33-foot street section with a minimum of 24-feet of pavement with curb, gutter and a 5-foot attached concrete sidewalk on the south side of Lampblack Street. In order to meet district policy, the applicant should be required to dedicate an additional 7-foot right-of-way (to equal a total of 40-foot right-of-way) and include a 3-foot wide gravel shoulder and a drainage swale sized to accommodate the roadway storm runoff.

#### 5. **Roadway Offsets**

District policy 7204.11.6, requires local roadways to align or offset a minimum of 300-feet from an arterial roadway (measured centerline to centerline).

- The applicant is proposing to construct W. Crenshaw Road to intersect with N. Ten Mile Road approximately 270-feet north of the west property line. This roadway is proposed to align with W. Crenshaw Street on the east side of N. Ten Mile Road. The applicant's proposal meets District policy.

District policy 7204.11.6, requires local roadways to align or offset a minimum of 125-feet from another local roadway (measured centerline to centerline).

- The internal streets meet or exceed District policy in regard to roadway offsets.

#### 6. **Islands**

District policy requires any proposed landscape islands/medians within the public right-of-way dedicated by this plat should be owned and maintained by a homeowners association. Notes of this should be required on the final plat. The design should be reviewed and approved by ACHD's Development staff.

#### 7. **Turnarounds**

District policy 7205.2.1 requires turnarounds to be constructed to provide a minimum turning radius of 45-feet. The applicant should also be required to provide a minimum of a 29-foot street section on either side of any proposed center islands within the turnarounds. The medians should be constructed a minimum of 4-feet wide to total a minimum of a 100-square foot area.

- The applicant is proposing to construct a cul-de-sac turnaround with a center island at the terminus of Madderlake Place. The applicant should construct the turnaround to provide a minimum turning radius of 45-feet. The applicant should construct the center island a minimum of 4-feet wide to total a minimum of a 100-square foot area and should provide a minimum of a 29-foot street section on either side of the island.

#### 8. **Other Access**

Ten Mile Road is classified as a minor arterial. Other than the access point that has specifically been approved with this application, direct lot access to Ten Mile Road is prohibited. A note will be required on the final plat stating this access restriction.

#### 9. **Street Sections**

District policy 72-F1A, allows local residential public roads with a 33-foot street section with parking on both sides of the roadway, if the amount of vehicle trips per day on the street does not exceed 1,000 and the appropriate fire department reviews and approves the street section. The proposed density of the development that will utilize the internal local residential streets is anticipated to generate less than 1,000 vehicle trips per day.

District policy 7203.4.2 states “if a proposed development abuts an unpaved street or streets the developer shall construct one-half of the full street improvements, including curb, gutter and concrete sidewalk plus additional pavement widening beyond the centerline established for the street to provide a minimum 24-foot wide paved surface. A 3-foot wide gravel shoulder and a drainage swale sized to accommodate the roadway storm runoff shall be constructed on the unimproved side. This street section shall be constructed within a minimum 40-foot right-of-way.”

- Wasabi Avenue: The applicant is proposing to construct one half of a 33-foot street section with 24-feet of pavement with curb, gutter and a 5-foot attached concrete sidewalk on the west side of Wasabi Ave. In order to meet district policy, the applicant should be required to dedicate an additional 7-feet right-of-way (to equal a total of 40-feet right-of-way) and include a 3-foot wide gravel shoulder and a drainage swale sized to accommodate the roadway storm runoff.
- Lampblack Street: The applicant is proposing to construct one half of a 33-foot street section with 24-feet of pavement with curb, gutter and a 5-foot attached concrete sidewalk on the south side of Lampblack Street. In order to meet district policy, the applicant should be required to dedicate an additional 7-feet right-of-way (to equal a total of 40-feet right-of-way) and include a 3-foot wide gravel shoulder and a drainage swale sized to accommodate the roadway storm runoff.

#### 10. **Local Driveways**

District policy F2-F4 (1) and 72-F4 (2), requires driveways located on local residential roadways to offset a controlled and/or uncontrolled intersection a minimum of 50-feet (measured near edge to near edge).

- The local driveways meet or exceed District policy in regard to roadway offsets.

#### 11. **Bulb-Outs**

The applicant has proposed to construct Madderlake Ave. with two 9-foot travel lanes, and 8.5-foot wide parallel parking lanes on each side, with curb, gutter, and 5-foot wide concrete sidewalk, within 50-feet of right-of-way.

- The roadway on Madderlake Ave should be constructed with vertical curb, due to the proposed parking configuration, and the bulb-outs, as proposed, are not approved. Bulb-outs should be designed and constructed to allow proper drainage and maintenance of the

roadway. Coordinate both the design and location of the bulb-outs with District Development Review staff and Traffic Services staff.

### **C. Site Specific Conditions of Approval**

1. The applicant shall construct a 5-foot wide concrete sidewalk on Ten Mile Road located a minimum of 41-feet from the centerline.
2. The applicant shall do one of the following on Deer Flat Road:
  - a. Dedicate by donation a total of 35-feet of right-of-way along Deer Flat Road, and construct a minimum 5-foot wide concrete sidewalk along Deer Flat Road, located a minimum of 28-feet from the centerline of the right-of-way.
  - b. Do not dedicate additional right-of-way, but construct a minimum 5-foot wide concrete sidewalk along Deer Flat Road, located a minimum of 28-feet from the centerline of the right-of-way, in an easement provided to the District.
  - c. Do not dedicate additional right-of-way, but construct a minimum 5-foot wide concrete sidewalk along Deer Flat Road, located at the back edge of the existing right-of-way. Accomplish all necessary adjustments to properly accommodate existing drainage and
3. Construct West Crenshaw Road to intersect with North Ten Mile Road to align with West Crenshaw Road (on the east side of North Ten Mile Road), as proposed.
4. Construct the internal streets as 33-foot street sections with vertical curb, gutter and a 5-foot attached concrete sidewalk, as proposed. Submit a letter from the Kuna Fire Department reviewing and approving the reduced street section.
5. Construct a cul-de-sac turnaround with a center island at the terminus of Madderlake Place. Construct the turnaround to provide a minimum turning radius of 45-feet. Construct the center island a minimum of 4-feet wide to total a minimum of a 100-square foot area and provide a minimum of a 29-foot street section on either side of the island.
6. Any proposed landscape islands/medians within the public right-of-way dedicated by this plat shall be owned and maintained by a homeowners association. Notes of this will be required on the final plat.
7. Other than the access point that has specifically been approved with this application, direct lot access to North Ten Mile Road and West Deer Flat Road is prohibited. A note will be required on the final plat stating this access restriction.
8. Madderlake Avenue shall be constructed with vertical curb, due to the proposed parking configuration. The bulb-outs, as proposed, are not approved. Bulb-outs shall be designed and constructed to allow proper drainage and maintenance of the roadway. Coordinate both the design and location of the bulb-outs with District Development Review staff and Traffic Services staff.
9. The applicant shall dedicate an additional 7-foot right-of-way width (equal to a total of 40-foot right-of-way) on Wasabi Avenue. On the east side of Wasabi Avenue, the applicant shall construct a 3-foot wide gravel shoulder and a drainage swale sized to accommodate the roadway storm runoff.
10. The applicant shall dedicate an additional 7-foot right-of-way width (equal to a total of 40-foot right-of-way) on Lampblack Street. On the south side of Lampblack Street, the applicant shall construct a 3-foot wide gravel shoulder and a drainage swale sized to accommodate the roadway storm runoff.

11. Comply with all Standard Conditions of Approval.

#### **D. Standard Conditions of Approval**

1. Any existing irrigation facilities shall be relocated outside of the right-of-way.
2. All utility relocation costs associated with improving street frontages abutting the site shall be borne by the developer.
3. 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.
4. 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.
5. All design and construction shall be in accordance with the Ada County Highway District Policy Manual, ISPWC Standards and approved supplements, Construction Services procedures and all applicable ACHD Ordinances unless specifically waived herein. An engineer registered in the State of Idaho shall prepare and certify all improvement plans.
6. The applicant shall submit revised plans for staff approval, prior to issuance of building permit (or other required permits), which incorporates any required design changes.
7. Construction, use and property development shall be in conformance with all applicable requirements of the Ada County Highway District prior to District approval for occupancy.
8. Payment of applicable road impact fees are required prior to building construction in accordance with Ordinance #200, also known as Ada County Highway District Impact Fee Ordinance.
9. 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 (1-800-342-1585) 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.
10. 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 the Ada County Highway District. The burden shall be upon the applicant to obtain written confirmation of any change from the Ada County Highway District.
11. Any change by the applicant in the planned use of the property which is the subject of this application, shall require the applicant to comply with all rules, regulations, ordinances, plans, or other regulatory and legal restrictions in force at the time the applicant or its successors in interest advises the Highway District of its intent to change the planned use of the subject property unless a waiver/variance of said requirements or other legal relief is granted pursuant to the law in effect at the time the change in use is sought.

#### **E. 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.

## **Attachments**

1. Vicinity Map
2. Site Plan
3. Appeal Guidelines



## Request for Reconsideration of Commission Action

1. **Request for Reconsideration of Commission Action:** A Commissioner, a member of ACHD staff or any other person objecting to any final action taken by the Commission may request reconsideration of that action, provided the request is not for a reconsideration of an action previously requested to be reconsidered, an action whose provisions have been partly and materially carried out, or an action that has created a contractual relationship with third parties.
  - a. Only a Commission member who voted with the prevailing side can move for reconsideration, but the motion may be seconded by any Commissioner and is voted on by all Commissioners present.

If a motion to reconsider is made and seconded it is subject to a motion to postpone to a certain time.
  - b. The request must be in writing and delivered to the Secretary of the Highway District no later than 3:00 p.m. on the day prior to the Commission's next scheduled regular meeting following the meeting at which the action to be reconsidered was taken. Upon receipt of the request, the Secretary shall cause the same to be placed on the agenda for that next scheduled regular Commission meeting.
  - c. The request for reconsideration must be supported by written documentation setting forth new facts and information not presented at the earlier meeting, or a changed situation that has developed since the taking of the earlier vote, or information establishing an error of fact or law in the earlier action. The request may also be supported by oral testimony at the meeting.
  - d. If a motion to reconsider passes, the effect is the original matter is in the exact position it occupied the moment before it was voted on originally. It will normally be returned to ACHD staff for further review. The Commission may set the date of the meeting at which the matter is to be returned. The Commission shall only take action on the original matter at a meeting where the agenda notice so provides.
  - e. At the meeting where the original matter is again on the agenda for Commission action, interested persons and ACHD staff may present such written and oral testimony as the President of the Commission determines to be appropriate, and the Commission may take any action the majority of the Commission deems advisable.
  - f. If a motion to reconsider passes, the applicant may be charged a reasonable fee, to cover administrative costs, as established by the Commission.

# Development Process Checklist

- Submit a development application to a City or to the County
- The City or the County will transmit the development application to ACHD
- The ACHD **Planning Review Division** will receive the development application to review
- The **Planning Review Division** will do one of the following:
  - Send a “**No Review**” letter to the applicant stating that there are no site specific requirements at this time.
  - Send a “**Comply With**” letter to the applicant stating that if the development is within a platted subdivision or part of a previous development application and that the site specific requirements from the previous development also apply to this development application.
  - 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.
- The Planning Review Division will hold a **Technical Review** meeting for all **Staff and Commission Level reports**.
- For **ALL** development applications, including those receiving a “**No Review**” or “**Comply With**” letter:
  - The applicant should submit two (2) sets of engineered plans directly to ACHD for review by the **Development Review Division** 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 calculation.)
  - 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 (Zone)*

#### **Driveway or Property Approach(s)**

- Submit a “Driveway Approach Request” form to Ada County Highway District (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-Con an Erosion & Sediment Control Narrative & Plat, done by a Certified Plan Designer, must be turned into ACHD Construction – Subdivision to be reviewed and approved by the ACHD Drainage Division.

#### **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**

- ACHD Construction – Subdivision must have received approval from Development Services prior to scheduling a Pre-Con.

## Troy Behunin

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**From:** Angela Gilman <agilman@adaweb.net>  
**Sent:** Friday, December 05, 2014 1:02 PM  
**To:** Troy Behunin  
**Subject:** RE: Crimson Point Villas Phase II-Agency Comment Request

I have no comments.

Thanks,



**Angela M. Gilman, P.E., CFM**  
**County Engineer/Floodplain Administrator**  
**Ada County Development Services**  
200 W. Front St., Boise, ID 83702  
(208) 287-7925 office  
(208) 287-7909 fax

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**From:** Troy Behunin [mailto:troy@cityofkuna.com]  
**Sent:** Thursday, December 04, 2014 4:38 PM  
**To:** Gordon Law; Mike Borzick; Mark Perfect; Angela Gilman; Tim Tallman; Dale Ann Barton; Lauren Boehlke; Lori Badigian; Danielle.Robbins@deq.idaho.gov; Watson, Blake; Jim Morrison (Development Services); kathy.stites@mdu.com; bryce.Ostler@intgas.com; CHAD; Roats Richard; Justin Dusseau; jtillman@kunafire.com; WJohnson@kunaschools.org; Natalie Purkey  
**Cc:** Wendy Howell  
**Subject:** Crimson Point Villas Phase II-Agency Comment Request

Good afternoon everyone,

A PDF containing information for two upcoming land use actions is included with this email for your agencies review. Please review the material and provide our office with comments relative to this application.

If your agency needs a hard copy of this packet, let me know and I will send one through the USPS.

*Let me know if someone else in your organization should receive future email requests for comment.* Please confirm you have received this email.

Thanks,  
Troy

Troy Behunin  
Senior Planner  
City of Kuna  
763 W. Avalon  
Kuna, ID 83634  
208.387.7729 (Dir)  
208.922.5274  
[Troy@cityofkuna.com](mailto:Troy@cityofkuna.com)

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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: 12/16/2014  
Agency Requesting Comments: Kuna Planning and Zoning  
Date Request Received: 12/11/2014  
Applicant/Description: 14-05-S Subdivision. 05-05-SUP Amendment

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

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

### **1. Air Quality**

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

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

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

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

### **2. Wastewater and Recycled Water**

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

*All projects for construction or modification of wastewater systems require*

*preconstruction approval. Recycled water projects and subsurface disposal projects require separate permits as well.*

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

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

### **3. Drinking Water**

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

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

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

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

### **4. Surface Water**

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

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

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

#### **5. Hazardous Waste And Ground Water Contamination**

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

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

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

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

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

**6. Additional Notes**

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

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

Sincerely,

***Danielle Robbins***

Danielle Robbins  
[danielle.robbs@deq.idaho.gov](mailto:danielle.robbs@deq.idaho.gov)  
Boise Regional Office  
Idaho Department of Environmental Quality

C: File # 1998



**IDAHO TRANSPORTATION DEPARTMENT**

P.O. Box 8028  
Boise, ID 83707-2028

(208) 334-8300  
[itd.idaho.gov](http://itd.idaho.gov)

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December 5, 2014

Troy Behunin  
City of Kuna, Planning and Zoning Department  
P.O. Box 13  
Kuna, ID 83634

**VIA EMAIL**

**RE: 14-05-S AND 05-05-SUP CRIMSON POINT VILLAS**

The Idaho Transportation Department has reviewed the referenced subdivision and special use application amendment for the Crimson Point Villas on the southwest corner of Ten Mile Road and Crenshaw Road west of SH-69. ITD has the following comments:

- 1) ITD has no objection to the requested application. The project does not generate any more trips than anticipated under the Comprehensive Plan and this site does not require access to the State Highway System.

If you have any questions, you may contact Shona Tonkin at 334-8341 or me at 332-7191.

Sincerely,

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

James K. Morrison  
Development Services Manager  
[jim.morrison@itd.idaho.gov](mailto:jim.morrison@itd.idaho.gov)

---



# Neighborhood Meeting Certification

RECEIVED

JUN 26 2014

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

CITY OF KUNA

## GENERAL INFORMATION:

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

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

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

The meeting cannot take place more than 2 months prior to acceptance of the application and the application will not be accepted before the neighborhood meeting is conducted. You are required to send written notification of your meeting, allowing a reasonable amount of time before your meeting for property owners to plan to attend. Contacting and/or meeting individually with residents will not fulfill Neighborhood Meeting requirements.

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

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

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

Description of proposed project: 6 LOT MF RESIDENTIAL SUBDIVISION  
 Date and time of neighborhood meeting: FEBRUARY 24, 2014 @ 6:00 PM  
 Location of neighborhood meeting: \_\_\_\_\_

## SITE INFORMATION:

Location: Quarter: SE Section: 15 Township: 2N Range: 1W Total Acres: 1.24  
 Subdivision Name: VILLAS AT CRIMSON PT - PHASE II Lot: \_\_\_\_\_ Block: \_\_\_\_\_  
 Site Address: N TEN MILE ROAD Tax Parcel Number(s): S1315449455  
KUNA, ID 83642

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

## CURRENT PROPERTY OWNER:

Name: COREY BARTON HOMES, INC (ATTN: TIM ECK)  
 Address: 1977 E. OVERLAND RD City: MERIDIAN State: ID Zip: 83642

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

Name: LAREN BAILEY Business (if applicable): LEI Engineers & SURVEYORS  
 Address: 3023 E COPPER PT DR City: MERIDIAN State: ID Zip: 83642  
SHE 201

**PROPOSED USE:**

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

**Application Type**

**Brief Description**

Annexation

Re-zone

Subdivision (Sketch Plat and/or Prelim. Plat)

Special Use

Variance

Expansion of Extension of a Nonconforming Use

Zoning Ordinance Map Amendment

5 MF RES LOTS (ONE 4-PLEX PER LOT) + 1 OPEN SPACE LOT

**APPLICANT:**

Name: LAREN BAILEY, LEI ENGINEERS & SURVEYORS

Address: 3023 E COPPER PT DR, # 201

City: MERIDIAN State: ID Zip: 83642

Telephone: 208-846-9600 Fax: \_\_\_\_\_

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

Signature: (Applicant) 

Date 6-24-14

# CP Villas NO. 2 Subdivision

February 24, 2014

Neighborhood Meeting

6:00 PM

Name	Address	Phone
SCOTT SHERROW	LEI-	846-9600
Tim W Eck	DB Development	286-0520

## Troy Behunin

---

**From:** Laren Bailey <lbailey@lei-eng.com>  
**Sent:** Friday, December 05, 2014 4:50 PM  
**To:** Troy Behunin  
**Subject:** Re: Neighborhood meeting minutes.

No one showed up

Sent from my iPhone

On Dec 5, 2014, at 4:42 PM, Troy Behunin <[troy@cityofkuna.com](mailto:troy@cityofkuna.com)> wrote:

Laren,  
Can you send me the meeting minutes from the neighborhood meeting for C. P Villas No. 2...? If there were any.  
Thanks.  
Troy

**Troy Behunin**  
Senior Planner  
City of Kuna  
763 W. Avalon  
Kuna, ID 83634  
208.387.7729 (Dir)  
208.922.5274  
[Troy@cityofkuna.com](mailto:Troy@cityofkuna.com)

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**LEGAL DESCRIPTION FOR  
CRIMSON VILLAS NO. 2  
RE-ZONE**

A parcel of land located in the Southeast 1/4 of the Southeast 1/4 of Section 15, Township 2 North, Range 1 West, Boise Meridian, Ada County, Idaho. Being further described as follows:

**BASIS OF BEARINGS:**

The East line of the Southeast 1/4 of Section 15, Township 2 North, Range 1 West, Boise Meridian, derived from found monuments and taken as South 00°03'58" East with the distance between monuments found to be 2661.41 feet.

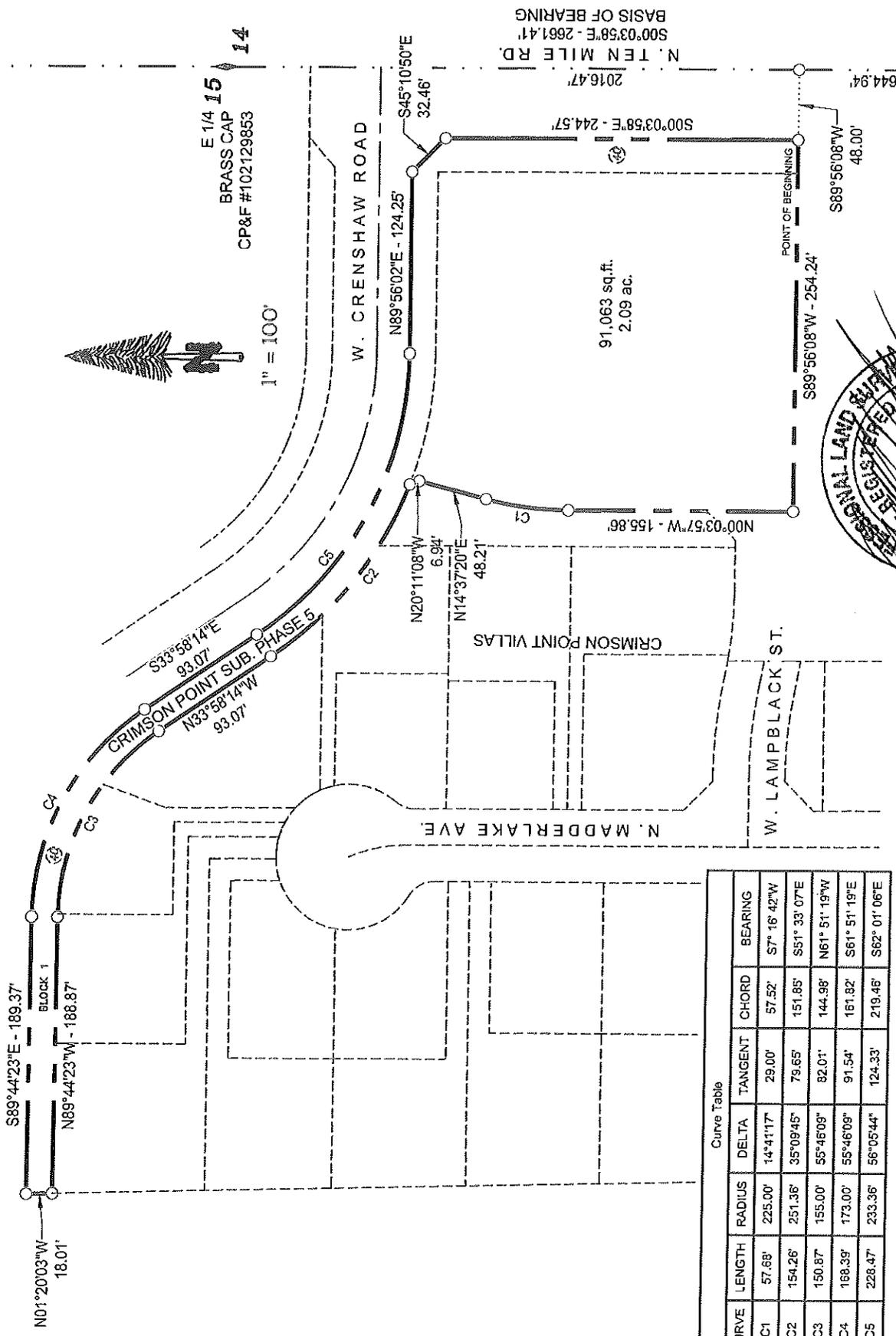
**COMMENCING** at a point on the East line of the Southeast 1/4 of the Southeast 1/4 of said Section 15, from which the Southeast corner of said Section 15 bears South 00°03'58" East a distance of 644.94 feet; thence leaving said East line South 89°56'08" West a distance of 48.00 feet to a point on the Westerly right-of-way of N. Ten Mile Road also being the **POINT OF BEGINNING**; thence leaving said Westerly right-of-way South 89°56'08" West a distance of 254.24 feet thence North 00°03'57" West a distance of 155.86 feet; thence along a curve to the right with a radius of 225.00 feet and a central angle of 14°41'17" an arc length of 57.68 feet with a chord bearing of North 07°16'42" East, and a chord distance of 57.52 feet; thence North 14°37'20" East a distance of 48.21 feet; thence North 20°11'08" West a distance of 6.94 feet to a point on the Southerly property line of Lot 40, Block 1 of Crimson Point Subdivision Phase 5; thence along said Southerly property line the following Four (4) course; along a curve to the right with a radius of 251.36 feet and a central angle of 35°09'45" an arc length of 154.26 feet with a chord bearing of North 51°33'07" West, and a chord distance of 151.85 feet; North 33°58'14" West a distance of 93.07 feet; along a curve to the left with a radius of 155.00 feet and a central angle of 55°46'09" an arc length of 150.87 feet with a chord bearing of North 61°51'19" West, and a chord distance of 144.98 feet; North 89°44'23" West a distance of 188.87 feet; thence leaving said Southerly property line North 01°20'03" West a distance of 18.01 feet to a point on the Southerly right-of-way line of W. Crenshaw Road; thence along said Southerly right-of-way line the following Five (5) courses; South 89°44'23" East a distance of 189.37 feet; along a curve to the right with a radius of 173.00 feet and a central angle of 55°46'09" an arc length of 168.39 feet with a chord bearing of South 61°51'19" East, and a chord distance of 161.82 feet; South 33°58'14" East a distance of 93.07 feet; along a curve to the left with a radius of 233.36 feet and a central angle of 56°05'44" an arc length of 228.47 feet with a chord bearing of South 62°01'06" East, and a chord distance of 219.46 feet; North 89°56'02" East a distance of 124.25 feet; thence leaving said Southerly right-of-way line South 45°10'50" East a distance of 32.46 feet to a point on said Westerly right-of-way line of N. Ten Mile Road; thence along said Westerly right-of-way South 00°03'58" East a distance of 244.57 feet to the **POINT OF BEGINNING**.

Said parcel containing 77,928 square feet or 1.79 acres, more or less and is subject to all existing easements and rights-of-ways of record or implied.

END OF DESCRIPTION

Russell E. Badgley, P.L.S. 12458  
Timberline Surveying  
847 Park Centre Way, Suite 3  
Nampa, Idaho 83651  
(208) 465-5687





SEC. COR. 15 14  
 ALUMINUM CAP  
 CP&F #102129851 22 23



**CRIMSON POINT VILLAS NO. 2  
 RE-ZONE DISPLAY MAP**  
 A PORTION OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4  
 OF SECTION 15 TOWNSHIP 2 NORTH, RANGE 1 WEST, B.M.,  
 CITY OF KUNA, ADA COUNTY, IDAHO

Curve Table

CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD	BEARING
C1	57.68'	225.00'	14°41'17"	29.00'	57.52'	S7°16'42"W
C2	154.26'	251.36'	35°09'45"	79.65'	151.85'	S51°33'07"E
C3	150.87'	155.00'	55°46'08"	92.01'	144.98'	N61°51'19"W
C4	168.39'	173.00'	55°46'08"	91.54'	161.82'	S61°51'19"E
C5	228.47'	233.36'	56°05'44"	124.33'	219.46'	S62°01'06"E

**TIMBERLINE SURVEYING**  
 807 PARKCENTRE WAY, SUITE A, NAMPA, IDAHO 83601  
 208-465-5687

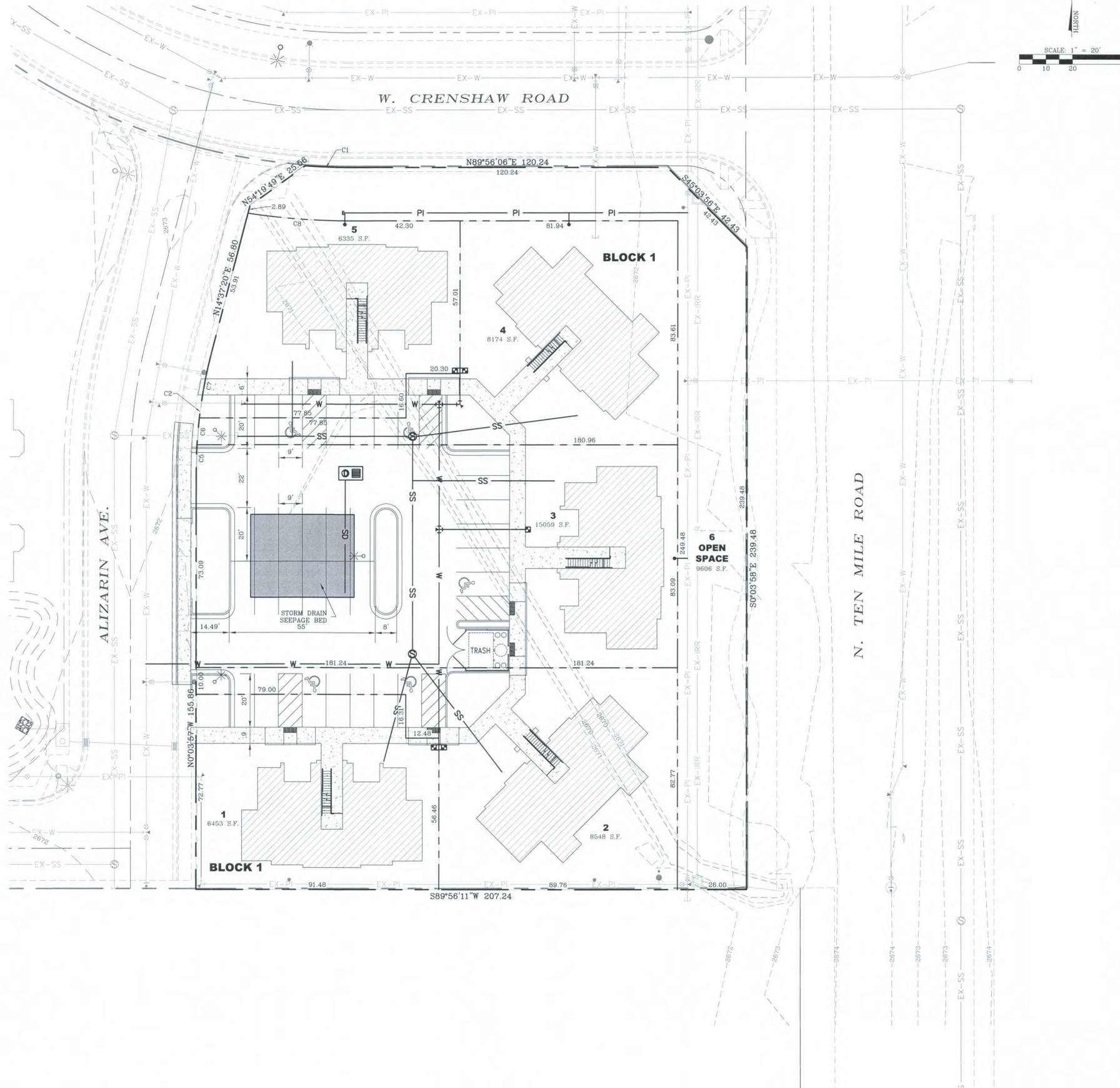
# THE VILLAS AT CRIMSON POINT - PHASE II

A PARCEL OF LAND ALL LOCATED IN A PORTION OF THE SE 1/4 SECTION 15 T.2N., R.1W., B.M., CITY OF KUNA, ADA COUNTY, IDAHO  
2014

CURVE TABLE				
CURVE	RADIUS	DELTA	LENGTH	CHORD
C5	175.00	3°16'34"	10.01	S1°34'20"W 10.00
C6	175.00	3°17'12"	10.04	S4°51'13"W 10.04
C7	175.00	8°07'31"	24.82	S10°33'35"W 24.80
C8	245.00	8°49'50"	37.76	N85°38'59"W 37.72

CURVE TABLE				
CURVE	RADIUS	DELTA	LENGTH	CHORD
C1	225.00	4°06'13"	16.11	S88°00'48"E 16.11
C2	175.00	14°41'17"	44.86	N7°16'42"E 44.74

THE VILLAS AT CRIMSON POINT PHASE I



TABULATIONS	
TOTAL ACREAGE	1.24 ACRES
TOTAL LOTS	6 LOTS
MULTI-FAMILY LOTS	5 LOTS
OPEN SPACE LOTS	1 LOT
OPEN SPACE AREA	0.22 ACRES
UNITS PER ACRE	16.12 U/A
CURRENT ZONING	C1
SCHOOL DISTRICT	KUNA SCHOOL DISTRICT
IRRIGATION DISTRICT	KUNA MUNICIPAL IRRIGATION DISTRICT
MUNICIPAL UTILITIES	CITY OF KUNA
PROTECTION SERVICES	KUNA CITY FIRE & POLICE
PARKING STALLS REQ'D	30
PARKING STALLS PROVIDED	32

LEGEND	
	PROPERTY BOUNDARY LINE
	PROPERTY LOT LINE
	EXISTING WATER LINE
	PROPOSED WATER LINE
	EXISTING SANITARY SEWER LINE
	PROPOSED SANITARY SEWER LINE
	EXISTING STORM DRAIN LINE
	PROPOSED STORM DRAIN LINE
	EXISTING PRESSURIZED IRRIGATION LINE
	PROPOSED PRESSURIZED IRRIGATION
	EXISTING FENCE
	EXISTING MINOR CONTOUR LINE
	EXISTING MAJOR CONTOUR LINE
	GRADING SWALE FLOW LINE
	EXISTING CURB & GUTTER
	PROPOSED CONCRETE
	PROPOSED ROCK RIP-RAP
	PROPOSED TIP-IN CURB & GUTTER
	PROPOSED TIP-OUT CURB & GUTTER
	PROPOSED AREA DRAIN
	PROPOSED SEWER CLEANOUT
	PROPOSED LIGHT STAND
	PROPOSED WATER METER
	PROPOSED FIRE DEPARTMENT CONNECTION
	PROPOSED HYDRANT
	PROPOSED POST INDICATOR VALVE
	PROPOSED WATER VALVE
	EXISTING HYDRANT
	EXISTING SEWER MANHOLE
	EXISTING STORM DRAIN MANHOLE
	EXISTING CATCH BASIN
	EXISTING LIGHT STANDARD
	EXISTING PRESSURIZED IRRIGATION VALVE
	EXISTING WATER VALVE

- NOTES**
- ALL LOTS COMMON TO A PUBLIC RIGHT-OF-WAY HAVE A 10' UTILITY EASEMENT ADJACENT TO THE RIGHT-OF-WAY AND A 5' UTILITY EASEMENT ON ALL OTHERS.
  - SANITARY SEWER MAINS SHALL BE 8" DIA. UNLESS OTHERWISE SHOWN.
  - WATER MAINS SHALL BE 8" DIA. UNLESS OTHERWISE SHOWN.
  - PRESSURE IRRIGATION SYSTEM TO CONNECT TO THE KUNA MUNICIPAL IRRIGATION DISTRICT PRESSURE IRRIGATION SYSTEM.
  - SURFACE STORM WATER DRAINAGE SHALL BE MANAGED BY ON-SITE DISPOSAL FACILITIES IN ACCORDANCE WITH CITY OF KUNA STANDARDS AND SPECIFICATIONS.
  - THIS SUBDIVISION IS SUBJECT TO COMPLIANCE WITH IDAHO CODE SECTION 31-3805 CONCERNING IRRIGATION WATER.
  - ALL FRONTAGE IMPROVEMENTS SHALL COMPLY WITH ACHD REQUIREMENTS.
  - ALL FENCING SHALL COMPLY WITH THE CITY OF KUNA CODE 6-4-2-E, 555 AND 5-17-12-A-4.
  - BUILDINGS SHOWN HEREON ARE APARTMENT BUILDINGS.

**DEVELOPER / OWNER**  
CORY BARTON HOMES  
1977 EAST OVERLAND ROAD  
MERIDIAN, IDAHO 83642  
CONTACT TIM ECK  
(208) 286-0520

**ENGINEER**  
LEI ENGINEERS, SURVEYORS, PLANNERS  
3023 E. COPPER POINT DR., SUITE 201  
MERIDIAN, IDAHO 83642  
(208) 846-9600

**PLANNER CONTACT**  
LAREN BAILEY  
LEI ENGINEERS, SURVEYORS, PLANNERS  
(208) 846-9600

**LEI**  
An Idaho LLC  
**ENGINEERS  
SURVEYORS  
PLANNERS**

3023 E. Copper Point Dr.  
Suite No. 201  
Meridian, ID 83642  
Phone: 208.846.9600  
office@lei-eng.com  
www.lei-eng.com



**THE VILLAS AT CRIMSON POINT - PHASE II**  
KUNA, ADA COUNTY, IDAHO  
**PRELIMINARY PLAT**

REVISIONS	
1	
2	
3	
4	
5	

LEI PROJECT #:  
**2013-3038**

DRAWN BY:  
**JSR**

CHECKED BY:  
**SS**

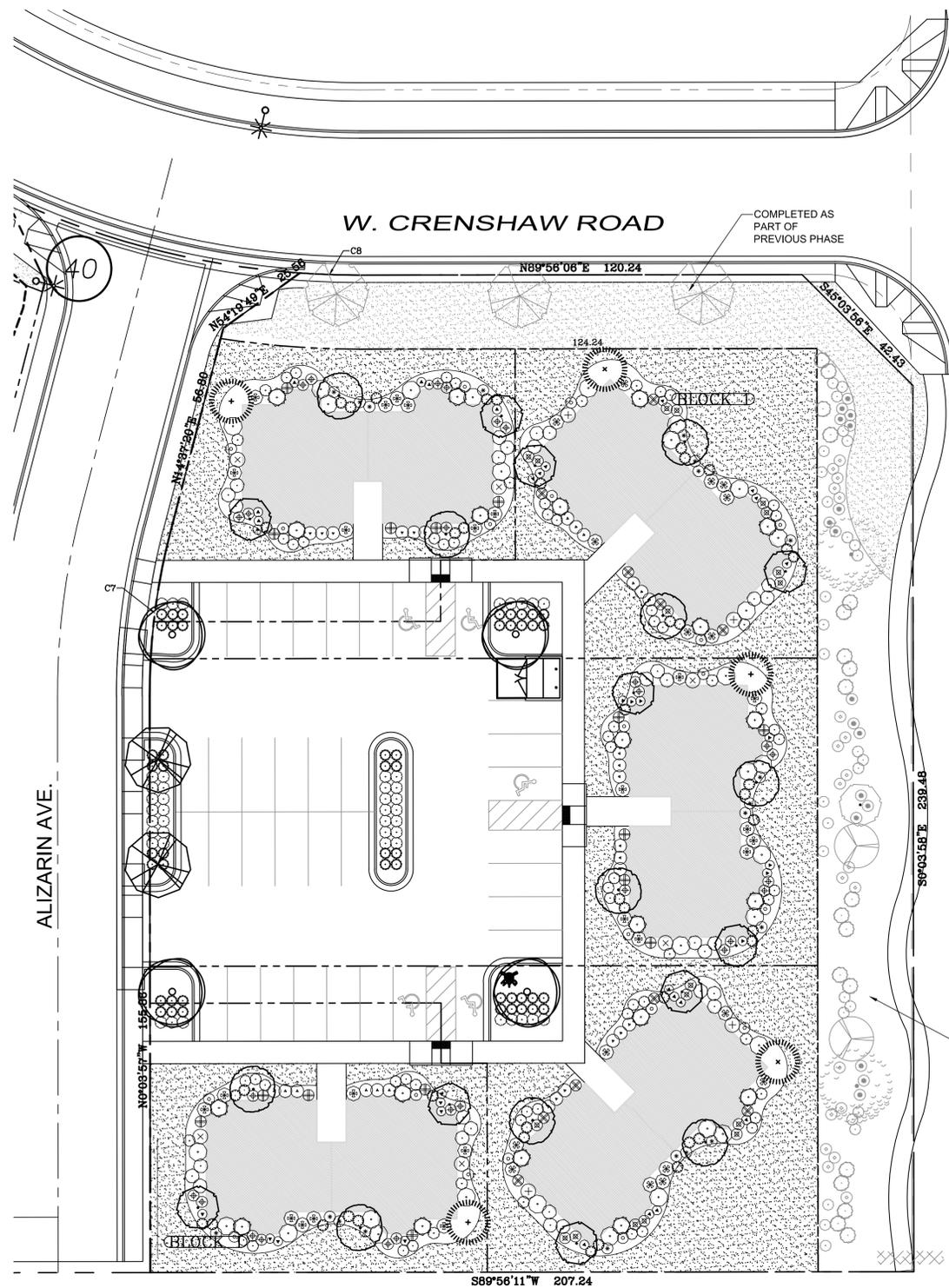
SCALE:  
**1" = 20'**

DATE:  
**6-26-14**

SHEET  
**PP-1**

REVISIONS
1 -
2 -
3 -
4 -
5 -

LEI PROJECT #:	2013-3038
DRAWN BY:	DAP
CHECKED BY:	DAP
SCALE:	1" = 20'
DATE:	04/28/2014
SHEET	



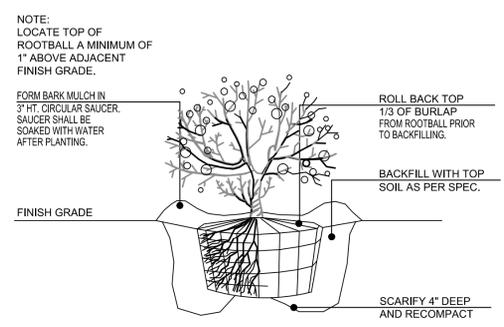
**PLANT MATERIALS SCHEDULE**

COMMON NAME	BOTANICAL NAME	SIZE	SPACING	CLASS
GREENSPIRE LINDEN	TILIA CORDATA 'GREENSPIRE'	2" CAL.	AS SHOWN	CLASS 2
SNOWDRIFT CRABAPPLE	MALUS 'SNOWDRIFT'	2" CAL.	AS SHOWN	CLASS 1
BRADFORD PEAR	PYRUS CALLERYANA 'BRADFORD'	2.5" CAL.	AS SHOWN	CLASS 1
AUTUMN PURPLE WHITE ASH	FRAXINUS AMERICANA 'AUTUMN PURPLE'	2" CAL.	AS SHOWN	CLASS 2
VILLAGE GREEN ZELKOVA	ZELKOVA SERRATA 'VILLAGE GREEN'	2" CAL.	AS SHOWN	CLASS 2
COLORADO SPRUCE	PICEA PUNGENS	6' HT.	AS SHOWN	
BURNING BUSH	EUONYMUS ALATA COMPACTA	5 GAL.	AS SHOWN	
YELLOW TWIG DOGWOOD	CORNUS STOLONIFERA 'FLAVIRAMEA'	2 GAL.	AS SHOWN	
KELSEY DOGWOOD	CORNUS SERICEA 'KELSEY'	2 GAL.	AS SHOWN	
CORAL CARPET ROSE	ROSA 'NOALA'	2 GAL.	AS SHOWN	
MORNING LIGHT MAIDEN GRASS	MISCANTHUS SINENSIS 'MORN. LIGHT'	2 GAL.	AS SHOWN	
RED ELDERBERRY	SAMBUCUS RACEMOSA	5 GAL.	AS SHOWN	
DAYLILIES	HEMEROCALLIS SP.	1 GAL.	AS SHOWN	
ROSE OF SHARON	HIBISCUS SYRIFICUS	5 GAL.	AS SHOWN	
MOCK ORANGE	PITTIOSPORUM TOBIRA	5 GAL.	AS SHOWN	
WICHITA BLUE JUNIPER	JUNIPERUS SCOPULORUM 'WICHITA BLUE'	5' HT.	AS SHOWN	
CRIMSON PYGMY BARBERRY	BERBERIS THUNBERGI 'CRIMSON PYGMY'	2 GAL.	AS SHOWN	
SHASTA DOUBLEFILE VIBURNUM	VIBURNUM FLICATUM 'TOMENTOSUM SHASTA'	5 GAL.	AS SHOWN	
WHITE LIGHTS AZALEA	AZALEA 'WHITE LIGHTS'	2 GAL.	AS SHOWN	
HAMELN FOUNTAIN GRASS	PENNISSETUM A. 'HAMELN'	1 GAL.	AS SHOWN	
LIMEMOUND SPIRAEA	SPIRAEA BUMALDA 'LIMEMOUND'	5 GAL.	AS SHOWN	

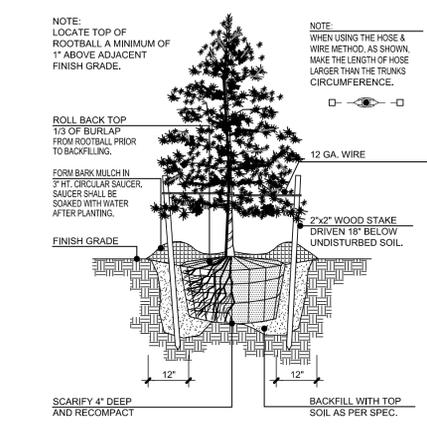
NORTHWEST SUPREME LAWN MIX @ SUNMARK SEEDS  
SEEDED APPLY PER SUPPLIER RECOMMENDED RATE.

**GENERAL NOTES: LANDSCAPE PLAN**

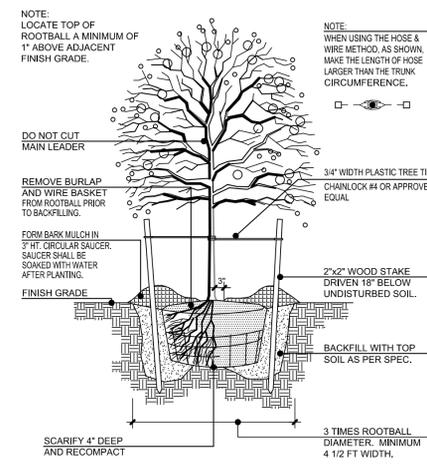
- LANDSCAPE PLANTING SHALL CONFORM TO THE STANDARDS ESTABLISHED UNDER THE CITY OF KUNA PLANNING DEPT.
- ALL PLANT BEDS SHALL HAVE A 3" DEPTH OF BARK MULCH.
- LANDSCAPE AREAS SHALL HAVE A COMPLETE UNDERGROUND AUTOMATIC IRRIGATION SYSTEM WITH FULL HEAD TO HEAD COVERAGE.
- ALL PLANT MATERIAL DELIVERED TO THIS SITE SHALL MEET THE AMERICAN NURSERYMAN'S ASSOCIATION STANDARDS.
- CONTRACTOR SHALL OBTAIN WRITTEN APPROVAL FOR ALL PLANT MATERIAL SUBSTITUTIONS FROM THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION. PLANT SUBSTITUTIONS WITHOUT PRIOR WRITTEN APPROVAL THAT DO NOT COMPLY WITH THE DRAWINGS AND SPECIFICATIONS MAY BE REJECTED BY THE LANDSCAPE ARCHITECT AT NO COST TO THE OWNER. THESE ITEMS MAY BE REQUIRED TO BE REPLACED WITH PLANT MATERIALS THAT ARE IN COMPLIANCE WITH THE DRAWINGS.
- ALL AREAS BETWEEN BUILDING FOOTPRINTS AND TO PROJECT EXTENTS (PROPERTY LINE, SIDEWALK, EXISTING LANDSCAPE AREA, CURB, ETC.) SHALL BE MANICURED LAWN.



**1** DETAIL: EVERGREEN / DECIDUOUS SHRUB  
SCALE



**2** DETAIL: EVERGREEN TREE STAKING



**3** DETAIL: DECIDUOUS TREE STAKING

## Troy Behunin

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**Subject:** Crimson Point Villas  
**Attachments:** FINAL report appeal & villas reconsideration FOF cc.pdf; Crimson Point PUD ccf.pdf; Agency Transmittal Letter.pdf

Laren,

I sent the email below covering the CP Villas needs. The quick answer is Yes.... For both of you. You're both right. It is a re-plat for just that 1 acre parcel, and asking Council to amend their 2008 decision to allow for a different use then approved for. It can be a new application if you want it to be.... to make it clean. See the yellow below.

Hope this helps.

Troy

**From:** Laren Bailey [<mailto:lbailey@lei-eng.com>]  
**Sent:** Wednesday, May 15, 2013 2:21 PM  
**To:** Troy Behunin  
**Subject:** Crimson Point Villas (commercial)

Troy,

I spoke with Tim today about this and he mentioned that we might be able to do a modification of the original preliminary plat? I am questioning this because when we had last spoken you thought we would need to do a new application. Can you please help me to understand what process we will need to follow? Thanks

**Laren M. Bailey**  
Principal

---

**From:** Troy Behunin  
**Sent:** Monday, April 29, 2013 12:49 PM  
**To:** 'Laren Bailey'  
**Subject:** Crimson Point Villas

Laren,

I have the answer concerning the Crimson Point Villas and specifically if the 1.034 acre site at the SWC of Crenshaw and Ten Mile can have multifamily units placed on it. The parcel is currently zoned C-1 commercial, which is appropriate for multifamily (*Permitted*, 3 or more units under one roof), but I needed to look at the approvals and history to make sure you get correct info.

It is a complicated history with this parcel as parts of the multi land-use action application was denied, appealed, approved in part, denied then appealed and approved in part again. I am sending the Findings of Fact & Conc. of Law, issued by Council March 21, 2006 to help tell the story. Questions? Let me know.

The original PUD was approved for multifamily over a part of the site, area business over the southern part with "Limited Office" over the 1.034 acre parcel. There were several changes to the concept during the approval process. I spoke with Wendy & Richard about this situation and found the only way to get multifamily on the 1.03 acre parcel is to go back to Council to ask for a change (includes a Neighborhood mtg and public hearings with both P&Z and Council). An applicant will need to amend the Council approved SUP from February 2006 and go through a RE-Pre Plat for that parcel. We just need to follow the process, but it can be accomplished.

Thanks,

Troy

**Troy Behunin**

Senior Planner

City of Kuna

763 W. Avalon

Kuna, ID 83634

208-922-5274

[Troy@cityofkuna.com](mailto:Troy@cityofkuna.com)

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# City of Kuna

P.O. Box 13  
Kuna, ID 83634

Phone: (208) 922-5274

Fax: (208) 922-5989

Web: [www.cityofkuna.com](http://www.cityofkuna.com)

**To:** Kuna City Council

**Subdivision:** The Villas at Crimson Point

**Applications:** **Preliminary Plat/05-10-S & Special Use Appeal/05-05-A**

**Site location:** Near the northwest corner of N. Ten Mile & W. Deer Flat

**Planner:** Diana Sanders, Interim Planning & Zoning Director

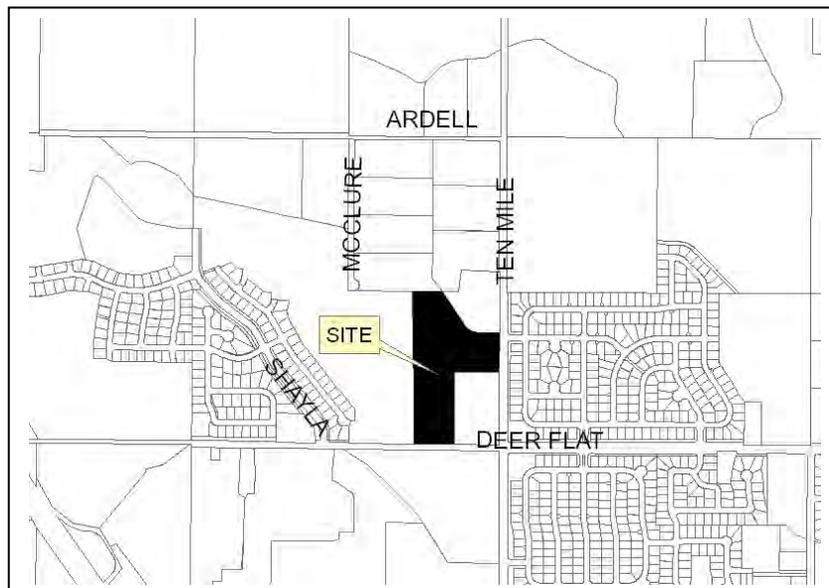
**Hearing date:** February 7, 2006- **tabled**  
February 21, 2006- **decision/denial**  
February 28, 2006- **City Council voted to reconsider denial**  
March 21, 2006- **Hearing for revised plan (changed from 160 to 136 units)**

**Applicant:** JLJ Enterprises Inc.  
516 S. Capitol Blvd.  
Boise, ID 83702

**Representative:** W&H Pacific  
3130 S. Owyhee St.  
Boise, ID 83705

**Application Information:**

- Zone: C-1
- Total acres: 11.24 acres
- Multi-family lots: Previous - 40 lots (four plexes/160 dwelling units)  
**Current proposal – 34 lots (four plexes/136 units)**
- Commercial lots: 3 lots (limited office)
- Common lots: 5 lots



**Project Summary:**

On February 21, 2006, the City Council upheld (approved) the appeal of the Planning & Zoning Commission’s denial for Special Use to allow multi-family in a C-1 zone and voted to deny the proposed preliminary plat for The Villas at Crimson Point. Thereafter, the applicant requested that the City Council reconsider their decision for denial of the preliminary plat. On February 28, 2006, the City Council voted to reconsider their decision on March 21, 2006 with the proposed changes. The applicant is proposing the following changes:

- Reduce the total number of proposed units from 160 to 136, which includes removing six (6) four (4) plexes. 160 units=16.28 units/acre 136 units=13.84 units/acre
- The applicant will provide a minimum of two (2) parking spaces per unit, which exceeds Kuna City Code, but addresses the concerns of the Commission and City Council.
- The applicant will provide the additional open space as discussed at the February 21, 2006 meeting.

The site is located near the corner of N. Ten Mile & W. Deer Flat; in Section 15, Township 2 North, Range 1 West. The applicant is proposing 9.83-acres with multi-family residential and 1.41-acres with limited office use. **The multi-family lots include a total of 136 units (thirty-four 4-plex lots).** The site is currently zoned C-1, which requires the applicant to achieve special use approval to allow multi-family residential in a C-1 zone (**City Council approved the Special Use permit on February 21, 2006**). The proposed limited office area was approved with the original Planned Unit Development master plan, and is an allowed use in a C-1 zone. If the Council approves the preliminary plat, the applicant will consecutively be required to apply for design review for both the multi-family and limited office lots; which will be evaluated by the Planning and Zoning Commission.

**A. Existing Site Conditions**

**1. Surrounding land use and zoning:**

<b>North</b>	RUT (Ada County)	Large single-family residential lots (McClure Subdivision)
<b>South</b>	C-1 (Kuna City)	Single-family dwelling & vacant agricultural
<b>East</b>	R-6 (Kuna City) & RUT (Ada County)	Single-family residential (Palomar Subdivision) & vacant agricultural
<b>West</b>	R-3 (Kuna City)	Vacant land, platted as Crimson Point Subdivision as a Planned Unit Development

**2. Existing Access**

There is currently no delineated access to the site.

**3. Comprehensive Plan Map**

Medium Development Density (4-6 units per acre).

**4. Parcel number /location**

Parcel number: S1315449230

The site is located near of the corner of N. Ten Mile & W. Deer Flat; Sec. 15, T. 2N, R. 1W.

**5. Property size**

11.24-acres

**6. Existing structures**

There are no existing structures on the site.

**7. Existing vegetation**

The site essentially contains natural soil and grass.

**8. Slope/drainage**

The site is essentially flat, with drainage trending towards the northeast.

**9. Services**

Water supply: City of Kuna Municipal (proposed)  
 Sewer service: City of Kuna Municipal (proposed)  
 Irrigation: City of Kuna (proposed)  
 Fire protection: Kuna Rural Fire District

**B. Procedural Items:**

**Kuna Planning & Zoning Commission Notifications**

Received Application	Gov't Agency Notification	Surrounding property owners notification	Public hearing publication	P&Z public hearing	P&Z public hearing
06-06-05	06-16-05	06-06-05	07-05-05	08-30-05 Tabled until 09-27-05	09-27-05 P&Z denied

**Kuna City Council Notifications**

Surrounding property owners notification	Public hearing publication	Posted property for Council meeting	City Council public hearing
12-02-05, 01-19-06 & <b>03-01-06</b>	12-05-05, 01-23-06 & <b>03-06-06</b>	01-30-06 & <b>03-13-06</b>	02-07-06 (tabled), 02-21-06 & <b>03-21-06</b>

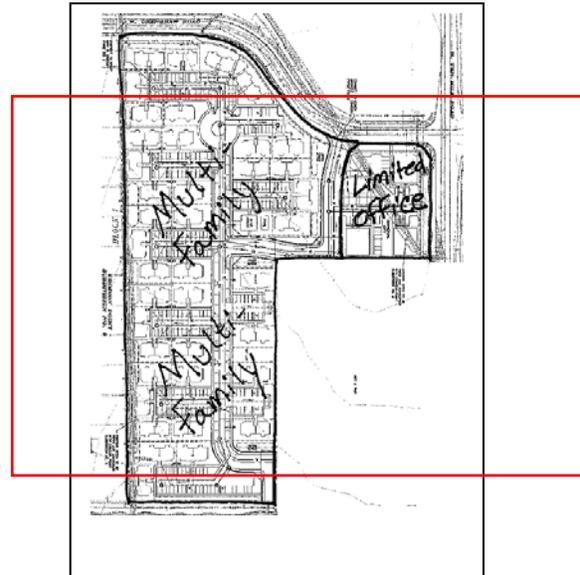
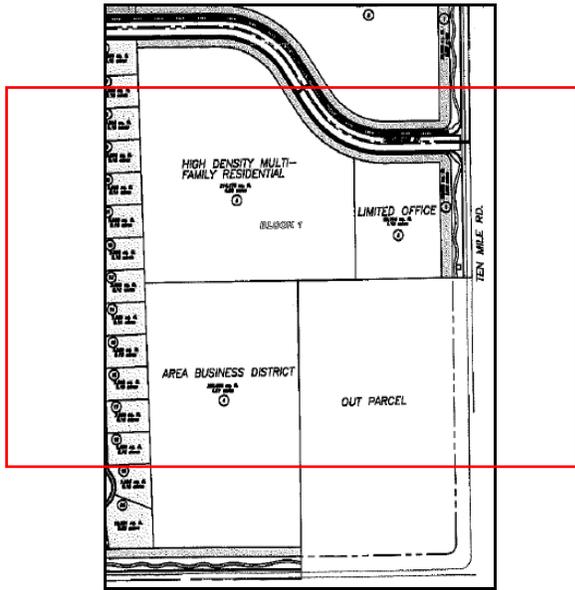
**C. Staff Analysis/Findings for Consideration:**

**1. Staff Analysis Summary**

The property was annexed and zoned as a Planned Unit Development (Crimson Point Subdivision). As such, it was anticipated that there would be a mixture of land uses throughout the subdivision.

<b>Original P.U.D. Land Uses</b>	
Multi-family residential:	4.88 acres
Limited office:	1.18 acres
Area Business District:	4.81 acres

<b>Proposed Land Uses</b>	
Multi-family residential:	9.83 acres
Limited office:	1.41 acres
Area Business District:	0 acres



The property to the west is a residential phase of Crimson Point, and abuts up to the proposed additional multi-family residential. The property to the north (a future portion of Crimson Point) is planned for future Area Business District, and will be compatible with the Limited office use directly to the south (with this project).

The proposed access will be via Deer Flat Road on the south and Crenshaw Road on the northeast. Crenshaw Road is a residential collector road providing access throughout Crimson Point subdivision. This portion of Crenshaw Road has not been constructed. Internal circulation will be provided by local public roads. All proposed lots will have frontage on the public roads.

*Note: The map provided by the applicant does not show the road intersecting Deer Flat correctly. The applicant shall obtain approval from ACHD for access on Deer Flat Road.*

## Special Use

### 2. **General Applicable Special Use Standards (KCC 5-6-3 A-I)**

The City Council shall review the particular facts and circumstances of each proposed special use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

- a. Will, in fact, constitute a special use as established on the official schedule of district regulations for the zoning district involved.
- b. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the comprehensive plan and/or these zoning regulations.
- c. Will be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
- d. Will not be hazardous or disturbing to existing or future neighboring uses.
- e. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage, structures, refuse disposal, water and sewer and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.

- f. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
  - g. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
  - h. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
  - i. Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.
- *Relating to the proposed Special Use for multi-family in a C-1 zone: Multi-family is an allowed use in a C-1 zone with a Special Use permit. **The City Council approved the Special Use permit for multi-family on February 21, 2006.***

### Appeal

#### **3. Action by Commission/Appeal (KCC 5-6-7-C&D)**

Prior to granting or denying an application, the commission shall specify:

1. The ordinance and standards used in evaluating the application;
2. The reasons for approval or denial; and
3. The actions, if any, that the applicant could take to obtain a permit.

The applicant or any affected person who appeared in person or in writing before the commission may appeal the decision of the commission to the council, provided the appeal is submitted to the council within fifteen (15) days from receipt of notification of the commission's action.

- The P&Z Commission recommended denial of the Special Use Permit and therefore did not review the preliminary plat. The applicant submitted an appeal application, **which was considered by the City Council, and the City Council upheld the appeal on February 21, 2006.**

### Preliminary Plat

#### **4. Council's Findings (KCC 6-2-3-H-2)**

In determining the acceptance of a proposed subdivision, the council shall consider the objectives of this title and at least the following:

- a. The conformance of the subdivision with the comprehensive development plan;
- b. The availability of public services to accommodate the proposed development;
- c. The continuity of the proposed development with the capital improvement program.
- d. The public financial capability of supporting services for the proposed development; and
- e. The other health, safety or environmental problems that may be brought to the council's attention.

### Subdivision Regulations

#### **5. Landscape Buffer & Sidewalk (KCC 6-3-11-A, 6-4-2-L, 6-4-2-P & 6-4-2-S)**

KCC 6-3-11-A: Kuna City code requires a minimum 20-foot wide planting reserve strip next to collector and arterial roads.

KCC 6-4-2 L: Kuna City code requires a minimum 5-foot wide attached or 8-foot wide detached concrete sidewalk to be constructed along all arterial and collector roadways with a minimum 10-foot wide landscaped buffer.

Ten Mile Road

- The applicant is proposing to construct a 5-foot wide meandering sidewalk with a 26-foot wide landscaped buffer strip along Ten Mile Road.

Deer Flat Road

- The applicant is proposing to construct a 5-foot wide meandering sidewalk along Deer Flat Road. The applicant shall provide a separate lot for a 20 to 30-foot wide landscaped buffer abutting the site along Deer Flat Road.

Crenshaw Road

- The applicant is proposing 5-foot wide sidewalks with curb and gutter with a 20-foot wide landscaped buffer along Crenshaw Road.

KCC 6-4-2-S: One Tree per lot required

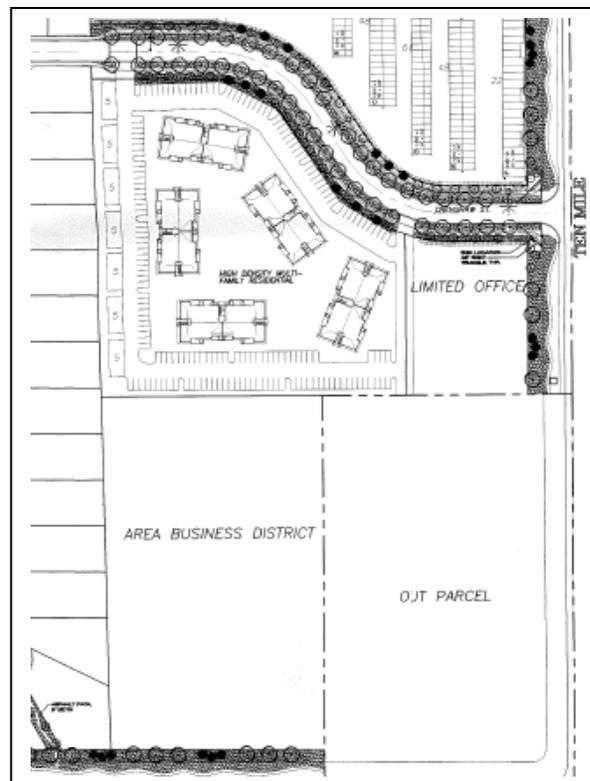
Kuna City Code requires that a minimum of one tree per lot shall be provided by the developer.

- The applicant shall provide one tree per lot, as required by Kuna City code.

KCC 6-4-2-P: Kuna City Code requires that all entrances and exits from subdivisions shall be landscaped.

- The buffers along Ten Mile, Deer Flat and Crenshaw shall be landscaped in accordance with the approved Planned Unit Development landscape plan.

**Approved P.U.D. landscape plan**



3 of 5

**6. Street Lights (KCC 6-4-2-N)**

Kuna City Code requires that street lights are installed at all intersections, near the fire hydrants, and have a maximum spacing of two hundred fifty feet (250') throughout the interior and exterior of the subdivision. A sub divider shall conform to the requirements of the city and the public utility providing such lighting.

- The proposed lighting plan does not meet KCC 6-4-2-N. The applicant shall be required to install street lights at all intersections, near the fire hydrants, and have a maximum spacing of 250' throughout the interior and exterior of the subdivision. The applicant shall submit a lighting plan in accordance with KCC 6-4-2-N.

**7. Street Names (KCC 6-3-5 A & B)**

KCC 6-3-5- A & B: A. Street names shall not duplicate any existing street name within the county except where a new street is an uninterrupted extension and continuation of an existing street. Street names that may be spelled differently but sound the same as existing streets shall not be used. B. All new streets shall be named as follows: Streets having a predominately north-south direction shall be named "Avenue" or "Road"; streets having a predominately east-west direction shall be named "Street" or "Way"; meandering streets shall be named "Drive", "Lane", "Path" or "Trail"; and cul-de-sacs shall be named "Circle", "Court" and "Place".

- The following proposed street names shall be modified as follows:

<b>Change from</b>	<b>Change to</b>
Alizarin Ave	North Alizarin Ave
Madderlake Place	North Madderlake Place
Wasabi Avenue	North Wasabi Avenue
Lampblack Street	West Lampblack Street
Manganese Street	West Manganese Street

*Note: Ada County Development Services street naming committee may have additional modifications and/or requirements regarding street names.*

**8. Lot Frontages**

Kuna City code does not have a minimum frontage width requirement in a C-1 zone. The applicant has provided public road frontage to each lot, as required by city code.

**9. Right-of-Way Fencing (KCC 6-4-2-Q)**

A fence that abuts an arterial or collector road should be uniform from intersection to intersection and must include a landscaped berm and fence, six feet (6') in height (measured from the crest of the road) that is permanent and maintenance free. Acceptable fencing would include metal, rock, vinyl and the posts must be installed in concrete. No wood fencing would be allowed. The only exception is around parks (for safety reasons), an open fence may be required. A fence plan must be submitted with the preliminary plat application for approval.

- The applicant has not submitted a fence plan. The applicant shall be required to construct a 6-foot vinyl, metal or rock fence along Deer Flat and Crenshaw Roads, abutting the residential portions of the site, in accordance with Kuna City Code. Due to the fact that limited office/commercial will be located along Ten Mile Road, staff recommends the Council consider not requiring the applicant to construct right-of-way fencing along Ten Mile Road and the commercial portion on Crenshaw.

**10. Required Public Improvements (6-4-2.A-E)**

Every subdivider shall be required to install the following public and other improvements in accordance with the conditions and specifications as follows:

- A. Monuments: Monuments shall be set in accordance with section 50-1303, Idaho Code.
- B. Streets and Alleys: All streets and alleys shall be constructed in accordance with the standards and specifications adopted by the Council. (Ord. 231, 12-7-1977)
- C. Curbs and Gutters: Vertical curbs and gutters shall be constructed on collector and arterial streets. Rolled curbs and gutters or other landscaping and drainage as may be established by the Council and consistent with subsection G of this Section shall be required on minor streets. All construction shall be in accordance with the standards and specifications adopted by the Council. (Ord. 403, 10-5-1993)
- D. Bicycle Pathways: A bicycle pathway shall be provided within all subdivisions, as part of the public right of way or separate easement, as may be specified in an overall bicycle plan as adopted by the Council. (Ord. 231, 12-7-1977)
- E. Installation of Public Utilities: Underground utilities are required unless determined not to be feasible by the owner of the utility and the City Council. (Ord. 439, 2-20-1996)

**11. Official Height and Area Regulations (5-3-3)**

*Kuna City Code has the following building requirements for a C-1 zone:*

Maximum height	35-feet
Minimum lot width	0
Front setback	15-feet
Garage setback	N/A
Rear setback	5-feet
Interior side	0
Street side	10-feet
Maximum lot coverage	100% DR (Design Review required)
Minimum lot area per dwelling unit	2,000 sq. ft.
Minimum square footage	0

- If City Council approves the preliminary plat, the applicant will be required to go through design review. Upon the design review process, the Commission will review more site-specific elements that include parking, outdoor advertising, landscaping, buildings and site layout, etc.

**12. Kuna Comprehensive Plan (Figure 4.3-1, §4-3 & §4-4)**

**Figure 4.3-1:**

The site location indicates Medium Development Density (4-6 units/acre) on the Comprehensive Future Land Use Map. The current land zoning designation is Light Commercial (C-1), which is part of an approved Planned Unit Development.

**§4-3 Future Land Use Map concept:**

The areas depicted on the map (Comprehensive Future Land Use map) are conceptual and, therefore, will require further analysis prior to the creation of a zoning map. Furthermore, this map does not preclude the development of other more specific zones that might encompass outstanding resources or other areas of concern.

**§4-4 Land Use definitions:**

Limited Office – To allow the establishment of groupings of professional, research, executive, administrative, accounting, clerical, stenographic, and other similar uses. Research uses should not involve heavy testing operations of any kind or product manufacturing of such a nature to create noise, vibration, or emissions of a nature offensive to the overall purpose of the area.

High Density Residential – To allow for the development of multi-family homes in areas where urban services are provided. Within this category, residential densities would exceed a density of six units per acre. This residential development might include duplexes, apartment buildings, townhouses, and other multi-unit dwellings. Other uses within a development may be considered under a planned development permit process. A desirable project would consider the placement of parking areas, fences, berms, and other landscaping features to serve as buffers between neighboring uses.

**§4-4 Land Use goal:**

Enhance existing land uses and manage and guide future development in order to maintain the living and working qualities in Kuna.

**13. Transportation Task Force Recommendations**

- Lampblack Street needs to be a 50' right-of-way all the way to Alazarine Ave.
- Speed control devices (bumps or dips), should be installed on Madderlake.
- Stamped concrete crosswalks should be installed.
- Trash enclosure locations should be identified.
- No parking allowed on cul-de-sac.

*Note: Upon Design Review, the trash enclosures shall be identified on the site plan.*

**14. Staff Recommendation**

Based on Staff's review of the application, staff concludes the applications comply with Sections 5-6-3 A-I, 5-6-7 C&D, 6-2-3 H.2, 6-3-11 A, 6-4-2 L, 6-4-2 P, 6-4-2 A-E and 5-3-3 of the Kuna City Code and Sections 4-3 and 4-4 of the Kuna Comprehensive Plan, and recommends forwarding a recommendation of approval to the Council, as set out in the proposed Findings of Fact and Conclusions of Law attached hereto.

*Note: If the applicant completes all site specific, standard conditions of approval and any additional requirements imposed by the Council, the proposed applications will also comply with Sections 6-4-2 S, 6-3-5 A&B, 6-4-2 Q and 6-4-2 N of the Kuna City Code.*

**Exhibits:**

<b>Exhibit 1</b>	City Council staff report
<b>Exhibit 2</b>	Revised Preliminary Plat

## D. Findings of Facts:

1. As to existing site conditions, the Council finds the following:

### **Surrounding land use and zoning:**

<b>North</b>	RUT (Ada County)	Large single-family residential lots (McClure Subdivision)
<b>South</b>	C-1 (Kuna City)	Single-family dwelling & vacant agricultural
<b>East</b>	R-6 (Kuna City) & RUT (Ada County)	Single-family residential (Palomar Subdivision) & vacant agricultural
<b>West</b>	R-3 (Kuna City)	Vacant land, platted as Crimson Point Subdivision as a Planned Unit Development

### **Existing Access**

There is no delineated access to the site currently.

### **Comprehensive Plan Map**

Medium Development Density (4-6 units per acre).

### **Parcel number /location**

Parcel number: S1315449230

The site is located near of the corner of N. Ten Mile & W. Deer Flat; Sec. 15, T. 2N, R. 1W

### **Property size**

11.24-acres

### **Existing structures**

There are no existing structures on the site.

### **Existing vegetation**

The site essentially contains natural soil and grass.

### **Slope/drainage**

The site is essentially flat, with drainage trending towards the northeast.

### **Services**

Water supply: City of Kuna Municipal (proposed)

Sewer service: City of Kuna Municipal (proposed)

Irrigation: City of Kuna (proposed)

Fire protection: Kuna Rural Fire District

2. As to procedural items, the Council finds the following:

All required procedural items have been completed in accordance with Kuna City Code.

3. As to the Kuna City Code, the Council finds the following:

- The proposed subdivision complies with Kuna City Code.

4. As to the project description, the Council finds the following:

**On February 21, 2006, the City Council upheld (approved) the appeal of the Planning & Zoning Commission's denial for Special Use to allow multi-family in a C-1 zone and**

voted to deny the proposed preliminary plat for The Villas at Crimson Point. Thereafter, the applicant requested that the City Council reconsider their decision for denial of the preliminary plat. On February 28, 2006, the City Council voted to reconsider their decision on March 21, 2006 with the proposed changes. The applicant is proposing the following changes:

- Reduce the total number of proposed units from 160 to 136, which includes removing six (6) four (4) plexes. 160 units=16.28 units/acre 136 units=13.84 units/acre
- The applicant will provide a minimum of two (2) parking spaces per unit, which exceeds Kuna City Code, but addresses the concerns of the Commission and City Council.
- The applicant will provide the additional open space as discussed at the February 21, 2006 meeting.

On March 21, 2006, the City Council voted to approve the Villa's preliminary plat with the following conditions:

- Remove the 2 units from proposed 4 unit building northeast of the proposed pool and clubhouse for a total of 134 units.
- Remove the entrance southeast of the pool for additional open space.
- Construct a full basketball court.
- Construct a volleyball court.
- Construct a picnic area with BBQ pits.
- Participate in the L.I.D. according to Resolution NO. R1-2006.

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The site is located near the corner of N. Ten Mile & W. Deer Flat; in Section 15, Township 2 North, Range 1 West. The applicant is proposing 9.83-acres with multi-family residential and 1.41-acres with limited office use. **The multi-family lots include a total of 136 units (thirty-four 4-plex lots).** The site is currently zoned C-1, which requires the applicant to achieve special use approval to allow multi-family residential in a C-1 zone (**City Council approved the Special Use permit on February 21, 2006**). The proposed limited office area was approved with the original Planned Unit Development master plan, and is an allowed use in a C-1 zone. If the Council approves the preliminary plat, the applicant will consecutively be required to apply for design review for both the multi-family and limited office lots; which will be evaluated by the Planning and Zoning Commission.

5. As to the Kuna Comprehensive Plan, the Council finds the following:
  - The proposed subdivision does not comply with the Comprehensive Future Land Use map; however, the subdivision complies with the goals and policies outlined in the Comprehensive Plan.

## E. Conclusions of Law:

If any of the following Conclusions of Law are determined to be Findings of Fact, they shall be included in that section.

1. Based on the evidence contained in File #'s 05-10-S & 05-05-A, The Kuna City Council finds that File #'s 05-10-S & 05-05-A complies with Sections 5-6-3 A-I, 5-6-7 C&D, 6-2-3 H.2, 6-3-11 A, 6-4-2 L, 6-4-2 P, 6-4-2 A-E and 5-3-3 of the Kuna City Code.

2. Based on the evidence contained in File #'s 05-10-S & 05-05-A, The Kuna City Council finds that File #'s 05-10-S & 05-05-A complies with Sections 4-3 and 4-4 of the Kuna Comprehensive Plan.

*If the applicant completes all site specific, standard conditions of approval and any additional requirements imposed by the Council, the proposed applications will also comply with Sections 6-4-2 S, 6-3-5 A&B, 6-4-2 Q and 6-4-2 N of the Kuna City Code.*

## **F. Planning & Zoning Commission's Decision/Recommendation to City Council:**

On September 27, 2005, the Kuna Planning & Zoning Commission denied the preliminary plat and Special use applications for the following reasons:

- Does not comply with the original approved Planned Unit Development.
- Recommended the applicant re-submit a plan that complies with the original Planned Unit Development plan.
- The use to the south should be commercial, as indicated from the originally approved Planned Unit Development.

## **G. City Council Decision on February 21, 2006:**

The City Council approved the Special Use application to allow multi-family in a C-1 zone and denied the preliminary plat application.

## **H. Applicant Request for Council Reconsideration of Preliminary Plat Denial on February 28, 2006:**

City Council decided to reconsider denial of the preliminary plat for the March 21, 2006 City Council meeting. The applicant submitted a revised site plan with fewer units (136), additional parking and a larger common area.

## **I. City Council Decision on March 21, 2006, for Reconsideration of the Preliminary Plat Denial:**

The City Council approved the preliminary plat with the following conditions:

- Remove the 2 units from proposed 4 unit building northeast of the proposed pool and clubhouse for a total of 134 units.
- Remove the entrance southeast of the pool for additional open space.
- Construct a full basketball court.
- Construct a volleyball court.
- Construct a picnic area with BBQ pits.
- Participate in the L.I.D. according to Resolution NO. R1-2006.

## **J. Site Specific Conditions of Approval:**

### **1. Right-of-Way Fencing/Perimeter Fencing**

The applicant shall construct a 6-foot vinyl, metal or rock fence along Deer Flat and Crenshaw Roads, abutting the residential portions of the site, in accordance with Kuna City Code. Due to the fact that limited office/commercial will be located along Ten Mile Road and a portion of Crenshaw, staff recommends the Council consider not requiring the

applicant to construct right-of-way fencing along Ten Mile Road and the commercial portion along Crenshaw.

**2. Street Lights**

The applicant shall be required to install street lights at all intersections, near the fire hydrants, and have a maximum spacing of 250' throughout the interior and exterior of the subdivision. The applicant shall submit a lighting plan in accordance with KCC 6-4-2-N.

**3. Street Names**

The following proposed street names shall be modified as follows:

<b>Change from</b>	<b>Change to</b>
Alizarin Ave	North Alizarin Ave
Madderlake Place	North Madderlake Place
Wasabi Avenue	North Wasabi Avenue
Lampblack Street	West Lampblack Street
Manganese Street	West Manganese Street

**4. Landscaped Buffer width & Sidewalk (Ten Mile, Deer Flat and Crenshaw)**

- The applicant shall construct a 5-foot wide meandering sidewalk with a 26-foot wide landscaped buffer strip along Ten Mile Road, as proposed.
- The applicant shall construct a 5-foot wide meandering sidewalk along Deer Flat Road. The applicant shall provide a separate lot for a 20 to 30-foot wide landscaped buffer abutting the site along Deer Flat Road.
- The applicant shall construct 5-foot wide sidewalks with curb and gutter with a 20-foot wide landscaped buffer along Crenshaw Road.
- The buffers along Ten Mile, Deer Flat and Crenshaw shall be landscaped in accordance with the approved Planned Unit Development landscape plan.

**5. Required Public Improvements (Internal Streets)**

The applicant shall construct the internal streets in accordance with Ada County Highway District standards (see ACHD report).

**6. Lot Frontages**

Each lot shall have public road frontage, as proposed.

**7. Design Review**

Upon preliminary plat approval, the applicant shall apply for Design Review for multi-family residential lots and the limited office lots. Due to the layout of the multi-family residential lots, the applicant shall coordinate design review application submittal with the Planning & Zoning Director.

**K. Standard Conditions of Approval:**

The following list details the tasks (in order) that the applicant and/or owner must complete before the approval of The Villa at Crimson Point Subdivision WILL be considered final. Please note that you have one year from the date of the written decision of the council to complete these tasks and submit a final plat unless a time extension is granted.

1. The applicant and/or owner shall obtain written approval of the plat from the agencies noted below. The approval may be either on agency letterhead referring to the approved

use or may be written/stamped upon a copy of the approved plat. All site improvements are prohibited prior to approval of these agencies.

- a) The City Engineer must approve the sewer hook-up.
  - b) The Kuna Fire District must approve all fire flow requirements and/or building plans.
  - c) The Boise-Kuna Irrigation District must approve all proposed modifications to the existing irrigation system.
  - d) The City Engineer must approve a surface drainage run-off plan. As recommended by Central District Health Department, the plan should be designed and constructed in conformance with standards contained in "Catalog for Best Management Practices for Idaho Cities and Counties".
2. The final plat shall be meet the final plat specifications listed in Section 6-2-4 of the Kuna City Code.
  3. The final plat shall be in substantial conformance with the approved preliminary plat.
  4. Prior to approval by the Kuna City Council, the plat shall contain the following certificates and/or endorsements:
    - a) signature of the owner(s),
    - b) certificate of the plat surveyor,
    - c) certificate of the County Surveyor,
    - d) endorsement of the Central District Health Department,
    - e) endorsement of the Ada County Highway District
  5. The following statements shall appear on the face of the final plat:
    - a) This development recognizes Idaho Code §22-4503, Right to Farm Act, which states: "No agricultural operation or an appurtenance to it shall be or become a nuisance, private or public, by any changed conditions in or about the surrounding nonagricultural activities after the same has been in operation for more than one (1) year, when the operation was not a nuisance at the time the operation began; provided, that the provisions of this section shall not apply whenever a nuisance results from the improper or negligent operation of any agricultural operation or appurtenance to it."
    - b) Any resubdivision of this plat shall comply with the applicable regulations in effect at the time of the resubdivision.
    - c) Building setbacks and dimensional standards in this subdivision shall be in compliance with the applicable zoning regulations of the City of Kuna and this approval.
  6. No building permits will be issued until the final plat is recorded through the County Recorder's Office and parcel numbers have been issued by the County Assessor's Office.
  7. All public rights of way shall be dedicated and constructed to standards of the Ada County Highway District. No public street construction may be commenced without the approval of the Ada County Highway District. Any work within the Ada County Highway District rights of way requires a permit. For information regarding the requirements to

obtain a permit, contact Ada County Highway District Development Services at 387-6100.

8. 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.
9. Compliance with Section 31-3805 of the Idaho Code pertaining to irrigation waters is required. Irrigation/drainage waters shall not be impeded by any construction on site. Compliance with the specific requirements of the Boise Project Board of Control is required.
10. Installation of fire protection facilities as specifically required by the Kuna Fire District is required.
11. There shall be easements provided for utilities, drainage, and irrigation abutting to all public street right-of-way and subdivision boundaries, and where considered necessary, centered on the interior property lines. Said easements shall have a minimum width of ten feet (10').
12. All submittals of required compliance letters and plans (lighting, landscaping, drainage, and development) must be accompanied by your application File numbers.
13. No construction, grading, filling, clearing, or excavation of any kind shall be initiated until the applicant has received approval of a drainage design plan from the Kuna City Engineer. The drainage design plan shall include all proposed site grading.
14. Individual lot pressurized irrigation shall be provided. Kuna City Engineer must approve an irrigation plan prior to submitting the final plat for approval.
15. Lighting within the development shall comply with the Kuna City Code.
16. One tree per lot shall be provided by the developer.
17. All surety and surety agreements shall comply with the Kuna City Code.
18. SITE SPECIFIC CONDITIONS OF APPROVAL:
  - Remove the 2 units from proposed 4 unit building northeast of the proposed pool and clubhouse for a total of 134 units.
  - Remove the entrance southeast of the pool for additional open space.
  - Construct a full basketball court.
  - Construct a volleyball court.
  - Construct a picnic area with BBQ pits.
  - Participate in the L.I.D. according to Resolution NO. R1-2006.

Attest:



Lynda Burgess  
Kuna City Clerk

  
\_\_\_\_\_  
O. Dean Obrey  
Kuna City Mayor



**BEFORE THE KUNA CITY COUNCIL**

**IN THE MATTER OF AN APPLICATION FOR )  
RE-ZONE UPON ANNEXATION, )  
A CONDITIONAL USE PERMIT, PRELIMINARY & FINAL )  
PLANNED UNIT DEVELOPMENT PLAN, )  
AND PRELIMINARY PLAT FOR CRIMSON POINT, )  
A PLANNED UNIT DEVELOPMENT, SUBMITTED BY )  
GOLDCREEK DEVELOPERS LLC )**

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The above-entitled re-zone upon annexation, conditional use permit, preliminary & final planned unit development plan, and preliminary plat applications came before the Kuna City Council for their action on March 10, 2003. A public hearing was held before the Kuna City Council on March 10, 2003, concerning the re-zone upon annexation & PUD request submitted by Goldcreek Development for property located west of Ten Mile between Deer Flat and Ardell. Those in attendance included members of the public, Mayor: Greg Nelson, City Council members: Flo Hawkes, Lea Lewis, Stephen Bright and Dave Szplett, Susan Buxton, City Attorney, Tim Burgess, City Engineer, Melodie Halstead, P&Z Director. The Kuna City Council having heard and taken oral and written testimony, and having duly considered the matter, makes the following Findings of Fact and Conclusions of Law;

**FINDINGS OF FACT:**

**A. PROJECT SUMMARY:**

Goldcreek Developers LLC is requesting re-zone upon annexation, a conditional use, planned unit development preliminary & final development plan, and preliminary plat approvals for Crimson Point Subdivision, a planned development. The 200-acre, 531-lot (190.5-residential, 9.5-commercial) subdivision is located on the west side of Ten Mile between Deer Flat & Ardell.

**B. APPLICATION SUBMITTAL:**

The applications for this item were received by the City of Kuna on August 6, 2002.

**C. NOTICE OF PUBLIC HEARING:**

Notice of Public Hearing on the application for the Kuna Planning and Zoning Commission was published in accordance for requirements of Title 67, Chapter 65, Idaho Code and the Kuna City ordinances. Notice of this public hearing was mailed to property owners within three hundred feet (300-feet) of the subject property in accordance with the requirements of Title 67, Chapter 65, Idaho Code and Kuna City Code on August 30, 2002.

Notice of Public Hearing on the application for the Kuna City Council was published in accordance for requirements of Title 67, Chapter 65, Idaho Code and the Kuna City ordinances on October 30, 2002 & November 6, 2002. Notice of this public hearing was mailed to property owners within three hundred feet (300-feet) of the subject property in accordance with the requirements of Title 67, Chapter 65, Idaho Code and Kuna City Code.

D. COMPREHENSIVE PLAN LAND USE MAP AND ZONING MAP DESIGNATIONS:

	<b>COMP PLAN DESIGNATION</b>	<b>ZONING DESIGNATION</b>	<b>LAND USE</b>
<b>Existing</b>	Low density in the city / 10 acre in the county	RR & RUT	Vacant
<b>Proposed</b>		R-3 & C-1	Residential/Commercial PUD
<b>North of site</b>	County	RR & RUT	Rural residence and Agricultural land
<b>South of site</b>	County	RUT	Rural residence and Agricultural land
<b>East of site</b>	City / County	R-6 / RR	Residences / Rural residence and Agricultural land
<b>West of site</b>	County	RR	vacant

E. SITE DATA:

Total Acreage of Site - 200  
 Total Number of Lots - 565

Residential - 531  
 Commercial - 4  
 Open Space / residential parking lots – approximately 32 acres

F. GENERAL SITE DESIGN FEATURES:

Storm Drainage and Flood Control:

Street drainage plans shall be submitted by the applicant as required by the Subdivision Ordinance. Specific drainage system plans are to be submitted to the City Engineer for review and approval prior to the City Engineer signing the final plat. The plans are to show how swales, or drain piping, will be developed in the drainage easements.

Utility and Drainage Easements, and Underground Utilities:

Kuna City Code section 6-3-8 requires utility easements to be not less than 10-feet wide.

Fire Hydrants and Water Mains:

Hydrants are to be located and installed as required by the Kuna Fire District.

Preservation of Existing Historical Assets:

Staff is not aware of any existing historical assets on the site which would be required to be preserved. If during excavation or development of the site, any historical artifacts are discovered, state law requires immediate notification to the state.

G. STREET DESIGN:

Public Streets: All roadways should be built to ACHD approved standards. Crimson Way to be 29' back-to-back between Deerflat Road and Street B. Street Y to be 29' back to back within a 50' R-O-W. All other local roads to be 36' back-to-back within a 50' R-O-W.

Cul-de-Sac Design: There are no cul-de-sacs in this development

Sidewalks, Curbs and Gutters: To be constructed per City code: 6-4-2-C, 6-4-2-L

Lighting:

Lighting for the proposed public street is required. Location and lighting specifications shall be submitted & approved by the City Planning & Zoning Director prior to the City Engineer signing the final plat.

Street Names:

Street name approval by the Ada County Street Names Committee has not been received to date. Approval from that committee is required prior to final plat approval.

H. PUBLIC USES PROPOSED: Park & School site.

I. AGENCY RESPONSES:

The following agencies have responded and their correspondence is attached. Comments which appear to be of special concern are noted below:

City Engineer: (see attached).  
Ada County Highway District  
Central District Health Department  
Kuna Fire Department  
Idaho Power  
Boise Project Board of Control

J. LETTERS FROM THE PUBLIC: Pecchenino, David & Ruth Howard, Willis & Wendy Carr, Dale Ownby, Arnold Watkins, Forrest McKinnon, Mark & Yvonne Kirkpatrick.

K. KUNA CITY CODE FINDINGS FOR A PLANNED UNIT DEVELOPMENT PRELIMINARY DEVELOPMENT PLAN AND CONDITIONAL USE PERMIT:

1. That the proposed PUD is in the public interest, advances the general welfare of the community and neighborhood, and will not be detrimental to the economic welfare of the community.
2. That the development be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and how such use will not change the essential character of the same area.
3. That the development will not be hazardous or disturbing to existing or future neighborhood uses.
4. That the development does not involve uses, activities, processes, materials, equipment, and/or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.

5. That the development will be served adequately by essential public facilities such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools.
6. That the development will not create excessive additional requirements at public cost for public facilities and services.
7. That the development is provided with parks, open areas, areas of special interest, floodplain preservation, and/or other special features which would not typically be provided in a non-PUD proposal.
8. That the vehicular approaches to the property are designed to not create an interference with traffic on surrounding public thoroughfares.
9. That the development will not result in the destruction, loss, or damage of a natural, scenic or historic feature of major importance.
10. That the proposed development will be harmonious with and in accordance with the general objectives or with any specific objective of the Comprehensive Plan.
11. That the proposed development will be harmonious with and in accordance with the general objectives or with any specific objective of Kuna City Code Title 5.
12. That the benefits, combination of various land uses, and interrelationship with the surrounding area for this proposed development justifies any proposed deviation from any standard district regulations.

*In cases of large - scale PUDs (incorporating fifty (50) or more lots or dwelling units):*

13. That public services shall be provided to the development including, but not limited to, fire protection, police protection, central water, central sewer, road construction, parks and open space, recreation, maintenance, schools and solid waste collection.
14. That an estimate of the public service costs to provide adequate service to the development has been provided by the developer.
15. That an estimate of the tax revenue that will be generated from the development has been provided by the developer.
16. That suggested public (or private) means of financing the services for the development if the cost for the public services would not be offset by the tax revenue received from the development has been provided by the developer.

*For a request of up to 10% of the gross land area to be directed to uses other than residential (i.e.; commercial, industrial, public and quasi public uses that are not allowed in the land use district):*

17. That the uses are appropriate with the residential uses.
18. That the uses will serve principally the residents of the PUD.

19. That the uses are planned to be an integral part of the PUD.
20. That the uses located and designed to provide direct access to a collector or arterial street.
21. That the proposed street connections will not create congestion or traffic hazards.

*In cases where an increase in residential density of up to 15% of the allowable number of dwelling units is requested:*

22. **LANDSCAPING** - For up to 5%  
That the quality of the designs for landscaping, streetscape, open spaces and plazas, use of existing landscape, pedestrian way treatment, and recreational areas, incorporated into this development, exceed that of a non PUD development.
23. **SITING** - For up to 5%  
That the quality of the designs for visual focal points, use of existing features such as topography, view, sun orientation, prevalent wind direction, pedestrian/vehicular circulation pattern, physical environment, variation in building setbacks, and building grouping (such as clustering), incorporated into this development, exceed that of a non PUD development.
24. **DESIGN FEATURES** - For up to 5%  
That the quality of the designs for street sections, architectural styles, harmonious use of materials, parking areas broken by landscaping features, and varied use of housing types, incorporated into the development, exceed that of a non PUD development.

#### **STAFF ANALYSIS PROVIDED WITHIN THE STAFF REPORT:**

A. **COMPREHENSIVE PLAN PROVISIONS WHICH ARE OF SPECIAL CONCERN REGARDING THIS PROPOSAL:**

B. **ZONING ORDINANCE PROVISIONS WHICH ARE OF SPECIAL CONCERN REGARDING THIS PROPOSAL:**

- **KCC Section 5-6-(1-10): SPECIAL USE PERMIT:**
  - A. **Conditions Of Permit:** Upon the granting of a conditional use permit, conditions may be attached to said permit including, but not limited to, those:
    1. Minimizing adverse impact on other development;
    2. Controlling the sequence and timing of development;
    3. Controlling the duration of development;
    4. Assuring that development is maintained properly;
    5. Designating the exact location and nature of development;
    6. Requiring the provision for on-site or off-site public facilities or services; and
    7. Requiring more restrictive standards than those generally required in this Title.
- **KCC Section 5-7-1: PURPOSE “PLANNED UNIT DEVELOPMENTS”:**

It shall be the policy to guide a major development of land and construction by encouraging planned unit development (PUD) to achieve the following:

  - A. A maximum choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre and a reduction in lot dimensions, yards, building setbacks and area requirements;
  - B. A more useful pattern of open space and recreation areas and, if permitted as part of the

project, more convenience in the location of accessory commercial uses, industrial uses and services;

C. A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation and prevents the disruption of natural drainage patterns;

D. A more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets; and

E. A development pattern in harmony with land use density, transportation and community facilities objectives of the Comprehensive Plan.

C. SUBDIVISION ORDINANCE PROVISIONS WHICH ARE OF SPECIAL CONCERN REGARDING THIS PROPOSAL:

D. DEVELOPMENT AGREEMENT PROVISIONS WHICH ARE OF SPECIAL CONCERN REGARDING THIS PROPOSAL:

- ARTICLE II CONDITIONS OF DEVELOPMENT

**STAFF RECOMMENDATION PROVIDED WITHIN THE STAFF REPORT:**

Staff recommends approval of the conditional use permit, preliminary development plan, and preliminary plat with the site specific conditions of approval and the standard conditions of approval provided within the staff report.

**PUBLIC HEARING OF THE COMMISSION:**

A. A public hearing on the applications was held before the Planning and Zoning Commission beginning on September 24, 2002, tabled until October 1, 2002, and continued to November 12, 2002, at which time testimony was taken and the public hearing was closed. The Commission made their recommendation at that time.

B. Oral testimony in opposition to this proposal was presented to the Planning and Zoning Commission by Bill & Wendy Carr, Forest & Myrna McKinnon, Robert & Marquette Pehrson, Margie & Phil Schroeder, Mary & Robert Hege, Helene & Dennis Wolfgram, Rick Morino, Mick & Debi Boone, Brandon Boone, Ruth & David Howard, Chuck Fleenor, Mary Rodrigues, Steve Critcher, DuWaine & Debbie Emmons, Mark Pecchenino.

C. Oral testimony in favor of this proposal was presented to the Planning and Zoning Commission by Dale Ownby, Arnold Watkins, Glenida Weber, Dan & Becky Bodam, Heidi Carlson, Dave Miller, (other than the applicant/representative).

D. Oral testimony that was neutral for this proposal was presented to the Planning and Zoning Commission by Steven Ribeiro, Wendy Carr.

**COMMISSION DECISION:**

The Commission voted 3 to 1 to recommend approval of Crimson Point for re-zone upon annexation with an R-3, a conditional use, preliminary planned unit development plan, and preliminary plat for Crimson Point planned residential and commercial development with the site specific conditions of approval and standard conditions of approval shown within their Findings of Fact and Conclusions of Law document, dated November 12, 2002.

## **PUBLIC HEARING OF THE COUNCIL:**

- A. A public hearing on the application was held before the City Council on November 25, 2003, continued to January 27, 2003, February 10, 2003, February 24, 2003, & March 10, 2003 at which time testimony was taken and the public hearing was closed. The Council made their decision at that time.
- B. Oral testimony in opposition to this proposal was presented to the City Council by Randy Allen, Ruth Howard, Mark Kirkpatrick, Forest McKinnon.
- C. Oral testimony in favor of this proposal was presented to the City Council by Carlson, Dave Miller, Dan Bodam, Dale Ownby, Julie Lynn. (not including the applicant/representative).
- D. Oral testimony that was neutral for this proposal was presented to the City Council by Lavar Thornton, Bill Moore.

## **COUNCIL DECISION:**

The Council voted 4 to 0 to approve Crimson Point for re-zone upon annexation with an R-3 & C-1 zone, a conditional use, preliminary planned unit development plan, and preliminary plat for Crimson Point planned residential and commercial development with the following Planning and Zoning Commission recommended site specific conditions of approval and standard conditions of approval with underline text to be added by the Council and strikethrough text to be deleted by the Council:

## **SITE SPECIFIC CONDITIONS OF APPROVAL:**

- 1. All Commercial property will require a Special Use Permit and Design Review. And shall be limited to the used presented by the developer.
- 2. A dairy disclosure to be signed at the time of purchase and be noticed permanently in the CCR's.
- 3. Potable water lines will be stubbed to the north properties.
- 4. The developer will negotiate locked cluster mailboxes with the postmaster.
- 5. Street Y and Crimson Way (as recommended in the Preliminary Development Plan) are to be 29' back to back within a 50' R-O-W. All other local roads to be 36' back-to-back within a 50' R-O-W.
- 6. The Village:
  - A. Will maintain an additional separate homeowners' assn. to take care of landscaping. The Village lots will be a part of the Crimson Point H.O.A.
  - B. The road with the center parking area is to be 36' back to back within a 50' R-O-W and eliminate the parking.
  - C. 20' alleys
  - D. 15' setback for the garage on the alley side.
  - E. 5,000-sq. ft. minimum lot size.
  - F. 1,350-sq. ft. minimum house size.
- 7. 7,000-sq. ft. minimum residential lot size is required in the development, with the exception of the Village.
- 8. 14,000-sq. ft. minimum on the west, 10,000-sq. ft. minimum on the north, and 7,000-sq.ft. minimum for the rest of the residential lots in the development, with exception of the Village.
- 9. The Commissioners approved the landscape plan for the 21-acre park.
- 10. Architectural review and approval to come before Planning & Zoning at each phase.
- 11. ~~6' solid vinyl fence to be constructed on the north property line to restrict access.~~

and the following additional conditions from City Council:

1. 6ft vinyl fence or an approved alternative fencing material is required along the North property boundary and across the stub streets.
2. The mixed house sizes as presented:
  - Meadows - 25%, 1,200 sq. ft. minimum
  - 50%, 1,350 sq. ft. minimum
  - 25%, 1,600 sq. ft. minimum
  - Village – 1,350 sq. ft. minimum
  - Bluffs – 1,400 SQ. FT. MINIMUM
  - Creekside – 1,800 sq. ft. minimum
  - Transitional – 1,600 sq. ft. minimum
3. All roadways should be built to ACHD approved standards.
4. Resolve the drainage issue to the satisfaction of the City Engineer.
5. A turn lane is required on Ten Mile Rd. at the Crenshaw Street entrance.
6. Alley R-O-W and the pavement widths should be 20’.
7. Add the “Right to Farm” agreement to the CC&R’s.
8. Modify Crimson Way to be 29’ back-to-back between Deerflat Road and Street B
9. Developer needs to submit a Bridge design to be approved by the Planning and Zoning Director, and build the bridge for access to the park.
10. Irrigation water rights to be annexed to the City Municipal System.
11. All gravity flow irrigation water delivery system not be inhibited.
12. A dairy disclosure is required on the lots abutting the dairy.

These provisions will be based on Plan B. All were in support. Motion Carried.

#### **APPLICABLE LAW**

1. The request was determined to be appropriate for processing even though a portion of the property is outside of the current area of impact and does not have a zoning designation assigned to it in the adopted Comprehensive Plan.

2. Applications for annexations are governed by provisions of Chapter 13 of Title 5 of the Kuna City Code. Applications for subdivisions are governed by provisions of Title 6 of the Kuna City Code.

#### **STANDARD CONDITIONS OF APPROVAL:**

1. The applicant shall comply with all requirements of the Ada County Highway District and/or the Idaho Transportation Department, including but not limited to approval of the drainage system, curbs, gutters, streets and sidewalks.
2. Correct street names, as approved by the Ada County Street Name Committee, shall be placed on the plat prior to the City Engineer signing the final plat.
3. Complete water and sewer system construction plans shall be reviewed and approved by the City Engineer. Required improvements shall include, but not be limited to, extending all utilities to the platted property. The developer may submit a letter in lieu of plans explaining why plans may not be

necessary.

4. Idaho Department of Health & Welfare approval of the sewer and water facilities is required prior to the City Engineer signing the final plat (I.C. Title 50, Chapter 13 and I.C. 39-118).
5. Written approval of all well water for any shared or commercial well shall be obtained from the Idaho Department of Water Resources prior to the City Engineer signing the final plat.
6. Wet line sewers will be required and the applicant will be required to furnish the City Engineer with a letter from the sewer entity serving the property, accepting the project for service, prior to the City Engineer signing the final plat (B.C.C. 9-20-8.4)
7. Per Idaho Code, Section 31-3805, concerning irrigation rights, transfer and disclosure, the water rights appurtenant to the lands in said subdivision which are within the irrigation entity will be transferred from said lands by the owner thereof; or the subdivider shall provide for underground title or other like satisfactory underground conduit to permit the delivery of water to those landowners within the subdivision who are also within the irrigation entity.

See Kuna City Code Section 7-5-16 which provides overriding and additional specific criteria for pressurized irrigation facilities.

Plans showing the delivery system must be approved by a registered professional engineer and shall be approved by the City Engineer prior to the City Engineer signing the final plat.

8. The applicant shall submit a letter from the appropriate drainage entity approving the drainage system and/or accepting said drainage; or submit a letter from a registered professional engineer certifying that all drainage shall be retained on-site prior to the City Engineer signing the final plat. A copy of the construction drawing(s) shall be submitted with the letter.
9. Drainage system plans shall be submitted to the City Engineer for review and approval prior to the City Engineer signing the final plat. The plans shall show how swales, or drain piping, will be developed in the drainage easements. The approved drainage system shall be constructed, or a performance bond shall be submitted to the City Clerk, prior to the City Engineer signing the final plat. The CC&R's shall contain clauses to be reviewed and approved by the City Engineer and the Planning & Zoning Director, prior to the City Engineer signing the final plat, requiring that lots be so graded that all runoff runs either over the curb, or to the drainage easement, and that no runoff shall cross any lot line onto another lot except within a drainage easement.
10. No ditch, pipe or other structure or canal, for irrigation water or irrigation waste water owned by an organized irrigation district, canal company, ditch association, or other irrigation entity, shall be obstructed, routed, covered or changed in any way unless such obstruction, rerouting, covering or changing has first been approved in writing by the entity. A Registered Engineer shall certify that any ditch rerouting, piping, covering or otherwise changing the existing irrigation or waste ditch (1) has been made in such a manner that the flow of water will not be impeded or increased beyond carrying capacity of the downstream ditch; (2) will not otherwise injure any person or persons using or interested in such ditch or their property; and (3) satisfied the Idaho Standards for Public Works Construction. A copy of such written approval and certification shall be filed with the construction drawing and submitted to the City Engineer prior to the City Engineer signing the final plat.
11. Street light plans shall be submitted and approved as to the location, height and wattage to the City

Planner prior to the City Engineer signing the final plat. All construction shall comply with the City's specifications and standards.

The applicant shall delineate on the face of the final plat an easement, acceptable to the City Engineer, for the purpose of installing and maintaining street light fixtures, conduit and wiring lying outside any dedicated public right-of-way, prior to the City Engineer signing the final plat.

12. The applicant shall provide utility easements as required by the public utility providing service, and as may be required by the Kuna City Code, prior to the City Engineer signing the final plat.
13. An approval letter from the Kuna Fire Department shall be submitted to the City prior to the City Engineer signing the final plat. The letter shall include the following comments and minimum requirements, and any other items of concern as may be determined by the Kuna Fire Department officials:
  - a. The applicant has made arrangements to comply with all requirements of the Fire Department.
  - b. The proposed fire hydrant locations shall be reviewed and be approved in writing by the Kuna Fire Department prior to the City Engineer signing the final plat.
  - c. Minimum flow per hydrant shall be 1,000 gallons per minute for one and two family dwellings, 1,500 gallons per minute for dwellings having a fire area in excess of 3,600 square feet, and 1,500 gallons per minute for non-residential uses (i.e.; Commercial, Industrial, Schools, etc.). Flow rates shall be inspected in accordance with all agencies having jurisdiction, and shall be verified in writing by the Kuna Fire Department prior to issuance of any building permits.
  - d. The proposed fire protection system shall be reviewed and approved by the Kuna Fire Department prior to issuance of a building permit.
14. Covenants, homeowner's association by-laws or other similar deed restrictions, acceptable to the Kuna Planning & Zoning Director which provide for the use, control and mutual maintenance of all common areas, storage facilities, recreational facilities, street lights or open spaces shall be reviewed and approved by the Kuna Planning & Zoning Director prior to the City Engineer signing the final plat.

A restrictive covenant must be recorded and a note on the face of the final plat is required, providing for mutual maintenance and access easements.

Appropriate papers describing decision-making procedures relating to the maintenance of structures, grounds and parking areas shall be reviewed by the Kuna Planning & Zoning Director prior to the City Engineer signing the final plat.
15. Should the homeowner's association be responsible for the operation and maintenance of the storm drainage facilities, the covenants and restrictions, homeowner's association by-laws or other similar deed restrictions acceptable to the Kuna Planning & Zoning Director shall be reviewed by the Kuna Planning & Zoning Director prior to the City Engineer signing the final plat.
16. Conservation, recreation and river access easements (if applicable) shall be approved by the Kuna City Council and shall be shown on the final plat prior to approval of the final plat by the City Council.
17. The applicant shall place a note on the face of the plat which states: "Minimum building setback lines

shall be in accordance with the applicable zoning and subdivision regulations at the time of issuance of the building permit or as specifically approved and/or required".

18. The Americans with Disabilities Act, Uniform Building Code, Kuna City Code, Kuna Comprehensive Plan, and all applicable County, State and Federal Codes and Regulations shall be complied with. All design and construction shall be in accordance with all applicable City of Kuna Codes unless specifically approved by the Commission and/or Council.
19. 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 the City of Kuna. The burden shall be upon the applicant to obtain written confirmation of any change from the City of Kuna.
20. No public board, agency, commission, official or other authority shall proceed with the construction of or authorize the construction of any of the public improvements required by the Kuna City Code Title 6 "Subdivision Regulations" until the final plat has received the approval of the City Council (KCC 6-2-4).

After Council approval of the final plat, the applicant may construct any approved improvements before the City Engineer signs the final plat. The applicant shall provide a financial guarantee of performance in the amount of 150% of the total estimated cost for completing any required improvements prior to the City Engineer signing the final plat. The financial guarantee shall be a Letter of Credit, Certificate of Deposit, cash deposit or certified check.

21. In accordance with Kuna City Code, failure to obtain a recorded final plat for the subdivision within one year following City Council approval shall cause this approval to be null and void, unless a time extension is granted by the City Council.
22. Prior to submitting the final plat for recording, the following must provide endorsements or certifications: Owners or dedicators, Registered Land Surveyor, County Engineer, Central District Health Department, Ada County Treasurer, Ada County Highway District Commissioners, City Engineer, and City Clerk.
23. The City's actions on the application does not grant the applicant any appropriation of water or interference with existing water rights. The applicant indemnifies and holds the City harmless for any and all water rights, claims in any way associated with this application.

#### **CONCLUSIONS OF LAW:**

1. The application for this item was received by the City of Kuna on August 6, 2002.
2. Notice of Public Hearing on the application for the Kuna Planning and Zoning Commission was published in accordance for requirements of Title 67, Chapter 65, Idaho Code and the Kuna City ordinances on September 4, 2002 & September 11, 2002. Notice of this public hearing was mailed to property owners within three-hundred feet (300-feet) of the subject property in accordance with the requirements of Title 67, Chapter 65, Idaho Code and Kuna City Code on August 30, 2002. Requests for agencies' reviews were transmitted on August 7, 2002, in accordance with the requirements of the Kuna City Code.

Notice of Public Hearing on the application for the Kuna City Council was published in accordance for

requirements of Title 67, Chapter 65, Idaho Code and the Kuna City ordinances on October 30, 2002 & November 6, 2002. Notice of this public hearing was mailed to property owners within three-hundred feet (300-feet) of the subject property in accordance with the requirements of Title 67, Chapter 65, Idaho Code and Kuna City Code on October 29, 2002 & October 22, 2002.

3. In accordance with Kuna City Code findings for re-zone upon annexation, a conditional use permit, preliminary planned unit development plan and preliminary plat, the Kuna City Council makes the following conclusions for approval for Crimson Point planned residential and commercial development as proposed with the conditions recommended herein:

1. That the proposed PUD is in the public interest, advances the general welfare of the community and neighborhood, and will not be detrimental to the economic welfare of the community because;
2. That the development be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and how such use will not change the essential character of the same area because;

All property owners will be required to join an Owners Association which will also be responsible for maintenance of the common areas and the community facilities from owner fees and assessments.

3. That the development does not involve uses, activities, processes, materials, equipment, and/or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors because;
4. That the development will be served adequately by essential public facilities such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools because;

All central services are available to be extended into the site. Development of sewer, water, drainage, streets and other urban services will be provided at the developer's expense.

5. That the development will not create excessive additional requirements at public cost for public facilities and services because;

All public facilities and services are supplied by the developer and must be approved at the time of installation and before acceptance by the sewer, water or highway district. Because the developer provides the services in the initial stages of development the public service providers avoid potential liability and expenses.

6. That the proposed development will be harmonious with and in accordance with the general objectives or with any specific objective of the Comprehensive Plan.
7. That the proposed development will be harmonious with and in accordance with the general objectives or with any specific objective of Kuna City Code Title 8.
8. That the benefits, combination of various land uses, and interrelationship with the surrounding area for this proposed planned unit development justifies any proposed deviation from any standard district regulations.

DATED this 10th day of \_\_\_\_\_, 2003.

CITY COUNCIL  
OF THE CITY OF KUNA  
Ada County, Idaho

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Greg Nelson, Mayor

ATTEST:

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Colleen Nixon, Kuna City Clerk