

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

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**MEETING MINUTES  
Tuesday, August 11 2015**

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PZ COMMISSION MEMBER	PRESENT	CITY STAFF PRESENT:	PRESENT
Chairman Lee Young	X	Wendy Howell, Planning Director	X
Vice-Chairman Stephanie Wierschem	X	Troy Behunin, Senior Planner	X
Commissioner Dana Hennis	X	Trevor Kesner, Planner I	X
Commissioner Cathy Gealy	X		
Commissioner Joan Gay	X		

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

**Call to Order and Roll Call**

Chairman Young called the meeting to order at **6:04 pm**.

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**1. CONSENT AGENDA**

- a. Planning and Zoning Commission **Meeting Minutes for July 28, 2015**
- b. **15-02-SUP** (Special Use Permit): Shayla Menard (Shayla’s PawFection); SUP to operate an in-home pet grooming service business located at 226 E. Chapparosa Drive - *Findings of Fact and Conclusions of Law*.
- c. **15-01-AN** (Annexation): ‘A’ Team Land Consultants; annexation of approximately 287.17+/- acres near the intersection of Kuna and Cloverdale Roads (Falcon Crest Golf Course) into the City of Kuna and designated as A (Agriculture District) – *Findings of Fact and Conclusions of Law*.

*Commissioner Gealy motioned to approve consent agenda;  
Commissioner Hennis seconds, all aye and motioned carried 5-0.*

*Commissioner Wierschem motioned to modify the meeting agenda to move ‘item 3 – Old Business’ to after the ‘item 5 – Public Hearing’;  
Commissioner Gealy seconds, all aye and motioned carried 5-0.*

Chairman Young asked if there were any individuals in the audience that was here to testify for ‘Linder Farms’ No one indicated that they were.

**2. PUBLIC MEETING:**

- a. **15-05-SN** (Sign): **Coleman Homes, LLC**– Chris Taylor - Applicant has applied for four (two at each entry) subdivision entry monument signs for the Timbermist Subdivision (for phases one and two); there will be four signs total.

Troy Behunin: Chairman Young and Commission members, for the record; Troy Behunin, Kuna Planning and Zoning staff, Senior Planner. The application you have before you at this time; 15-05-SN is a sign permit request for approval for a subdivision sign. Kuna City code requires that all entry signs and all entry monuments in the subdivision go through Design Review and that is the purpose for tonight. Hopefully you have had a chance to review all of the

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materials for this application. The only thing that I don't have is a secondary location map that is quite like this one. It does show the locations of two signs on this page, but it doesn't have it quite in this manner, but locations for all four signs; it is located in the maps and staff would stand for any questions you might have relative to this application.

C/Young: Ok.

C/Gealy: I have no questions

C/Hennis: No

C/Wierschem: I have none

C/Young: Ok, is there anyone here for the applicant or anyone that would like to add anything to what Troy had? Ok, that brings us to our discussion, and I think the entrance signage looks really good. I think it has more character than a lot of the ones that we have seen lately so I think it fits in with what the city's goals are. It is within the height requirements, it's... I don't have any objection to this.

C/Hennis: No? Ok then.

*Commissioner Hennis motioned to approve **15-05-SN** sign application for Timbermist Subdivision entrance signs;  
Commissioner Wierschem seconds, all aye and motioned carried 5-0.*

**3. PUBLIC HEARING**

C/Young: Before I call the first case, I will just remind everybody of the way we run the public hearings and the rules that we have: 1) we will ask the applicant to come forward and present their project; staff will come forward and present their staff report, at that point we'll open the public hearing for public testimony; 2) everybody will have three (3) minutes to tell us whatever you would like; in favor, opposed, neutral, but when that three minutes is up, we ask that you stop and we let the next person in line go and at that point, the applicant will have a chance to rebut any of the public testimony that is given; that they cannot introduce any new information. It is just responding to questions or comments by the public. With that said, we will move on.

- a. **15-02-AN** (Annexation) **15-02-ZC** (Zone Change), **15-01-S** (Preliminary Plat) and **15-04-DRC** (Design Review): Trilogy Development - Applicant requests approval to annex approximately 10 acres into City limits and rezone an additional (approximate) 121 acres from A (Agriculture) to R-6 (Medium Density Residential to develop a 262 lot residential subdivision (Memory Ranch). The applicant also seeks an R-6 (Medium Density Residential) zone for the subdivision as a whole.

Jane Suggs: Thank you very much Commissioners and Chairman Lee, Mr. Young. My name is Jane Suggs and I am here representing Trilogy development and Memory Ranch, and I just want to start off by letting you know so you can relax a little bit; we have designed Memory Ranch to meet all the policies of the comprehensive plan. The annexation and the rezone of property meets the future land use map for Kuna. The subdivision also meets all of the subdivision code requirements without any conditional use requests or exceptions and we agree with all of the conditions of approval

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that are in the staff report so this could be over soon. In fact, I think we want to add a condition and I will talk about that a little later. Trevor, will you put up my vicinity map for me? Thanks.

C/Young: I think that is the wrong slide; the fun part about technology.

Jane Suggs: There we go. So, you can see according to the vicinity map that we are requesting an annexation of ten acres into Kuna; and that is the ten acres that are highlighted in the center of the property. We are requesting that the entire colored area, which is 135 acres, which includes the ten acre annexation, be rezoned from Ag (agriculture) zoning to R-6. Can you put up our preliminary plat please?

We are subdividing the eastern portion of the property into 261...oh that didn't come out as clear as I was hoping, 261 building lots and one future building lot for a total of 262 lots on 67.4 acres. So this is the eastern portion of the 135 acres. The density will be 3.87 dwelling units per acre. We are requesting the R-6 zone so that we can meet the lot size and frontage requirements including the setbacks. Setbacks for R-4 and R-6 are very similar on the lot sizes and the frontage requirements are a little different so we are certainly not going to build up to the R-6 zone which is up to six units to an acre, but we are going to use those dimensional standards, so we are asking to rezone to R-6.

The lot sizes will range from 4,500 square feet, which is the minimum lot size in R-6, and that is along the north boundary and they face an open park of about two acres. The other lots which are along the canal, which is along the western border of the property, and they will range in size from 8,000-10,000 square feet so those are larger lots along the west side of the property. Could you put up our landscape plan please?

Along with the mix of lot sizes, Memory Ranch features parks and pathways, as mentioned before the northern park is about two acres and it will be kind of an open space area and lined with trees around the street and it will be a great area for open play and maybe lounging under the trees while the kids kick a soccer ball around. There is another park located more centrally in the Memory Ranch, near the center, and it is one and three quarter acres, and it's including a pool with changing rooms, a tot lot and parking spaces. The park and the landscaping will be the first thing you see when you come into Memory Ranch from Ten Mile, so you can see the northern entrance on Ten Mile and you can see when you drive through, there will be a tree lined street and you will see the landscaping and the pool area.

We have also added as you can see several pathways to provide easy access to the parks, so you can walk to the park. And this also provides great pedestrian connection between the blocks and in the neighborhood. The pathway lots are twenty feet wide with a meandering sidewalk and landscaping. The pathways will be bound by four foot tall wrought iron fence, not the six foot vinyl fence that surrounds the property. We have also; and this is kind of a nice treat, we've also planned the entire length of that Harris lateral, it runs along the west and south side, we are going to put a pathway along that entire lateral. It is outside of the easement. It is on private property, but that would go along the entire boundary of the property and you can see that it's accessible by the stub street and a couple of pathways connections.

So the extra lot that I mentioned, that we went from 261 to 262 in our request, is the southern entrance off of Ten Mile Road, and we talked to ACHD, and they thought that it would be best that when the mid-mile collector on Ten Mile, which would be south of our property, when that ever develops and the mid mile collector is put in; that street, the southern entrance into our property would be a little too close. So when that occurs, we can close that street because there would be connections from the southern property into our property as well, and then we can turn that into a building lot.

As noted in our letter of intent, all utilities and urban services will be provided to the subdivision. Thompson Engineers prepared a traffic study that was reviewed and approved by ACHD, and all the streets within the subdivision are designed to Kuna standards and ACHD standards, and Ten Mile and Lake Hazel will handle the traffic, which you probably already know, that there are some planned improvements on Ten Mile and Lake Hazel including a roundabout at the intersection.

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We had a very well attended neighborhood meeting on April 22<sup>nd</sup>, and it was held at the north Kuna treatment plant, which is right across the street to the east from this property across Ten Mile. The main concern from the neighbors was the density of the project so I explained of course, that we were following the comprehensive plan that did propose this area to be medium-density residential, which is what we are building.

The mix of lot sizes is also one of the features of your comprehensive plan, to make sure that there is a mix of smaller lots and larger lots and we are meeting that as well. The lots in Memory Ranch also utilize the significant investment that has been made in this treatment plant that is just across the street so this is just the beginning of that opportunity to provide sewage treatment for all of those lots that are to be developed in the north part of Kuna. We also want to point out that the lots across from the treatment plant that kind of back up to Ten Mile, range in size from 5,200 square feet to over 8,000 square feet. So they're not the smallest lots, but they are also not the largest; even larger lots are located along the canal. Of course we are doing this because of the market, that you are backing up to one day, a five mile arterial, and also you are across the street from the sewage treatment facility, which, I have to say is very attractive because we had the meeting there.

We have prepared a phasing plan and I think that is in our list too; and it is kind of a rough drawing, but it shows that we are going to start our project down in the southeast corner of the property, so the southernmost area. It will include both of the entrances off of Ten Mile and you can see we will progress up towards the canal and then go to the center and do the park, then work our way around. Now, there is some complications sometimes by the fact that utilities might be available from the north, so we might want to make that change; so because of that, we are asking that any changes to the phasing plan due to the availability of utilities or to market conditions, must be approved by Kuna staff. So we won't do this without going to the staff and getting approval, so we would like to add that condition to our conditions of approval.

So we have designed Memory Ranch to meet the comp plan, the zoning ordinance and the subdivision codes and I believe Memory Ranch will be a great asset to Kuna, so I will stand for any questions you have.

C/Young: Ok. I don't see any elevations or anything which are shown for the pool house or that facility. Do you know what those materials are going to be at this point?

Jane Suggs: We have not designed that yet and not submitted anything for that. That is one of the things that is allowable; a community center in a subdivision, but we haven't progressed with any kind of design documents at this time for that. And I have to apologize, I actually had a couple of homes to show you but I didn't bring them with me on my jump drive so I can submit those as well.

C/Young: Ok, and also, you might have mentioned it, but the fencing around the pool site?

Jane Suggs: Anytime that you have to have a great view where you back up to a park, we are putting in the wrought iron fencing so you don't want to be closed in with the six foot vinyl fence if you're going by a pathway so in places where we have paths and along the big pathway we'll have the four foot wrought iron fence which is a really nice amenity.

C/Young: Ok.

C/Wierschem: I just had a quick question in regard to the lighting near the pool and around the park area. I didn't see anything.

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Jane Suggs: You know, we actually haven't prepared a lighting plan at this point. We'll come with that in the other phase; we can submit that to you then. I know that you're interested in making sure that there is not glare on the other properties so we certainly take that into account making sure there is light enough so you can see what's going on; but not so much that it will sort of shine on other neighbors. That will be important to us as well.

C/Wierschem: Thank you. I have nothing further.

Jane Suggs: I just realized there is one thing for those of you that follow the sewer; because the big lift station is not yet built on the corner at Lake Hazel and Ten Mile, our most northeast lot will be a lift station that will carry and then pump the sewage to the treatment facility, so I know some of you are following how that works and that process; so we can't gravity flow to the sewage treatment right now, we'll pump. But when that new lift station goes in which is the city's lift station, we'll gravity flow to that.

C/Hennis: Ok.

C/Young: Thank you.

Troy Behunin: Good evening Commissioners, once again for the record, Troy Behunin, senior planner with Kuna Planning and Zoning. This application for the Memory Ranch Subdivision includes 15-02-AN annexation; 15-02-ZC zone change; 15-01-S pre plat and 15-04-DRC which is design review and I am here to talk to you about the technical merits of the project and I can tell you that the applicant has submitted all of the materials for the application and they have held their neighborhood meeting with the property owners within 300 feet of the project notifying them of tonight's public hearing and it's also been published in the Kuna Melba News so statutorily, all of the notification processes; oh and the site was also posted, so all of the notification processes have taken place the way that they should. Technically speaking, this application follows all of the requirements within the Kuna city subdivision and design review, landscape and annexation codes and what the applicant has proposed seems to be a good fit for the area and it does conform to the future land use map which does indicate that the site is designated as medium density residential. R-6 falls squarely within that and the proposed density is actually under what they are requesting. The only thing that staff would add is that it be considered that phase one of the subdivision include the pool and the clubhouse for the subdivision in phase one rather than phase three. That is what I was conferencing with the applicant about just a moment ago. They would like to make one clarification as to why it is not in phase one. Other than that, staff would hold true to the recommended conditions of approval and staff would stand for any questions you might have relevant to this application.

C/Young: Any questions for staff?

C/Gealy: I have one; could you clarify which ten acres are being annexed and is everything else, is it in city limits?

Troy Behunin: Absolutely; so if you'll look on the map that is behind you, there is an outlying smaller piece basically in the center of the project. I will come up and point it out; this piece right here.

C/Gealy: Oh, that piece there. So, everything else is in the city limits?

Troy Behunin: Everything else is in the city limits. In fact, it was in the city limits and it was part of the Local Improvement District program.

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C/Gealy: Thank you.

C/Hennis: Within the packet here, I didn't see any of the listing for that neighborhood meeting attendance. Is that... did I just miss it in here?

C/Wierschem: I didn't have it.

C/Hennis: So, were there any objections or anything brought out during the neighborhood meeting?

Troy Behunin: I apologize for ... I thought it was in there. I apologize. Jane? The applicant will address that.

C/Hennis: Ok, I don't have anything else for Troy.

C/Young: Any other questions for Troy at this point?

C/Gealy: Not at this time.

C/Young: Ok. Thanks Troy. Will the applicant please come back up for a moment and just clarify?

Jane Suggs: Again, for the record, Jane Suggs Memory Ranch. Let's talk about the suggestion from the staff about making the ...do you want me to rebut that now or just clarify the neighborhood meeting?

C/Young: Actually, if you could just clarify the phasing, and then we can talk about the other.

Jane Suggs: Yeah, the phasing... we have put in a lift station for the subdivision and we also have a mile and a half of off-site irrigation line that we have to build, so we are doing quite a bit of that off-site. We have two entrances on Ten Mile that are built in the first phase. We also have to build sidewalk as the phases go on Ten Mile. We have to pave some of Ten Mile. Of course, we have to build the pathway as we go through each phase. I have chatted with the developer and he's respectfully requesting that we continue to add the pool in the third phase just mostly because of all the other work that has to be done off-site in preparation of just getting the first phase, so we would ask that we continue to put that in phase three. We will do the entrance but it will stop and then the pool will come in the third phase when there is development around the pool so it won't be stuck out in a place that is undeveloped sort of adjacent to undeveloped.

I thought that I had sent that neighborhood list in; we had a really good meeting. I don't have it with me but.... Oh good, look there we are. The Edmonds who live on Lake Hazel; of course the Johnson family that owns the property now; we had a really good response from the Durrant family that lives across the street and Dan who is here and lives on that piece that is right on the corner of Lake Hazel and Ten Mile so I need he is very concerned and wants to make sure that he gets his irrigation water because that's always what people are concerned about when something happens to them. It is state law that we have to continue to maintain his irrigation water as we go through, we know that. I would say from the Connelly's who live a little further east on sort of a ten acre horse property; like the Durrants, they are mostly concerned with the density but again, you heard from the staff and you know from your own comprehensive plan, medium-density residential is anywhere from four to six units an acre and we are actually just below four so we aren't as dense as the comprehensive plan calls for.

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And again, one of the concerns of course, is to utilize that investment made in that wastewater treatment plant. We need to get some homes and get some flow through that. Does that answer the questions? I'd be happy to clarify even more, but again we respectfully request to keep that pool in phase three just because of those expenditures that do have to occur early in the first phase just to kick off the project.

C/Wierschem: I have an additional question. You mentioned three phases; do you have a timeline for each phase?

Jane Suggs: Actually, there are six phases, as you look on the map back here. We think that we could probably build it out in seven to nine years. It really depends on the market. Its 261 lots so we think that seven to nine is appropriate for that many lots. Again, we will see how the market reacts to interest rates and those types of things.

C/Wierschem: I was just mostly concerned; if the pool is not coming in until the third phase, what timeline is that?

Jane Suggs: Maybe four to five years from now, probably more like four.

C/Wierschem: Ok, thank you.

C/Young: Ok, I do have one additional question as well. The landscaping that is associated with the pathway along the lateral; you mentioned that is on private property; is it going to be listed in with the HOA (Homeowners Association) that the HOA is responsible for that?

Jane Suggs: The HOA would take care of it. And the landscaping and such would be more natural. We would probably not do... we would probably get started with an irrigation system that would get grasses to grow, but most of that area because it is next to the canal would be more natural landscaping, so it wouldn't be flowers planted and that type of thing because it's just not appropriate to put by that canal there. In other places we'll have trees and shrubs and flowers but in a lot of that area, there will be more natural grasses that are maintained at first, but they start to lose the need for maintenance over time.

C/Young: Thank you. Ok, so we'll go ahead and open the public testimony at 6:32. Do we have a signup sheet Troy?

Troy Behunin: Yes, sir.

C/Young: Ok, I will start with those who are in opposition, and I have first listed, Richard Durrant. Please state your name and address for the record please.

Richard Durrant: Thanks. Richard Durrant; 7590 S. Ten Mile Road, Meridian, Idaho. Mr. Chairman, members of the committee, I am here to express my concerns as Jane talked about, at the neighborhood meeting our major concern is the density. We live in an area where there are a lot of one acre lots developed and I mean, as somebody that has lived here for 50+ years, I do have to let you know that I am kind of anti-growth but I do appreciate the regulations as we go through to accomplish this. My biggest concern as a taxpayer is the burden that it puts on the school districts due to the increased density and the amount of people that we put into the school system. Every year my school levy was considerably large. We own quite a bit of ground just across the road from the proposed property so I just see more levies coming down the road that is paying for this growth. I still have a concern that growth should be paying for its own way and I understand, this is probably an argument for the school boards to be presenting, but I know the land is currently zoned R-3 and I think that an R-3 is a doable number that we can live with. I also engage in agriculture and

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farming and I am still concerned about; even with the one acre tracts that I have, I have people calling me when my irrigation equipment, mainly my center pivots are blocking their view of bogus and different things, and I just cringe at the thought of all the small lots being presented right along Ten Mile corridor and the amount of calls that it will generate to me. As well as my agricultural equipment is large and slow and definitely creates a burden on the roadways, I understand and I really think that we need to definitely have some wider roads and some things to accommodate the proposed increased traffic and I am still trying to figure the math of 262 lots on 64 acres; that's R-4 or smaller but do the math; looking at 4500 square foot lots. To me, I do the math, take out the roadways and say 'ok, you're actually looking at six, seven, eight houses per acre', I know they get to figure the corridors and the right of ways and the parks and everything in there, but definitely in my opinion, is a very high density for the area that we have dealing with a lot of one acre lots on the back. Thank you for your time.

**\*\*All Commissioners thanked Mr. Durrant for his testimony\*\***

C/Young: Ok, and next, I have listed... I am not going to say this correctly, but I have a Joe Guido; hopefully I didn't mispronounce your name.

Joe Guido: My name is Joe Guido and I reside at 7744 S. Bella Terra Lane, Meridian, Idaho. I want to start by bringing up a letter that was received and mailed out by Megan Leatherman of Ada County Services on August 4<sup>th</sup>, just a few days ago. Their clear displeasure at the City of Kuna's encroaching on a plan and agreed upon by Idaho Code, into the City of Meridian's adopted city of impact. This development clearly encroaches on that and it's going to create a lot of legal issues. I'm sure that you have all read this letter; if not, I can give it to you.

C/Young: I have not seen it.

C/Wierschem: I have not seen it.

Joe Guido: Do you need it?

C/Young: Actually, what we should do is; while you finish, if we could have Troy make a copy of that for each of us.

Joe Guido: I've got lots of copies you can have.

C/Young: Well I need one for each of us is what I am saying so, if you could do that. Mr. Guido?

**\*\* Mr. Guido introduces a letter to the City of Kuna from Ada County Development services (shown as Exhibit C.2 the Planning and Zoning Commissioners**

Joe Guido: My recommendation right off the bat is for the city to deny this application and hold off until the city gets a master plan; a total comprehensive plan. If I was a twenty year old person, twenty-something; coming to the city of Kuna and I wanted to ask: 'what is your vision? What am I going to be encumbered with in twenty years if I live here and raise a family?' Is it all these little pockets of islands within the county? Hop-scotching over ground, creating all these incompatible subdivisions when zero services, like this development, the only service that is available is a water and a sewer main. There is no services. Condensed housing; six to the acre and apartments and condos need to be near the city center. That's what city businesses want. There is nothing in the core city of downtown Kuna being; I don't know why a business would want to come there, where all of the development is at the farthest outreaches in

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the webs of Meridian. Not, you know, near the downtown so I know that with manufacturing and industrial and jobs, all of the people that make money are employed there with the city, if the city actually wants to have these companies come in and attract them, they're going to have weight scales of various different types. They're going to have from the executive pay scale, all the way down to the low income and the housing should be commensurate with that. Right now, it seems like all of this being, I see, is low income housing. I know it's called affordable housing.

C/Young: Ok. Ok.

Joe Guido: ...and I like the politically correct version of affordable housing, but when you really net it out, it is low income housing.

C/Young: Ok, thank you.

Joe Guido: There's no way to slice it or dice it; and the stigma that the city is creating...

C/Young: Alright. Thank you. Thank you, Mr. Guido for your testimony. You're time frame is up.

Joe Guido: Pardon me?

C/Young: As I stated in the rules just prior to the hearing starting, there is a time frame, and the alarm has gone off.

Joe Guido: I didn't get the... I didn't hear you.

C/Young: The time frame that was given at the beginning of the hearing for public testimony has expired. I'm sorry; I'm not speaking up very well. The time frame for testimony; your time has expired. So, we're going to get a copy of that letter, but we do thank you for your testimony.

Joe Guido: Ok. Thank you.

C/Young: Yes. Thank you very much.

Joe Guido: I would just like to see a more orderly way of doing things. This is very disorderly.

C/Young: Thank you. Ok, is there anybody here that has not signed up that would like to? Ok, with that, then we will also have the applicant please come up and rebuttal.

Jane Suggs: So sorry to interrupt in that way. Again, Jane Suggs, representing Memory Ranch. I just wanted to make sure that we had the comments and I can comment on the two speakers; and certainly Mr. Durrant who is a neighbor and is very concerned with the changes that are happening in the neighborhood. I think that one of the ways; and I can't really speak to this with any numbers because I haven't done an analysis of the school levies, but I do know that when we start looking at these larger subdivisions, we have to do an analysis of how much money goes into those levies and into those tax coffers from the new building and the way that it looks is that the taxes that will be paid from the subdivision will well be much higher than the cost of services. There was some discussion about how this is a burden on the tax payer when, in fact; all the services that have to be taken to that subdivision are built by the developer. We're not going to be asking the city to build anything, just like that off site irrigation will be a piece of the

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infrastructure for the city that we'll build so that we can tie into the Kuna irrigation system. Mr. Durrant said this was zoned R-3, but it is zoned agriculture, and so we're zoning it because it is in the city and it is zoned agriculture, so we are re-zoning it to R-6. And I understand what he is talking about; you can take a block and take the roads out and come up with different densities, just like the larger lots; if you took two or three larger lots, you would have a much lower density, but the way we calculate density and the density according to your code is a gross density that includes all of the land and improvements. So that is what we're coming up with; the 3.87.

About Mr. Guido; I am unaware of that letter, but this property is already in the city so it should not be a conflict with the city of Meridian, and I think I know that north of Lake Hazel, up to Amity Road, is the conflict area, because I've worked on projects there, where in fact they're in the city of Meridian's impact area, but city of Meridian can't necessarily sewer it. So I was involved in some projects that were in that area, that we were trying to work out a way for Kuna to sewer some land that might have ended up eventually in the city of Meridian, so this property is not part of that controversy.

Also, as I've said, we build services and we have done... because we've had to do for our larger lot subdivisions, over 50 lots, we had to do an analysis of the fiscal impacts. We did start looking at what the home prices would look like and my analysis, according to the developer's information that he has provided; some of the houses may be as inexpensive as \$157,000. That would be one of the cheapest.

But they also go up to over \$300,000. That is not low income housing. That is the range that we like to provide so we can have a whole mix of people that want to come in with a smaller home; someone like me, because I am ready to downsize a little bit and come in with a smaller one-story home. I don't need a lot of yard, just me and my little dog and that's it. I like the idea of living possibly across the street from a park but then there are still families, and so they require some of those larger homes so again, I don't believe this is low income and we are not in that controversial area unless somebody else has more information about that since we are in the city. Thank you.

**\*\*The Commissioners thanked Jane Suggs\*\***

C/Young: Ok, then with that in mind, I shall close the public testimony at 6:44 pm and that brings us to our discussion.

C/Hennis: As far as I know, I agree with that; that is not the area that is being disputed between the cities at this point. Like she said, it is already within the city so I think that is kind of regardless. I don't think this looks low income at all. It definitely has got a lot of houses in here.

C/Young: I know. I'm...

C/Hennis: I am concerned about two things: 1) both parks are going to be built out in late phases; we are talking four to five years according to the applicant including the pool; 2) and the other is responding back to a couple of the incidents that we have had in phased subdivisions before with landscaping, and who is in control of the landscaping along the roads in different phases. So, if they build out phases one, two and three and then sold off four and five; who gets those landscaping areas along the street -like we have run into? Those are the two things that I came up with.

C/Young: Well, in my mind, I understand staff's want and the cities want to have a major piece of the project in place; which would be the pool house. I also understand that the applicant wants to recoup some of their investment before, you know, as they go through their stages so I would almost be in favor of even putting it in phase two and kind of coming somewhere in the middle.

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C/Hennis: It would be tough considering it is not anywhere near the construction. The only thing I could say is maybe the even ground is maybe not put the pool and community house in but add the park, because that gives them a play area. It gives people open space. It doesn't require all that much capital outlay because right now, I mean, they don't have any real open space which is what they're trying to show. .. You know, one of their selling points in other words.

C/Young: True; any other thoughts?

C/Gealy: Well, I agree; I am sure the applicant has every intention of following through and developing as beautiful a subdivision as we see here with the parks and pool and landscaping, but we have had several experiences in the recent past where the promises have not been kept and homeowners in the subdivision are left kind of holding the bag when property changes hands. So I am not sure that I would necessarily say that we need to require that you put in a park or pool in the first phase, but I would like for us to investigate the possibility of some sort of a condition that the park and the pool are attached to this property and to this subdivision regardless of the owner or developer; or if that should change hands, the park and the pool should still be there. I also have the same concern about the maintenance of the pathways; that over time, the pathway along the canal and the pathways along Ten Mile and Lake Hazel would continue to be maintained regardless of the developer or how many times that property changes hands. Does staff have any suggestions for us?

C/Young: Actually, I think we can just make the conditions, as phasing goes, for the landscaping to be installed and make sure that's on.

C/Gealy: But what we have encountered is when property changes hands, it seems like those conditions are forgotten and no longer apply.

Troy Behunin: So, to address the easy one first; the pathways and the open spaces will be under the control of the HOA so that really is not a concern for staff. An HOA will be established when this does get developed.

C/Gealy: So the concern I have is I have heard that before, and as subdivisions; as phases changed among developers within a subdivision, current and existing homeowners and the homeowners associations, but a new developer will determine that new homeowners and the existing homeowner association are exempt from the dues, so...

Troy Behunin: Are you referring to the subdivision on Ten Mile?

C/Gealy: I'm not referring to any particular subdivision. I'm not naming any names, but I am trying to avoid the mistakes that have been made in the past.

Troy Behunin: Yes, and staff is acutely aware of your concern, although that was a little different; in that part of a platted common lot was landscaped; the entire common lot was platted in the past, [and I am not going to name any subdivision], but I think we are talking about the same one. An entire common lot was platted when the final plat was recorded; however, only about a third of it was landscaped. We have mechanisms in place now that whatever you are bringing forward for consideration for the final plat by a developer, it will be landscaped 100%. So, if they are only platting half of the common lot, they only have to install the landscaping for that half that they are putting forth on the final plat. The rest of the common lots would be added to when the next phases adjoining that gets recorded and then it would progress in that fashion. Just for example; the Harris Lateral, it runs from the center top down to the lower right hand corner. That is actually going to be broken into several different pieces or at least two different pieces. They

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don't have to landscape all of it unless they plat that lot. If they don't plat that lot, meaning it doesn't get recorded, then they don't have to install. They only have to install the landscaping as they progress.

C/Gealy: And that is the same case with the pool and the park. They don't have to install that until they plat that phase.

Troy Behunin: That would be correct.

C/Gealy: So, what sorts of mechanisms do we have to assure homeowners that are in phase one, that eventually there will be a park and a pool?

Troy Behunin: That is a very good question. If you will turn to the very last page of the staff report; condition number eleven, it states: 'the land owner/applicant/developer and any future assigns having an interest in the subject property'

C/Gealy: Thank you Troy.

Troy Behunin: That which you are looking for: 'shall fully comply with all the conditions of development as approved by the Commission or Council' or they have to seek amending them through the public hearing process. So there is a catch all here.

C/Gealy: Thank you.

C/Hennis: Perfect.

Troy Behunin: Does that alleviate your concerns Commissioner Gealy?

C/Gealy: So is there then also a condition with respect to the landscaping and maintenance of the common areas?

C/Hennis: Yeah, I saw that in there.

C/Young: Correct me if I am wrong, but as these are developed the HOA takes over as each phase is completed so the HOA is then responsible for that and then it transfers from the developer to the HOA.

Troy Behunin: Yes, they just have to demonstrate that they are establishing a homeowner's association and that they provide a method for its care and maintenance in perpetuity; and they have done that so far.

C/Gealy: So condition nine says 'maintenance and planting within public rights of way shall be with approval from the public entities owning the property'. Is that the HOA?

Troy Behunin: You could throw in HOA just to cover the base.

C/Gealy: Because that makes it sound like it is reverting back to the city to maintain those areas, by referring to a public entity. So, we could say homeowners association?

Troy Behunin: Or you could simply sum it up by saying 'lot owner'.

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C/Gealy: The other thought that I had was that on that southern access to Ten Mile that they intend to close when they open the mid-mile?

Troy Behunin: When they open the mid-mile collector?

C/Gealy: Is there a condition that that would be noticed on that property that that is a temporary access and will be closing?

Troy Behunin: You can certainly condition that; that the neighborhood is... so that homeowners in the vicinity are made aware as they purchase, to make that available.

C/Gealy: The applicant did suggest another condition of approval; that any changes to the phases would be subject to the approval of Kuna city staff. At what point would staff determine that perhaps another public hearing would be in order?

Troy Behunin: If the request was not in balance with the conditions because that really is a utilities drive and a market driven...

C/Gealy: So they are not talking about significant changes, they are just talking about timing?

Troy Behunin: No, I think they are talking about timing, perhaps scheduling, maybe phase three become phase two or maybe phase five becomes phase six. Or maybe the alignment between the phases does change a little bit. You know, in yesteryear, people used to plat about forty five to sixty five lots per phase. We are seeing quite a reduction in that for the most part. Usually they are platting between thirty five and forty house per phase. I don't believe that they are anticipating adding phases; they just want to know if they can maybe change the schedule or alter the lines slightly.

C/Gealy: Thank you.

C/Young: Thanks Troy.

C/Hennis: I don't think I have got any other concerns outside of any that Troy has already addressed as far as what we've run into in the past.

C/Young: Does anyone have any other points then? Then I guess I would stand for a motion.

C/Gealy: In the interest of full disclosure; I do know Don and Mary Johnson. We go to the same church.

*Commissioner Gealy motioned to recommend approval of 15-02-A, 15-02-ZC, and 15-01-S to the City Council for Memory Ranch Subdivision with the conditions of approval as outlined in the staff report and additional conditions that:*

- 1) Changes to the phases will be subject to the approval of the Kuna City staff;*
- 2) The southern access will be noticed as a temporary access on Ten Mile; and*
- 3) That in condition 9. –Common area maintenance and plantings will be the responsibility of the lot owner;*

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*Commissioner Hennis seconds, all aye and motioned carried 5-0.*

*Commissioner Hennis motioned to approve **15-04-DRC** for Memory Ranch Subdivision with the conditions as outlined in the staff report;*

*Commissioner Wierschem seconds, all aye and motioned carried 5-0.*

C/Young: Ok, before I call the next item on the agenda, I will just remind everybody of the public hearings rules and the time frames for testimony. With that, I need to disclose that the company I work for has a contractual relationship with the forthcoming applicant; therefore, I am going to have to recuse myself and turn this piece of the public hearing over to the vice chair.

C/Wierschem: Thank you. Before we get started, I wanted to ask if there was anyone here that has not signed up that would like to do so at this time. Could I have a staff member to take a signup sheet?

C/Hennis: This gentleman needs to sign up.

C/Wierschem: And while they are taking care of that matter, I just wanted to kind of reiterate that tonight for our meeting, I am going to ask everyone who would like to testify, to hold their testimony to three minutes. However, if the buzzer goes off while you are speaking, you may finish your sentence, but when you take your next breath, I am going to ask you to stop at that time.

If you do not hear the buzzer, I will interrupt you. I want to make sure that we have adequate time so everyone has their chance to speak tonight. Do I have an applicant that would like to come up and present?

- b. **15-04-SUP** (Special Use Permit) **15-05-DR** (Design Review) - Idaho Solar 1, LLC / Origis Energy USA, Inc: Applicant requests SUP approval for a 40 MWac solar photovoltaic project totaling 180 acres over 3 parcels, totaling 220 overall acres. Applicant proposes development of a commercial photovoltaic solar project, access from Barker Road, and design review approval for the accompanying landscaping in the required buffers.

Michael Chestone: Ladies and gentlemen, members of the Commission; my name is Michael Chestone. I am the director of development for Origis Energy, here to present the ID Solar One application. So I wanted to start out by giving you a little back ground on our company but I very quickly want to move through that to address the project itself as well as the concerns of the neighbors and make sure that we can address everybody's concerns and talk to them adequately.

Slides full screen please: Control L. Thanks. So I represent Origis group which is a group of companies that specializes in the development, construction and long term ownership of solar photovoltaic projects and solar PV projects alone. We have a long track record in owning and operating as well as developing and constructing these projects and we are truly experts in the field.

We are the long term operator of this plant and I would ask that you kindly remember that as we move forward and that our wealth of experience in owning and operating over 100 of these types of projects has brought a great deal of knowledge and information to bare, and comes into play in our design. So a fully comprehensive approach through the siting, developing, financing, engineering, the procurement of the equipment, the construction and the operations are all done at a world class level and with tier I players only. We have financed

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over three hundred million dollars of these types of projects in over five countries around the world with some leading banks you'll see and recognize there. I raise this issue so that you can appreciate that these projects are very well thought out; they go through deep levels of committee and due diligence, both in independent engineering as well as the financial aspects and the viability of them. This is just an overview of some of the places where we have some of our projects. I should note that my personal experience is more in the western U.S. and rocky mountain area as well and I have been in this industry for over twelve years.

While we are a larger multi-national company, we do pride ourselves on taking a localized approach and that really works its way all the way down through the chain as well; our local contractors, our local land owners, our neighbors and our communities in which we work and we feel that these projects truly bring a great deal of benefit both in the short term and the long term in the communities in which we work.

Solar is a recently, relatively new and I will use that loosely; in the last ten years, we have only seen these types of large projects, but the technology has been around since Bell labs in 1953 so this is a very well known technology; however, the cost of the capital cost of these projects has come down so significantly in the past few years due to the scale of their deployment worldwide that we have been able to compete on the level of fossil fuel generation. It is important to note again, that the technology is widely proven; it is widely accepted that these plants are in existence all over the western United States and have been operational for many, many years in quiet cooperation with the neighboring communities. Again, all of the materials in this plant; there are no hazardous materials or chemicals used and that includes the operational phase. We don't use any hazardous chemicals or sterilants contrary to some misconceptions. The development itself provides a significant tax revenue base, both short and long term jobs over the construction. There could be over 350 jobs created and in long term job creation, we are looking at about five full time equivalents when you take into consideration all of the vegetation management, the electrical and ongoing operations that you do to make sure that these facilities are operating correctly and safely. The community itself; every community that I have ever worked in has walked away very happy from these types of projects and have all experienced a great deal of benefit both from local hotels, gas stations, hardware stores, you name it. It certainly brings a large degree of benefit to the community.

So, I want to get right into the project itself; and I appreciate you having reviewed our packet. I know it's a little bit long. The application itself; we believe is fully consistent with all of the long term planning and zoning so from a code and legal perspective, we believe that the project is fully compliant as noted in the staff report.

A little bit more on the development status; we have a fully signed and executed power purchase agreement with Idaho Power. We are in the advanced stages of the interconnection process; we are finalizing the engineering and the financing of this project. This is rounding out and coming to a mature stage where it is ready to be shovel ready and built. The technology is a very inert, multi-crystalline panel that directly converts photons into electrons using the photovoltaic process. The modules themselves; the panels if you will, are put on a single access tracking system that stands about this high with the panel at the highest point and tracks from east to west to maximize your energy density and your energy production per acre so it's a very important piece is we try to maximize our efficiency and density per acre for this project.

There are no large reflective mirrors that cast glare or kill birds. Very important to note; the plants are nearly silent once they are in operation. In this case, we are proposing a series of types of fences is what we would ultimately end up with. One of the things, a concern has been raised by the citizens and the neighbors and we want to work closely with them to help appease some of their concerns, so if there is things that we can do to help be a good neighbor and be a good steward of the community, it is not that big of a deal and we would like to do that. At this point, we do need to have a six foot fence with some type of security feature around the top because of safety reasons, is the primary concern there. So what we propose as we go down further, perhaps we can mask that fence with some other natural feature like a berm or landscaping such that it won't be visible.

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So through the application process, we have tried to dot all of our 'I's' and cross all of our 'T's' with the neighborhood meeting, we voluntarily extended the diameter in which we sent neighborhood letters out. We had our public agency notification; generally not very many comments, certainly noting substantive there. We had not major objections from public agencies. I've been working very closely with Kuna Fire to show them the plans throughout the stage and help them understand their requirements and what they would see. We have gone through our site posting process; there are currently two signs out there; one on Barker and one on Cloverdale. I would like to note that we are outside the Birds of Prey conservation area and we do sit outside of that border. We believe that our impact to the actual birds in the area is going to be minimal; however, we have received some concerns about that so we would also like to voluntarily implement an avian monitoring and survey protocol as part of our plan so we want to recognize that concern and address it. But I should also note that these types of projects are well understood and well deployed in particular in California which is perhaps the most arduous permitting process that you can go through in particular for a power plant and they have the highest density of these plants. We are agriculturally zoned private property; all of the property is private and we are very clearly labeled a public service facility which is a designated special use as part of agriculturally zoned land.

This is an overview of the project. There are two jurisdictions involved; you as well as the Ada County Planning and Zoning for which we have filed a conditional use permit as well. This is not showing up all that clearly but essentially, what you can see is the top left portion which the northwest portion which would fall within the city limits of Kuna.

These are pictures of the technology itself. These are again, seventy two cell multi-crystalline panels sitting on a single axis tracker. We don't have to do extensive grading at this site. All of the natural drainage will flow as it flowed for decades and millennia perhaps before. We don't disturb the ground nearly at all except for these vibratory driven posts that go into the ground and then a series of twenty 'poured-in-place' concrete pads where the inverters sit.

So, community letters; this is very important to Origis that we work closely with our neighbors and I want to spend the majority of our time here to address those concerns if we could.

Again, health and safety, I wanted to dispel any misconception that there are any hazardous materials or chemicals being used. This is again, inert materials, and from an environmental perspective, solar P.V. is arguable the least impactful form of electricity generation. In terms of construction, we always strive for zero incidents during construction. That is a goal that we pay very close attention to.

The glare concerns: all of our modules use anti-reflective coatings and I have the independent engineering reports that validate that so it's a widely used practice; it's low-tempered, iron glass that I believe is 3.2 millimeters with an anti-reflective coating on the inside. These panels are designed to capture light. They are designed to maximize their efficiency and use light trapping techniques so that light does not escape. Further, we have had communication with the Idaho Army National Guard who runs their Orchard combat training center in the area who initially contacted us to discuss the project, and after a couple emails exchanged, they have expressed their support for the project and have not concerns for their flight operations which will be low flying over the project.

And again, from the neighborhood perspective, we are looking at a solid fence or essentially whatever we can do that will be within compliance with code and be most visually appealing. We'll work with staff to develop that.

Impacts to wildlife: again, this is not a lot of the solar plants which you have seen in the news which are the solar thermal reflective mirrors where they are roasting birds. This is photo-voltaic technology and we have intentionally stayed out of any sensitive areas and we sited and chose this property specifically for those reasons. We spent extensive time and money researching this area with our consultants and researching all of

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the study data that is available both at the state and county and different agency levels and have chosen the least impactful ground as we can. But again, recognize that it is within proximately to the conservation area and we would like to voluntarily deploy avian monitoring protocol.

So there are a couple of other things; I have talked about the visual impact and I think my message is loud and clear that we would like to develop a strategy in coordination with staff that will be visually appealing. We have attempted to adopt the landscape ordinances that the city has and wherever possible...you know, we will extend those or move things around materially and we have spoken to some neighbors that have contacted us directly. Anybody that has reached out, I have contacted them back within a matter of hours so I have tried to be as responsive as I could to anybody that has reached out directly.

A letter came in this morning from a gentlemen; Mr. Russ Fulcher, I believe? I may not be pronouncing that correctly, but I have provided a response letter to that hopefully, you have received. But some of the key elements that I would like to take away from that.

This project does not rely on subsidies. Much like any business, there are tax credits. Any semiconductor, aerospace facility; they are going to get some form of tax credit, but there are no ongoing subsidies that we rely on. This is not a facility that is going to need incoming money from the government nor do we receive a single dime from the taxpayers. This project in and of itself is adding to the tax base, both at the local level, the state level and the federal level. Without this project, the tax base would be less.

The technology: this area that we sit in is a summer afternoon peaking demand profile so air conditioners run in the hot summer months and the solar generation matches that very nicely so our pricing that we receive from Idaho Power; there is no impact to the rates that is an increase in the rates for local rate payers. If anything, this project is going to stabilize the rate and it provides a long term surety on a twenty year, pre-defined pricing with one of the most predictable sources of fuel that you can find in the world. Sunlight is far more predictable than the price of gas and so knowing the price of this fuel and the cost of electricity is going to stabilize this rate base. There were a couple of other statements in here that I have just found to be factually untrue, and so I have rebutted those in my response letter. Just from a technical perspective, they're simply not true and the primary one being that for every new megawatt of solar, that you would need to add another additional firm or base load conventional power plant to back up that intermittency; and that is just not the way that the system works. So I believe I have covered most of what I'd like to present, but again, I really appreciate the opportunity to present this and welcome the forum and any comments that we could have and look forward to working with the Commission, the staff and the community. Thank you.

C/Hennis: Thank you. Could I ask one quick question on your presentation? So, on your single axis tracking system? Your picture that you showed up here; you showed it basically an up to down tracking system. How does this one differ by doing an east to west? It doesn't seem similar to what you show up there.

Michael Chestone: So the rows are oriented north to south so if you are looking right down that row, you can see if the panel was here...

C/Hennis: Ok, so this would be like north on the right hand picture?

Michael Chestone: Yeah, that's correct.

C/Hennis: So it rotates that way? Ok. I understand.

C/Wierschem: Any further questions? Thank you.

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C/Gealy: No questions.

Troy Behunin: Vice Chairwoman Wierschem, fellow Commissioners, for the record, my name is Troy Behunin; Kuna Planning and Zoning staff, senior planner. The application that you have before you this evening; 15-04-SUP, special use permit and 15-05-DR design review; staff is here to notify you that the technical merits of the application. The applicant has submitted all of the materials that are required on our applications and they have been assembled in the packet for you. Hopefully you have had a chance to review them. I know there was a lot. Somewhere in the neighborhood of 110 pages and I can also tell you that in the packet, it does indicate the neighborhood meeting was held and a list of notes and the names of those who attended that meeting along with that, the other procedural items for notification for this project have also been followed according to the Kuna city code. The site has been posted properly. The applicant held a neighborhood meeting properly. Instead of sending out letters to landowners within 300 feet, notifying them of this project; the notification radius was actually closer to 1000 feet and this project was also advertised in the Kuna Melba News for this public hearing tonight. Along with the application for the special use permit for the 220 acres at the southeast corner of Cloverdale and Barker Road, there is also a design review application for the landscaping along Barker and Cloverdale Roads. The applicant has complied completely, 100% with the design review requirements for a landscape buffer for the immediate corner adjacent to Cloverdale and Barker for what will become the substation where the power will be collected and then transferred to Idaho Power Company; but because of the length of the project down Cloverdale and Barker, it has been requested that the standards be relaxed a little bit and it is the authority of the Planning and Zoning Commission to relax those somewhat so staff would also be seeking some kind of an approval from you on what kind of negotiations we can reach with the applicant on that. The applicant did mention putting up a fence in between their project and immediately adjacent properties and staff could certainly work with them on that and it would be allowed. They have provided all of the materials that we have requested, they have followed all of the notification procedures so I would stand for any questions that you have; but before you do that, I would like to read into record two letters. The applicant did mention Russ Fulcher sent in a letter this morning because he couldn't be here tonight to testify and for the benefit of the public that is here, I would like to read that into record so that all might hear his letter. So this is the letter:

Honorable Chairman Young, Vice Chair Wierschem, and Commissioners Gay, Gealy, and Hennis:

Thank you for your service. As a life-long resident of Idaho's Treasure Valley and someone who served the same constituency as you for ten years, I understand your service and your sacrifice; and I am thankful for you and what you do.

It is my understanding that you are considering a special use permit (SUP) for a solar generation facility in southeast Kuna. During my years in the Senate I had the privilege of working closely with the energy industry and have an appreciation for its' importance, along with the need to balance wise environmental management with fiscal stewardship. Specifically on this issue, I spent two years completing the legislative energy horizons institute (LEHI) program for gov't. Leaders (administered by the U of I). What follows may be information you already know, but I respectfully request you review these comments and insert them into the record as my testimony on this issue:

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1. As much as we all may desire, the current cost of transmission and inability to economically 'store' produced energy (of any type) prevents solar generation technology from being independently viable on a broad-scale. In short, taxpayer subsidies must be demanded for a large solar source to be competitive.

2. Solar energy is a "peak" energy source, which means it is not dependable 24-7 (ie: the sun does not shine all the time). Every time more "peak" energy supply is inserted into the power grid, an equal or more amount of "base" power (coming from the likes of coal, natural gas, or nuclear) must be made available to that grid. This is to guarantee the overall power source always to be stable. If you've ever been posed the question: "What type of power do you want supplying the operating room when you go into surgery", you recognize that the analogy favors "base" power sources as the most appropriate answer. Put another way, every time a "peak" source is inserted into the grid, the overall utility rate must increase in order to provide for an equal amount of "base" power.

Prior to your decision I encourage you to consider these points, and the incremental utility rate increase that approval of this facility will possibly necessitate, along with the following: How will the city of Kuna mitigate the cost of an inoperable solar facility if and when the necessary and affiliated government subsidies go away (which I believe to be an inevitable reality)? At a minimum, it appears reasonable to demand the developer provide up front for the fiscal needs of demolition and removal should it be necessary.

Again, I thank you for your service and also for the consideration of my testimony.

Sincerely,  
Russ Fulcher

Troy Behunin: And then the response letter from the applicant was sent late this afternoon. It reads:

Honorable Chairman Young, Vice Chair Wierschem, Commissioners Gay, Gealy, and Hennis:

Origis Energy USA, Inc. ("Origis") is pleased to respond to the letter submitted by Mr. Russ Fulcher. Origis very much appreciates community input on our project as well as the community service that Mr. Fulcher provided in his various positions. With that said, we are compelled to response to some points that were made that are fundamentally and factually incorrect.

1. This project is not reliant on any subsidies and does not receive any money from any local, state or federal government(s). Like most industries, the solar industry does benefit from a tax credit (the Investment Tax Credit). A subsidy by definition is when dollars are paid to an entity from government funds, whereby tax credits are a mechanism provided to most industries to encourage growth and relieve tax burden over a pre-determined and short period of time (including conventional energy generation, wind, semiconductors, aerospace, film, defense, automotive, etc.).

2. This project significantly adds to the state, local and federal tax base with dollars that would otherwise never be realized without its existence.

3. The rates that our project is paid by Idaho Power for electricity are based on avoided cost. That is, these rates represent the replacement cost of electricity paid to any type of generation that they provided Megawatt Hours (MWh) during the same hours that we do. Our project is approved by the Idaho Public Utility Commission and will only serve to stabilize rates in the region. By having a project with long-term pre-determined rates and a fuel source as reliable as the sun, Idaho Power will be able to rely on a generator that affords some of the highest levels of cost predictability in their fleet.

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4. The statement below is misleading and we would be happy to discuss this in greater detail:

“Every time more “peak” energy supply is inserted into the power grid, an equal or more amount of “base” power (coming from the likes of coal, natural gas, or nuclear) must be made available to that grid.”

-While true that our generation source is an intermittent resource, it off-sets existing conventional resources and does not necessarily require additional generation capacity. This is particularly true given that Idaho Power’s generation mix primarily consists of hydro.

5. The Treasure Valley has a summer and afternoon peaking demand profile and does not currently have adequate supply during these peak hours. This is due to a number of factors, including transmission constraints to wholesale markets during peak times. In fact, many local farmers are forced to stop irrigating and curtail their electricity consumption due to inadequate supply during the time when solar is at its best.

6. To reiterate, this project does not require any money from tax payers (either initially or on-going) to maintain its economic viability. Like any other commercial enterprise, the continued viability is based on the underlying business plan. Our business plan is scrutinized to a much higher degree than nearly any other type of debt financing, with its assumptions validated before construction. The City of Kuna is not responsible for the eventual removal of this facility as this will be located on private land (similar to the City of Kuna not being liable for the removal of any equipment from any other private landowner’s property).

I thank you for your community service as well as for the opportunity to correct some of the many common misconceptions that the solar industry faces. We are willing to discuss this further in a follow-up meeting with Mr. Russ Fulcher.

Sincerely,  
Michael Chestone  
Origis Energy, Inc.

C/Wierschem: Does anyone have any questions?

C/Hennis: I don’t for him at this time.

C/Gealy: I do have one question: You said that you would like us to consider relaxing the standards due to the length of transmission along Barker and Cloverdale Roads?

Troy Behunin: The landscaping along those long, long stretches; some of which are more than a thousand feet.

C/Gealy: I missed the ‘for landscaping’ part. Thank you.

C/Wierschem: Thank you.

C/Hennis: One thing Troy; clarify for me what exactly is within the city boundaries given the site plan that they have, because there is only a portion of this that is in the city, is that correct?

Troy Behunin: That’s true.

C/Hennis: So it is just the areas bounded by Cloverdale and Chiefs Farm Lane?

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Troy Behunin: ... and Chiefs Farm Lane, yes.

C/Hennis: ...and up to Barker, so just this area? Ok. So all of this down here is Ada County?

Troy Behunin: Everything south of Chiefs Farm Lane would be in the Ada County application which we have no jurisdiction over.

C/Hennis: Ok. Thank you.

C/Gealy: But what we're looking at in your report is all within our jurisdiction?

Troy Behunin: It is all within our jurisdiction, yes, but not anything within the Ada County jurisdiction.

C/Hennis: Hopefully anything we require; they'll help to follow up with. They have not heard their application yet?

Troy Behunin: No sir, they have not.

C/Hennis: Ok. Thank you.

C/Wierschem: Thank you. So at this time, I am going to open up the public hearing at 7:42 pm. And I am going to start with Sid Anderson; in favor. Sid, you did not mark if you wanted to testify or not.

Sid Anderson: Madam Chair, members of the Commission; my name is Sid Anderson, 4110 Rose Hill, Boise, Idaho. I do currently reside in Boise although I am a long time resident to this location. My family acquired this property in 1971 so I spent most of my life there. In addition to that, later tonight we have an ordinance regarding lot splits, which if it goes through, we will probably annex some additional property and build my future home there. Just a couple of items to kind of speak in favor of it; most of my neighbors that are there went in after I acquired this property and we wouldn't object to them changing the landscape of what we enjoyed out there from natural landscaping to residential. In fact, many of them we helped. In fact we are also retaining our current residence there. My parents are remaining there which is immediately adjacent to this project and we are excited to have this as a neighbor. We also still have a farming project that is surrounding most of this and we anticipate them probably being better neighbors in the long term than other residential projects so just kind of speaking to what happens in the future. As far as...you know, it is kind of a great opportunity that we have; cheap power that is produced without hazardous materials that doesn't have a major impact to the ecosystem or changes in the ecosystem and it is within our community. We are strongly in favor of that and it is also within our taxing districts so I think that is a great benefit to us as a community. I know that we have a tendency to move into a community and feel like it is going to be static and it has to remain that way forever; but the reality is that our communities have to be dynamic and have to continue to change and I know that changes is hard. No one likes to see it, but it is a great thing as well and that is all I have. I will stand for questions.

The Commission thanked Mr. Anderson

C/Wierschem: The next person in favor is Robert Paul.

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Robert Paul: Thank you. My name is Robert Paul; I am a solar developer.

C/Wierschem: Could I stop you right there? Would you state your address for the record?

Robert Paul: Of course. 149 E. Mallard Dr., Boise, Idaho.

C/Wierschem: Thank you. You may proceed.

Robert Paul: So I am a solar developer who recently had a project approved down in Elmore County. I am familiar with this industry. I have been in the renewable business for thirty five years as a developer and contrary to public opinion, developers don't get rich quick as I am sixty-six years old so ... maybe some do, but I haven't seen it so ... I appreciate your patience tonight. It is a long evening and what I wanted to thank you for is listening to all of the different stories because, as a fact, the solar projects that are in place and operating like this are very good neighbors. They don't require police support, they don't require fire departments, compared to a residential housing project, and it's far less intensive on the services provided by the city. I have been familiar with Mr. Chestone for some years and I have always been impressed with his ability. He is one of the few engineering geeks that is actually able to convey concepts like this across the table to folks like you and I believe that their company is going to do a very good job with the project. So that is all I have to say tonight. Thank you very much.

The Commission thanked Mr. Paul

C/Wierschem: And the next person in favor, you did not mark testify or not, so I am not sure... Dustin Shively?

Dustin Shively: Shively, yes I meant to sorry.

C/Wierschem: No, you're fine.

Dustin Shively: My name is Dustin Shively. My address is 2216 White Pine, Boise, Idaho. I am a mechanical engineer here in the valley and I have also worked in renewable energy for several years beyond my normal day job; I also teach renewable energy at Boise State University in the mechanical engineering department and I would like to express my support for this project. On a few different points, I guess the first is; I was raised in the Treasure Valley and grew up here and I remember –and kind of to echo what Mr. Anderson said, the times when between Boise and Meridian and Caldwell, Star wasn't even anything and everywhere else, there was nothing in between and slowly we are seeing it fill up with subdivisions and some people might say that is unfortunate and others don't because they see growth in the Treasure Valley. Those subdivisions had to abide by local codes and ordinances to be permitted and to be built and to be operated and continue on; and this solar project is doing the exact same thing. They are following all of the necessary steps, taking the necessary precautions to be permitted, to operate it, taking in feedback from the community as much as possible and following all of the steps. That is development and growth in the area, but I consider this to be just as good as those subdivisions that have grown up between the towns that used to be very distinct. Another point that I would like to make is; I don't know if it is this Commission or this hearing to necessarily debate the viability of a solar project and when they should be built and when the shouldn't and where the power goes and how much should you pay...?

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The fact of the matter is that if we do need to speak to that, I think it is important to keep in mind like Mr. Chestone said that these are long term contracts that don't receive money from the local taxpayers or taxpayers at all. I have no idea what gas is going to cost in the year 2035 but I do know how much Idaho Power is going to be spending on energy from this solar facility and that is set. I can look it up at say... at 1:00 in the afternoon on Thursday, they are going to be spending ninety five dollars per megawatt hour or whatever it is. If anybody in the room could tell me what we are going to be spending for natural gas in 2035, then let's go outside and chat because I would sure like to know. So they're very concrete and the third; and I am running out of time, is mechanical engineering students that I teach graduate, have a passion for renewable energy and they are going to Houston, they are going to Portland, they are going to San Diego because there is no renewable energy in Idaho and so many of them want to stay here, so many want to work here and yes, this is one development; but Idaho is a great place for solar and wind and geothermal; and the more that we get here, the more we can keep our students here and continue on in renewable energy in general so on those three points, I am definitely in favor of this project. Thank you.

The Commission thanked Mr. Shively.

C/Wierschem: And then, for neutral: Sherrie Derr does not want to testify, is that correct? Ok, thank you. And then, in opposition; I have Victoria Fredrick did not indicate if you wanted to testify or not.

\*\*From the audience: "That would be me".

C/Wierschem: Would you like to testify.

\*\*From the audience: "We are still thinking about it. We have a lot to say but we're kind of upset at the moment".

C/Wierschem: Ok, I'll go through the list and then I will come back. Next is Marie Champie; would you like to come up? Would you state your name and address for the record please?

Marie Champie: Sure. My name is Marie Champie, I live at 18802 S. Cloverdale Road. My property is adjacent to the Ada County part. We share a fence line for this project. I am south of Chiefs Farm Lane so I do not share a fence line with the Kuna part of the project, but since it is part of the entire project, I think that I have a say about this. This almost six hundred acres, is a solar enterprise, it is not a farm. It's listed as a solar farm, but there is no ag (agriculture), there is not horticulture, there are multiple commercial structures with an unknown long term environmental impact on a residential area that is adjacent to such a project. And this power will not benefit Kuna residents directly in any way. Unless someone, of course, stands to gain financially from selling land for the project or working on the project. Because of the present law; federal laws, alternative energy generated by small generation companies and individuals must be purchased by Idaho Power. Idaho Power would like that to change and they are working on getting that to change; but at this time, they have to purchase back power generated by alternate energy companies. Idaho Power is a subsidiary of Bonneville Power. I worked for Bonneville Power as a technical writer and I was the office manager for their Boise office until they closed that. Idaho Power generated power goes into the Bonneville system and then we draw back power from that system. When there is extra power, they sell it to places that don't have enough power like California or the ... um, I'm sorry, I am a little nervous... the Midwest or wherever the power is needed and they can then market it. So there is no power benefit to residents adjacent to this company or to Kuna residents

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whatsoever. Now if some of the people working on this project come in and buy things from the store, then yes there might be some benefits, but there are none at this point and there are 13 residents that are severely impacted, as I can see, by this because our property values; I don't see any way that our property values are going to go up because of being adjacent to a normal six hundred acre power plant. I respectfully ask for one second more... I really think that you should consider requiring an environmental impact for a ten, twenty-five and fifty year impact for the residents. It is also adjacent and adjoining to Birds of Prey.

C/Wierschem: Thank you. Next I have Curtis Derr.

Curtis Derr: Hello, my name is Curtis Derr. I live at 18710 S. Cloverdale Road. My wife Sherry and I have lived at that property since the year 2000 and similar to what you just heard from Marie, our property adjoins the Ada County portion of this proposed project and we share a boundary. While we have lived here for the last fifteen years, we've made a lot of improvements to our property, we've enjoyed the quality of life, we've enjoyed the views, we also understand what it means to be in an agricultural neighborhood and we are understanding of what it means to have Ag land as our neighbors and I grew up in Iowa so I have a long standing understanding of that and that is what we expected when we moved here and that is what we've experienced. So, with this request for the special use permit, I'd like to ask that the Commission deny that request. This is a commercial project that is not appropriate to adjoin with residential subdivision. This project has acres, and acres and acres of these solar panels. There needs to be a significant buffer zone between that expanse of solar panels, a buffer zone with Ag land, a wild space open area, whatever... this is more appropriate in a commercial or an industrial area. Further, there is a process concern that I have and a number of the neighbors have as well. This site was long expected to be at the Boise City farm, father south on Cloverdale and recently, very recently apparently; the site has changed and it has really taken the neighborhood by surprise and shock. So the neighborhood meeting notice that you heard about, did not indicate that the site had changed. So there was pretty poor attendance for many of the directly affected neighbors. Because of that, I feel as though there has been inadequate time for me to understand this project, for the neighbors to understand this project and request that it requires more thorough vetting and review. So, what I would request is that you please consider my request, and the neighbor's request. This massive solar farm is not right for our neighborhood. This should not be fast-tracked or approved for this site. It should not be sited adjacent to subdivisions. It's much more appropriate for a commercial or industrial area. Thank you very much for your consideration. I appreciate that.

C/Wierschem: Thank you. Next, I have Jennifer... and I am not going to attempt...Schmeckpeper? I apologize.

Jennifer Schmeckpeper: Schmeckpeper, yes. No problem at all. I am very used to that. I was here on behalf of Russ Fulcher.

C/Wierschem: Could I get you to state your address?

Jennifer Schmeckpeper: 18205 S. Cloverdale Road. We live on the west side of the proposed site and just for my own clarification, we understood that it is 800 acres so I would like that terminology, because what you guys are seeing is proposed 200 to... then we've heard a total 600 and I have been told a total of 800. So that is a clarification that I have no idea. And again, I was here to speak on behalf of Russ Fulcher but I so graciously want to thank the staff for doing that for him and so I am just here basically on a totally emotional part now. I agree with all of our neighbors and I am not here to say that.... private land – you should be able to do whatever you want on it. I totally believe that. But again, like Mr. Derr said, it is... I think it should not be in agricultural, not

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across from or adjacent to our neighbors and the west side of Cloverdale, we live up on the hill so a fence would do nothing for us. We see the top of everything, as far as the eye can see, clear to the packing plant... that is what we see. So what we would see is nothing but solar panels. Nothing else. And I would really, really think that you should just take a moment; go out there, come up onto the hill, look across... go down to their houses. Look and see the impact that it is going to be. And on the asking for consideration on the landscaping. The landscaping, if you note, on Cloverdale is like one tree per however many feet. Why put up anything at all? That is just another telephone pole. It should be a big huge berm, tree, tree, tree, tree, tree; shrub, shrub, shrub, shrub all the way around. And still, the people on the west side of Cloverdale; that would not even help because I can look right over my neighbors trees. And that's all. Thank you for your time and consideration.

The Commission thanked Ms. Schmeckpeper.

C/Wierschem: Brandon Schmeckpeper?

Brandon Schmeckpeper: Do you want to try it again? It's Schmeckpeper and I live with her, 18205 S. Cloverdale so pet simply on me. Just kidding honey.

I just have some questions on the whole project and things I have heard. So I am just, if you don't mind, go through my ragged notes and throw them out. Michael mentioned that they were going to do some kind of a cataloging protocol for the...

C/Hennis: Avian. The Avian protocol. Yes.

Brandon Schmeckpeper: Yes, what does that entail? And maybe it's not appropriate to look for response at this point, so I will just continue. I think he also said that they weren't going to use any chemicals to sterilize the ground. I might have heard that wrong, but I am curious what they will be using. We do have some goats across the street if you would like to rent them but it would take a lot. So I am just curious what you use in Idaho to sterilize ground without using chemicals? Has this project been discussed with the Birds of Prey? I just would be curious to see where they would weigh-in; either pro or con? What will the Planning and Zoning be requiring of the SUP of the applicant if it is approved? Are there going to be any conditions? i.e.: will one of the conditions be that the 800 acres will not be lit at night? We already see the prison. Anybody that lives anywhere close knows that that is definitely light pollution and if that site is dark, that will be something that is a lot more palatable to me. 800 acres is a lot of ground. It is like a section and a third so I would think ... I think I know the answer to this; that they're not going to want to light it because it costs money and electricity, but I would like to know. There was discussion on what... no monies transfer or change hands from either the feds or for anybody local. I think that subsidies were used more in a broad term. A tax credit is in my mind; and my definition is a subsidy. I don't get a tax credit for whatever I may do, so in essence, it is a subsidy and rather than argue that topic, what is the particular tax credit that is offered to these types of projects? It would be interesting to know. Will this project be viable to the applicant without the tax credit and without county property tax relief? Now, I heard the buzzer, but it's important to me to know that if Ada County says 'no, we're not going to give any tax credit' – does it still work for them? And I understand that has to go away after five years if they do, so after five years, if they rely on that tax credit today, it won't be there in five years; will it still work? Thank you for your time.

The Commission thanked Mr. Schmeckpeper.

C/Wierschem: Next, I have Crista Vessel.

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Crista Vessel: Crista Vessel. 18110 S. Cloverdale Road. To give you an idea of how close I am to the city project, if I were standing on my property, the city project would be at that wall, across Chiefs Farm Lane and I know that they mentioned doing the landscaping around Barker and Cloverdale Road, but Chiefs Farm Lane is also there and it abuts... it's right between the solar project and my house; and so having landscaping that is reasonable would help us a lot. I'd like to mention that there was a lot of confusion about that letter that came out for the meeting. I know that they held a neighborhood meeting, but that letter only said: "to discuss the latest plans our solar project located off of Cloverdale Road near Kuna, Idaho". It did not give the address, which previously, in February had been four miles south of our neighborhood out in an area that there are not houses. In fact, there is a sewer treatment area, but there are no houses out there. Many of us are not opposed to a solar project. We are opposed to a solar project in a neighborhood that affects us or anyone else. There is a definite rushed timeline for this project. The letter was one example. Also, there are many studies that have not been done. Idaho Fish and Game said in their packet: "the department staff are unable to conduct a thorough environmental review and provide appropriate recommendations at this time due to the compressed timeline for application to Ada County. The relatively large scale of the project and the staff's unfamiliarity with solar energy projects and potential affects to wildlife". Origis itself says that there are no long term studies of the impacts of a solar farm to their knowledge. Our neighborhood abuts directly to Birds of Prey. The end of the neighborhood is the beginning of Birds of Prey, so we are in an impact zone for that. I'd also like to find out; I've been told that there is minimal sound from these solar panels but that seems to be subjective measurement and as the neighbor closest to this project, I would like to know how loud that sound is? So, I hope that you please listen to our comments and realize that we are people. We are neighborhood that has been there since the early nineties or even before that and our lives are dependent on this project not taking place. We don't want to look out and see a literal sea of solar panels, where previously, there was agricultural land that provided food for cows and then food for us. Thank you.

The Commission thanked Ms. Vessel.

C/Wierschem: Next, I have Sarah Perdue.

Sarah Purdue: My name is Sarah Perdue. 18589 S. Cloverdale Road, Kuna, 83634. I live directly across from... sorry, I am a little emotional about this because my husband and I; we originally moved there and we put everything into our property. We love the place. From our view, a buffer is not going to help anything or a fence. Our view, we will see a giant sea of solar panels and I invite anybody to come out to our place and take a look at how this is going to affect us directly. I am also a licensed realtor in the state of Idaho so I do know that this will drastically affect our property values too having this big, industrial project directly behind and adjacent to our property and then Birds of Prey adjacent to the project. I had a lot to say, but I think I just let it all go. Anyway, I just wanted to address the fact that we are definitely against this project going in and I've been a little upset about the notifications and how it has all taken place and it's just all of a sudden; we don't even really have time to think about it. They are literally going to start this next month. I think that is all I have so thank you.

The Commission thanked Mrs. Perdue.

C/Wierschem: So at this time, I am going to go back to Victoria Frederick. Ok thank you. Seeing no others that have signed up, I will ask one last time; is there anyone in the audience that has not signed up, that would like to

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do so? Ok. At this time, I am going to close the public testimony for the hearing at 8:05 pm. Is the applicant still here? Would you like to come back up?

Michael Chestone: Ladies and gentlemen, thank you for the opportunity to respond to the issues that were raised. First and foremost, I would like to express a genuine sentiment that there was not intent to mislead or rush this process through and that our intent has always been true and open and honest. We have tried to work with staff and respond to anybody that has responded or contacted us including some of the folks that are in the audience and us going out of our way and incurring additional costs on our projects to potentially increase buffer zones when not mandated by code; and we still continue to wish to do that and we will voluntarily do that.

A couple of the other items just that came up. On the long term impact side of things, that was maybe taken a bit out of context. The long term impacts from a health and safety standpoint are well known. And these are very safe facilities. The long term impacts was in reference to property valuations and there have not been very detailed studies specific to large scale solar plants because the data set has not been statistically relevant to this point. There have been studies on wind projects that have been around for much longer and in fact, the most recent wind impact studies have shown that there is no conclusive impact to property valuation and we genuinely believe that.

As far as Idaho Power being required to purchase our power; that is true. There was a series of federal deregulations in 1978 that tried to essentially reduce the monopolization of the energy industry and allow private, small businesses to enter and compete on a voided cost basis and compete and sell power that way, so that is true.

The power is not shipped to the mid-west. The power is absorbed locally and any engineer at a transmission company will tell you that the siting location on the transmission system is actually technically, a real benefit to their system. It is very close to the load center. It is acting at a time when the load is the greatest and it complements that very well.

On the acreage question; the city of Kuna area of actual panel area is roughly 180 acres. Within Ada County, it is roughly 200 acres, so the entire area that is covered in panels per se, is about 380-390 acres roughly, give or take. And then there are access roads and we have also secured a larger area of land so when you see those increased acreage numbers, it is due to the parcel sizes being bigger, but we are not actually using all of the entire parcels.

We don't sterilize the ground using chemicals or otherwise; it's a mechanical vegetation control. So if that's mechanical from a goat or from a weed whacker, there are no chemicals put down to kill weeds. It's just not something that we do as part of our vegetation management.

We do not light at night. In fact, the only light that the facility will have is in an emergency situation. So there would be an alarmed lighting plan which is still under development that we will work through with staff, but the light would only come on in an alarm situation, which would be rare and very infrequently and could be remotely controlled and remotely shut off.

We have discussed the project with BLM (Bureau of Land Management) extensively and they support it. You know, unofficial level, we don't have a letter from them, but I've got to be a little careful there but they had no opposition to it.

As far as taxes to the County, to the city; in total, we anticipate about 3.3 million dollars being added to the tax base here in the County. 1.8 million of that from the Ada County side and 1.5 million on the Kuna side.

Idaho Fish and Game had subsequently responded back after their initial letter that was in the application and that was part of the public agency notification for the Ada County application so I just received that letter within the last couple of days and they requested as a condition of approval that we implement an Avian monitoring

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and survey plan during construction and operation and that we coordinate with US Fish and Wildlife so we are prepared to do that and it is part of our Avian survey and monitoring plan.

As far as the panels and the sound level on the panels; the panels themselves don't make any sound; they are similar to a t.v. screen; it's a piece of glass with semi conductors and transparent conductive oxides on it except there is no power electronics actually on the panels. Any noise that would come would be from small fans similar to a computer fan that run in the inverters and that is out in the central location or perhaps the primary transformer at the substation but it's a very low sound. I can come up with the DB levels, but it's certainly within the realm of the public service facility substation as clearly defined so other than that, I am happy to leave business cards with my contact information as I have throughout this process and maintain an open-door policy and welcome anybody that wants to come and talk with us. We'd be happy to try and work with our neighbors and as much as reasonably possible, try to address their concerns.

C/Gealy: I have a quick question on the sound. Would the pivot cause any sound?

Michael Chestone: I am sure that the tracker has some sound. I have stood next to them many, many times. I mean everything will emit sound, you know even something like this. The sound levels are barely audible to the human ear.

C/Hennis: One quick question if you can answer it at all. The previous location that they were speaking of to the south... why the change?

Michael Chestone: Sure. The primary change driver was... so Origis purchased this development asset from an original developer. The original developer had located the project down at the city farm site. Upon further due diligence, we were of the mind that the transmission line that would have to run up Cloverdale Road was both inappropriate in the way that it was trying to be permitted so we thought that there was some conflicts there as well as the pathway for the transmission line would have actually gone right in front of these folks' homes and I said, just because we could and we have right of way there; doesn't mean that we should. So that was another big concern because we didn't want to put a big transmission line in front of people's homes.

C/Hennis: Thank you.

C/Wierschem: I have a couple of questions. I think that it was brought up in the testimony; in regards to the landscaping on Chiefs Farm Lane, would you like to address that or?

Michael Chestone: Sure. So perhaps if we had the site layout up on the screen, I could maybe graphically show it, or I could draw it, but as you enter down west Chief's Farm Lane which is a privately owned road as part of our property, we would propose that...I suppose we landscape down along until the edge of their property. We are happy to do that. To the extent possible, we would increase the setback, but we do have certain limitations with the system design and what we can do; but we are certainly happy to provide additional landscaping there. Of if there are other things; I know there is a concern about the chain link fence. If we can do a natural colored chain link fence in brown or a green fence so that it's not the silver color, we are happy to do that, or a berm.

C/Hennis: Would you do the berm in front of the chain link.

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Michael Chestone: Yeah. So the chain link is really for safety and so we do stand firm that we need the chain link fence.

C/Hennis: Because we do have a city code that says chain link is not acceptable fencing material here. So that would have to be something you would work with staff to figure out because I understand the safety reasons, but it is also a city code item.

Troy Behunin: I'm sorry, what was the question?

C/Hennis: With regards to the chain link fence not being acceptable in the city code. That would be something that they would need to work out with you.

Troy Behunin: Actually, chain link fence is an appropriate fence.

C/Hennis: For this property?

Troy Behunin: For the zone that it is, chain link is acceptable.

C/Hennis: Ok, just not in a residential?

Troy Behunin: Well, it can be used for residential perimeter fence, but it can be used between homes, in front of homes and there are other zones where commercial projects actually have and do use chain link fence. Ag zone is not one that prohibits it.

C/Wierschem: I think one of the conditions, if they could use the slats.

Michael Chestone: The slatted fence; we would lean away from that because it can be detrimental to the panels themselves and we feel that I could create litter when those slats break, they can fly all over the field and they can also hit the under-skin of the panels which is a sensitive UVA back skin, and when it nicks the back of that panel, it can create damage. We could look at like ... a fabric or something like that as an alternate, but just the hard shards of plastic flying around the site, we think it's not a good way to go.

C/Hennis: Ok.

C/Wierschem: Does anyone else have any questions?

C/Hennis: Not at this point, no.

C/Wierschem: Thank you.

Michael Chestone: Thank you. I appreciate your time.

C/Wierschem: So this brings us to our discussion and I guess I would kind of like to direct the Commission to consider; because we are doing a design review and then a special use permit – to look at them in two different areas and make your recommendations accordingly. And, I know this project is of a large scale and lots of

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material to read and investigate and research. I know that I have spent several nights researching it myself because I do live in this community and I want to be a good steward to everyone within our city and our county. So I do take this project to heart and I understand the concerns that were brought up tonight within the testimonies that were given. I would just like us to keep those in mind and see what the rest of the Commission feels.

C/Hennis: I agree with you. You know, I myself, as a property owner here in the area have dealt with something similar; where a development going in adjacent to an agricultural/rural property so I look at this as very similar to what I would want. Would I want this? Would I not want this? Unfortunately, I do not think with some of the opinions tonight would agree with me, some of the alternatives that I have faced; I would prefer this over a couple of the alternatives that I have been dealing with because it is a silent neighbor. It's a very easy neighbor to deal with. It is not very sightly, but it is better than a six lane road. So, I do feel for you. I have literally sat there and said: 'if I were in your position, how would I deal with this?' –Because, I have done it. So- we don't take this lightly. We do take all of your considerations to heart, but again, it is a fairly silent neighbor. It is dark at night. It is silent. It is not affecting the habitat that we are aware of. They can live in amongst this as well as anything. You know, if the applicant is in agreement with the monitoring of wildlife, then that is good. And it is especially beneficial to the farmers in the area that have had the effects of the 'peak' energy times with their irrigation, I think it would be beneficial and I think it would directly affect the neighbors –to their benefit; to the agricultural and everybody else that is affected by the power outages and such. Because we have had some unstable grids out here.

We do need to work on the landscaping though and the buffers, I agree.

C/Wierschem: So I guess I would just like to ask the Commission; do you feel that you need some additional time for this consideration because of the large scale? Or can you make a recommendation tonight?

C/Gealy: Question for staff; is this an accelerated timeline?

Troy Behunin: This was not an accelerated timeline. It followed all the protocol for noticing including public agency notifications which is actually quite strict.

C/Gealy: Thank you.

C/Wierschem: So, Troy would you kind of just clarify the timeline on public notice and go through that whole process one more time?

Troy Behunin: Sure. When an application comes in, an applicant must have held a neighborhood meeting, which was done, prior to application. The application must be reviewed; and the material that is submitted is then sent to public agencies for their review and while it is not inclusive, we do not request comment from FEMA, the National Guard, or Coast Guard or other such agencies. We have the protocol for the applications here for the Treasure Valley and locally; in Kuna, and those were followed. The public agencies have fifteen business days to respond and comments from those agencies were included with your packets. There was a late entry; Boise Project Board of Control, it did come on Thursday afternoon but they have no relevant comments to the project because there is not a valid water right; they have no facilities in the area and this applicant is not requesting anything from the Boise Project Board of Control which is the irrigation authority for the valley. Letters were sent out and were received within ten days of the public hearing tonight. Code requires seven days. The paper

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publishing requests was sent in as you can see in your packet; it was published in the newspaper on July 22<sup>nd</sup>, which is more than the time that is actually required.

C/Hennis: Thank you.

C/Gealy: Do you know where the Birds of Prey boundary is?

Troy Behunin: I understand that it is very close. It is not something that I monitor because it is outside of city limits.

C/Gealy: And the property, four acres to the south; that was the city's property?

Troy Behunin: When people have referenced this evening, the city's farm property; that is not a City of Kuna property, it is a City of Boise property.

C/Gealy: Is that in the Birds of Prey?

Troy Behunin: I cannot answer that. I don't know. I do know that it is a considerable distance further south.

C/Wierschem: Thank you.

C/Hennis: Do we think it would be beneficial to spend a little more time looking at this and table this to our next meeting to give us adequate time?

*Commissioner Hennis motioned to table **15-04-SUP** (Special Use Permit) **15-05-DR** (Design Review) to the August 25<sup>th</sup>, 2015 regularly scheduled Planning and Zoning Commission meeting for further research; Commissioner Gay seconds;  
Three Commissioners aye and one opposed; motioned carried 3-1.*

C/Hennis thanked all citizens in the audience and said the Commission would take more time to review the case and make sure that everything is addressed.

C/Wierschem expressed to both sides of the project that because the Commissioners want to be good stewards for future generations, they wanted to make sure that they get this right for everyone and thanked all for their patience on that.

Troy Behunin asked the City Attorney; Richard Roats if this item at the next meeting needed to be identified as a public hearing.

Richard Roats reiterated that the public hearing for **15-04-SUP** (Special Use Permit) **15-05-DR** (Design Review) is closed.

C/Gealy asked when the Ada County Planning and Zoning Commission would hear this project. Troy Behunin replied that he believed their hearing was on September 9<sup>th</sup>, 2015.

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Vice Chair Wierschem returned presiding duties back to Commission Chairman Young for the remainder of the meeting.

**4. OLD BUSINESS:**

- a. **15-01A-ZOA** - (Lot Split Ordinance Amendment): A request to amend Kuna City Code (KCC), Title 5, Chapter 16, Section 3 entitled, "Lot Split" to amend the requirements of sidewalk construction; modify the sewer, water, and storm drainage requirements; deletion of septic tanks and private well placement requirement; and provide an effective date.

*-This item was tabled from the July 28<sup>th</sup> regular Planning and Zoning Commission meeting*

C/Young: Is Troy going to speak on this matter? No? Ok, then could you give us a brief run through of the revisions from our last meeting?

Richard Roats: Good evening Chairman; for the record, Richard Roats, Kuna City attorney. I believe that towards the conclusion of the last meeting, I was tasked with a couple of clarifications; 1) the Commission had asked for a policy statement that existing systems that were not failing, would not have to comply with the change-out so under 5-16-4.A, I have put a paragraph in there that says that if they are operating in compliance with the applicable laws, they can continue their existence; 2) a big change in the clarification in the four paragraphs about the hook up period of time. We changed it from 90 to 180 days; and then made it clear about half way through that paragraph; the first one would be under B.1, D.1: 'It is expected that the day for dismantling the existing septic system and connecting to the public sewer may be greater than 180 days. The actual date shall be determined on a case by case basis upon a factual determination of the city engineer, specific to the property affected' –that is the change I think that covers the concern. You'll see in those four paragraphs highlighted at the very end in italics what criteria or facts have bearing on the engineer's decision; that is our engineer's notes there. I need to meet with him because the thought I am having along with my suggestion would be that we move this up to Council and I will weigh out some criteria: distance, costs, and the timeframe in which the system was put in, those types of things; but the initial thought was it may not be applicable to all properties. Somebody may have just put a new system in, and should they be tasked with having to hook up right away? Somebody might be two or three feet away and the system is coming in four years, so why have them do something?

So anyway, the city engineer; Mr. Law wanted some specific facts and so we need an opportunity to sit down and do that before it gets to Council. I will stand for any questions.

C/Hennis: I don't have any at this time.

C/Wierschem: I have none.

C/Young: Thank you. Looking through the rest of the ordinance, it seems like most everything has been addressed. I know that looking at Ada County; the size of the lot for a lot split... let me make sure I am looking at the right one; because if the parcel wouldn't have to be five acres which what we have listed here is what Ada County's requirement is, from what I could find anyway.

C/Hennis: Well, and also the way I read that after that being pointed out is it should be limited to a single family lot, tract or parcel and not part of a subdivision unless the subdivision was platted prior; then the lot tract or

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parcel is five acres or greater. Is that referring to the subdivision and/or the single family lot? Or both or neither? Because I can read that both ways. You can ask Mr. Anderson to come up to by the way to respond.

C/Young: Well, let's see if Mr. Roats can verify.

C/Wierschem: Could you please clarify this?

C/Gealy: Can we stop for just a minute?

\*\*\*\*\*Chairman Young placed the Commission meeting in recess at 8:33 p.m.

\*\*\*\*\*Chairman Young called the meeting back to order at 8:39 p.m.

C/Hennis: I had a question for Mr. Roats. Is it 5-16-4.... Oh geez...4C? A.2.C ? Yeah, so the septic tank installation shall be limited to a single family lot, tract or parcel and not part of a subdivision unless the subdivision was platted prior to December 7, 1977 and the lot, tract or parcel of five acres or greater. – Is that just meaning the subdivision that was platted prior to December 7, 1977 or?

Richard Roats: That means that the lot has to be five acres.

C/Hennis: Ok. So the single family lot has to be five acres or more?

Richard Roats: Yes. It should either have a comma or a semi-colon there.

C/Hennis: And Mr. Anderson, you had a comment on that in an email?

Sid Anderson: I do. Would you like me to speak to that?

C/Hennis: Would you mind? Because I don't have the email in front of me.

Sid Anderson: Sure. And to clarify, Ada County; and that is once you have an area of impact that is established with them, and so I know that is kind of a process that has been ongoing for some years. Lands within that, they rezoned to RUT (rural-urban transitional) and RUT is a five acre minimum lot size so anything this is in the area of impact that is not annexed yet, becomes and RUT zone. So ultimately you are going to end up with the same allowable lot size in the county is what we are going to allow with this ordinance. I'm not saying that that is not the way to do it; it just turns out that the lot that we own is five acres so for me to say 'I am going to annex it in' and have higher taxes and have to potentially have to put in curb, gutter and sidewalk to get the same thing that I already have in the county is of no benefit to me.

Ultimately, what I am trying to do is capitalize on being able to do a one time division (lot split) and probably create a couple of 1.5 acre lots and still put them on septic because it is a distance from any existing sewer. It is across the Indian Creek from the existing sewer. And also, I did go back and look at the lot split ordinance that was recently passed by the City Council, and it does talk about ...and this is just an idea for language...let me flip to it really quick: For utilities placed underground; it requires utilities be placed underground except for parcels that are over one acre, it is on a case by case basis. The same thing goes for storm water drainage; parcels greater than one acre is on a case by case basis. And then also with curb, gutter and sidewalk; I think it is actually anything over 1.5 acres is on a case by case basis. So I am just suggesting that maybe we do something

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similar with this as well. I am not saying that every lot that is an acre should be allowed to do this, but it seems reasonable that there be a threshold different than what is already allowed in the county because we really are not benefitting from this. There is no driver for people to annex or to take advantage of this split ordinance if it is as restrictive, or more restrictive than what the county would allow.

C/Hennis: Ok.

Sid Anderson: ...and I understand that the county does not provide services, and the city does and so there is a need to try and feed those; but I don't know that this is going to get you there because you are just going to get less people to annex. So I guess one point; I didn't put that much into that because I didn't realize that the public hearing was closed...you know Kuna is a great place for people to move to and start a family, but the problem there is right now is there is not a lot of opportunity for people to move up in housing when they want to. What we're looking to do is creating a number of sites where there will be 1.5 acre lots; we're going to require a minimum of 3500 square foot floor plans on them. I think that it's going to allow for a little bit of that, I mean, it's not a huge amount but it is some and I hope the city does look to be able to allow for things like that because right now, ultimately, we are either going to stay in the county at five acres or we would have to run city sewer to it. If we ran city sewer to it, we are not going to do 1.5 acre lots.

C/Hennis: Ok.

The Commission thanked Mr. Anderson

Richard Roats: To address the lot split; so what we are looking at in this particular situation is dealing with the sewer and septic and trying to avoid those situations where we are dealing with a septic systems and those lots and trying to avoid, as I discussed last time, creating those pockets where a number of homes are on septic and then we have the inability to provide services because it essentially blocks it because if you are downstream, and you want sewer but a half a mile between you and where the services are; they are all on septic, then who is going to share the costs to do that? So that is what the five acre intent is. I think we may be able to work around this in a different situation if, in fact, you said you were on the opposite side of Indian Creek?

*\*\*Roats' question was directed at Sid Anderson\*\**

Sid Anderson: On the other side of Indian Creek from where it services currently.

Richard Roats: Ok, and I am not sure at what time, how many residences are south of Indian Creek? Is it just you?

Sid Anderson: There is currently one, but you know, we are looking at putting some additional ones in. That is basically...

Richard Roats: And that is where I am going with that is...it maybe will meet under number two on here: 'The physical constraints affecting the development of the property'... that is one of the examples of an extraordinary physical constraint.

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Sid Anderson: It is, but it also has to be at least five acres. So that is what I am saying; to me, to say it has to be five acres and has to be these other businesses is you know... even if it was next to the city services, I still wouldn't do it because... *\*\*inaudible\*\**

Richard Roats: Ok. Well maybe we will run through some scenarios but...

C/Hennis: Well, would it be as simple as; like he spoke of, just adding something in there, some verbiage that talks about the five acres or greater or addressed on a case by case basis by the city engineer or due to location, or something of that nature to where ... you know, if we're in the city, or up where the sewer is already headed to, it's not going to be as effective as what you said; where there is some physical constraints so...it would definitely be on a more case by case basis.

Richard Roats: Yeah

C/Young: It is a tough line because we are between where we need to try and go and then what everybody wants to be able to do with their property. It's a tough line.

C/Hennis: Right. Well, I think this... I agree. But if we are already under the heading where its physical constraints are affecting the properties, then we kind of already state that if it's something trying to make ten houses into 1.5 acre areas, that is one thing. But if it is just one or two, it is not going to affect as Mr. Roats was indicating on diverting some services going in. That is why I am thinking maybe there is just some verbiage we can add in there, because I don't necessarily want to take it down to a 1.5 acre level.

C/Young: Right.

C/Hennis: But we could state something to where it is on a geographic location on a case by case basis or something.

C/Young: Well, I think something as simple as that, we can address it without putting that small number in there with it. I think some verbiage like that would be applicable.

Richard Roats: 'Or as approved by the city engineer? Is that what you were thinking?

C/Hennis: Yeah, or 'as approved by the city engineer on a case be case basis' kind of goes with some of the verbiage you already have in there.

C/Young: Other than that, I think that everything has been...

C/Hennis: Well, he had another concern in there regarding just down from there... item 2; where 'the property owner agrees to participate in the L.I.D.' -do we have a concern with that even though that L.I.D. might not be defined at that time?

C/Young: But the L.I.D. is a voluntary thing. It is not mandatory. You know, we are saying: 'if it comes here, thou shalt sign up with the L.I.D.' It is voluntary for the homeowner to be able to defer and make payments.

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C/Gealy: But this is making it mandatory.

C/Hennis: Well, it says 'or other statutory or common law funding mechanism to finance infrastructure extension costs and the city sewer connection fees, and provide for any easements'. So I guess it doesn't necessarily state that you have to participate in it, but somehow that is one of the options, right?

C/Young: Yeah, I think the intent of that is to give the landowner the ability to be able to do it. It is not a mandate by the city that the landowner would have to enter into an agreement.

Richard Roats: The L.I.D. has its own section in state code. It has its own requirements so obviously it benefits that property, but the city is not going to mandate that the property owner form it's L.I.D. It has got to be that the property owner's want to form the L.I.D. to seek the funding mechanisms available to the L.I.D. financing process that is typically a low interest rate spread out over twenty years. So if somebody in one of those pockets decides they want to develop the property and the city says: 'well, we don't have the funds to run the lines down there'; perhaps you form an L.I.D. or some other funding mechanism to do that and then in that case, you'd engage the funding mechanisms; which is again, a very low interest rate over time because of the sale of the bonds. The other common law financing schemes or statutory schemes are that if the city runs lines down the road and the person can't afford the hook-up, but they want to hook-up and we want to try to get them off the septic. For example on our pressure irrigation hook-ups, we've extended those over a period of time too. So I'm just trying to keep this open enough or broad enough so that there is a mechanism available, if at some point in time, we need to get them off the septic and either one or more than one property owner try to do some sort of funding mechanism. The L.I.D. is really more beneficial to property owners instead of simply trying to go out and go to the bank and borrow thirty thousand dollars. A bank may say 10% interest in five years, versus, whatever the L.I.D rate is. I know during the infamous Kuna L.I.D., when we were looking at the bond amounts, at some point, they were in the 3% range so...

C/Young: Well, what if on page 6 of 12, item 2 at the bottom, in lieu of saying 'the property owner agrees to participate', we can change that entry into a sentence to say something like: 'there is the ability to enter into an agreement' because it does almost read with that first part that it is a mandate, versus, 'this is something that is available to the land owner'.

C/Hennis: I have the verbiage here possibly: 'the property owner has the option to participate in the L.I.D. or other statutory or common law funding'.

C/Young: Yeah, I think that something along those lines, because it does almost read like a mandate there, where if we changed just a small tweak to that, which...

C/Gealy: Or, 'the property owner may participate', so that same sentence occurs in each section?

C/Hennis: Yes.

C/Young: Which would have to be...yeah.

C/Hennis: Would that be under the same intention of what the city is trying to...?

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Richard Roats: So, yes: "may". The property owner may participate in an L.I.D. that benefits the property owner or ... that would give it a permissive read.

C/Gealy: I think so. 'Agrees' sounds like they have to.

C/Hennis: No, I like that better. Ok. Other than that; that is my four cents worth.

The Commission thanked Mr. Roats

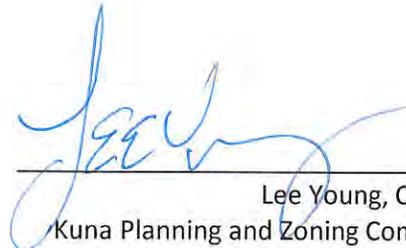
C/Young: Ok, any other thoughts?

C/Hennis: No. Just looking for my agenda.

*Commissioner Gealy motions to recommend approval to the City Council of the amendment to Kuna City Code: 15-01-ZOA, with the two changes that were discussed; Commissioner Hennis seconds, all aye, motion carried 5-0.*

**4. ADJOURNMENT:**

*Commissioner Gealy motions to adjourn at 8:52 pm; Commissioner Hennis Seconds, all aye and motion carried 5-0.*

  
\_\_\_\_\_  
Lee Young, Chairman  
Kuna Planning and Zoning Commission

ATTEST:

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