



**PLANNING & ZONING COMMISSION  
MINUTES**

**Tuesday, January 28, 2020**

**1. CALL TO ORDER AND ROLL CALL 6:00 PM**

**COMMISSIONERS:**

Chairman Lee Young  
Vice Chairman Dana Hennis  
Commissioner Cathy Gealy  
Commissioner Stephen Damron - Absent  
Commissioner John Laraway

**CITY STAFF PRESENT:**

Troy Behunin, Senior Planner  
Bill Gigray, Assistant City Attorney  
Wendy Howell, Planning and Zoning Director  
Jessica Reid, Customer Service Specialist

**2. CONSENT AGENDA: All Listed Consent Agenda Items are Action Items**

A. Planning and Zoning Commission Meeting Minutes, January 14, 2020

**B. Findings of Fact and Conclusions of Law**

1. Case No. 19-03-AN (Annexation), 19-02-S (Preliminary Plat) & 19-09-DR (Design Review) Chotika Subdivision
2. Case No. 19-05-SUP (Special Use Permit) 1195 West Castro Drive

**Commissioner Cathy Gealy moved to approve the consent agenda. Seconded by Commissioner David Hennis. Approved by the following roll call vote:**

**Voting Aye: Chairman Lee Young, Commissioner Dana Hennis, Commissioner Cathy Gealy and Commissioner John Laraway.**

**Voting No: None**

**Absent: 1**

**Motion carried: 4-0-1**

**3. PUBLIC HEARING:**

- A. **Case No. 19-10-AN (Annexation), 19-06-DA (Development Agreement) & 19-23-DR (Design Review) Spring Rock Subdivision – Continued from January 14, 2020 ACTION ITEM**

**C/Young:** First up under Public Hearing we have 19-10-AN, 19-06-DA, 19-23-DR for the Spring Rock Subdivision and we'll have Troy come on up. **Troy Behunin:** Thank you commissioners, for the record Troy Behunin, Senior Planner, 751 W. 4<sup>th</sup> Street. Staff doesn't have anything new in terms of the application other than staff would like to point out that a number of letters were submitted either after the deadline for the original packet on the 14<sup>th</sup> of January or they were sent over that weekend; they were hand delivered to you folks and have been included in the packet. The letters were from Ada County Commissioner Steve Visser, the Ada County Paramedics and then a couple of other citizen letters. Additionally, the ACHD staff report, which is the final staff report for the Preliminary Plat, has also been added to your packet, which was not available for the meeting on the 14<sup>th</sup>. It is a lengthy document and covers a lot of information. Additionally, a site plan was added to the packet, it's an updated Preliminary Plat which shows the intention and the conviction for the applicant to work with the Kuna School District to dedicate a ten plus acre site for an elementary school. Beyond that, I have nothing new and I will stand for any questions you might have at this time. **C/Young:** Any questions for staff at this time? **C/Gealy:** No questions at this time. **C/Laraway:** No. **C/Hennis:** Thanks. **C/Young:**

Then let's have the applicant please come on up. **Chris Findlay:** Mr. Chairman, Commissioners, Christ Findlay, 1211 Happy Drive, Boise, Idaho, 83706. So, you've got a lengthy document, all I'm going to talk about is the traffic study. Basically, we agree with staff on everything, we're paying for most of the offsites ourselves up front; I have pictures of what we're fixing. (Those present are directed to the monitor) This is Cloverdale Road, the yellow we're paying for, the blue is all paid for out of our impact fees which represents about seven million dollars. It's a large number that we're paying both phases. The other yellow is Hubbard Road, that's supposed to get widened to three lanes. We're paying for that to be widened to three lanes; it'll get done right away as that is where we're putting our sewer line and water line from. Suez, comes down from Valley Heights across Boxwood (inaudible) property there then it comes back to our site. So, we would be improving that road anyway because we're tearing it up. And then of course everything inside the subdivision is all us so. (Staff advances slide). This gives the overall view of that and then the yellow is Ten Mile Creek; that gets widened clear out to Pleasant Valley. We all know how narrow Pleasant Valley is, it's going to go out to it's normal, supposed to, width of I think about 27 feet. We also have to put in turn lanes at Pleasant Valley and Ten Mile Creek so that intersection is going to get improved also, at our expense. That's how all of this is going to get paid for. Under the traffic study we didn't have to do anything until 900 homes were built, but we agreed with staff to have a new traffic study at 350 homes. We'll work with ACHD when they want to do all their improvements. The first couple of years will probably, other than Ten Mile Creek where we're having to improve and down Hubbard Road, those will get improved probably upfront just because they are part of getting our roads in to our subdivisions. A majority of the complaints and everything that we hear is that we don't care about traffic or safety and that's the farthest thing, we want the same. My partner has ridden bikes along Ten Mile Creek; Pat's an avid biker, so we take that into consideration. Jay Davis whose property that we're also buying, was hit by a gravel truck on the corner of Pleasant Valley and Ten Mile Creek. We have all these issues that we understand and all the roads are going to get increased, made better due to the quantity of impact fees and the requirements that ACHD has asked us to do. This is also on top of all that Falcon Crest is going to do so, this report, our traffic study, was based on top of what Falcon Crest's traffic study was with ACHD. We studied fourteen intersections, it actually went clear out to Highway 69 on two of the intersections, so it's been really, really well studied. Obviously, you guys had a lot of data there to read and it's a complete report as you can tell. Every time that we go in for a Preliminary Plat it's going to trigger a new traffic study. We're not walking away from any of our responsibilities for ACHD and I don't think that we are walking away from any of the responsibility for the city of Kuna too; we think that's all important. So, this is actually one of the big parts about Ten Mile Creek that every one doesn't want to talk about. (Referring to next slide) This is our entrance into our subdivision and this is the roundabout at Ten Mile Creek and Five Mile. This is going to slow all the traffic down; you're not going to have 50 mile per hour roads on Ten Mile Creek. We're going to have wider roads, better shoulders. Going up Five Mile and onto Hubbard Road you are going to go into three lanes with a center section to it and all the way down to Ten Mile Creek. Cloverdale and Hubbard Road is going to be a controlled intersection as is Columbia. We're paying for both of those intersections and both intersections go in when ACHD deems it necessary to do it. Some of the things that ACHD wants done is in their time frame, not our time frame; they want roads in, they just don't want to take care of those roads before they need to. We agree totally with ACHD on all in our traffic study. (Next slide). This is what the developments going to pay when it's fully built out; impact fees will be around seven million dollars for ACHD, eleven million dollars for the city sewer system, and fire gets about one million five (1.5 million). So, just in our impact fees we're paying good and then, of course you get to see what property taxes are going to generate which is close to seven million dollars. Once again, that's on top of what Falcon Crest is going to do, so that area is going to have lots of tax dollars there working to fix Cloverdale and all the roads going out. I stand for any questions. **C/Gealy:** I do have some questions. **Chris Findlay:** Ok. **C/Gealy:** I'll just start with the ACHD report because that's what you started with. You said you were going to widen Hubbard Road offsite to three lanes? **Chris Findlay:** Two

lanes and a center. **C/Gealy:** In reading the ACHD report it looked like initially there was not going to be anything on Hubbard Road offsite; it would be after that 350<sup>th</sup> lot and the second traffic impact study. **Chris Findlay:** We'll do it sooner because we're going to tear up Hubbard Road when we put in the pressurized sewer line. **C/Gealy:** When would you anticipate that you would widen that? And I'm talking about that part of Hubbard Road that is not adjacent to the site; that part of Hubbard that goes from the site to Cloverdale. **Chris Findlay:** I don't know if you understand where our sewer line goes? **C/Hennis:** That was going to be my question. **Chris Findlay:** Ok. We start at Five Mile and Hubbard Road, it's actually inside the subdivision, and we go all the way to Locust Grove. **C/Gealy:** So that's why you're tearing up Hubbard. **Chris Findlay:** Down Hubbard. **C/Gealy:** Down Hubbard. **Chris Findlay:** Yes. We're going to put a pressurized line and a gravity line (sewer). We're working with Public Works on that right now. Then we'll hook up into Patagonia Lift Station, which we're going to pay for the upgrade of Patagonia's Lift Station for that sewer site. We're just sizing that pressure line right now. **C/Gealy:** But you'll go around the Hubbard Reservoir? **Chris Findlay:** Actually, we're working a deal where we'll go straight through. **C/Gealy:** You're going to go straight through. Ok, so then when you widen Hubbard, which you anticipate will be sooner rather than later, would that be when you would also install sidewalks? **Chris Findlay:** We don't know that yet. We'll have to work with ACHD on that. **C/Hennis:** So, you're bringing sewer, pressurized irrigation and? **Chris Findlay:** No, pressurized irrigation will be developed on site. **C/Hennis:** Ok. **Chris Findlay:** That's the big pond water's going to come from. **C/Hennis:** Right. **Chris Findlay:** And we'll have irrigation wells onsite that we'll fill that with. And then our water (potable) is with Suez but it's coming from Columbia. We have a Valley Height well site up there, and it's going to come all the way across Boxwood LLC's property there at Columbia clear over to Hubbard and then back to our site. Whether it's a 14- or 16-inch line; we have to work with the Fire District on that to get the pressure that we need. **C/Hennis:** Right. **Chris Findlay:** And we have to pay for those pump well increases too. **C/Hennis:** Ok. **C/Gealy:** You had proposed a single land roundabout and ACHD came back and recommended a multi-lane roundabout there; where does that stand? Do you accept ACHD's recommendation for a multi-lane roundabout? **Chris Findlay:** Yes, we accept all that. How they do it, it might come off first as a single lane roundabout; you basically fill it in with concrete, then you pave it, then you put the concrete on it, then when you want the double lane you take it off and you've got the double lane. **C/Gealy:** And the East – West collector that they recommended at the southern property line? **Chris Findlay:** Yes, we're going to do that. **C/Gealy:** Where will it go? **Chris Findlay:** It goes into Falcon Crest & I think it goes out to Deer Flat. **C/Gealy:** Eventually. **Chris Findlay:** Yes. **C/Gealy:** But for now, it will just be at the bottom of your area B; you'll just put in a road from Five Mile to Falcon Crest. And you're ok with that? **Chris Findlay:** Yes. **C/Gealy:** And you said you'd do that. I think that perhaps the map that ACHD had has different street names than the map that we had; because it says, "Extend the right-of-way at the terminus of Fount Court to the South property line." **Chris Findlay:** We're talking area B in the Plat. **C/Gealy:** I had trouble finding some. **C/Young:** I have the blow-up of one, I just have to find it. **Chris Findlay:** It's page 25 of the ACHD staff report. **C/Gealy:** I thought they changed that one to Castle Rock? Is it Castle Rock on one side of Five Mile and Fount Drive on the other side? It says Fount Drive. **Chris Findlay:** To be honest with you, whatever they want to do names wise on the streets, we're.... **C/Gealy:** You're good with it? **Chris Findlay:** Yes. I'm not going to give the street names, that's too hard to do. **C/Gealy:** I just was trying to figure out what it said and where this was happening; "Extend the right-of-way of the terminus of Fount Court to the South property line." **Chris Findlay:** So, that's up in area B. **C/Gealy:** Then it's all the way down to your new East – West collector road? **Chris Findlay:** Right. As they come up the hill there wasn't enough distance, they were fighting because they were coming up to the top of the hill and it didn't meet the length that they needed. **C/Gealy:** Between intersections? **C/Hennis:** The visual? **Chris Findlay:** Yes. **C/Hennis:** Ok. **Chris Findlay:** And if we needed to put one farther down, we're in agreement with that; that's not an access into that area.... (inaudible).... for ingress/egress into that area. **C/Gealy:** They had recommended relocating the school site? **Chris Findlay:** Right.

**C/Gealy:** Because of driveways is what was my understanding. **Chris Findlay:** We're going to take it up from Ten Mile Creek there; we're going to keep it on, I think it's Gem Valley down. There's pipeline that goes across the walking path and we'll just put it in there and give them the access points on the West Ada School District ones. So, it will be more like this instead of like this. (Mr. Findlay gestures). **C/Gealy:** On Gem Valley between Ten Mile Creek? **Chris Findlay:** Right, but it will be below the pathway and the Williams Pipeline. **C/Gealy:** And then they did not see the proposal with the second school site? **Chris Findlay:** Right, but I they're ok with it because it fits into their (trails off). We'll work with the Kuna School District and ACHD. **C/Gealy:** You'll work with Kuna School District and ACHD to make it all fit the way they want? Is that something that we would need to make as a condition that you would do? **Chris Findlay:** If you guys want to make that a condition then you guys can do that too. **C/Gealy:** But you're going to do it whether we make it a condition or not? **Chris Findlay:** Yes. **C/Gealy:** They had, I thought, a long list of roadways that should be redesigned; fifteen roads. **Chris Findlay:** Yes, they want us to calm. **C/Gealy:** Right. **Chris Findlay:** We had too many cul-de-sacs; we have 700 lots but only five cul-de-sacs, I didn't think that was a lot. So, what they don't like is the length. In that area B you come out of where the purple part is, and you see the, those roads going North – South. .... **C/Gealy:** Well, they don't like long straight roads. **Chris Findlay:** Right, and so they want us to put calming.... **C/Gealy:** Traffic calming. **C/Hennis:** Traffic mitigation. **Chris Findlay:** Calming things, so there will be little bulbs and different things like that in there. **C/Gealy:** But no bumps and no dips? **Chris Findlay:** They do not want bumps, they do not want dips because of their equipment. **C/Gealy:** So, my question is, when they suggested the following roadways should be redesigned, do you anticipate that you will keep basically your same plan? **Chris Findlay:** Yes. **C/Gealy:** And put in bulb-outs or traffic calming measures? **Chris Findlay:** Yes, bulbs, but we don't plan on redesigning the Plat. **C/Gealy:** You're not going to move roads or add/take away curbs? **Chris Findlay:** None of that. We'll just put the bulbs in where they want them and we'll work with ACHD staff on all that. Unless you guys have some suggestions on what you want to see. **C/Gealy:** Well, I wanted to know what you were planning. **Chris Findlay:** We're just doing whatever the calming ACHD wants. They just don't want you to get up to 40 miles an hour by the time you hit the end of the road. **C/Gealy:** Right. **Chris Findlay:** So, we'll have the bulb-outs and the current calming that ACHD likes to put in. **C/Gealy:** Without having to redraw the whole Plat? **Chris Findlay:** Yes. **C/Gealy:** Can you tell me where the knuckle is on Oxbow Lake Drive and Split Rock Way? I couldn't find it, doesn't mean it's not there. **Chris Findlay:** That went away. **C/Gealy:** Oh, ok. **Chris Findlay:** It's where the school site was. **C/Hennis:** Oh, ok. **C/Gealy:** So that's gone. **Chris Findlay:** Yes. And they may want, we haven't talked to the school district about it but, they may want a road coming out at that area too; we just have to work with ACHD because those distances they want as you start going up. Right at the end of the purple is where you can start seeing the road curve, the curvature of the ground starts going that direction. **C/Gealy:** And that's where there's a hill? **Chris Findlay:** Yes. And they don't like roads turning in at the bottom of the hill, because we never get snow here (laughter). **C/Gealy:** Those are the only questions that I have on the ACHD final report. **Chris Findlay:** Ok. I'll wait until your next set of questions if you want. And that's up to staff, how they want me to do that. **C/Gealy:** I don't know if anybody else had questions on the ACHD report. **C/Laraway:** Just clarification. We were just talking about Five Mile Road and the school; you said that ACHD doesn't want any bumps or dips? The reason I'm asking is this year, right in front of Pepperhill Elementary, they created a rise. I'm going to call it a bump, and it's the length of a car before it drops back down. So, it's not a bump but it literally slows cars down right there in front of that elementary school. So, are they saying no? **Chris Findlay:** I don't know what to say Commissioner, on that. We're happy to put in and design it however ACHD wants us to do it. **C/Laraway:** Well that's why I ask if they told you no bumps, no dips. **Chris Findlay:** Well, it says in there that they don't like bumps and dips. **C/Laraway:** Like means? **Chris Findlay:** I don't know. I mean (inaudible stunted speech). **Troy Behunin:** It damages their.... **C/Young:** Snowplows. **Chris Findlay:** Snowplows and things. **C/Hennis:** It might be a specific condition for a school site, in front of

the school site, which would be something to work with the districts on because they were just talking about the calming measures in the subdivision and the roadways. **C/Laraway:** Oh, I thought you were talking about Five Mile. **Chris Findlay:** No, there won't be anything there. **C/Laraway:** Ok, my error. **Chris Findlay:** That's a straight shot, that's a major arterial (referring to Five Mile Road). It's going to carry a lot of traffic and we're going to get all the cut through traffic because it goes all the way up to Kuna Road. Five Mile will connect all the way to Kuna Road once Falcon Crest takes it all the way up. **C/Laraway:** Anything to protect the kids on that road? **Chris Findlay:** Yes, there will be curb, gutter, sidewalk and everything on Five Mile. **C/Laraway:** Part of my other follow up question for clarification; on the earlier map, you had Ten Mile Creek off of Hubbard in yellow and that had onsite. **Chris Findlay:** That's us. **C/Laraway:** So, is that road going away, the one that is there now? I see the shadow of what it used to be. **Chris Findlay:** (Referring back to the map on the monitor) Yes, eventually that curve goes away and everything drives back into the subdivision, does the roundabout and goes back up. **C/Laraway:** So, other traffic coming down Ten Mile Creek will be going into your subdivision? **Chris Findlay:** Into the roundabout and then out. **C/Laraway:** My concern is that's a lot of traffic. I know ACHD has a traffic study but you have three shifts at a prison and Gowen employees that are going to be coming into that. **Chris Findlay:** We know that and it will meet ACHD standards of what they want there. We're not going to not put a big enough road into take care of that. I don't know when they're going to take away Ten Mile Creek Road, but eventually, their idea is to one: slow traffic, and two: change the traffic pattern. **C/Laraway:** Ok. **Chris Findlay:** But I don't know Commissioner. I don't know when they are going to take away Ten Mile Creek but, in the future, it will go away, it will go into our subdivision. **C/Laraway:** I understand. Earlier you had a map of ACHD's impact money and what you were paying for on Hubbard. You're subdivisions, your development.... Let me back up.... they're scheduled to widen Cloverdale between 2019 and 2023. **Chris Findlay:** Yes. **C/Laraway:** When is your subdivision development starting? **Chris Findlay:** Probably '21, '22. **C/Laraway:** Ok, so they are going to pick up Five Mile to a five lane all the way to Columbia, so it's just got to be that one mile now. **Chris Findlay:** The rest of it gets widened with the generation of impact fees maybe two years later or five years later or whenever ACHD deems it necessary. **C/Laraway:** ACHD deems when that occurs? **Chris Findlay:** Yes, we don't trigger it, but it is in their Capital Improvement Projects timeframe. **C/Laraway:** Ok. **Chris Findlay:** And I think that's a five-year window. **C/Laraway:** That's all I have, thank you. **C/Young:** Ok. **C/Gealy:** Actually, I had one more question on the ACHD report. They mentioned including eight-foot planting strips on Ten Mile Creek and Hubbard Road where it abuts your property; is that in your landscaping plan? **Chris Findlay:** Yes. The sidewalks are incorporated in that, it's like any subdivision that you see with the berms and trees and all those kinds of things. Actually, I think you guys are a little wider than that too. **C/Gealy:** 10 feet, I think. **Chris Findlay:** Yes, and we'll work with that. And we agree to that. **C/Gealy:** I have other questions. We could have a public hearing. **Chris Findlay:** Do you want to take comments? **C/Gealy:** And then I could ask my questions later. **C/Young:** Yes, we can go ahead and do the public hearing then come back around. **C/Gealy:** Thank you. **C/Hennis:** Thank you. **C/Young:** Is there anything else? No? Ok, then we'll go ahead and open up the public testimony at 6:42 PM. First, I have listed Jim Obert to testify in favor. **Jim Obert:** Commissioners, Jim Obert with the Kuna School District, 711 E. Porter Street, Kuna. We appreciate the opportunity to provide feedback on the Spring Rock subdivision and as you likely know this development straddles two school districts, West Ada School District and the Kuna School District. The area within our district will be developed first and our analysis of impact indicates that it will add 300 – 500 students to the district. Our master plan anticipated the need for two elementary schools East of Meridian Road but the locations of the school had to be determined by where the developments were first approved. On the far East side of the district where this development is proposed, we had no land and this was a concern. So, we met with the representatives of Ten Mile Creek LLC to discuss the impact of the development on our district and requested that they provide land for a school site for our district in addition to the site provided to West Ada School District. After the meeting, they offered to donate a 10.8-acre site

for an elementary school with access off of Five Mile Road. The site is well suited for an elementary school and has access to a planned park and safe walking routes in both areas A and B; the site also has good access for buses for secondary students. Should the project move forward, we have finalized the Donation Agreement with our Board of Trustees. The donation of land would significantly reduce the cost for our patrons as we expand elementary education services in this area because it means the districts property owners will not have to pay the 500 thousand to one million dollar cost to buy land for a school site; however, the district would have to Bond in the future to build the school itself. In conclusion, the donation of land for a school helps mitigate the cost to the district of expanding services for children in this area; without the donation, the anticipated increase in land values in this area would make it a far greater challenge for us to serve district children. We appreciate these types of private and public partnerships that help reduce the impact of development on our tax payers and our grateful to Ten Mile Creek LLC for the donation. Thank you. **C/Hennis:** Thank you. **C/Young:** Are there any questions? Thank you. Ok, next I have listed under neutral, Jim Eberhard. **Jim Eberhard:** Hi, I'm Jim Eberhard of Northridge Drive in Kuna. I don't know much about what goes into what all is going on here and I'm probably going to prove it before I'm done speaking. I heard a lot from, what I assume you're the developers; that we agree and we will but until there's some ink behind it, its pleasant to hear. I don't know your character; I don't know the process of getting these verbal agreements into signed and financed and all that. I don't know a lot about what goes into the infrastructure and the planning and the developing but, I live off Hubbard Road and again I'm here speaking kind of off the cuff and impromptu. Let's just say seven years ago Hubbard Road was paved and beautiful, flat from Linder out to Meridian Road and now, it's down near an obstacle course to drive because every time somebody builds something, they uproot the road and then they half way patch it. It's very rough, also it's disruptive to the traffic flow. I come from the world of HVAC and a lot of times we build buildings and we know that the building is bigger than what is going to be occupied when the construction is basically complete. When you run the duct work across a floor, you don't just run the main trunk, you come off with T's so that then the little short runs into the rooms and offices. It's really very convenient, you don't have to tear down the ceiling, and I say that because it seems like the main pipes are run under the road and then every time there is a connection made, we tear up the road to make the connection. Why not bring those connections out to the side of the road to make it so the road doesn't get torn up, traffic flow isn't disrupted? We all who spent money on having a road re-paved and improved, to have it nothing but destroyed down the road without thinking far enough ahead. And that brings me to my second point that I appreciate the work that you do here. As a citizen, basically my investment is in my home and as developments come, and if they're done right, they help maintain and actually increase my investment. Those homes and the families, and some other family, will be there basically forever; and with no disrespect to the developers, they are here for a short-term to turn a buck and then they leave and go to the next project. So, my request is that whatever agreements are made, please keep our families, our homes and our future forefront in your thoughts and decisions. **C/Young:** Thank you. **Jim Eberhard:** Thank you. **C/Young:** Looking on the list, I do have people that are signed in; everybody I have left on this list is marked not to testify. Is there anybody here who has not signed on here to not testify or that does want to testify that's not on the list? Ok. Are you on the list already? (Audience member responds, inaudible). Ok, well sure; just please come forward and please state your name and address for the record. **Jerry Green:** My name's Jerry Green, I live at 10850 Hubbard Road, Kuna, Idaho, 836434. Excuse me, I'm a little nervous here. I came to this pretty open minded and I was listening but I had concerns about the traffic. I know that the gentleman tried to address that issue but I believe that Commissioner Laraway was actually questioning that. And my quick question is, to live out there where Hubbard Road comes on to Ten Mile Creek Road, then Ten Mile Creek's going to go into their roundabout they're putting in which is Five Mile; how long are they going to be before they take that Five Mile Road to go up and over Falcon Crest to tie into Kuna Road or Kuna Mora? The only way in and out of their subdivision right now will be Hubbard Road onto Ten Mile (Creek) and then Five Mile out to Ten Mile (Creek)

out to Pleasant Valley; that is the only ingress and egress. So, I'm wondering if you guys will take that into consideration and maybe question that because I know living on there right now, we have an extreme amount of traffic with everybody going up the canyon there to either the prison or the back side of Boise, to and from work and the hours from everybody going to work and getting off, it's very busy and you can't even hardly get out into the road right now. That was just something that I would like to address; I know they are trying to address the traffic issues for the subdivision itself but my question is, is the traffic issues to get in and out of the whole area? Right now they only have the egress in from Hubbard onto Ten Mile (Creek) and then out to Pleasant Valley, and there is also Cole Road; will that handle the traffic of the 300.... the first 350 homes they are putting in out of 774 homes, then on down the road? And how long will it take them to get the road built from Five Mile up past Falcon Crest to help relieve some of that traffic. Thank you. **C/Young:** Thank you. **C/Hennis:** Thank you. **C/Young:** Ok, then, that is everybody that I had listed to testify. I'll just ask once more to make sure, is there anybody else? Ok, seeing none, I will go ahead and ask the applicant to come forward and address those comments. **Chris Findlay:** Chairman and Commissioners, Chris Findlay, 1211 Happy Drive, Boise, Idaho, Ten Mile Creek LLC. Just to answer his question, we can't go across Falcon Crest's property without them allowing us to do that; we're taking Five Mile to the end of our property. You also have Gem Valley Road that will hook onto Ten Mile Creek Road; there will be other access points into it. The other thing is when ACHD does their traffic studies they take all that background traffic and everything that everybody is concerned about, is all put into these traffic studies. They know the quantity of how many trucks and everything that are running along Ten Mile Creek, that traffic study has the little rubber hoses across the road and their counting all that traffic. All the requirements that you see in the traffic study that we approve of from ACHD, should take care of pretty much all of the different traffic issues that are being raised here tonight. As far as agreements with how we work with the city and how we work with ACHD, we'll have Development Agreements that are signed, before we ever get through the system. We do have to get approved by the City Council because that's who approves it and we've worked with both staff and Kuna's legal staff in order to come up with the Development Agreement that you guys see in your packets today; and you have probably seen those packets because that was part of Falcon Crest. I don't want to take a lot of time; I think we hit everything. This is going to be a beautiful subdivision for Kuna. The City Council and the Mayor has put this area into your guys' Area of Impact, the Comp Plan has the Multi-Use zoning to it, we're going to have a variety of housing to it, we have over a mile of annexation point with Falcon Crest. This is going to be a beautiful subdivision and it's going to handle the tax load and the development costs that both ACHD and the City of Kuna are going to incur. We're going to pay for that through impact fees, building permit fees and just flat out writing checks to fix roadways and expanding the roads to make them safe for everyone. This has hit a lot of things, we gave two school sites, I don't think you guys have seen a lot of school sites given in your packets and I don't think you've seen a lot of two school sites given. We have a 37-acre field that we've worked with your Parks and Recreation on, they're going to dictate what they want. If they want baseball diamonds, we're going to give them baseball diamonds. If they want soccer fields, they can have soccer fields. If they want football fields, they can have football fields; they just have to tell us what they want. The pond is an actually really cool pond; the reason is it's as large as it is and why it's going down as deep, it's going 28 feet down, is so we can put fish in it. It's an actual fishing pond, Fish and Game stocks it for us; you have one other pond in your parks system that does that same thing, that's what it got modeled off of. We will probably have over 2 1/2 miles of pathways and walkways and everything into that. Commercial is changing in the world because of a company called Amazon; our commercial fits this site. We're not on Cloverdale and we're not on Kuna Road, so we don't have big face access points to it. Our commercial is built for this subdivision, doctors' offices, coffee shops, pizza parlors; things that actually going to be on that site. Our home designs are anywhere from starter homes to nice 5 – 6 hundred thousand-dollar houses. The rim view lots in area B are going to be expensive homes and they're wide lots; they're 75 to 80-foot-wide and 150 feet deep. So, there's a lot going on with the site. And your

honor, we just think this is a really good thing. We think we have lots going on here. I stand for questions on how we can make this a better project. **C/Young:** Ok. **C/Laraway:** I just have a follow up question. You referenced the pond; are you planning on putting any lifesaving stations? **Chris Findlay:** Sure. **C/Laraway:** For the kids that are going to be swimming? **Chris Findlay:** Well, I don't know if they swim in them but if they do. **C/Laraway:** They'll swim. **Chris Findlay:** Yes. **C/Hennis:** Well, they may not intentionally. **Chris Findlay:** Right. And you know, next to that too, Commissioner, we gave Public Works a yard for because we have a sewer lift station and all that there. There's going to be facilities for the city so they can maintain the parks and do all that. You guys are getting extra ground there for maintenance yards and if they want to build a building there you can. **C/Laraway:** Ok. **C/Gealy:** And the Boise Project Board of Control did have some concerns about the pond and about the project. They asked that they get a full set of plans for review. **Chris Findlay:** Yes. **C/Gealy:** And so, you will provide those to them? **Chris Findlay:** Yes. And they asked for the 125 feet from the tow. **C/Gealy:** Right. **Chris Findlay:** And we'll do that. We don't need any leakage; we get enough of that already there. The other thing they don't want is anything up on the canal. **C/Gealy:** Right. **Chris Findlay:** We'll probably fence all the way along at the tow there. **C/Gealy:** But then, Communities in Motion asked for pathways along the canal. **Chris Findlay:** Oh, and the ACHD lady that does bikes, she wants to be on the canals too and we've talked to the Board of Controls and they say no way. **C/Gealy:** That kind of puts you in a tough spot. **Chris Findlay:** What you do get with this though is there's going to be pathways all along the bottom of the tow that takes us all the way back out; they interconnect where the four-plexes and there's pathways there for all those. **C/Gealy:** But not along the canals. **Chris Findlay:** They can't go along the canal. It will be on our property. **C/Gealy:** Communities in Motion also asked for Park and Ride lots. **Chris Findlay:** If they want a Park and Ride lot, we'll give them a Park and Ride lot somewhere. **C/Gealy:** You're just going to say yes. **C/Hennis:** Well, I know that there was one thing in there that said Park and Ride lots were, and even ACHD talked about that, but yet there's not any services out that way. **Chris Findlay:** They're talking about the vans and we have a commercial site we'd be happy to designate van parking for them. **C/Gealy:** Or even ride sharing. **Chris Findlay:** Whatever they want to do. **C/Hennis:** Ok. **Chris Findlay:** We have a lot of area underneath the powerlines that can have asphalt put on it. **C/Hennis:** Ok, thank you. **Chris Findlay:** There's not any problem with getting the people these things but there's a certain limit to it; I mean, you don't get everything. **C/Gealy:** Since we seem to be back here into the letters and comments, the Boise Police Department is concerned about the proximity to their shooting range. **Chris Findlay:** That's a long way away. **C/Gealy:** It's two miles away. **Chris Findlay:** Yes, but we're down in a giant valley and their clear out on the other side of the road. I'm not worried about it; I think that was more politically motivated than actual motivated. **C/Gealy:** Just asking. **C/Hennis:** One of the questions that leads into law enforcement in general and the services out there; have you spoken with the fire department or law enforcement? **Chris Findlay:** There's a station going out on Cloverdale Road past Kuna Road. **C/Hennis:** Ok. **Chris Findlay:** And we're going to pay a whole bunch of money so they can. **C/Hennis:** Yes, I figured the impact fees are going to help fund a lot of this. **Chris Findlay:** And they get taxes of 600 thousand dollars a year annually for fire protection out there too. **C/Hennis:** Ok. **Chris Findlay:** I don't know how you guys work the police with Ada County; you have a 90-dollar impact fee, that will generate over 200 thousand dollars for that with our impact fee payment. I don't know how that works in your guys budget. **C/Hennis:** Yes, that's unfortunately out of my scope. **Chris Findlay:** I know Ada County's going to get 1.5 million on their annual taxes when this is totally built out. Hopefully there's enough, and between Falcon Crest and us, there's going to be 4,000 homes; I think Ada County police are going to have stuff there. **C/Laraway:** You had a figure of 200 and something thousand dollars going to the police, I was wondering how? **Chris Findlay:** That's your new impact fee, it's a 90-dollar fee on you building permits. **C/Laraway:** Ok. That's 1.5 deputy. **Chris Findlay:** If they would need 100 then they should probably make it higher. And the same with EMT's there, Ada County's worried about that too. Once again, you're going

to have enough rooftops out there that it's going to be substantial. They're actually going to have better service once all these homes are built; they're going to have faster quicker service.

**C/Hennis:** Yes, as long as the facilities get built and the fire department.... obviously, we're getting facilities built out there. I'm a little concerned with the other, they're going to have to come in as well, a substation for law enforcement or something, but our impact fees help. **Chris Findlay:**

We'd be willing to work with you on that, it might not be in this first two phases, but as needed in the next phases. If we come forward and you guys seem to deem that that's a need, we'd look at that, I mean, we think that's a benefit. **C/Hennis:** Ok. **C/Gealy:** Look at what?

**Chris Findlay:** Helping with police or an EMT station or something like that. We don't feel that that's a bad thing, it just won't be in this first phase. **C/Hennis:** What I think he's saying is that they've been nice enough to donate some land for the schools, there may be something that they can help with in the future for substations. **C/Gealy:** I was just asking for specifics. **Chris Findlay:**

Yes, and Falcon Crest can help too. **C/Young:** Ok, are there any other questions at this time? **C/Gealy:** I have a lot of questions. **Chris Findlay:** I'm ready. **C/Gealy:** Since we're talking about fire, there's a fire district map here and the question that I have is there's some that shows its served by Kuna Rural Fire and some that shows that is served by Whitney Fire and then there's some that doesn't appear to be served. **C/Hennis:** Yes, the brown spot down on Cole Road. **C/Gealy:** Well there's BLM ground and then there's ground that's not. Have you talked with Kuna Fire District about extending their services? But this'll be not in your first phase.

**C/Hennis:** Correct. **C/Gealy:** This is not first phase but is that a question that we save until we get to that phase? **Troy Behunin:** That could be conditioned at a later Pre-Plat but as this area begins to develop, those boundaries will more than likely change. **Bill Gigray:** Mr. Chairman, Bill Gigray, City Attorney and I also represent the Kuna Rural Fire District. The procedure is if they're not within the bounds of a district they would have to seek to be annexed into the Fire District which is a petition filed with the Board of Commission. Once that has been processed it has to be approved by the Ada County Commissioners and then it's certified for inclusion within their boundaries. So, they would have to choose, I suppose, what Fire District they wanted to be annexed into based on service and then whether adjoining property is; but that's a procedure.

Also, just by way of addressing the issue with regards to tax and impact fees, you have in your Comprehensive Plan as attachments, the Capital Improvement Plans for your impact fees. In there you can see what the facilities are that are eligible for impact fees collected through that process. Those plans can be changed though from year to year to year based on an annual review required by statute and they have to be reviewed every five years. Property tax is obviously not collected until the following year, and property tax goes into the General Fund of the city and is then of course subject to appropriation by the City Council at that point as to what is funded through general taxes. Now this may change with the legislature meeting this year, I don't know what the forecasts are but I know that the forecasts here that you are receiving are based probably on current law. So, if there's a ceiling on the amount that can be taxed and collected, that would go into effect, there may not, it depends on what the legislature does. **Chris Findlay:**

This is your current (inaudible) it's where we took our information. **C/Gealy:** So, you'll probably want to request annexation into a Fire District before you file that last Plat, sounds like.

**Chris Findlay:** Well, and I would think that if you're in the City Limits then you would be in that district. **C/Young:** I would agree. **C/Gealy:** Just a couple of pages back from that is a topographical map, it was on page 203 of the initial packet and it shows the 100 year and 500-year floodplain. **Chris Findlay:** Yes. Right now, we have a CLOMR (Conditional Letter of Map Revision), which is a conditional LOMR; we've changed the whole floodplain and narrowed it down into a flood channel. We are all the way through the federal with FEMA and we have to get annexed into the city because our application is coming through the city. Once we get annexed into the city then our CLOMR gets approved, which is the design of how we build it; then we build it, then they come out and look at it, then they give us our LOMR. So, it takes them all out, none of the homes will be in the floodplain. **C/Gealy:** That was my next question.

What I find is confusing to me because the 500-year floodplain on the map says it's .2% of the ground and the 100-year floodplain is 1% of the ground. But just by visual inspection it appears

to cover a good bit more than 1.2% of the ground. **Chris Findlay:** It does. It's huge. **C/Gealy:** It's huge! **Chris Findlay:** It floods across the whole property, that's why we're narrowing it. **C/Gealy:** You're going to dig a channel? **Chris Findlay:** Yes. **C/Gealy:** I see. **Chris Findlay:** We've studied it. Our study has started at Black Creek Reservoir and it's come all the way down; actually, some of our data went all the way up to Atlanta (Idaho) and came back down all the way back through there. SPF Engineering has done all our FEMA map for us so, we know what we're doing and we have a pretty good idea of where all the FEMA maps are. The property to the East of us on Cole Road there, I think the Williams property, they kind of blew out all their channels and everything so, that just kind of floats across there. Actually, Pleasant Valley Road acts as a dam. We've studied it that much; there is a complete design on that Commissioner. **C/Gealy:** Thank you, I appreciate that. And there's no houses being proposed to be built in the floodplain? **Chris Findlay:** You can't do that; we don't want to do that. That's expensive too. **C/Gealy:** Is that where...? **Chris Findlay:** Do you know where the pipeline is? **C/Gealy:** No. **Chris Findlay:** Ok, it's the Williams Pipeline, it's part of our pathways. There's about 75 feet for the pipeline that we have to have and we expanded that to about 125 to 150 feet wide. In that will be pathways in the giant V, then the water will go into that. The other thing about this site is those are all gravel pits out there; you just go down about 10 feet and the water goes away. **C/Gealy:** You just have to get down there? **Chris Findlay:** Yes. **C/Gealy:** That was one of my questions, where are the pathways? **Chris Findlay:** Do you see the green line between where it says area A where there's a black dot? (Referring to monitors) **C/Gealy:** Yes. **Chris Findlay:** And then do you see that green line? That is the Williams Pipeline. **C/Gealy:** In that first bit? **Chris Findlay:** In that first phase. And so, you see the width? That will contain a really nice pathway, kind of zig-zaggy along, so kids can ride bikes, maybe some exercise equipment. It will also maintain our storm drain to it because there will be kind of a lip to it; and then it has the pipeline in it. They have to redo all the pipes in there so it's safe; they have a Federally mandated standard that they have to go to, then it kicks in to go across Five Mile. We have to work through that part because of the BLM ground there at the corner of Ten Mile Creek and Five Mile, we'll get it so it goes across, then it basically goes down between the park and the commercial. Then you can see the gray and the wiggly line going through it? **C/Gealy:** That's the pathway and the pipeline? **Chris Findlay:** Everything in it. Then as you come up the hill, you see all the pathways. Do you see all the pathways along the hill there? And then there will be pathways all along the hillside; bike paths and stuff like that. Those are just extra beyond the big pathway. **C/Gealy:** And then down along the Southern part, that's where the floodplain is? Is that correct? **Chris Findlay:** Yes. It comes all the way to the very end; it goes all the way up to Davis' and then it cuts up and then it goes around, then it lands on BLM ground. **C/Gealy:** Ok, thank you. **Chris Findlay:** And then there's a pathway all along Falcon Crest golf course and area B, just to the west, there's a pathway that interconnects all their pathways with our pathways. Both subdivisions have interconnectivity to it. **C/Gealy:** Oh good. Ok. **Chris Findlay:** So, you can drive your golf cart over to the golf course from our subdivision, we think that's a good idea, then there's bike paths along the hillside. Along the bottom and where the pond is, all the way up to Hubbard Road, we will have a pathway going all the way up there too. That's also part of your guys' code, to have interconnectivity between different living groups and that's what we are trying to do. **C/Gealy:** I was looking for exhibit H, the pathway network. Would you say that's this? **Chris Findlay:** The other part of that too, Commissioner, is some of those pathways we're still working with parks on that too; kind of what they want. **C/Gealy:** Ok. **Chris Findlay:** But the main, the big main pathway, is the one and a half miles of the pipeline that gets built. **C/Gealy:** Where the pipeline is? **Chris Findlay:** Yes. **C/Gealy:** And you said it wasn't 75, it was what? **Chris Findlay:** 125 to 150 feet, it widens and narrows as we need it; particularly right by the schools and things like that. Also, when you talk about the schools and the school site here, one of the reasons we liked that was because we're going to move it down into the, where it runs right along Gem Valley there. **C/Gealy:** And maybe keep it along that pathway perhaps? **Chris Findlay:** Yes, it's going to be able to get to the park and everything. We're always trying to get the schools closer to the parks. We think that's a good intermixing to a certain extent.

Anything else? **C/Gealy:** Yes. **Chris Findlay:** Ok. **C/Gealy:** Some of this is to clarify for my own understanding. **Chris Findlay:** Ok. **C/Gealy:** And some of it, I feel, is to clarify it for the record so we actually have it down. **Chris Findlay:** Ok. **C/Gealy:** I'm looking between the staff report and your letter. **Chris Findlay:** Ok. On what? **C/Gealy:** On the acreage. **Chris Findlay:** Ok. **C/Gealy:** The information is that for the first phase of 477 acres there will be 757 single-family homes and 136 multi-family lots. **Chris Findlay:** No, units. **C/Gealy:** Units. That was my question, is it units or is it lots. **Chris Findlay:** Units. **C/Gealy:** 136 multi-family? **Chris Findlay:** We only have 34 four-plex lots. And we lost 55 lots on the count because of the new Kuna school site. **C/Gealy:** Thank you very much for the school site. 757 single-family, 136 multi-family units, less 55, on that first 477 acres? **Chris Findlay:** Yes. **C/Gealy:** And then that first 477 acres, remind me how much of that is open space? **C/Hennis:** 85 acres. **C/Gealy:** 85 of that is open space. Do you know, does that open space include the school sites? Is that considered open space or? **Chris Findlay:** I don't think that's considered that. **C/Gealy:** We would call it public space. **Chris Findlay:** Yes, that's part of that open space. **C/Gealy:** That's part of your open space, the 85. I'm a little concerned because that's still.... **Chris Findlay:** We're running right at that 17 to 18% open space. **C/Gealy:** Right. **Chris Findlay:** Which is what you guys want in your code. **C/Gealy:** Right, but what we're looking at is a total of 2,274 units. **Chris Findlay:** Yes. You'll probably have 1,875 single-family homes and so the rest is all multi-family. **C/Gealy:** In the remaining? **Chris Findlay:** No, overall. **C/Gealy:** Say that again? I'm sorry. **Chris Findlay:** In the overall count you'll have approximately 1,875 lots. **C/Gealy:** 1,800? **Chris Findlay:** 1,875 single-family lots. Now, that's going to be give or take a couple 100 here or there. **C/Gealy:** And then the remainder? **Chris Findlay:** Is all multi-family. **C/Gealy:** Would be about 350 multi-family but there's only 284 acres remaining so I'm concerned about the density in the coming phases. **Chris Findlay:** Yes but I guess until I get the design on it I don't know how to explain that to you because we didn't design it all, Plat it all the way out, we just Platted this A & B area. Our density....I don't know how to say it; there will be other parks that will be added to it, probably other amenities. We have two pool sites already, inside of the community for the subdivisions; we feel like each section will have its own pool And then there will be parks farther down; we know we're going to have parks farther down because of some of the floodplain issues and things like that, so there will be other ponds and things that will be needed to be built. **C/Young:** In future Plats. **C/Gealy:** So there will be additional open space? **Chris Findlay:** Yes! Oh Yes. **C/Gealy:** But it seems, proportionally, there's going to be more dwelling units in the remaining 284 acres than there is in this initial 477. **Chris Findlay:** Yes, because the two biggest parts, and we have questions with staff on that; what we tried to do was bring in the first phase the two big parks. **C/Gealy:** Right. **Chris Findlay:** I'm not going to put another 40-acre park somewhere else. **C/Gealy:** There might be a pocket park or neighborhood park? **Chris Findlay:** Or we'll do like Falcon Crest and give you another 5-acre park; there's going to be other small parks, pocket parks. The big main park was built because that is what you guys really needed for kids. And we didn't want to do it in the tenth phase. **C/Gealy:** First. **Chris Findlay:** First. **C/Hennis:** And we appreciate that. **Chris Findlay:** Commissioner, when you start doing the numbers with your staff on that and you work through that with them, because the way the code sits, it sometimes doesn't give you the flexibility and that's in our Development Agreement that we get to help, our front end helps us with our back end count of open space. Does that make sense? **C/Gealy:** Yes, it does. But again, I think it's a good thing to have the large parks at the beginning but I am still concerned about how many more units are going to be in the smaller the remaining 284 acres. I think you addressed it when you said the gross density is 1.9 in Phase 1. **Chris Findlay:** It could be up in the threes. **C/Gealy:** At the completion it's going to be more like 2.9 gross dwelling units per acre? **Chris Findlay:** Right. **C/Gealy:** And so that means we're adding one more per acre to a third of the ground. **Chris Findlay:** Yes. **C/Gealy:** I think we just need to be aware that we've got a lower density proposal in Phase 1. **C/Hennis:** Yes. **C/Gealy:** And we're trading it for the potential for a much higher density in the future phases. **Chris Findlay:** And that's just because you've got amenities up front. **C/Gealy:** Because we've got the park up front. **C/Hennis:** Yes.

**Chris Findlay:** I do have to tell you Commissioner, that we did struggle through that when we started with the Development Agreement; that's why there's an overall density of 2.99 to the acre. **C/Young:** (Directing towards Planning and Zoning staff) Is there something you wanted to add to that? **Troy Behunin:** Staff just wanted to clarify that the remaining 284 acres, in rough terms, would be less than five dwelling units per acre based on the numbers that we have at this point. The Development Agreement that Mr. Findlay.... I'm sorry, Troy Behunin for the record, that Mr. Findlay has mentioned several times. We've edited multiple times with staff and also with our legal counsel. They will be locked in to a certain number of homes with that Development Agreement and also with your conditions of approval that you are going to recommend to City Council, and whatever they approve. They're also going to be limited to a zone, they've asked for certain zones, they've given us a legal description for those zones. If they ask for R-6, six is where it limits; that's the ceiling, they can't go to R-7, they can't go to R-8. So, the Development Agreement would limit all of that. We do understand your concern, however, that's kind of how it pencils out. The gross density would be right around five units per acre. **C/Gealy:** In the additional phases? **Troy Behunin:** Correct. And then that would balance out with the 1.9 in the first phase. **C/Gealy:** But the Development Agreement and the letter both said that the first phase gross density is 1.9 dwelling unit per acre and the overall gross density for the entire development would be 2.99 units per acre. **Troy Behunin:** Rough speaking, yes, but you've got a lower in the first part and a higher in the second part so, there's a balance there. **C/Hennis:** Mhm. **C/Gealy:** When we talk about the R-6, that applies to the entire development because? **Troy Behunin:** For certain zones they've requested and those legal descriptions in those areas are defined inside your packet, in their applications, and also in the Development Agreement. **C/Gealy:** For certain areas. **Troy Behunin:** A certain number of acres with certain zones. **C/Gealy:** And then some are multi-family. **Troy Behunin:** Correct. **Chris Findlay:** And so is the commercial; they're all designated. **C/Young:** That's part of the PUD (Planned Unit Development) process itself. **Chris Findlay:** Right. **C/Young:** Where we as the city, in this agreement that we're coming to, it gives the developer and the city a little flexibility where we can ask for a few more amenities up front or in other phases; then also it gives some flexibility for a little more density in some areas than there would typically be. It's kind of a give and take, a trade back and forth. **Chris Findlay:** And under the MU (Mixed Use) we could have come in at R-8 and we chose R-6. **C/Gealy:** Right. I do recognize that. **Chris Findlay:** In the next 200 acres it would have been really dense. **C/Gealy:** I did have a couple of questions about your Letter of Intent, and it's on the first page where it says "Emergency services will be available through Kuna Police and Kuna Fire", I think we talked about that, and then the next sentence is "A pressurized irrigation system will be provided by onsite wells, irrigation wells, currently being used for agricultural use and would irrigate common areas and public parks throughout the community". **Chris Findlay:** Yes. **C/Gealy:** What is the plan for irrigation for the private homes? **Chris Findlay:** Pressurized irrigation. **C/Gealy:** From these same wells? **Chris Findlay:** Yes. We have two big wells. **C/Gealy:** So, it's not just common areas and public parks? **Chris Findlay:** Correct. Yes, and that's just for pressurized irrigation, that's not for domestic. **C/Gealy:** Right. **Chris Findlay:** Suez is bringing all the water in. **C/Gealy:** Right. The city is providing the drinking water. **Chris Findlay:** No, Suez. **C/Gealy:** Suez, sorry. **Chris Findlay:** We're in Suez's area. **C/Gealy:** But the pressurized irrigation is not just for common areas and public parks, the pressurized irrigation is for everybody? **Chris Findlay:** It's for everybody. **C/Gealy:** Provided for the homeowners. **Chris Findlay:** Yes, we're not putting cities on it. **C/Gealy:** Thank you. **Chris Findlay:** We're not using potable water. That's why it's twenty-eight feet deep. It keeps the mosquito's away too. **C/Gealy:** I did want to ask about the hammerhead at the very top of the map. Why? **Chris Findlay:** Those are four-plexes. There are four lots up there. **C/Gealy:** And that's met with the approval of the Fire District? **Chris Findlay:** We'll make it so. **C/Gealy:** You'll make it so it will? **Chris Findlay:** Yes. They make them sprinkle four-plexes today, that's a standard code throughout the valley right now. So, it's not like they're trying to pull hoses that far. And things don't burn when they have sprinkler systems to them. **C/Gealy:** Am I the only one asking questions? **C/Hennis:** No, you're just

asking all of ours too. (Laughter from Commission). We're just letting you go. So far, you've answered half of mine. **C/Gealy:** Good, good. Ok. **C/Gealy:** Then I'd like to ask a couple of questions about the Development Agreement if I could? **Chris Findlay:** Ok. And that might have to go to the.... **C/Gealy:** To the attorney? **Chris Findlay:** Yes. **C/Gealy:** The first question I have is the Development Agreement that we have is clearly in draft form and it's marked and has strikethroughs; is it your intention that we would review and approve or deny this Development Agreement as it stands? **Troy Behunin:** That is correct. **C/Gealy:** Thank you. **Troy Behunin:** The final form will not have the strikethroughs and the highlights. **C/Hennis:** If I remember right you said something last time that you left it in this form so that we'd know what the changes were. **Troy Behunin:** That is correct. **C/Gealy:** And these questions may actually be for staff. **Chris Findlay:** That's ok. **C/Gealy:** You're happy with that. (Laughter from Commission). **Chris Findlay:** Yes, absolutely! They answer them better than I do. But we are in about our fifth draft, we've gone back and forth a few times on this. **C/Gealy:** This is where it does state that the master plan maximum density is approximately 2.99 dwelling units per acre. Somewhere else there was a question, on page 19 of the Development Agreement there's been a strikethrough of private roads so all it mentions are public streets, but there's still a discussion of private roads in the text. Is that intentional? **Troy Behunin:** For the record, Troy Behunin. No, that is not. If there is any reference to any public streets then they would need to be stricken through; they are not proposing any private streets anywhere in this project. **C/Gealy:** Alright. You might just want to do a word search for private roads and make sure that you have excluded everything that you want to, because it continues to discuss private roads. **Troy Behunin:** That is not the intention. **Chris Findlay:** I will interject here. In the commercial, there could be some private roads. **C/Gealy:** So, perhaps it stays? **Chris Findlay:** It does. It's not to take them all the way out, it's not the bulk of how we're doing it, but there could be incidences that there might be. **C/Young:** This may answer your question, on 13.1.3 by developer and owner's association, its list's private roads but it also refers to irrigation, support and some those green spaces, and that would go towards the owner's maintenance for some of that. That's on page 31. **C/Gealy:** Right. **Chris Findlay:** Most of all the subdivision, the street frontage roads, none of those are going to be private; those are all ACHD roads. **C/Gealy:** Those are all going to be public streets? **Chris Findlay:** Yes. **C/Gealy:** So, the private roads will be few and far between? **Chris Findlay:** Only for special needs, it could even be for fire access and stuff like that. **Troy Behunin:** And Commissioners.... for the record Troy Behunin, there technically won't be any private roads, there would be private driveways or private drive aisles for the commercial and for the special purposes; there will not be any private roads. Everything that services residential units, whether they are single-family, multi-family, R-6, R-12, R-20; those will all be public roads. **Bill Gigray:** Just a point of information Mr. Chairman, with your permission, and Troy, correct me if I miss-state this; Bill Gigray, City Attorney. The identification of private and public roads and easements and utilities, on and on and on, will all be specified in the Plats. And those will be in the Preliminary Plats and they'll be in the Final Plats, so you folks will have a look at all of those when you review Preliminary and Final Plats because they will not have any roads on there unless they are identified on those plats. **C/Gealy:** So, are there private roads and driveways on the Preliminary Plat that we have in front of us? **Troy Behunin:** There are none. **C/Gealy:** Thank you. **Chris Findlay:** Well, that little area that you were talking about the four-plexes, that's a private drive going into the four-plexes. **C/Gealy:** Going into the four-plexes? **Chris Findlay:** So, that falls into the same thing that the city attorney is talking about. When there's a Final Plat, you'll see that on there and what it is. **C/Gealy:** And then there may be private driveways in the commercial area as you said? **Chris Findlay:** Could be, but they will be identified on the Final Plat before you guys sign off on it and see them. **C/Young:** And its Council that signs off on the Final Plat. **Chris Findlay:** I'm not trying to confuse you. **C/Gealy:** It's ok. **Chris Findlay:** But there's some things there. **C/Gealy:** It's ok. On that same page where you talked about private roads, it's 13.2, it talks about the owner's association and it talks about the CCNR's. Would you anticipate, because the way I read it, it sounds like there would be a CCNR with each phase; is that what you anticipate or did you

anticipate that there would be CCNR's for the entire development? And that new phases would kind of become part of the CCNR? **Chris Findlay:** There will be master CCNR's and then they'll be phases CCNR's that will work within the master CCNR's. **C/Gealy:** So, the answer is both. **Chris Findlay:** Yes. Potentially. **C/Gealy:** So then the homeowner's dues may vary depending upon which phase? **Chris Findlay:** Yes, and we just haven't gotten to that point yet so. **C/Gealy:** And the homeowner's responsibilities might....? **Chris Findlay:** Change. I mean, if you if we had a townhouse project, that would be different than the golf course lots. **C/Gealy:** Right, they would have different CCNR's. **Chris Findlay:** CCNR's due to the structure of the buildings and how they're built, and to the ones along the golf course, access points into the common areas and things like that. **C/Gealy:** My only concern about CCNR's is that we assure that there's a maintenance of the common landscaped areas; it's the responsibility of the homeowner's association? **Chris Findlay:** That would probably carry through on a master plan because that would also go in with pressurized irrigation and things like that. **C/Gealy:** Does anybody have any questions before I move on to my next section. **C/Hennis:** No. **C/Young:** I had the same thing for those too so I'm marking them as you're going. **C/Gealy:** Exhibit E: PUD modifications. We did have some concerns that you work with the City Engineer on some of the modifications that you're requesting. **Chris Findlay:** Ok. What's the question? **C/Gealy:** Especially with respect to road width, driveway lengths, number of homes on a cul-de-sac. **C/Young:** Are you referring to the flag lot portion of that because it solved that. **C/Gealy:** That's all included on the staff report that regarding minimum road width, flag lots; that the City Engineer prefers no more than three contiguous lots on a flag lot. Streets and alleys, the applicant be conditioned to work with Kuna Rural Fire District for acceptable lengths. So those conditions that are in the staff report, you're accepting those? **Chris Findlay:** Yes. **C/Gealy:** On Exhibit E I did have some questions and that was one for staff. There's a footnote here with five stars for an interior side yard setback and I don't know what that footnote indicates. **Troy Behunin:** That's on the table on page 1 of 12 on the comparison chart. There are no five stars below; perhaps the applicant pushed one too many times. **C/Gealy:** Ok. **Troy Behunin:** But maybe Chris can identify what that is. Is that the case Chris? (Inaudible). So, under front yard setbacks in the table, 12 foot for R-6, there's three stars but then if you go over to interior side yard, 5 foot; there's five stars but there's not five stars down below. In the legend, or in the key. (Mr. Behunin shows Mr. Findlay which area he and Commissioner Gealy are referring to on the document). **Chris Findlay:** I think it's just too many stars. **C/Gealy:** You think it's just one more star? Can I just take it off? It won't matter if I do, somebody else needs to take it off. **C/Hennis:** Right, but even the four asterisks down below fit to that. **C/Gealy:** Doesn't fit interior side yard? **C/Hennis:** So, it doesn't seem like that would be the correct legend. **C/Gealy:** You'll fix it before the City Council sees it, right? **Troy Behunin:** We can definitely work with the applicant and work with the Public Works Department and City Engineer. **C/Gealy:** So, most of my questions on Exhibit E are why do you want to do it differently than what we had as the PUD ordinance? So, for instance, on R-20 the maximum height was 40 and you'd like to change it to 48. **Chris Findlay:** Just more flexibility to build something that looks better, particularly in a multi-family setting where you get more pitched roofs. You probably won't get higher than a three-story building out there anyway; I couldn't see us put a four-story building out there. And other municipality's.... we probably took it off of Meridian. **C/Gealy:** Somebody else? **Chris Findlay:** Yes, but Commissioner, it's probably for flexibility. **C/Gealy:** For flexibility. **Chris Findlay:** Yes, which is what the PUD can give us. **C/Gealy:** But it's not to build a four-story structure. **Chris Findlay:** No. **C/Gealy:** The minimum street frontage for R-6 is reduced from 45 to 40? **Chris Findlay:** I think that was just done probably more for narrower road widths, slow traffic down, you have better frontages, it looks nicer; it's just something that probably falls in line more with ACHD. **C/Gealy:** Front yard setback on a local road to residence or sideload garage; you added a whole new section because you anticipate sideloading garages? **Chris Findlay:** Yes, particularly up in area B. All the 75-foot-wide lots, you can put side entry garages in. **C/Hennis:** Mhm. **C/Gealy:** Rear yard setbacks reduced from 15 to 10 for R-6 and R-12? **Chris Findlay:** Yes, there are a couple different reasons for that; it's the new model for

home builders. The design of the lot was brought to us by builders, so they gave us our window opening. Some 10-foot backyards worked better in a townhouse project and the other thing too is just the quantity of water people use. **C/Gealy:** On lawns? **Chris Findlay:** On lawns; we're in an arid area and there's a heavy move to more zero-scape, a less water situation. **Chris Findlay:** And we want people to go use the city parks. **C/Gealy:** And then you're requesting eliminating maximum lot coverage for R-6 and R-12 and you're requesting eliminating the minimum lot size for R-6 and R-12? **Chris Findlay:** Just so it flows. You get to see what you're getting within the Plats that we're bringing towards you. We are actually showing you what those lot sizes are and to get under the multi-use and the variety of different kinds of housing, which the PUD wants. You'll get to see it in a Plat form of what we're proposing so, once again, it just gives us flexibility to give a variety of product on the market. **C/Gealy:** Ok, that's it for that table. Now 5-10-4, general requirements for all signs and districts. You've requested that we add, signs shall not exceed 40 square feet or 6 feet in height unless approved by the Planning Department; subdivisions signs shall also not be placed in the vision triangle; any denial from the Planning Department may be appealed to the City Council. Did you want to change the size? Are you looking at different sizes for signs? **Chris Findlay:** I think what we're trying to do is not have big giant signs and view corridor signs. I think that's why that language is. **C/Gealy:** Signs shall not exceed, in districts zoned residential, signs shall not exceed 12 square feet and you've asked to increase it to 48 square feet? **Chris Findlay:** I think part of it's just for the subdivision sign coming into the subdivision. **C/Gealy:** And then you want to put in 4 signs that do not exceed 48 square feet. **Chris Findlay:** Yes. If you look at that roundabout, those signs are big there; there's these giant rock walls that have signs on them. As you go into the different sections, each section could end up being named too, but they do have to be out of the corridor views. They have those 20-foot view corridors. **C/Gealy:** Regarding the time frame on the Preliminary Plat, changing it from two to three years; that's your request? **Chris Findlay:** Yes. We have 875 lots we're working on; it's going to take a few years to get through it all. And there's a lot of sewer and water to get through. **Troy Behunin:** For the record, Troy Behunin. The timeframe in between Plats or the timeframe that's being talked about, just keep in mind, staff or City Code does not anticipate that they will go through all 761 lots in one phase or in a couple of phases or in three years. Every time a Plat records, the way that code is right now, the two-year clock begins for the next phase. **C/Gealy:** Mhm. **Troy Behunin:** So, it's not like we're expecting 800 homes or 761 homes or townhomes or multi-family units to be built all at the same time or within three years. The clock for keeping a Pre-Plat alive resets every time a Plat is recorded. **C/Gealy:** Thank you. On cul-de-sac's, you would like to increase the length of a cul-de-sac from 500 to 700 feet; why would that be? **Chris Findlay:** It fits within a Fire Code, also because most of them do that. You don't have that many cul-de-sacs. The four-plex one at the top is a long cul-de-sac, this one by the school site is a longer cul-de-sac; it just gives better flow to it. **C/Gealy:** And then, I'm guessing this is language that was added by staff; "Cul-de-sac's may be extended with approval from Kuna Rural Fire Department and emergency access." **Chris Findlay:** Right. Yes. **C/Gealy:** And then on page 5 it's, "A minimum road width within the Kuna City Limits shall be 33 feet back of curb and 27." Is that a staff comment? "Exceptions may be considered by Public Works Director and City Engineer." **Troy Behunin:** For the record, Troy Behunin. The language that you see on page 5 of 12 in the comparison chart, Exhibit E, the red language actually came from the applicant. They're just asking for the ability to have certain streets, or certain lengths, or segments of road to be at those dimensions with the concurrence of the City Engineer and the Public Works Director. **Chris Findlay:** So, one of the things on that; if ACHD wants a calming bulb, that could affect it, they'll want to make those roads narrower, not wider. We have to have that flexibility with ACHD on that. **C/Gealy:** On page 6, "Fencing placed next to an arterial or collector shall be punctuated with a minimum of 3 feet of parallel fencing offset every..."; it was 250 feet and you're asking for 500 feet. Why? **Chris Findlay:** It had to do with design of how where we were putting fencing. **C/Gealy:** And then on page 7 again, "The common or shared driveways shall be relied upon to access lots contained within the common lot configuration". It was a maximum of 3 and you're asking to change it to 6 contiguous lots? But the City Engineer

requests no more than three. **Chris Findlay:** Once again, it's just more for configuration. It probably won't happen a whole bunch, and it probably had a lot to do with our commercial site. **C/Gealy:** You're not planning on having a lot of that? **Chris Findlay:** No. And once again, all the changes have probably come just so we have flexibility because this is such a large site and there are so many different things. We keep narrowing it down and down, and then you guys are always going to have the ability to look at it and approve it as it comes in front of you and once we get it Platted as well. **C/Gealy:** Alright, thank you. **Chris Findlay:** Is that it? **C/Gealy:** I think so. **Chris Findlay:** Ok. Can I answer any other questions for anybody else? **Bill Gigray:** Mr. Chairman, with your permission, Bill Gigray, City Attorney. Remember as you're going through, you're looking at standards of the city here. When they come back with a Plat, this would be modifications that would be allowed with city approval of those Plats, but they still have to match ACHD's requirements because ACHD has to approve Plats as well as the city when it deals with roads and streets. **C/Young:** Ok, thank you. Are there other questions for the applicant at this time? **C/Gealy:** I have no further questions for the applicant at this time. **C/Young:** Ok, then since we haven't done that yet I'm going to go ahead and close the public testimony at 7:54 PM. That brings things around to our discussion. I don't know if anybody would like to go first? **C/Hennis:** Well I think it's a nicely laid out project, I think it's very well thought through; it's got a nice amount of amenities, it's a good development. I was hesitant on where it was located being so far out and not having services out there; we're basically putting a new city out in the middle of a bunch of farmland. And I was concerned with how we were going to deal with water, sewer, fire, everything; but I think they've done a nice job in bringing about a lot of thought. There's a lot of impact fees going towards law enforcement, substations, schools. They're providing us a lot of the amenities that I was concerned with, they're putting a lot of money out towards capital improvements outside of just even their development to service the roadways, bringing sewer all the way down Locust Grove. That's not an easy task and I think they're serious about doing this the right way so, I'm a lot less hesitant now than at the start of tonight. I'm still questioning why we're putting such a big area out away from everything, kind of creating its own little area but we've done that with Hidden Springs; there's a bunch of other developments throughout the Treasure Valley like that. I still question whether this is the right spot for a lot of this but I think you really can't go anywhere else, without a lot more effect. And like I said, I think they're providing for a lot of the issues that I saw. I think that with Falcon Crest, the golf course, I think this will be a gorgeous area but it's still a lot of homes out there. **C/Young:** I've got to echo a lot of your sentiments but I think the master plan, overall, will work well with the Falcon Crest development to the South. It's always kind of been interesting where development wants to happen versus where people want things to go. But I also know that in some of what the City of Boise wants to do and some of their future planning is R-6 residential from Pleasant Valley Road working to the West. So, it's not an unheard-of thing in what other cities are doing and looking at this area. I think that they have done a good job. I think they've worked well with the city to try and get a lot of the open space amenities, the school sites and things that would be needed in that area for this type and the amount of developments heading that direction. I looked through some of these letters; I think we're over two miles away from the BPD's (Boise Police Department) fire range out there and I think as the applicant indicated, we're down in a valley so I don't share, personally, those same concerns as far as that goes. You look at the COMPASS report and they say it exceeds their growth forecast for this area; I haven't seen a COMPASS report in the last eight years in anywhere in the valley that didn't say we're exceeding the forecasted growth. We've modified our Comp Plan in that area when we did it a year back and it's consistent with that Comp Plan. **C/Hennis:** I also remember too, about 10 years ago, we were looking at 6 developments that were going to be along Kuna Mora Road between 84 (Hwy 84) and downtown; but none of them had the connectivity, none of them had any of the services provided but yet there was development. Where this is kind of centralized and it's nice in the fact that they are putting all of the amenities in first, which we don't get most of the time. With some of the citizens that were reflecting on whether this is actually going to go through and everybody be held accountable for it, but the Development Agreement, they're

going to be held to it but we're also going to get the nice stuff in before all the houses which is usually backwards of what we get in a lot of subdivisions; so it's nice. I think it's just laid out better than trying to cram all these houses in a longer stretch without amenities provided to it; schools, law enforcement, etcetera. **C/Young:** And I think the landscaping that's been proposed and the landscape plans all looks really well from my point of view. I like the pathways, the connectivity to the South with the development that's going there; I think the people that are going to be moving out there between Falcon Crest and this development, will have some very nice pathways and long stretches to bike on as both of those expand and do their thing. And the roads merge North – South with Five Mile and provide that connectivity there. **C/Hennis:** Yes. **C/Young:** And I think that with the applicant agreeing with all of ACHD's comments, the miles of roads that they're modifying; they're redoing pretty much everything from Pleasant Valley all the way to Cloverdale and when they hit their milestones there's signalization that's going in on multiple intersections. And there, as he said, are impact fees that are paying for North – South on Cloverdale. **C/Laraway:** I think the developers have done a good job putting all this all together and I think in the long run this will be a very positive thing for Kuna. I will look at the shorter end of it; the public, I think, is going to have more of an interest in this when you start tearing up roads, causing traffic problems; that's what's going to give this a good taste or a bad taste. I would hope, and I'm going to say this on the record, I hope when it comes to doing the roads you make the roads better than what they were when you started tearing into them. The patchwork and all this other stuff that really makes the roads inconvenient to go on, and the traffic that it causes backing up; a lot of it isn't the developer, it's ACHD and their approval of the roads and the pipes and things like that. We don't control that, half the time the developer doesn't control that. Hopefully, we can work with ACHD to make those roads better than what they are after we're done with them. I think the police are going to be able to respond probably fairly swift, they're only four miles away; fire's going to have a station out there. This valley's going to grow, it's probably one or two in the nation in growth, they're going to come. It'd be nice to have a nice subdivision. I'm assuming you have independent builders that are going to be involved in this, they're going to make this a very nice community next to the golf course. Cloverdale will get widened, ACHD will eventually get around to it. I don't know about the ins and outs of the building in the subdivision, hopefully the staff and the engineers are going to keep an eye on that because once we approve this it's kind of out of sight, out of mind. I don't have any problems with the subdivision. I think it's laid out well, I think the school donation for West Ada and for the Kuna School District; everybody kind of wins with this. It's just my opinion. **C/Young:** Ok, anybody else? **C/Gealy:** Yes. I think that there's been some criticism that it's a patchwork but I'm afraid a patchwork is what we get with individual, unique subdivisions. I don't think a patchwork is what we've got with a Planned Unit Development. I think there are a lot of advantages to a Planned Unit Development, and we're seeing a lot of those advantages in this application; there's a good diversity of housing, it's not all the same. I know you've front loaded the amenities and the parks and I appreciate that, there's good open space available for the people. I do think those are advantages of a Planned Unit Development that we don't get from patchwork subdivisions, so I appreciate that. I'm still a little bit concerned about the density but if it's at 2.9 overall density, I think that's quite acceptable and that's what's in the Development Agreement. I am still concerned about some of the modifications that were requested; I don't want to approve modifications and then later find that we've made a mistake because we didn't quite understand why it was 500 feet or 200 feet or 7 houses or 3 lots. So, I'm still concerned about Exhibit E but, in the scope of things, I think that's not really hugely significant. I would like to see a little bit more.... I guess I would like to ask staff, if staff would recommend approval of the conditions in Exhibit E as they are presented here? **Troy Behunin:** Staff can't make a recommendation about the conditions, however, I know that one reason why the Public Engineer does not like too many homes or too many units on a flag lot deals with moving trucks in and out. And it deals with narrower driveways and things like that for if someone's got an RV and someone's coming to visit, then they need to get in and take care of an easement or something that's going on. Those are the major concerns for that particular section.

**C/Gealy:** I appreciate the attorney's comments that we will see this again, but what typically happens is if something meets the code then we're hard pressed to change it and what we're being asked to do is to modify the code. What I'm wondering is, would we be better served by saying we won't accept the modifications in Exhibit E but we would encourage the applicant to work with staff for exceptions to the PUD ordinance? And that staff and the Director would entertain appeals or exceptions? **Troy Behunin:** For the record, Troy Behunin. Commissioner Gealy, if the Commission feels that a specific exception or something general for the entire Exhibit E, on a case by case basis; if that's the way the Commission feels then staff would support that. **Bill Gigray:** Mr. Chairman, Bill Gigray, City Attorney with your permission. In response to that, my experience with Planned Unit Developments not only in this community and others is that they do provide flexibility and there are requests for either, some city's call the waivers other call them exceptions or modifications. I think this is an issue of how important is this to the applicant, that those be a part of this, and if it is then my recommendation would be that you may want to continue this hearing for one more time so that can be ferreted out so that you get specific staff recommendations as to whether or not those not be waived or waived because I think that is part of your findings in this regard. Now, if it isn't of any major issue for the developer, that they have those modifications and you decide not to give them, then it wouldn't really be much of an issue and you could move on. **C/Young:** Ok, to maybe follow up on yours; for myself, I think that the majority of what they're looking for this specific development, because what they are talking about is specifically for this PUD and this Development Agreement, it doesn't change city code city wide, it's specific to this agreement. And for me, the only one that I may really have any question with is the conflict between what the City Engineer is looking at for the flag lots versus that. **C/Hennis:** Yes. **C/Young:** But maybe move wiping all of that and maybe we can look at a condition for reviewing prior to City Council. The applicant and the City Engineer could get together and maybe come to whatever compromise and present that to Council. **C/Hennis:** As far as this table goes. **C/Gealy:** Well, some of them seem inconsequential but some of them.... I'm concerned there may be an unintended consequence. I would like to have the modifications include a condition to work with staff and City Engineer but these are requests for modification to the PUD ordinance for this subdivision so that they don't have to work with staff and City Engineer. **C/Young:** Well, I guess that's where I was heading if our recommendation we have in the interim, maybe the applicant work with the City Engineer or staff on several specific things of concern. **C/Gealy:** Before it goes to City Council? **C/Young:** Before it goes to Council. And then we address it that way, as a suggestion. **C/Gealy:** Yes, I think that sounds like a good idea. **Wendy Howell:** Chairman Young, Wendy Howell for the record. If you decide to do that, please be specific as to which ones you are referring to. Thank you. **C/Young:** Yes. **C/Hennis:** It appears that kind of on that same common one with the flag lots. It doesn't seem like too much of the others are like you say, kind of inconsequential but I would like flag lots to be evaluated a little further. **C/Gealy:** And I would direct you to page 5 of 10 of the staff report where staff highlights the following specific items for the Commission to consider; subdivision advertising; Pre-Plat approval timeframe; cul-de-sac lengths; minimum road width; flag lots; and street and alleys. Myself, I'm not particularly concerned about the subdivision advertising; they have it in their best interest to advertise in good taste and safety. **C/Hennis:** And it still has to go through sign review anyways. **C/Gealy:** And, I'm not concerned about the Pre-Plat approval timeframes. I am concerned about cul-de-sac length, minimum road width, flag lots and streets and alleys. **C/Young:** I think we can condition that the applicant works with staff on those specific items before presenting to Council. **C/Hennis:** Yes. **Wendy Howell:** Chairman Young, if you could speak a little bit louder or closer, I'd appreciate it. **C/Young:** Yes. I think we could add those specific conditions with our recommendation to Council. **C/Gealy:** Alright, thank you. **C/Young:** Are there any other thoughts? **C/Gealy:** There were some other conditions that I made note of as we went, I don't know if we want to include conditions in addition to ones in the staff report; especially with respect to Exhibit E, on condition thirteen, discusses landscaping but we typically have language that discusses the maintenance of landscaping. Oh, here it is. I'm sorry, number eight.

**C/Hennis:** Yes, it should be there. **C/Gealy:** Do you think condition eight is requiring that the homeowner's association provide landscaping maintenance? It's the public entities owning the property. **C/Young:** I'm not on the same page. **C/Gealy:** Page 9 of the staff report. Is yours different than mine? **C/Young:** Maybe I'm a page off? Oh, it just jumped over. Here we go. **C/Gealy:** No, that's not it. **C/Young:** Number 8? **C/Hennis:** I think you're missing a page. **C/Young:** Am I? About landscaping being permanently.... **C/Hennis:** You're on the wrong page. (Commissioner Hennis assists Chairman Young). **C/Young:** Ok, sorry. Go ahead, now that I can see the same thing. **C/Gealy:** Does this all require landscaping shall be? **C/Hennis:** Well, part of the PUD is that they set up the HOA's and the different phases. And like he described, each one is going to be based on its development type and it's within the PUD that they have to set up these associations. So, I think that's implied in that whole PUD and covered there. **C/Gealy:** I just want to make sure the maintenance of common areas is not implied. **C/Young:** No, I think that's being specific that they have to. **C/Gealy:** Ok. Then I have a condition to work with the schools and ACHD regarding school site driveways. **C/Hennis:** Yes. **C/Gealy:** To work with city staff regarding park amenities, pond amenities, to include lifesaving stations, work with city staff to provide park and ride lots. **C/Hennis:** I also have one here to work with ACHD for the traffic calming for the bump outs and such through the residential areas. So, to work with ACHD for the traffic calming mitigation. **C/Gealy:** Do we need to say anything about private roads or private driveways? **C/Young:** I think it's pretty clear in the PUD. **C/Hennis:** Yes, I think it is in there. Plus, that will all be re-evaluated during the Plats. **C/Gealy:** Just a question for clarification, do we also need to include Planned Unit Development 19-01-PUD in that same motion? **Troy Behunin:** Yes.

**Commissioner Dana Hennis moved to recommend approval of 19-10-AN (Annexation) and 19-06-DA (Development Agreement) with the conditions as outlined in the staff report and with the additional conditions the applicant work with staff, Kuna School District and ACHD for site layout of the schools and the applicable access roads; for applicant to work with ACHD on traffic calming measures within the streets as indicated in the ACHD report; applicant to work with the city to provide amenities in the park and lifesaving stations at the pond; applicant to work with the city and City Engineer in regards to Exhibit E, Section 6-3-3-G: Cul-de-sac Lengths, Section 6-3-4-D: Minimum Road Width, Section 6-3-9-G: Flag Lots, Section 6-4-2-S: Streets and Alleyways; and provide a park and ride or ride sharing lot within the commercial area. Commissioner Hennis moved to approve 19-01-PUD (Planned Unit Development). Seconded by Commissioner Cathy Gealy. Motion carried 4-1-0.**

**Commissioner Dana Hennis moved to recommend approval of 19-23-DR (Design Review) with the conditions outlined in the staff report and with the additional condition the applicant work with ACHD on traffic calming measures. Seconded by Commissioner Cathy Gealy. Motion carried 4-1-0.**

Wendy Howell, Planning and Zoning Director, requested of the Commission a brief recess. Recess began at 8:25 PM.

**B. Case No. 19-05-ZC (Rezone) & 19-04-SUP (Special Use Permit) 763 W. Avalon**  
**ACTION ITEM**

**C/Young:** We'll go ahead and come back to order at 8:33 PM. The next item up on the agenda is 19-05-ZC (Rezone) and 19-04-SUP (Special Use Permit) for 763 W. Avalon. We'll have staff come forward. **Troy Behunin:** For the record, Troy Behunin standing in for Doug Hanson, Kuna Planning and Zoning staff, 751 W. 4<sup>th</sup> Street, Kuna. Good evening Mr. Chairman, members of the Commission. The application before you this evening is for the Rezone of a property located at 763 W. Avalon. The current zone is AC-2, Area Commercial, and they are looking to change

that to a C-1 Neighborhood Commercial. The applicant also seeks a Special Use Permit approval in order to operate a church inside the existing building on the subject property. The proposed zoning is compliant with the Comprehensive Plan and the Future Land Use Map, and staff has determined that this Rezone and Special Use Permit application is compliant with Kuna City Code; KCC. The applicant should be conditioned to follow an alternative method of compliance because of the configuration and the way that the existing conditions of the lot are. An alternative method of compliance was submitted because of the size limitations of the parcel among other existing facilities. The landscape improvements along W. Avalon Street would cause the site to lose approximately 20 parking stalls in order to be compliant with the current city landscaping ordinance, that would be on the northern boundary of the parcel. The removal of the parking stalls would then limit the applicant in providing adequate parking on site, so we have a conundrum. Staff does recommend an additional condition for the installation of two street lights at two locations along the border of the property; the first would be directly on the corner of W. Avalon Street and School Avenue, and the second light would be next to the driveway access from School Avenue which is on the southwest corner of the site. These lights should have a double head to provide lighting for both the parking lot and the walking path; that's a condition that has actually come down from Public Works and City Engineer. With that I would stand for any questions that you might have. Thank you. **C/Young:** Ok, are there any questions for staff at this time? **C/Gealy:** I have no questions. **C/Hennis:** No. **C/Young:** Then we'll have the applicant please come forward. **David Crawford:** Chairman, Commissioners, David Crawford, B&A Engineers, 5505 W. Franklin Road in Boise. I'm here representing the applicant, who's not here tonight, but tonight what we're bringing forward is exactly what staff had indicated, a Rezone from the current C-2 zone to C-1 to allow the use of a church and also the Special Use Permit. Staff did a really good job of discussing the issues with the site related to the additional landscaping requirements; I don't want to belabor the issues too much but the majority of the reason is, as specifically noted in my letter, was really due to the additional right of way dedication that has occurred through the many years out there; particularly along Avalon Street. They dedicated 23 additional feet from the original 25 on the south side of Avalon and an additional 10, I believe, on School Street. This occurred after it was developed over the years and subsequently, there was improvements made for pedestrian access to place sidewalks on School and Avalon both, so that there is pedestrian travel ways within the right-of-way there. So it really removed the opportunity for the site to be able to be.... we essentially, could lose the majority of the parking along that area. What the concern there is, obviously, is that we wouldn't be able to adequately serve the church patrons and it would drive parking out to the street. That's what we're really trying to avoid there. I think the site plan shows a lot of that, that there is landscaping that is provided on both School and on Avalon Street. There's a large landscaped area at the northwest corner and then of course near the entrance of the northeast corner and also the building frontage on the southwest corner; we believe that landscaping, while it may not meet current city codes, it is there. Specifically related to the additional street lighting, this is the first we heard about the double head streetlighting. We believe that the site has two existing streetlights; one located in the planter at the northeast corner at the west side of the entrance and one located in the larger landscaping area near the northwest corner of Avalon and School; those are specifically noted on the site and landscape plan. While there is not a streetlight located on the south side of the west entrance off of school, we would offer that we could provide lighting on the exterior of the building to add additional lighting for the parking area. And, with those things, I'll stand for any questions you may have. **C/Young:** Ok, are there any questions for the applicant at this time? **C/Hennis:** Just one; it sounds like you guys aren't really willing to do the two streetlights but you're willing to try to come to some compromise to provide the lighting that they're requesting? **David Crawford:** Correct. **C/Hennis:** Thank you. **C/Young:** Alright. Any

other questions for the applicant at this time? **C/Gealy:** No, no questions. **C/Laraway:** No. **C/Young:** Thank you. Alright, then I'll open up the public testimony at 8:40 PM. And all the names I have listed on here, several say not to testify and then there are others that don't have either testify or not. It appears everything in here is in favor, is there anybody that's on the list that would like to testify? Ok, then please come forward. Let's see, is your name on here? **Jeremy Jeans:** Yes sir, the second name. Jeremy Jeans, 681 E. Wild Lilac Court. I'm the reverend or the pastor of the church that is extremely excited to finally a place to call our own. This has been years in the making in an incredible journey, a testimony; a lot of prayer, a lot of sacrifice and, you guys will just never know what this little room has done for me and my wife and our children in the journey that we've been on personally and those that are involved in our church and the growing effort. We are extremely excited to be here in Kuna and we have no plans on being a fly-by-night, flash in the pan group and we're excited about putting roots down in this community and being a blessing to you, to the city, to the young people; whoever we need or require or want to be a part of what we're doing. And I just wanted to thank you, this is a testimony that's going to be heard in a lot of different churches across this country because of the circumstances that brought us here. And, you guys just don't know; I'm extremely honored and privileged to be here. Thank you. **C/Young:** Thank You. **C/Hennis:** Thank you. **C/Young:** Ok, then we'll just make double sure, is there anybody else? Is your name on the list as well? (Answer from audience). Ok. **David Gronbeck:** Mr. David Gronbeck, 1400 E Kokanee Lane, Kuna, ID. I'm just here to respond to the lighting requirement; from a simple perspective, it was at one time, good enough as it is for City Hall. There are parking lot lights on facility right now, so to me it would seem the uses, a daycare is operating out of there now and it's a daytime activity similar to what the church will be. I think the additional lighting is a big request, and if they can accommodate that with some lighting on the side of the building, I would think that should be sufficient. Any questions? **C/Hennis:** Thank you. **C/Young:** Ok. Then with that, it is typically the applicant would come back and offer any rebuttal but I don't know if there's anything you would like to add to that? **David Crawford:** Chairman, Commissioners, David Crawford for the record, B&A Engineers. I'll stand for any questions you may have or if you wanted to ask any specific questions about the site itself. I'd be happy to answer those. **C/Hennis:** Are they planning to add any signage at this point, do you know, or is that just going to be dealt with in the future if they choose to? **David Crawford:** Chairman, Commissioners, any new signing obviously would have to come before the design review committee, there hasn't been any proposed to us. I'm sure in the future that they're definitely going to have to do that and of course be in compliance with the sign ordinance that the City of Kuna has. **C/Hennis:** And they know that they'll have to come back for that? **David Crawford:** They do now. **C/Young:** There is an existing sign up there. **C/Hennis:** Oh, that's right, there is. Ok, thank you. **C/Young:** Alright, any other questions at this time? **C/Gealy:** No questions. **C/Young:** Alright, thank you. Then I'll go ahead and close the public testimony at 8:45 PM. **C/Hennis:** I looked at this lighting thing when I was looking through the packet and with these two being the existing ones, why adding 1 only maybe 10 or 15 yards away; I don't know if this ones all that helpful. I agree something down here on the end towards the building, might be useful but; staff, would you have any input on that? I mean, the proposed location on the corner of School and Avalon is just across that little landscaping area from the existing one. **Troy Behunin:** For the record Troy Behunin. Commissioner Hennis, Commissioners; the discussion that I had with Doug about this project and the streetlight was there's a request for alternate compliance for the landscaping and that this would mitigate some of those landscaping needs; it would also serve as a safety measure for that corner. As you know, there's been a number of incidents there at that pedestrian crossing from the south side to the north side. I think that the reason for that was the lighting that is there is insufficient, I'm not if the distance plays a part of that or not but the fact is there is a dark

corner there where pedestrians are encouraged to walk across. **C/Hennis:** Might it be better suited to replace the head on the existing tower versus putting a whole new tower in that's going to be kind of oddly close to the other one? **Troy Behunin:** For the record, Troy Behunin. Commissioner Hennis, I'm not a lighting engineer but what I do know is that distance does play a part of that; we're not talking a few feet, we're talking 15 or 20 yards from the corner. **C/Hennis:** Ok. **Troy Behunin:** Perhaps staff could agree that lighting on the building along School may offer some better lighting options and be better lighting for pedestrians so long as they're downward facing; we don't want lights projecting into the right-of-way. However, on the corner, I know that was a Public Works concern and it's also a Planning and Zoning concern. **C/Hennis:** Ok, thank you. **C/Young:** I can definitely see the concern with that, I've driven through there at night and it is dark. As far as the hard corner there on School and Avalon, I don't know that there's a need for the secondary pole at the southwest corner of the lot versus building lighting. **C/Hennis:** Maybe we can condition it to where they work with the City Engineer who's requesting it, as opposed to staff who's both not lighting engineers, to look at the possibility of maybe even just replacing the head because that would be a significant reduction in cost but still could be highly effective in what they're trying to do. **C/Young:** If they can get the light coverage the engineer wants? **C/Hennis:** Yes. We all know these are old lights, they've been around since whenever, and we've got a lot better lighting options now. **C/Young:** If they can get the coverage on that. **C/Hennis:** Yes. **C/Young:** Ok. Any others? **C/Hennis:** Just what I've seen in lighting surveys and photometrics. **C/Laraway:** Not being a lighting engineer myself either, it would seem that the new type of lights that are out there could be put on that other pole to accomplish both. **C/Hennis:** Right. **C/Laraway:** We could add, again, more modern lighting heads that probably could accomplish both the Public Works concern and reduce the cost of what we're requiring. **C/Hennis:** Right. **C/Laraway:** And, if I'm not mistaken, there's a spotlight on the roof right above the door. **C/Hennis:** Hm, yes. **C/Laraway:** And that's because that's the old police station. **C/Hennis:** Yes, I agree. I think maybe a compromise would be to investigate the use of a newer head on that tower and save the cost of that. **C/Laraway:** So, are you talking about alleviating the one tower? **C/Hennis:** No. And I think the other one doesn't, over next to the building, doesn't even need to be there; I think it can be transferred to something on the building. **C/Laraway:** Yes, because I think that would be better to have one at the entrance of both. **C/Hennis:** Yes. Oh, so you're talking about leaving the more southern pole there? **C/Laraway:** The more easterly pole, and the one that's on school. The one with the X and the one with the square. **C/Hennis:** Well, the squares are existing. **C/Laraway:** Right. That's what I'm saying; that should be adequate because those are the entrance points. **C/Hennis:** Yes but, we're talking about on the other X at the other entry on School, to use something off the building. **C/Laraway:** Right. I remember that light being there but I don't know if still there anymore. **C/Hennis:** Yes, there may be something. **C/Laraway:** Is there a crosswalk or something at School and Avalon? **C/Hennis:** Evidently, yes. **C/Young:** Yes, that's where that gal got hit. **C/Laraway:** Ok, that's what I was wondering. **C/Laraway:** I think that's part of what's generating a need for more light on that corner. **C/Laraway:** It goes across School, right? **C/Hennis:** It goes across Avalon. **C/Young:** Right across Avalon. **C/Laraway:** Oh, it goes across Avalon. **C/Young:** Yes, north south. **C/Hennis:** I understand the need for the light and I also understand the need for the economic concern, because that gets expensive. I think the pole, in what I remember on photometrics, we should be able to accomplish it with that pole there. **C/Laraway:** They might not even have to put another light on, they could probably just add one to the side to where it's a directional. **C/Hennis:** It'll look funny unless it's the same head but yes, that's out of our realm of experience or expertise. **C/Young:** I think that we can maybe just make that condition to work with them. If they can get that light coverage on the corner that's required, and then the others for the building.

**C/Hennis:** Otherwise, I'm all for it. **C/Young:** Yes. I think that as far as the zoning goes, it started as a church, I think it's awesome that it's going to come back to be a church again.

**C/Hennis:** Yes, I agree. **C/Young:** I don't have any issues with that. **C/Gealy:** I think they should work with Public Works to address the concerns of lighting but I would defer to our Public Works people. And I would say they may need to include up to 2 additional light poles, depending upon after they've talked with staff and Public Works. **C/Young:** Yes, see if they could get that. **C/Laraway:** There appears to be a light across the street on a pole; we're going to require another light on this? There's already a light, it looks like, coming off the telephone pole on the north side of Avalon. **C/Young:** Well, I think the issue is there's not adequate light on the southside. That lights old and was probably put up there in the seventies? Honestly, I think the best way to approach it, from my point of view, is if they can get the photometrics to work with adjusting the existing pole and adding a head to that to get the coverage without blowing something out across the street, then I think it would be great to reuse that. But it will have to satisfy the engineer. **C/Gealy:** Right. **C/Hennis:** Yes. **C/Young:** Any other thoughts? **C/Gealy:** Yes, I think the condition has to be to satisfy the concerns of the engineer. **C/Hennis:** Mr. Chairman, I move we approve; Rezone's are approved, right? **Troy Behunin:** For the record, Troy Behunin. Recommendation for the Rezone and a decision from you folks tonight on the Special Use Permit. **Bill Gigray:** Mr. Chairman, members of the Commission, with your permission. I would encourage you to make a definitive decision because if you have ambiguity, then the question is, what have you really ordered here? I think the comment about other considerations is very helpful but the question would be, are you going to require that they meet the requirements of Public Works or not, as a condition? Because working with and with those considerations, you are giving Public Works instructions of you wanting them to look at alternatives but in the end, I would think, that your condition ought to be definitive about whether Public Works approval is needed or not. **C/Hennis:** Ok. In that case, do we have anything from Public Works that says what they are requesting and the specifics behind it? Because it's hard to evaluate this if they just request it. **Troy Behunin:** For the record, Troy Behunin. Commissioner Hennis, there are streetlighting requirements listed in Kuna City Code, but then you also can make the general condition that they satisfy the Public Works requirements. **C/Hennis:** Are we looking at providing streetlighting from a public area? Because doesn't that kind of go away from our Dark Sky's Policy of leaving the parcel? **Troy Behunin:** For the record, Troy Behunin. Yes, but the first consideration is not necessarily for Dark Sky's, the first consideration is for public safety. **C/Laraway:** If I could add two sense on that; I'm not trying to be difficult, but I don't think we should be pushing public safety off on a church. There's a streetlight across the road, that should be the city that makes that a safe crosswalk. That's me being difficult. **Troy Behunin:** For the record, Troy Behunin. Looking at the underlying zoning, it's a commercial zoning. Churches, although they're not taxed the same way other commercial businesses are, they are considered a commercial business. They build to commercial standards, they have to follow commercial requirements, for other considerations.

**C/Young:** I think we also need to remember that the additional lighting was in lieu of landscaping requirements that we're not having them do because of the hardships on losing parking stalls; and the lighting was in replacement of those landscaping requirements. So, maybe we need to keep that. This was a trade-off for landscaping, it was either that or all of the sudden now there's a landscaping requirement that's there that would take away their parking stalls. There's that piece and that was part of the request for the change in meeting halfway so to speak.

**C/Hennis:** I see your point, but it's kind of one of those where, oh, just so you don't have to worry about landscaping we're going to make you put a light pole in over here. I understand that but it's usually in lieu of we'll take away the trees over here if you put bushes over here because it's all landscaping. I understand the idea behind public safety here, but are we saddling the city's

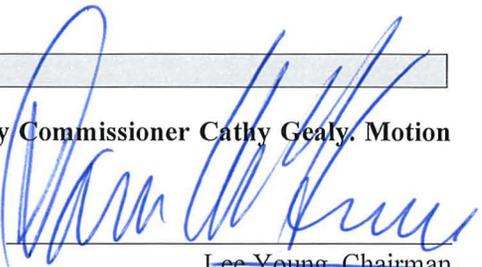
responsibility with private responsibility. I can see maybe the pole at the corner, but do we need the other pole because we are right next to the building? I get the point on the corner where we've had the incident but.... **Troy Behunin:** For the record, Troy Behunin. Earlier staff did concede that the one on the corner would be sufficient to satisfy Planning and Zoning, and that some downward facing lighting on the building along School Avenue would be a concession that we would be willing to make. **C/Hennis:** Still, I have looked at enough photometrics in my life that I almost think that we can do a condition to where we say in lieu of that light pole, if they can present a head replacement for the existing pole, if it would satisfy Public Works. **C/Young:** I agree with what you just said. **Troy Behunin:** For the record, Troy Behunin. We can't make that recommendation for you but if that's the direction that you would like to go, we can certainly entertain that at public hearing with City Council. **C/Hennis:** Ok. **C/Gealy:** We could also table it. **Troy Behunin:** I'm sorry, I did say the Rezone; it does need to be handled with the Special Use Permit. I Apologize. **C/Gealy:** We could table it for two weeks. **C/Hennis:** What's that going to do though? **C/Gealy:** Well, find out from Public Works exactly what would satisfy; if they would be satisfied with a different head or if they would be satisfied with a lighting on the building. **C/Hennis:** But, instead of tabling that we can condition and say unless they can provide evidence that satisfies the City Engineer to use the other pole and then provide one on the building. It just gives them the option if they can work with the City Engineer and utilize the one pole with a new light fixture that satisfies what he wants, then they don't have to put the other pole in. **C/Gealy:** So, then the motion is to satisfy the City Engineer, not just to work with the City Engineer? **C/Hennis:** Yes. **C/Gealy:** Recognizing that they may be required to put up two new poles? **C/Hennis:** One pole. Well, that's what I'm saying; we'll say one pole on the corner and a light pack on the building in lieu of the second pole. With regards to the one on the corner, if they can work with the City Engineer to satisfy his needs using the existing pole with a new head, that would also be acceptable. **C/Young:** It would have to satisfy the City Engineer or his lighting requirements? **C/Hennis:** Yes. He has a certain photometrics he'll want to see; he'll know if that will work. **C/Gealy:** Does that satisfy the attorneys concern about being specific? **Bill Gigray:** Mr. Chairman, members of the Commission, it's going to be a matter of your direction. I would recommend that your condition be clear about who makes the final decision, is it the Public Works Director or not? **C/Hennis:** Ok. **C/Young:** Yes, I think that's where we're headed, if they can supply a head that works for the photometrics and would satisfy the engineer, then we can alleviate that need but it has to be satisfied. **C/Hennis:** Ok. **C/Gealy:** And then likewise with the one on the building, is that also have to be satisfactory. **C/Hennis:** Yes. **C/Laraway:** That's pretty bright if it's an LED. **C/Hennis:** I'm not sure if that one's still there, come to think of it. Maybe they just haven't turned in on in a while. **C/Young:** Yes, I would be fine just saying on the building to push that one out. **C/Hennis:** Ok, let me revise my motion.

**Commissioner Dana Hennis moved to recommend approval of 19-05-ZC (Rezone) with the conditions as outlined in the staff report and with the additional conditions the applicant provide a light on the end of the building in order to satisfy the City Engineers need for a pole at the School entrance; and to add a light pole at the corner of School and Avalon as requested by the City Engineer unless a replacement head can be found to satisfy the lighting requirements. Seconded by Commissioner John Laraway. Motion carried 4-1-0.**

**Commissioner Dana Hennis moved to approve 19-04-SUP (Special Use Permit) with the conditions as outlined in the staff report and with the additional conditions the applicant provide a light on the end of the building in order to satisfy the City Engineers need for a pole at the School entrance; and to add a light pole at the corner of School and Avalon as requested by the City Engineer unless a replacement head can be found to satisfy the lighting requirements. Seconded by Commissioner John Laraway. Motion carried 4-1-0.**

**4. ADJOURNMENT: 9:07 PM**

Commissioner Dana Hennis moved to adjourn. Seconded by Commissioner Cathy Gealy. Motion carried 4-1-0.



~~Lee Young, Chairman  
Kuna Planning and Zoning Commission~~

Dana Hennis, Vice Chairman

ATTEST:



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