



KUNA PLANNING AND ZONING COMMISSION

Agenda for March 24, 2015

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

REGULAR MEETING

6:00 pm

1. CALL TO ORDER AND ROLL CALL

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

2. CONSENT AGENDA

- a. Meeting Minutes for March 10, 2015

3. PUBLIC HEARING

- a. **15-01-ZOA** (Zoning Ordinance Amendment): City of Kuna – Applicant to amend Kuna City Code, Title 5, Chapter 16, Section 3 entitled, “Lot Split” amending when sidewalk construction is required; modify the sewer, water, and storm drainage requirements; deletion of septic tanks and private well placement requirement; and provide an effective date.

4. DEPARTMENT REPORTS

- a. To be determined

5. CHAIRMAN / COMMISSIONER DISCUSSION

6. ADJOURNMENT

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

**MEETING MINUTES
Tuesday, March 10, 2015**

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

6:00 pm – COMMISSION MEETING & PUBLIC HEARING

Call to Order and Roll Call

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

1. CONSENT AGENDA

- a. Meeting Minutes for March 10, 2015

C/Hennis -Page 4 of February 10, 2015 meeting minutes, Chairman Hennis notes Chairman Young in minutes, but Young was absent that meeting and needs to be corrected.

- b. Meeting minutes for February 24, 2015
- c. **Findings of Fact and Conclusions of Law. 13-05-Sub** (Special Use Permit) Amendment for Boise Tactical: Justin Moore d.b.a. **Triple M Machine**
- d. **Findings of Fact and Conclusions of Law. 14-05-Sub** (Subdivision), **14-12-DR** (Design Review) and **05-05-SUP** (Amended – Special Use Permit) for **Crimson Point Villas Subdivision #2**

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

2. OLD BUSINESS:

- a. None

3. PUBLIC HEARING:

- a. **15-01-CPA** (Comprehensive Plan Amendment) for the **City of Kuna**; A request to amend the text and maps within the Comprehensive Plan. The Plan includes updated data to reflect current information within the Plan; applying Ada County's requested changes; and to adopt the updated maps that are throughout the Comprehensive Plan. **(Cancelled)**
- b. **14-01-CPM** (Comprehensive Plan Map) for the **City of Kuna**; A request to amend the most easterly planning area boundary from South Cole Road to South Pleasant Valley Road. The expansion of the Planning Area is to accommodate a proposed development. **(CANCELLED)**

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

**MEETING MINUTES
Tuesday, March 10, 2015**

Trevor Kesner: Future hearing dates for the cancelled items have not yet been solidified; will be announced and new notices sent out.

4. DEPARTMENT REPORTS:

a. None

5. CHAIRMAN / COMMISSIONER DISCUSSION:

a. None

ADJOURNMENT:

Commissioner Gealy motions to adjourn at 6:05 pm; Commissioner Hennis Seconds, all aye and motion carried 5-0.

Lee Young, Chairman
Kuna Planning and Zoning Commission

ATTEST:

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



City of Kuna

Planning and Zoning Staff Report

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

To: Kuna Planning and Zoning Commission

File Number: 15-01-ZOA (Lot Split Ordinance Amendment)

Planner: Wendy I. Howell, Planning & Zoning Director

Hearing date: March 24, 2015

Applicant: Kuna Planning & Zoning Department
763 W. Avalon Road
Kuna, Idaho 83634

A. Course of Proceedings:

A zoning ordinance amendment is a public hearing in front of the Planning and Zoning Commission as the recommending body and a public hearing with the City Council as the decision making body. This land use was given proper public notice and followed the requirements set forth in Idaho Code, Chapter 65, Local Planning Act.

a. Notifications

- | | |
|---------------------------|--------------------------------|
| i. Agencies | February 25 and March 10, 2015 |
| ii. Kuna, Melba Newspaper | February 27, 2015 |

B. Application Request:

This is request is to amend Kuna City Code (KCC), Title 5, Chapter 16, Section 3 entitled, "Lot Split" to amend the requirements of sidewalk construction; modify the sewer, water, and storm drainage requirements; deletion of septic tanks and private well placement requirement; and provide an effective date.

C. History:

The City last updated the current Title 5, Chapter 16, Section 3 entitled, "Lot Split" on December 20, 2011.

D. Staff Analysis:

The proposed text amendment modifies the currant ordinance language to align with previous approvals. Lot splits traditionally have been used to sell a lot for a single family dwelling and/or provide a parcel to heirs. The modifications will ensure that lot splits are more financially feasible for property owners and better align with Ada County Highway District sidewalk policy and the City of Kuna. This allows the City of Kuna flexibility to determine the individual pedestrian connectivity needs for each specific area.

The proposed modification for the sewer, water and storm drainage requirements consistent to the other provisions of Kuna City Code. Also, requested is deletion of the requirement that states under no circumstance shall septic tanks and private wells be placed on lands that are subject to a lot split.

The purpose of this is for parcels on the edge of city limits tend to be more than 300 feet from sewer and water utilities making it financially difficult to split their parcel.

The city engineer has reviewed and is in favor of the proposed changes to KCC. Staff recommends approval of the amendment to KCC, Title 5, Chapter 16, Section 3 entitled, "Lot Split".

E. Applicable Standards:

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

F. Proposed Findings of Fact:

1. The Kuna Planning and Zoning Commission accept the facts outlined in the staff report, any public testimony and the supporting evidence list as presented.
2. Public notices were published in the Kuna Melba News on December 5, 2015 for the Planning and Zoning Commission providing a summary, and date, place and time of public hearing.
3. All procedural items have been completed in accordance with Idaho Code and Kuna City Code.

G. Proposed Conclusions of Law:

Based on the foregoing findings, staff report and testimony provided the Kuna Planning and Zoning Commission found...

1. The amendment is not detrimental to the health, safety and general welfare of the public.
2. The amendment appears to be consistent with the Comprehensive Plan.
3. The ordinance amendment will advance the public interest and be a benefit to the City of Kuna.

H. Proposed Order of Decision by Council:

The Commission should consider and discuss the evidence and testimony presented at the meeting prior to rendering its decision.

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

- ▶ Based on the facts outlined in staff's report and the public testimony as presented (if any), the Planning and Zoning Commission of Kuna, Idaho, hereby recommends (approval or denial) of Case No. 15-01-ZOA, which amends Kuna City Code (KCC), Title 5, Chapter 16, Section 3 entitled, "Lot Split".

CITY OF KUNA, IDAHO
ZONING ORDINANCE AMENDMENT
ORDINANCE 2015 - **

AN ORDINANCE OF CITY OF KUNA, IDAHO, AMENDING TITLE 5, CHAPTER 16, SECTION 3, ENTITLED "LOT SPLIT" AMENDING WHEN SIDEWALK CONSTRUCTION IS REQUIRED; MODIFY THE SEWER, WATER, AND STORM DRAINAGE REQUIREMENTS; DELETION OF SEPTIC TANKS AND PRIVATE WELL PLACEMENT REQUIREMENT; AND PROVIDE AN EFFECTIVE DATE.

WHEREAS, Article XII, Section 2 of the Idaho Constitution and Idaho Code Section 50-302 allow municipal corporations to adopt regulations which are not contrary to the general laws; and

WHEREAS, this text amendment is in agreement with the spirit and intent of Kuna Comprehensive Plan; and

WHEREAS, it is deemed to be in the best interest of the City of Kuna to amend Title 5; and

WHEREAS, this zoning amendment is pursued in accordance with Kuna City Code 5-13, "ZONING AMENDMENTS"; and

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF KUNA, IDAHO, ADA COUNTY, IDAHO, as follows:

Section 1:

Title 5, Chapter 16, Section 3 entitled, "LOT SPLIT" is amended as follows:

A. *General:* A lot split is the dividing of ~~the an~~ original tract of land to create no more than three (3) parcels. An original tract of land is one existing within the Kuna city limits prior to December 7, 1977, and presently lying wholly within the Kuna city limits. ~~In order for t~~The land owner ~~to validate~~shall demonstrate their ability to split the lot ~~split, they shall~~by providing to city staff a deed ~~or and~~ legal description of the tract of land demonstrating its existence, as of the above date; and its configuration as of the date of application.

B. *Compliance:* The owner shall comply with the following conditions:

1. *Sidewalks:* Sidewalks shall be installed along all street frontages for each parcel created, except those parcels that are greater than ~~five (5) two (2)~~ acres in size ~~and/or any street frontage greater than three hundred (300) feet in length~~. Parcels between one (1) and two (2) acres in size shall install sidewalk on a case-by-case bases, based upon Ada County Highway District and the City Engineer Engineer determination. Any parcel less than one (1) acre in size shall have sidewalk along the street frontages. Where sidewalks are required, the owner shall submit engineering drawings, contractor's estimates, and submit for building-construction plan review.

2. *Sewer and water:* Applicant shall extend public sewer ~~and or~~ water to each parcel created ~~less than five (5) acres in size when public sewer and water are available within three hundred (300) feet of newly created parcels or as designated by the City Engineer. If all of the parcels are a minimum five (5) acres in size, If any of the parcels do not connect to sewer or water at the time of creation,~~ the

owner shall agree to connect each parcel to public sewer or water when these public utilities are available within ~~one-three~~ hundred (1300) feet of any parcel. ~~Under no circumstance may a tract of land that has been split be further developed until public sewer and water are available, and connected to same prior to occupancy.~~ Parcels located in Nitrate Priority Areas shall not be split without providing city sewer and water. A waiver of this subsection may be allowed when the applicant provides a treatment system in which the effluent can demonstrate the 10 part per million or less of nitrates, the drinking water supply meets all drinking water standards, and meets Central District Health Department's criteria.

3. *Dedication of public right-of-way (ROW):* The owner shall dedicate public ROW in accordance with the area's identified transportation needs as they may be identified in Ada County Highway District (ACHD) or COMPASS documents, as well as the city's "Comprehensive Plan Functionally Classified Street Circulation Road Map" and in its supporting text. The portion of a parcel included within the right-of-way does not constitute a part of the lot split.

4. *Lot split conformity:* Parcels shall be divided, or otherwise configured, to accommodate the city and ACHD's transportation grid, utility layout and connectivity patterns.

5. *Land possessing unique features or topographical constraints:* Land possessing unique features or topographical constraints may be subject to an environmental review at the director's discretion, which, in turn, may require that certain issues be mitigated.

6. *Utilities placed underground:* Utilities shall be placed underground, unless it is determined by the owner of the utility and/or the city council that such action is not feasible or reasonable. Parcels created that are more than ~~five-one~~ (51) acres in size shall be subject to this condition on a case-by-case review basis.

7. *Stormwater drainage:* Any increased stormwater drainage resulting from lot split activity shall be retained on-site. Parcels less than one (1) acre shall provide stormwater plans and supporting calculations to the City Engineer for review and approval. Parcels one (1) acre and larger shall be subject to providing stormwater plans and supporting calculations to the City Engineer for review and approval on a case-by-case basis. The owner shall provide stormwater plans and supporting calculations to the city engineer for their review and approval. Parcels created that are greater than five (5) acres in size shall be subject to this condition on a case-by-case review basis.

~~8. *Septic systems and private wells:* Under no circumstance shall septic tanks and private wells be placed on lands that are the subject of a lot split.~~

9. *Driveway entrances:* Each parcel created through a lot split shall have a driveway entrance(s) connecting to a public street(s) with adequate driveway distance separations as determined by the city and/or ACHD. Where feasible, the driveway entrances shall be designed and constructed as shared driveways. Owner(s) shall develop driveway agreements for shared driveways and these agreements shall be recorded and follow the land. Shared driveway entrances shall have a minimum driveway width of twenty-four (24) feet, unless ACHD requires a different width. The driveway's asphalt apron and entryway shall extend inward a minimum of fifteen (15) feet from the parcel's property line to minimize the tracking of debris onto the roadways. Driveways shall be a maximum one hundred fifty (150) feet in length. The driveway plans shall be reviewed and approved by the ~~city engineer~~ City Engineer.

10. *Fire hydrants and water mains:* Each parcel shall be provided fire protection by the lot owner in accordance with fire district standards as determined by the fire chief as a condition of development.

11. *Grading or depositing of soil:* No grading or depositing of soil shall occur on the parcels within the floodplain or floodway created without the owner first unless the appropriate permits are obtained and approved submitting a grading or land filling/disposal plan to by the city engineer~~City Engineer~~ for review and approval.

12. *Maximum number of parcels created:* The maximum number of parcels that can be created from contiguous original tracts, held in a related ownership, is ~~five-six~~ (56). If more splits than this amount are intended from original and contiguous tracts, ~~in any five-year time period,~~ that action shall occur through the city's subdivision process.

13. *Water rights:* Water rights appurtenant to a tract of land, subject to lot split, shall remain with the land or be dedicated to the city. Water rights for the split parcel may not be sold, abandoned, or transferred off the land (except to the city).

14. *ACHD requirements:* Prior to construction or installation of any roadway improvements (curb, gutter, sidewalk, pavement widening, driveways, culverts, etc.) a permit or license agreement must be obtained from ACHD.

15. *Original lot, tract or parcel of land:* A lot, parcel, or tract as recorded on any plat or record on file in the office of the county recorder or any unplatted contiguous parcel of land held in one (1) ownership and of record at the effective date ~~hereof~~ December 7, 1977 or before said date, and having remaining lot split capacity.

16. All parcels resulting from a lot split shall meet area, lot coverage, lot depth, and lot frontage requirements found at KCC 5-1-6-2 (KCC 5-3-4-9:B).

17. *Lot of record:* A lot which is part of a subdivision recorded in the office of the county recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

18. *Owner:* The individual, firm, association, syndicate, partnership, or corporation having any interest in the land to be subdivided.

Section 5:

Severability If any clause, sentence, paragraph, section, or any part of this chapter, shall be declared and adjudged to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect, invalidate, or nullify the remainder of this chapter.

Section 6:

Full Force and Effect This Ordinance shall be in full force and from and after its passage, approval and publication as required by law.

ADOPTED this ___ day of April 2015.

CITY COUNCIL OF THE CITY OF KUNA
Ada County, Idaho

W. Greg Nelson, Mayor
City of Kuna

ATTEST:

Chris Engels, Interim City Clerk
City of Kuna