

CITY OF KUNA PLANNING & ZONING COMMISSION

MEETING MINUTES Tuesday, October 10, 2017

PZ COMMISSION MEMBER	PRESENT	CITY STAFF PRESENT:	PRESENT
Chairman Lee Young	Absent	Wendy Howell, Planning Director	X
Commissioner Dana Hennis	X	Troy Behunin, Senior Planner	X
Commissioner Cathy Gealy	X	Trevor Kesner, Planner II	X
Commissioner Stephen Damron	X	Jace Hellman, Planner I	Absent
Commissioner John Laraway	X		

6:00 pm – COMMISSION MEETING & PUBLIC HEARING

Chairman Young called the meeting to order at 6:00 pm.

Call to Order and Roll Call

1. CONSENT AGENDA

- Meeting Minutes for September 26, 2017.
- 17-07-ZC (Rezone)** – A request from Scott Noriyuki, to rezone a parcel's current R-4 (medium-density) residential zoning designation to a C-1 (neighborhood-commercial) zoning designation. The site is located at the southeast corner of West Hubbard Road and North Linder Road, Kuna ID. ***Findings of Fact and Conclusions of Law.***

Commissioner Gealy motions to approve the consent agenda; Commissioner Laraway Seconds, all aye and motion carried 4-0.

2. NEW BUSINESS

Ada County Highway District (ACHD) '101': Commission presentation and discussion with ACHD Development Services Planning Supervisor, Christy Little:

Ms. Little introduced herself to the Commission and thanked them for the opportunity to come and present to them. The ACHD Development Services Department Structure is a mix of people; there are 30 employees in the department which includes Planners, Engineering Technicians, Subdivision Inspectors, Zone Inspectors and Administrative staff. They focus on plan intake, impact fee collections; they receive all development applications from Ada County and the other cities.

Prior to receiving applications, ACHD is invited to attend pre-application meetings with the land use agencies and the developers; and often meets with developers before the joint pre-application meetings. It's at this stage when we discuss the requirements for traffic impact studies.

Traffic studies are required for developments that generate approximately 1000 daily trips. This is equivalent to 100 single family dwellings, or 150 apartment units. ACHD has policy that outlines how the study is to be conducted, and what information is required. The base information for the traffic study comes from COMPASS and the 2040 plan. Traffic studies look at access locations – for need, and safety of location. They analyze vehicle level of services on roadway segments and at intersections, using existing and projected volumes. ACHD does not have a level of service for bicycles and pedestrians, and typically those modes are

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not evaluated. ACHD does require sidewalk construction with development, and right-of-way preservation for bike lanes. Aside from ACHD policy, State Statute requires all schools to provide a school specific traffic impact study. Statute indicates that this review is required prior to the Planning and Zoning hearing by the land use agency. The school study examines bus routes, pedestrian routes, sidewalk gaps, school crossings, and associated school signage and safety measures.

The ACHD policy suggests that traffic studies be submitted to ACHD ahead of the development application submittal to the land use. If a traffic study is required, ACHD reports the Findings of the study within the ACHD staff report for the development application. We have one traffic engineer that is loaned to Development Services to review traffic impact studies. The review time for a study is based on how far back it is in line, and the complexity of the study, might be size, or location, or both. Sometimes we send studies back to the applicant because there was an error or an omission. Two weeks is a standard turnaround time for the first review, if there are no other studies in the queue. Traffic studies identify improvements such as turn lanes, intersection treatments (signal vs. all-way stop intersections for example). As far as roundabouts, for all intersection projects, either in the Capitol program, or identified through traffic impact studies, roundabout feasibility must to be studied.

Every land use agency is different in how and when they accept a development application and schedule a public hearing. The City of Meridian requires written confirmation from ACHD that a traffic impact study is or isn't required; and if it is required, they won't schedule a hearing until we have reviewed and accepted the study as complete and accurate. The City of Boise schedules public hearings regardless. Our goal is to have reports to the developer and land use agency within 20 to 30 days of receiving the application, depending on the type of application. However, if there are neighborhood concerns, or the developer doesn't agree with conditions, then a hearing is scheduled which pushes out a final determination. Work load can also get in the way. At the beginning of September, ACHD had a couple of back-to-back weeks of 40 or more applications. When there are that many, ACHD has difficulty meeting goals for response time. We do communicate with land use agencies if we have concerns with the application that need to be resolved, or if it's just a matter of getting it done.

For certain types of applications, such as Annexations and Rezones, ACHD tries to include future recommendations for development. These are not requirements that need to be met to annex or rezone, but they try to communicate what will be required at the time of development. For other applications like Conditional Use Permits, Design Reviews and Plats, there are specific conditions to development, such as frontage improvements like sidewalks, gutters or right-of-way preservation and storm-drainage infrastructure.

Idaho Transportation Department (ITD) only requires a traffic study if the developing site directly accesses the state highway. For example, a development at the corner of Hubbard and SH-69 that accesses Hubbard, but not Meridian Road/SH-69, is not required to provide ITD with a traffic study. ITD has different policies and requirements for traffic studies so the information reported to the City may be different. Typically, the ACHD/ITD interaction occurs at pre-application meetings, and at the scoping meetings for traffic impact studies. ITD has very different processes than ACHD and for development applications most of the ITD interaction is with the land use agencies.

Access management policies generally depends on the classification of the road, whether it is a local road, a collector or an arterial. For access points on an arterial or collector near a signalized intersection with an

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existing or planned left turn lane; the driveway shall be located a minimum of 330 feet from the intersection for a right-in/right-out driveway, and 660 feet away from the intersection for a full-movement access.

ACHD traffic engineers follow national standards and specifications for improvements to intersections. There are certain warrants that would need to be met to require a 'Stop-sign' controlled intersections or signalized intersections. Additionally, there are certain criteria which would warrant the installation of a roundabout versus a fully signalized intersection. ITD has different standards for the state highway system. For example, they don't require right-of-way preservation for future road widening. They also don't require any improvements, like sidewalks. They rely on traffic studies to determine the need for turn lanes at access points and intersections.

ACHD does the timing for traffic lights and crosswalks along the highway. ITD really does not want to promote bicycles and pedestrians on the highways. Pedestrian signals, regardless on the type of roadway, have minimum time requirements that have been established for crossing so if you find that there is something wrong, you should tell us. Once the pedestrian button is activated, there is a certain amount of time allotted to the pedestrian, based on the width of the road. **C/Hennis:** I think our question was when does it [crosswalk] get put in? If there is an existing signal, for example, Deer Flat and Meridian; there is no pedestrian crossing already allotted. Is that something that gets reviewed down the road and then is added? **C/Little:** So if it's crossing SH69 (Meridian Road), that would be an ITD review; and like I said, they are not really excited about pedestrians crossing the highway.

For cyclists and pedestrians; ACHD cannot require improvements that are not part of the roadway. A bike path through a common area or along a waterway, for example, would not be under ACHD purview. Those are acquired by and maintained by others. For pedestrians, our policy is specific to the frontage of a developing parcel. Often, there is not enough right-of-way to construct such off-site improvements, but we do look for opportunities to fill in gaps. Sometimes we will do temporary asphalt if a connection seems to make sense before a property develops. If you notice something in a development application that we can address, we would love to have the opportunity to hear about those and try to get it on the list. So, I think that covers everything. We always try to provide you with a list of the projects that are in our Capital Improvements Plan (CIP) and general estimates on a developments trip generation in our staff reports. We try not to give you traffic counts that are more than two years old, but the County is growing fast so you might see some older ones. What other questions do you have for me?

C/Gealy: Regarding the Traffic Impact Studies, because there is a lot of development and it is happening really quickly. Do you take into account the cumulative effects of some of these developments, even though we don't know which ones are coming first? **C/Little:** We do and it's becoming very challenging so in addition to the requirements that we have for using the Compass model which takes into account our growth rate, any approved development or development that has been approved by us, -maybe it is in process with you or maybe it's going to Council, if we've approved it, we require that those trips be rooted in the traffic impact study. We are noticing that as some of these subdivisions are really close together and really large, that there are triggers; so, if you plat a hundred lots then you have to put in a signal, or maybe at 150 lots, you'll have to do this improvement three miles down the road, and as we start adding those other subdivisions, we're going to have a lot of tracking ahead of us but we're trying to make sure that each of those reports are conditioned individually and independent of each other. So, if subdivision 'A' stalls over here, then subdivision 'B' is going to have to make those improvements even though that isn't how they thought those would move forward.

C/Laraway: So some of the questions in my mind because we are dealing with it now; we have a large subdivision going in at Linder and Lake Hazel, and there is also going to be a high school at the corner of Columbia and Linder intersection; does it get priority knowing that it's coming? Or do we wait until it's there,

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and then you say, 'well now we need to build it'? It makes sense to ask. **C/Little:** That is a tough one. I think that traffic study might have been scoped before we knew that the school was coming along, so we can't make them go back and do the study because once we got into it, there was more information. If we knew that ahead of them preparing the traffic study, we would have included that even if it wasn't an application because schools are a pretty sensitive area. But we try to take as much information from that as we can to make sure we are not setting anyone up for something and making sure we have enough right-of-way to get the improvements that are going to be needed there. **C/Damron:** When you are doing upgrade improvements, you have them set out to like 2020 or 2025; with the growth that is happening in Kuna, do they look at that and say 'well, we need to do that before 2025, or even sooner so we can alleviate some of those issues that we are seeing? **C/Little:** We do have two processes in place; we have the twenty-year plan, which is the CIP and then we have the Integrated Five Year Work Plan (IFYWP). So the IFYWP is done or updated every year, and the CIP is updated every four years -so it coincides with the Compass model. But the integrated plan takes projects from the CIP and their priority within the CIP; but at that time, every spring, we ask the land use agencies for their priorities. So, we try to keep those in place knowing that the land use agencies are the ones that really know... you know where sewer is expanding to.... you know where growth is occurring, and so we do rely on the cities' priority lists as well. And that can have an impact on whether to move a project up or down in priority. We also have what we call 'Developer Cooperative' projects mostly in the Meridian area. We see the potential for probably Kuna, but we have had some areas develop near an intersection project that is seven to ten years out, but really needed for an area that is developing now; so, if the right-of-way is available, or if the property owners are amenable, we will have the developer design and construct the project and then we reimburse them over a couple of years and maybe give impact fee credits. And that is another way that projects can get moved up in some of these areas with rapid growth. We know that Bob has been working on sewer plans for the City, so we are going to try and take that information to identify projects or intersections that may need to get moved up in our system, or we could work with the development community on. **C/Gealy:** If you see those opportunities for development cooperatives, is that something that you would reference in a staff report, or is that something that you would mention to a planning agency? **C/Little:** We do include it in a staff report. We can't necessarily require a developer to do that. But sometimes we get into a situation where a development can't move forward past a certain phase if those improvements aren't made, so developers can see the benefit in having their intersection or their frontage improved. So we always include that information in the report and we look to the land use agencies to see if that's an option, because sometimes those improvements can get built really fast. **C/Gealy:** Thanked Christy Little for coming to speak and to say that the staff reports are appreciated. Commissioners look for them and read them for information that makes her better prepared because of the work that ACHD staff do. **C/Laraway:** Also thanked Ms. Little for coming to speak and stated that it was very educational.

3. PUBLIC HEARING

- a) **17-07-AN** (Annexation), **17-09-S** (Subdivision), and **17-20-DR** (Design Review); Jane Suggs with WH Pacific representing Challenger Development, Inc., requests to annex an approximately 5-acre parcel into Kuna City limits with an R-6 zone, and subdivide the parcel into 18 single family, and four (4) common lots to create Saranda Subdivision. The site is located on W. Hubbard Road approximately 700 feet west of Kay Avenue, and currently addressed as 1105 W. Hubbard Road, Kuna, ID 83634.

Jane Suggs: Thank you Commissioners, Jane Suggs with WH Pacific, 2141 W Airport Way in Boise, representing Challenger Development. We are requesting annexation into the city, and in fact we are almost an infill development. Even though we are up on Hubbard Road, you will see Timbermist to the north and Kelleher to west and Greyhawk to the east. You can see the sit, we are a small five-acre site surrounded by

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the City of Kuna, almost, there are a few unplatted areas around us. I am pretty excited to be here with an 18-lot subdivision, and I could go on and on with the stuff that Christy had because we had a really nice staff report with ACHD, where you will find that the cross street and the location of our street cross across the Timbermist cross street. We are dedicating the necessary right of way, and putting in the side walk. As noted in the staff report we are meeting the Kuna Comprehensive Plan. We are requesting to be annexed as a medium density residential and that is an R-6 Zone. We are also meeting all of the zoning and subdivision requirements of your code. Our lot sizes range from 5,000 square feet to 10,000 square feet, we have some corner lots that are pretty large. The average lot size is 6,500 square feet which is right there in that R-6 requirement. We have provided in your staff report some renderings of the homes to be constructed. All urban services are being provided to the property. We are also providing some ample landscaping and open space, there are also buffers along Hubbard Road per your code. As noted in our landscape plan and you also have a condition, number 13, which requires consultation with the city's arborist. There are a few large trees along the Kuna Canal on our west boundary. They are not in great shape right now, but we will be talking to the arborist to determine how we might mitigate for those if we need to. There are a couple trees in the front yard of the existing home. You might know this, it is a boarded-up house, it has been for some time. If you go down Hubbard and look right across from Timbermist you might have seen it. I will tell you this, and this is probably the most interesting part of our presentation, we made a big push in our letter that we didn't want to put the regional pathway on our property because it is on the west side of the canal in Timbermist and we thought it should continue on the west side. However, we did meet with staff since we made our application and we both agree that the pathway that runs along the Kuna Canal will be on this particular property. So, we have come to an agreement and you will see that in condition number 11 that has been added in your staff report. Condition number 11 says we will build a nine-foot paved pathway, it will be a multi-use pathway and it will be located in a fifteen-foot common lot on the west boundary. The extra six feet in there will be used for landscaping and then a wrought iron fence behind the buildable lots so there will be some separation there. We did talk about this a little bit, one of the issues we had with putting the pathway on the side of the property that we are developing was if you go up to Hubbard road there are some water works up there for the Kuna Canal. We have agreed that we think it would be best to take that Canal and as you see in that landscape plan, that large open space that is on the west side of our entry side, to kind of meander that and tie it into the side walk we have on our street, that would give people an access across the street to another sidewalk on Timbermist, then it would head west and then they would hit the pathway on Timbermist. So, instead of stopping it where these waterworks are and having people dodge traffic we would be moving them to the intersection there. We think that is the best way to handle that right now. We did have some conversation with the property owner to the south, he wants to make sure that we put the privacy fence all the way around the property and we will do that. He is concerned about people using his property, so will be putting up signs telling people that once you leave this pathway you are on his property. That becomes something that he is dealing with, but if he ever develops that property that pathway would be extended. We do plan at least for now to block the pathway with the vinyl fence so that people don't trespass on to his property, since we are dealing with private property. I think that is it. I just want to ask for your recommendation of approval for our annexation and preliminary plat to City Council and approved our design review for our landscaping. We agree with all of the conditions of approval and I will stand for questions. **C/Gealy:** This is just a clarification, where is the wrought iron fence and where is the vinyl fence? **Jane Suggs:** the vinyl fence will run along the south boundary, the east boundary and run along the right of way. But, because we have a pathway, the lots with their back to the west, that will be the wrought iron fence right there. **C/Gealy:** Along that boundary, but the rest of it... **Jane Suggs:** the rest of it will be the six-foot vinyl. So, privacy for the rest of it, but you don't want to put the fence up there, you want to be able to see. Boise Project doesn't require a fence between their maintenance road and the pathway. They are pretty

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good about letting us abut to the road. There is a little space between the canal maintenance road, the pathway, the landscaping and then the wrought iron fence. And again, we are going to take that pathway up a little bit through that open space. **C/Gealy:** And then there would be, on the northern boundary, that would be vinyl fencing, is that a berm there? **Jane Suggs:** I don't think it has to be bermed, I don't think there is any need for that. I think it will just be the fence that will provide the privacy for those. We have nice landscaping when you drive in for a little more extend period than you typically see so that will be a nice amenity to the neighborhood. **C/Gealy:** Thank you. **Jane Suggs:** Thanks. **C/Hennis:** Any other questions? Thank you. Staff? **Trevor Kesner:** Good Evening Commissioners, for the record, Trevor Kesner, Planner II, 751 W. 4th Street, Kuna. The applications before you for case No's 17-07-AN, 17-09-S and 17-20-DR (Annex, Pre -Plat and Design Review) is requesting a recommendation for approval or denial to Council for the Annexation & PP, and your decision for the Design Review portion for the Saranda residential subdivision. The applicant, Jane Suggs with WH Pacific representing Challenger Development, seeks annexation approval for approximately 5 acres (to be sure 4.7 acres), into Kuna City limits with a proposed R-6 zoning designation and gross density proposed at 3.59 Dwelling Units per Acre; which aligns with the Comp Plan future land use map. The Subject site is located on the south side of Hubbard Road, about mid-way between Linder and the Kay Avenue alignment. The project proposes one access on Hubbard Road, directly across from the entrance to the Timbermist Subdivision, which also provides the contiguous touch to existing City limits on the northern property line as a requirement for annexation. The applicant proposes a preliminary plat for 18 single family buildable lots and 4 common lots. The applicant has also submitted application for subdivision common area landscape design review -which comprises approximately 14.6 percent of the subject site. The Recreation and Pathways Master Plan Map indicates a future trail along the canal in this area. Because the Chaparossa and Hawk's Nest Subdivisions on the west side of the canal did not install a trail or pathway when they were developed, staff is recommending the potential addition of a public pathway to this project -running along the western boundary of the site. The addition of a pathway to this project would provide a vital link to the City's overall pathway network, and provides connectivity to the Timbermist community to the north, and the approved future developments to the south. Those future developments will extend Kay Avenue to the Ardell Road alignment and Kay Avenue is slowly making its way southward to the Ardell Road alignment as the Greyhawk development to the east of this project builds out. The applicant is amenable to adding a public pathway, as long as it does not result in a reduction of lot sizes to the extent that the lots could not effectively accommodate their housing product. Otherwise, the only other issue with the proposed landscaping is mitigation of the existing vegetation on site. There are few rather substantially large trees on site, so staff is asking that the applicant work with the City Forester to either retain or fully mitigate the removal of those trees. So, with the addition of the public pathway condition, staff finds these applications substantially complies with the comp plan goals and objectives, and the future land use map. I stand for questions. **C/Hennis:** Anybody have any more questions? **C/Gealy:** I have no questions at this time. **C/Hennis:** Thank you Trevor. Okay, with that I will open up the public hearing at 6:46, and seeing nobody signed up to testify in favor, neutral or opposition, I will ask the audience is there anybody that has not signed up on this list that would like to speak on the subject. Okay. Seeing none I will close the public testimony for this subject at 6:46 and that brings up our discussion. Commissioners? **C/Gealy:** I appreciate the open space, I appreciate that you worked with staff on extending the pathway. I think that is an important amenity, and I appreciate the variety of lot sizes, it presents an opportunity for some variation in home sizes, which we seem to be hearing about, but the first step is lot sizes. **C/Hennis:** I do like the entry and how you brought that across and taking that open space into account. We really appreciate it. Otherwise, I don't really see any issues that I have. It seems like everything has been really well addressed. I would stand for a motion.

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Commissioner Gealy motions to recommend approval to City Council Case No. 17-07-AN (Annexation) & 17-09-S (preliminary plat) with the conditions as outlined in the staff report; Commissioner Laraway Seconds, all aye and motion carried 4-0.

Commissioner Gealy Motions to approve 17-20-DR (Design Review) with the conditions as outlined in the staff report; Commissioner Laraway Seconds, all aye and motion carried 4-0.

- b) **17-05-AN (Annex)** and **17-01-CPF** (Combination Preliminary Plat and Final Plat); Pierson Subdivision Annexation - a request from Clair Bowman, seeking approval for annexation of approximately 4.28 acres into Kuna City with an R-2 (Low Density Residential) zone, and combination preliminary and final plat approval to create a 2-lot residential subdivision, to be a re-plat of a portion of *Dreamcatcher Subdivision*. The site is located near the south-east corner of Black Cat and Amity Roads addressed as 4400 W. Legacy Lane, Meridian, ID 83634

Joe Canning: Mr. Chairman, members of the commission I am with B&A Engineers in Boise and our address is 5505 W Franklin Road. I am here tonight with the applicant Mr. Bowman, and we are here requesting a recommendation of approval for an annexation and a combined preliminary and final plat. The property is a little over 4 acres and it adjoins the recently annexed Gran Prado subdivision that is to the North, North East, and the proposed zone requesting is R-2. These are going to be large lots. They are little over 2 acres each. They will be half a unit per acre if you calculate it that way. They are large lots, approximately 90,000 SF each. Mason Creek is adjoining the property on the North, that is the boundary between the Grand Prada Subdivision and this particular project. This project was originally developed as a nonfarm development in Ada County. Since then, Mr. Bowman has gone through a property line adjustment process with Ada County, and created the entire 4.2-acre parcel as a legal parcel in Ada County. Of course, now we are requesting this parcel to be annexed into the City. We certainly agree with the staff report but there are a couple little corrections we think we need to be made with it. One of the first ones is that the site actually falls away from legacy lane which is the private road that access property, Mason Creek is the little part of the property so the staff report says it grades the other way, it goes towards Mason Creek. Then as far as conditions of approval goes, Item 1B notes the city engineer will approve the grading and drainage plans of the project. Really the subdivision itself will have no grading, Mr. Bowman's house already exists and we are creating one additional lot. The streets are already there. There will be no grading done for the subdivision. So, that condition is not appropriate for this project. When homes are built there will probably be some grading, but that will be on the building permit that goes through the city, if the city decides to annex us, which I hope they do. Then, item 1C mentions Kuna Fire District, actually this project is in the Meridian Rural Fire District. So, just annexing product does not change the boundary of fire district. That would be a process through Meridian Rural Fire District instead of the Kuna Fire District. I think that was it as far as the comments. You might have noticed a letter in your packet from Meridian that they are not opposing this annexation, I think that is important to figure out. I don't want to spend a lot of time up here telling about the project, I guess I would be more interesting in the questions that the commission might have. Thank you. **C/Hennis:** Thank you, any questions. **C/Gealy:** I have no questions at this time. **C/Hennis:** Thank you. Staff? **Troy Behunin:** Good evening commissioners. For the record, Troy Behunin, Kuna Planning and Zoning department, 751 W 4th Street. The applications before you tonight are 17-05-AN (Annexation) and 17-01-CPF (Combination Preliminary Plat and Final Plat), more affectionately called the combo plat. Staff would stand before you tonight and let you know that all of the noticing procedure for tonight have been met. The site has been posted, the Kuna Melba News ran an ad, and staff did send out letters to land owners within 350 feet which exceeds the 300-foot minimum. So, we did exceed that limit. The annexation in which you have before tonight, the property, does touch city limits. This would be a category "A" Annexation, which is owner willing,

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and the owner is willing and he does touch city limits at this point. As you know Joe Canning referenced Gran Prado, which is actually a preliminary plat that will come forward in front of this body in the next month or so. You will know the name Renaissance Farms, that was the project that annexed into the city earlier this year, that is where the touch is. Just for clarification in case there are any questions, Canals and railroad right of way and airport right of way do not block annexation. So, because there is a canal between the Renaissance Farm project and Clair Bowman property, it still counts as a touch. Staff would agree with the changes that Joe Canning pointed out in the report, and staff has no problem removing those or adding them or revising them or moving them as needed. The one thing that staff did talk to the applicant a little bit more about was the pooling of water rights on the property when it becomes a subdivision. The pattern for new subdivisions has been that they annex the water rights into the Kuna Municipal Irrigation District, or KMID. This is a replat and there is one home that is already existing, and there is one other lot and I will cover how that one will connect in the system in a little bit, but there was a condition listed, condition number 4, and it states if necessary and confirmed with the City Engineer, there will be a consenting to the pooling of irrigation water rights for delivery purposes. This would not be a case where this is actually necessary because they are not putting in a KMID future system. So, we could either add some language to that and say it is not necessary or we could just remove that condition. The second application before you is for the combination preliminary and final plat. Staff would just like to point out that clearly this is a replat of all of lot number 2 which is describe completely on the Dream Catcher Subdivision it also includes parts of the former lot number 3 in the Dream Catcher Subdivision. So, it is not the entire subdivision that is being annexed, it is just the adjusted lot number three and lot number two, so basically it is just the property that Clair Bowman owns. Staff would like to point out that the Comprehensive Plan Map designates this as medium density and where the applicant has requested an R-2, it is significantly under the threshold for medium density, so staff would view it be consistent with the Comprehensive Plan in every way. You will also notice that in the staff report we did talk about a master recreation map, the project to the north of this, Gran Prado, which will be coming, the developer is putting in a trail on the north side of his property through that development and so it will not be necessary for this development. Additionally, it would be useless to have this lot put it in when the other lots are not in the City. There wouldn't be a way to connect it without having pathways jump across the canal and that would be unreasonable. The combination preliminary and final plat really only has a few conditions. Among those conditions are, you have to have less than ten splits, or ten divisions of land or re-subdivisions of the land. They are only asking for one split so one lot becomes two so that qualifies. There is also no street widening requirements from ACHD, nor the City which is another important qualifying distinction for a combination preliminary and final plat. You will notice that in your packets ACHD did respond and they did make the declaration that legacy lane that connects to Black Cat Road is sufficient to handle, what they estimate, an additional ten trips per day. It is a private lane, it is a lot within a subdivision and you will also notice that access is a big deal to Staff and the City of Kuna, so Staff is recommending that there be some type of perpetual type of maintenance or repair obligation responsibility for both lots as they move forward in time, that they take their responsibilities and their fair share for their care and maintenance for the Legacy Lane. One other thing that was in the staff analysis was that the purpose of this was for Clair Bowman to sell this 2-acre lot and hopefully somebody will build a house on it at some point. The City policy is pretty clear where it talks about additional septic tanks. This land is in what they call the nitrate priority area, and this land meets other criteria qualify for a septic tank, but it still needs to be determined that it is more than 300 feet from existing services and there are other obstacles that are in the way that make it unreasonable to require connection to Sewer and Water, so you will find that hopefully it is clear in the staff analysis and also in the conditions of approval that when the large parcel directly south of these parcels develops or when the utilities comes closer than 300 feet, that they would be required to connect to Sewer and Water, and furthermore the new lot would be required to connect to the pressurized irrigation system

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and that upon development for that new lot, just the new lot, that they would be required to run dry lots to the north part of Legacy Lane so that when the property south of it does develop that those drylines would be in place and they would be required at that point to connect to Sewer, Water and Pressurized Irrigation. The existing home they would either have the option of connecting at time of failure of domestic water and/or sewer, or they could do it at their choice so there would be an option there for the existing home only, the new home would have to run the dry lines. With that I would stand for any questions you might have. **C/Damron:** There is no city water there right now? **Troy Behunin:** There is not, it is substantially far away. **C/Hennis:** That was my question. **Troy Behunin:** In addition to that the closest City property is the Renaissance Farm or the Gran Prado and that is across the Mason Creek Canal. **C/Gealy:** I just wanted to clarify with you the changes in the conditions of approval. Would you agree to eliminate condition 1B. **Troy Behunin:** Yes, some of this language is borrowed and unfortunately, I did not remove that. **C/Gealy:** and would you agree to eliminate condition number 4. **Troy Behunin:** I would, and I would also agree that condition 1C should state Meridian Fire, I missed this one. **C/Damron:** If we do approve this and they choose to develop that, and later on connect to the City services is there a way we can put in the stipulations that they put in a community septic system? That way it would ease the connection points, or see all of the houses that are there. **Troy Behunin:** That would be unreasonable, and moreover there are only two lots within the 8-lot subdivision that are actually annexing in and that kind of requirement couldn't exceed city limits. **C/Gealy:** I have no other questions at this time. **C/Hennis:** Thank you. Okay, so with that I will open up the public hearing at 7:05 and I have got a few people here on the list. The first that is marked to testify is Brendi Collins, and just to remind everybody that when you approach the podium that you state your name and address for the record and you have 3 minutes to share so everybody gets their chance. **Brendi Collins:** I am with the law firm Vial Fotheringham, and I have been retained by Carla and Steve Glover who own a subdivision within the Dream Catchers Home Owners Association. Really quick, I recognize that there are two applications within here, and a lot of comments will be comprehensive to both of them and I will try to keep them separate as much as I can. I don't have any smoking gun reason why you shouldn't annex this property, I don't have a citation to a specific piece of code that says it doesn't qualify for annexation, but as I am looking through this I can't see that there is a reason that this should be annexed. It is a single lot within a large subdivision that is bound by its own set of CC&Rs and Subject to its own plat. It doesn't make sense to me, I am not a planning and zoning expert, but it makes no sense to me why one lot of a larger subdivision would be annexed in when the rest of the subdivision is not. Legally yes, the properties are contiguous to City property, functionally they are divided by canals, so any delivery of services through that way through the contiguous City parcel would be difficult if not impossible. It just doesn't seem to jive to me that in the comprehensive plan this would be an eligible candidate for annexation. Now when you look at the subdivision application however, I do have some specific public sections that I can site that are problematic, and frankly I don't understand how this is even a subdivision application when city code says that a subdivision is three or more lots, the proposed split for this Pierson Subdivision is only two lots. To me it should be a lot split, which is the appropriate avenue for dividing anything into three or fewer lots. That has a whole list of other, frankly higher standards for application, that the combination preliminary and final plat does not have. One of the biggest problems that is coming up under either the lots split or subdivision application is the issue of the private streets. Legacy Lane is a separate feasible lot that is owned by the Dream Catchers Home Owners Association. It is not an easement road, it is a whole parcel that is owned by the HOA. So, I think there is a serious access problem here that isn't being address. I am obviously running out of time here, but the lots split statute requires public streets for driveways for each of the lots created, and it also requires dedication of public right of way. The subdivision statute explicitly says that no private streets shall be allowed in subdivision within city limits, so I can't see any justification legally for the subdivision application going through, and I don't think it is appropriate that it even got this far because it is

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not being brought under with the right mechanism, So, with that I am pretty much out of time. **C/Hennis:** Thank you, next up on the list is Jeff Keysar. **Jeff Keysar:** I am going to hold off on this. **C/Hennis:** Thank you, the other names I have on this list have all marked not testify, is there anybody here that has changed their mind that would like to testify or is there anybody here that would like to sign up and testify? **Jeff Keysar:** I reside at 4260 W Legacy Lane. The reason that I didn't really want to, is that I am not really prepared. I think that the process, by which a homeowner doing his daily duties during his daily life is sort of stacked against him or her and this process has made that brought to the forefront, I didn't know until ten days ago that there was a new subdivision being proposed in a current subdivision. So, I started doing a little bit of digging and Clair has been my neighbor for 17 years and I hate to get sideways with him after 17 years. I knew he was wanting to annex in, I didn't know it was a new subdivision that would exclude him from the current one, in which he president of that homeowners' association. How he can simultaneously look out for the best interest of the current subdivision, while for profit and gain be developing another is a separate question we will take up another time, but that is a legitimate and fair question. In digging into this I found that there would be a packet available on Friday, and there was and that was just last Friday that the packet that you all have was made publicly available, so I got it and looked at it over the weekend, and then yesterday was Monday, the first day that I can start making calls finding out what about this, what about that. I found that Caleb Hood, the Planner at meridian, was out, out until tomorrow. I didn't know there was a Caleb Hood until I got this packet and I couldn't make calls on Monday. So, we are at such a disadvantage to even come here and prepare to address you in any sort of educated way. There was a notice given initially for the neighborhood meeting, our son was married that week, so I told Clair there was anything that I didn't know please let me know, and I haven't heard a word from him about there being a new subdivision called Pearson Subdivision. The one call that I did get through today was with ACHD, there is a letter in there, I don't have the name in front of me, but you can look at it. It didn't make a lot of sense, because it seems to be avoiding what Clair just went through, this is a six-lot subdivision, he wanted to do some lot line adjustment and create this lot that chuck ended up buying as a seventh lot. To do that, one of the biggest hurdles was the road, the road did not meet in fact, the 1999 requirement of being 20 feet wide at the time, it was nonetheless approved, it was 18 feet. To get this seventh lot for chuck, they wanted it to go to 24 feet, but they did a variance, so where it was possible they wanted him to extend it to twenty so they did that. That was the very incident that got the seventh lot. It is a small world that Christy Little who spoke tonight at this very hearing is the one that I did speak with today. She said ACHD has zero authority, and zero jurisdiction and nothing to say about access via Legacy Lane. The letter in your packet has to do with Black Cat, the public street. Am I out of time? **C/Hennis:** Yeah, unfortunately. **Jeff Keysar:** If there was a way to better the process, you know I would love to come prepared. I had two days to do it. **C/Hennis:** Unfortunately, the neighborhood meeting is usually the one that gives everyone that information. Anyone else that would care to speak? Okay, come on up and state your name and address. **David Ferguson:** 3430 West Lake Hazel Road. In 1998, Clair Bowman had gotten ahold of me, I was teaching at Boise State still at the time, and he asked me if I would help him out. So, we worked something out and I just assumed that whatever he said would be okay, I didn't really want to see real small lots going in there at all. I don't know why, but I got no invitation here, even though it says I have that land that goes beyond. So, I am little bit confused about how things are happening here. So, my next-door neighbor seems really interested in making something out of this, and I kind of back him, just to let you know that I back him. **C/Hennis:** Thank you sir, with that I will close the public hearing at 7:16 and we will have the applicant come up for final rebuttal. **Joe Canning:** Joe Canning again, with the applicant Clair Bowman, and I would just like to touch on a few things, regarding the lot split option in the Code, the City suggested that we did the combined preliminary and final plat, I think part of the reason was because it wasn't in the city yet, and we are trying to get this all done at once. It does have a private road that provides access to this. You probably have run into this before, nonfarm developments as Kuna grows

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and annexes nonfarm developments, this is typically what happens. I know you have a recent history of annexing nonfarm development, it is a change for folks, it is different and it is troublesome for them. I would like to point out a couple other things, Legacy Lane is partially a separate lot in the Dream Catcher Subdivision, the leg that comes from Black Cat Road to Mr. Bowman's home is on a separate lot, and the reason for that was that it is a long lane it goes all the way back to Black Cat Road. But once it gets to Mr. Bowman's home the lots are basically the centerline of Legacy Lane, so there is an easement reserved on the plat of Dream Catcher that creates that Legacy Lane and that is of course addressing the current CC&Rs for the project. I point that out because I think it is important for your annexation process, because I don't think anyone doubts that this land will be in Kuna, I think it is a just a question of when. The reason this annexation is somewhat important is that it does provide continuity and adjacency to some of that land to the south. So, questions of dryline connections, water connections and pressurized irrigation questions, that will be common boundary between the City now when this is annexed and for the future when that land to the south is annexed. I think that is an important thing to point out. Just because we are doing a Pearson subdivision, it a re-subdivision of Dream Catcher, all of the requirements under the CC&Rs of Dream Catcher still apply for this Pearson Subdivision. The CC&Rs that were created do run with the land, they are with the individual lots. So, it is a process of working through the annexation of the new parcel into that and then working with the new homeowner to share the responsibilities of road maintenance, etc. the question of the road width came up, I do not know the exact history of the road, but I do know in the conditions of approval in the staff report, he is going to have to get consent from the Meridian Rural Fire District. Usually the road width issue is a fire access issue, and we are comfortable with that requirement in the conditions of approval. I think the big question is why annex, and is this the right time to do this. I just have a couple thoughts and remember this a nonfarm development, so you have currently, an active applicant interested in annexing in to the City of Kuna, and could provide access for land further to south to annex. So, I think we all agree at some point in time we will all be in Kuna, so why not now, we have an applicant that is very interested in annexing, it is a lot better than going in afterwards and annexing folks that don't want to be annexed. Mr. Bowman is only proposing one more home and I personally believe it is better if that homeowner knows he is in Kuna from day one rather trying to do something in Ada County and annex later. It just makes sense that this is the time to do that, I think that is part of the reason. I would be happy to answer any of the questions the commission might have. **C/Hennis:** I have a couple of clarifications. So, the CC&Rs that are in effect for the original subdivision, Dream Catcher, is there a minimum lot size specified in that? **Joe Canning:** I am not sure, I have not read them in a while. I don't believe so because the minimum lot size would have been required by the County at that time when the plat was record, it was a nonfarm process, that was where the lot size is determined. **C/Hennis:** if the applicant is only looking for one more home placement but he is asking for an R-2 zone, is he only looking for one home to go in there, or is he looking to go four. **Joe Canning:** No, he is only looking for one home, part of the reason for the R-2 seems to be for the configuration of the lots that are there. But, if anyone wanted to redevelop in the future all of the services have to be there. This is one of the issues we run into with an onsite septic system in the priority area, and it is a little bit difficult to go under 2 acres in the nitrate priority area and it works fairly well at about two acres, when you start getting under that it is an issue. We have already been in touch with Central District Health Department and are proceeding with that process. I suppose ultimately yes, it could be further subdivided into smaller lots but I think the septic requirements would be limited until City services are there. **C/Hennis:** Okay, thank you, any other questions? **C/Damron:** Is there a roadway access easement to that property from Legacy Lane, is there a services easement. **Joe Canning:** Yes, there is. **C/Damron:** With that lane? **Joe Canning:** Yes. **C/Hennis:** Any other questions? **C/Laraway:** I guess I have one silly one, just wanted to ask if you already have an existing home on these two acres, is this a two-acre lot or a four-acre lot? **Joe Canning:** Each lot will be a little over two acres. **C/Laraway:** Okay so, the home that is on there now is obviously on a septic system, where does its

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drain field go? **Joe Canning:** It is actually contained on its own lot. **C/Laraway:** Okay, thank you. **C/Hennis:** I think that is all we have for you right now. That brings up our discussion. A couple of items were brought up that I kind of questioned, whether you can subdivide in a present subdivision, and do what they are trying to do and then the road, is technically a part of the subdivision, it is not a public road and how does that figure with the current CC&Rs and owners. **C/Damron:** Then making that portion of the road a city road, coming off of the private. **C/Gealy:** I think it would remain a private lane, it will not be a city road. **C/Damron:** Then when it is annexed it becomes a City Road. **Richard Roats:** it would remain a private lane through the City. **C/Hennis:** And that is acceptable then? **Richard Roats:** Yes. **C/Hennis:** Okay. I guess I will ask another question to staff too, what was brought up with the subdivision not having more three or more lots, is it not allowed in the code. **Troy Behunin:** So, I am going to try and answer two questions with the same answer. So, there is a definition that says a subdivision is three or more lots, it is a definition. The reason why a combined preliminary and final plat, or why a re-subdivision of this lot is required is because it clearly states of the original plat that any further subdivision of this, or any other lot in this subdivision requires a final plat subdivision, so we are following exactly what was approved by Ada County, it talks about any further subdivision requires a subdivision process. **C/Hennis:** Okay. **Richard Roats:** Commissioner Hennis, also the request by the opponent's attorney was for the lot split, a lot split requires an original parcel and this is not an original parcel so you would have to then by default go to the subdivision process. **C/Hennis:** Okay, thank you. **C/Damron:** I have a question for you Troy. If the subdivision that is adjacent to it decides to not be annexed into the City of Kuna, these lots build up to point where the septic systems and they need the water system in there we have to provide that service to them, looking at the distance is that going to be cost feasible for the City? **Troy Behunin:** Are you talking about the existing Dream Catcher Subdivision? **C/Damron:** Yes. **Troy Behunin:** If they are not in the City they cannot have domestic water supply. **C/Damron:** Okay, so what I am saying is if these lots got to the point, since they annexed, and they have the ability to put four more homes in, so if you fill the lots up you can't have septic systems. **Troy Behunin:** So, you are talking about what if they decided to re-subdivide these two lots into four new lots. **C/Damron:** The cost feasibility for the City to bring those services to them. **Troy Behunin:** It doesn't cost the City anything, because it is developer driven. If someone wants to further subdivide a parcel and just want to go onto record to let you that any lot within any subdivision has the opportunity to subdivide, it is not just because they are joining the City. Anybody with any lot in any subdivision has that opportunity. You just have follow that process, but the city does not bring those services to those lots, it is developer or owner responsibility which the Staff clearly articulates that when they connect into city services whether it is domestic water or sewer or domestic water and sewer and PI, it is at the lot owners expense. The only reason why they would come close to those properties is if a development comes close and brings them, and a developer pays for those lines. **C/Hennis:** Right, because otherwise it wouldn't comply with the septic requirements in the Nitrate. It would be nearly impossible to get that many houses on the septic system. Thank you. **C/Gealy:** Troy before you leave. **Troy Behunin:** I just want to clarify that that is a future question mark, it is not a part of tonight's application. **C/Hennis:** Right, yes, we are talking about the annexation and the plat only tonight. **C/Gealy:** Is the R-2 the lowest density residential? **Troy Behunin:** Yes, Commissioner Gealy is it. That is the lowest we have. **C/Gealy:** So, there is not an opportunity for a lower residential? **Troy Behunin:** That is as low as it gets. **C/Gealy:** We could condition, correct me if I am wrong, we could include a condition that this new subdivision will need to comply with the CC&Rs in the previous subdivision. **Richard Roats:** We cannot condition that Commissioner Gealy, we do not enforce CC&Rs, so we would essentially be enforcing that through that condition and we don't do that through the City, that would be a manner that the homeowners would have to take up themselves. **C/Gealy:** But at the same time, correct me if I am wrong, the landowner has the option to choose to annex into the City. That doesn't matter if it is a part of a subdivision or not? **Richard Roats:** That is correct. **C/Gealy:** So, could we include a condition that there would be no further

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subdivision of the subdivision. **Troy Behunin:** That is typically a note on final plats now, the City would require that note to be in place. **C/Gealy:** that there would be no further subdivision? **Troy Behunin:** Any further subdivision would require the proper process. **C/Gealy:** But we couldn't prohibit it? **Troy Behunin:** No, you can't prohibit it. **C/Gealy:** But, in fact that is why we are discussing this tonight is because the existing subdivision has a requirement that... **Troy Behunin:** Pretty much any plat after 1985 or 87 has that requirement, it became pretty standard and the City would require that that also be on here as well. **C/Hennis:** Okay, yeah because this primarily just for basically splitting this lot and annexing into the city. We have no idea what the future plans are going to be, but they will be subject to, like the applicant said, the septic requirements in the nitrate priority area, so there is only so much that can be put on that lot anyways until City is there. I am not sure exactly, I don't know if I am in favor of it. **C/Laraway:** Can I recommend that we table it then. **C/Gealy:** I am not sure if we are going to have any more information on it. **C/Hennis:** Yeah, unfortunately it is not going to make a difference, and this a recommendation to the City Council, which ever we feel so I don't know if tabling it would give us any further information other than just time to think about it. **C/Laraway:** I was only thinking because I am not sure the reason we are uncomfortable with it, I don't know, I don't see it. I understand the annexation part of it, it is a footprint to get somewhere else, and that is their choice as landowners. The lot split again, is something that the landowner chooses to do. We can't or Ada County can't not require it, it is his choice. I think what our dilemma is we are disrupting a neighborhood. We have a split in popularity if you will we have six lots in this little subdivision and we have one owner that wants to step away from that, can he do it legally, yes. **C/Hennis:** But then again, when you have 4.82-acre lot and everyone else is at two is it really going to disrupt the neighborhood that much. It is going to equal it out a little bit more. The Legacy Lane issue feeding all of that is kind of my quandary. It really takes a double lot down to the same size as the rest of them. **C/Damron:** I mean essentially what we are looking at this is the landowner being annexed, which he legally able to do, and the lot split which he is legally able to do. And, the issue in which he said they do have an easement off of Legacy Lane, so the easement issue is not there. I think the concern that I am having is he is annexed into the City now, it is City as opposed to everybody else being County, and it shouldn't be a dilemma but it is creating one in my head for how this is laid out and what is going to happen later on down the road there. **C/Hennis:** Yeah exactly and I don't know. If somebody has a motion I would be willing to hear it.

Commissioner Gealy motions to recommend approval to City Council Case No. 17-05-AN (Annexation) & 17-01-CPF (Combination Preliminary and Final Plat), with the conditions as outlined in the staff report, with the change to condition No. 1C to include the Meridian Rural Fire District and remove the Kuna Rural Fire District, and with the elimination of Condition No. 1B and Condition No. 4; Commissioner Laraway Seconds, all aye and motion carried 4-0.

4. COMMISSION DISCUSSION AND REPORTS

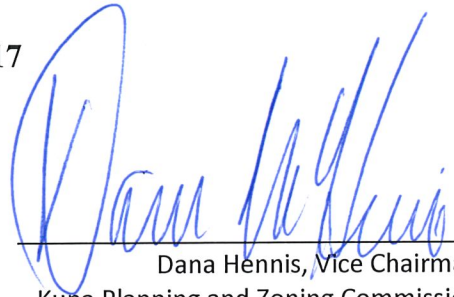
C/Gealy: I would just point out to the people here that we are a recommending body, and there will be a hearing in front of City Council.

5. ADJOURNMENT

Commissioner Laraway motions to adjourn; Commissioner Damron Seconds, all aye and motion carried 4-0.

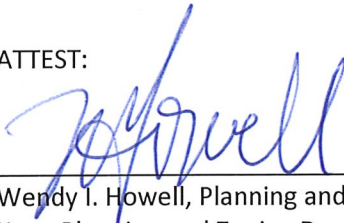
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Dana Hennis, Vice Chairman
Kuna Planning and Zoning Commission

ATTEST:



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