

OFFICIALS

Lee Young, Chairman
Dana Hennis, Vice Chairman
Stephen Damron, Commissioner
Cathy Gealy, Commissioner
Tyson Garten, Commissioner



CITY OF KUNA
Kuna City Hall Council Chambers, 751 W 4th Street, Kuna, Idaho 83634

Planning & Zoning Commission Meeting
MINUTES
Tuesday October 26, 2021

6:00 PM REGULAR MEETING

For questions, please call the Kuna Planning and Zoning Department at (208) 922-5274.

1. CALL TO ORDER & ROLL CALL:

(Timestamp 00:01:22)

COMMISSION MEMBERS PRESENT:

Chairman Lee Young – Absent
Vice Chairman Dana Hennis – In Person
Commissioner Cathy Gealy – Absent
Commissioner Stephen Damron – In Person
Commissioner Tyson Garten – In Person

CITY STAFF PRESENT:

Bill Gigray, City Attorney – Via Zoom
Jace Hellman, Planning & Zoning Director – Via Zoom
Doug Hanson, Planner II – In Person
Jessica Reid, Planning Services Specialist – In Person

2. CONSENT AGENDA: ALL OF THE ITEMS LISTED ARE ACTION ITEMS

All items listed under the Consent Agenda are considered to be routine and are acted on with one (1) Motion by the Commission. There will be no separate discussion on these items unless the Chairman, Commissioner, or City Staff requests an item to be removed from the Consent Agenda for discussion. Items removed from the Consent Agenda will be placed on the Regular Agenda under Business or as instructed by the Commission.

1. Regular Planning and Zoning Commission Meeting Minutes Dated October 12, 2021
2. Findings of Fact & Conclusions of Law
 1. Case No. 21-03-CPF Arbor Ridge Villas

(Timestamp 00:01:40)

Motion To: Approve Consent Agenda.

Motion By: Commissioner Damron

Motion Seconded: Commissioner Garten

Further Discussion: None

Voting No: None

Absent: 2

Motion Passed: 3-0-2, Commissioners Young and Gealy were absent.

(Timestamp 00:01:48)

City Attorney Bill Gigray suggested that as the Chairman was not present, the Commission add to the Motion the Vice Chairman may sign the Consent Agenda items in his stead. Vice Chairman Hennis thanked Mr. Gigray.

(Timestamp 00:02:24)

Motion To: Approve Consent Agenda and permit the Vice Chairman to sign the items due to the Chairman's absence.

Motion By: Commissioner Damron

Motion Seconded: Commissioner Garten

Further Discussion: None

Voting No: None

Absent: 2

Motion Passed: 3-0-2, Commissioners Young and Gealy were absent.

3. **PUBLIC HEARINGS:** ALL OF THE ITEMS LISTED ARE ACTION ITEMS

(Timestamp 00:02:48)

- A. *Tabled from October 12, 2021* Case Nos. 20-01-PUD (Planned Unit Development), 20-06-ZC (Rezone), 20-08-S (Preliminary Plat) & 20-05-SUP (Special Use Permit) for Merlin Cottages Subdivision – Doug Hanson, Planner II

A Team Land Consultants on behalf of Merlin pointe, LLC, requests planned unit development approval for an approximately 7.04 (6.61 developable) acre site, with C-1 (Neighborhood Commercial) and R-12 (High Density Residential) zoning districts and to subdivide the property into 66 total lots (54 residential, 6 common, and 6 commercial). The subject site is located at 115 N Sailer Avenue, Kuna, ID 83634, within Section 24, Township 2 North, Range 1 West; (APNs: R5672430020, R5672430040, R5672430060).

(Timestamp 00:03:19)

Planner II Doug Hanson presented an overview of the project and notified the Commission that he had received word from Ada County Highway District (ACHD) that morning in regards to them making updates to their Staff Report as the road layout for this project had been amended per their direction. Mr. Hanson stated he would leave the decision to the Commission on whether to make a recommendation to City Council after the Public Hearing or to table the Case to a date certain pending their review of the amended ACHD Staff Report; he then stood for questions.

(Timestamp 00:05:02)

Commissioner Damron asked if ACHD had provided a timeline of when they anticipated to have the revised Staff Report complete. Mr. Hanson answered they had estimated two (2) weeks at the latest.

(Timestamp 00:05:20)

Vice Chairman Hennis asked Mr. Hanson what the proposed density was for the residential aspect of the project. Mr. Hanson stated the Net Density was 13.27 Dwelling Units Per Acre (DUA); Vice Chairman thanked Mr. Hanson.

(Timestamp 00:06:20)

Commissioner Damron expressed his preference to wait for the revised ACHD report prior to making a recommendation so as to have a complete overview of the project; Commissioner Garten agreed.

(Timestamp 00:06:47)

Vice Chairman Hennis was concerned with the fact the Public Hearing had previously been and stated he would like to receive testimony from those in attendance; Commissioner Damron agreed.

(Timestamp 00:08:20)

Steve Arnold of A Team Land Consultants provided additional information regarding the revised ACHD Staff Report and that he and the Developer agreed with their comments which they had been provided via email. Mr. Arnold expressed he would like to succeed some of his allotted time to the project Builder as there had been previous discussion and submitted testimony from the current residents of Merlin Pointe, regarding issues they had faced in their homes constructed by the same Builder. Mr. Arnold continued by showing a slideshow of the updated Preliminary Plat where the residential lot counts had been reduced and the commercial lots increased; he also commented he had calculated a Net Density of 7.6 DUA based on the revised Preliminary Plat. Mr. Arnold continued, stating there was 27% open space within the project and there were several building themes; the units along the public street, Cottage and Merlin Avenue were rear-loaded residences. He explained the craftsman style of Phase 1 of Merlin Cottages would continue into this Phase & the dwelling would range from 1,500 to 1,800 SF. Mr. Arnold explained the amenities of walking paths, green space and gazebos. He touched on the concern of existing residents that the proposed residences would be rentals, however, that was not the case and would be a for sale product. Additionally, he addressed the decrease in traffic as the project no longer incorporated the original box-store that was under contract in the past, and the proposed project reduced in lot count. An HOA would be put in place and would be responsible for maintaining common areas.

(Timestamp 00:14:15)

Commissioner Damron asked if it would be the same HOA. Mr. Arnold answered there would be two separate HOA's.

(Timestamp 00:14:24)

Mr. Arnold continued addressing the traffic, stating only 15% of the originally projected traffic would be generated by this project. He also addressed the issues they experience with their original landscaper and how they had remedied that issue and were continuing to address the remaining items. In summary, Mr. Arnold agreed with all staff and agency recommendations; reduced their original proposed density; and were providing a mix of housing types. He then stood for questions.

(Timestamp 00:17:00)

Commissioner Damron asked if the builder on the first Phase was the same for this one. Mr. Arnold stated that was correct and made a few comments on the interior finishes.

(Timestamp 00:17:20)

Vice Chairman Hennis questioned if the updated Preliminary Plat was in the packet. Mr. Hennis addressed Mr. Arnolds statement that the project followed Kuna City Code but was requesting

variance in the lot coverage and setbacks. Mr. Arnold explained that it was permitted by the Planned Unit Development (PUD) barring certain other items were done.

(Timestamp 00:18:32)

Mr. Hanson made a point of clarification and pointed out Exhibit 2.58 was the updated 54 lot Preliminary Plat and was titled "Updated Preliminary Plat" in the packet. He then explained the overall density of the project was 9.02 but when looking at only the residential portion, the Net Density did total 13.27 DUA; he also explained Applicants are allowed up to a 15% increase in the underlying zoning density with a PUD. The Commission thanked Mr. Hanson.

(Timestamp 00:19:18)

Commissioner Damron asked if the 1,500 to 1,800 sf included the garages. Mr. Arnold said it did not, it was the living space only.

(Timestamp 00:19:42)

There were no other questions from the Commission and Mr. Arnold left the podium. Planning Services Specialist notified the Commission there was one minute and 28 seconds left of the Applicants allotted time for the Builder to use in addressing the Commission.

(Timestamp 00:20:03)

Greg Hathaway of Hathaway Homes (Builder) addressed the Commission and touched on the issues raised in written testimony submitted by residents of Phase 1. He said he did not like individuals to feel like work was inadequate and they stood by their warranty, however, there were additional issues with the grade they could not take care of; specifically, the amount of water applied after individuals had taken residence. Mr. Hathaway explained French drains had been installed to address water runoff issues. He also stated as grass seed had not taken originally, they had provided sod as a replacement in efforts to be fair. He also explained that as the project continued on, landscaping was not provided in the yards, therefore they did not add additional topsoil, it was up to the homeowner and stated that was common practice among development(s) throughout the area. In conclusion, Mr. Hathaway stated they make an effort to address issues reported by homeowners as soon as possible and schedule with homeowners for times that were convenient for them to perform repairs. Mr. Hathaway then stood for questions.

(Timestamp 00:21:59)

Vice Chairman Hennis asked if it was within the contract for homeowners to receive the backyards with additional topsoil or if that was dependent on the Phase. Mr. Hathaway stated it was dependent on the Phase; when it was a part, up to four (4) inches of topsoil was provided and it was graded to maintain the required grade. Vice Chairman thanked Mr. Hathaway and as there were no other questions, Mr. Hathaway left the podium.

(Timestamp 00:22:45)

Vice Chairman Hennis opened the Public Hearing.

Support:

1. Steve Arnold, A Team Land Consultants, 1785 Whisper Cove, Boise, ID, 83709 – Applicant, Testify
2. Greg Hathaway, Hathaway Homes, 6770 Elm Lane, Nampa, ID, 83687 – Builder, Testify
3. Bob Hathaway, Hathaway Homes, 10988 Quail Cove, Nampa, ID, 83687 – Builder, Not Testify

Neutral:

1. David Reinhart, Kuna Joint School District No. 3, 711 E Porter, Kuna, ID, 83634 – Testify
2. Lonna Kowalski, 1110 E Folgado, Kuna, ID, 83634 – Not Testify
3. Kathleen Thomason, 308 N Bay Haven, Kuna, ID, 83634 - Testify

Against:

1. Lon Morgan, 1033 E Seraphina, Kuna, ID, 83634 – Neighborhood Representative, Testify
2. Roger Tofslie, 233 N Sailer Avenue, Kuna, ID, 83634 – Not Testify
3. Joanne Tofslie, 233 N Sailer Avenue, Kuna, ID, 83634 – Not Testify
4. Mia Riegel, 313 N Sailer Avenue, Kuna, ID, 83634 – Not Testify
5. Donna Gerhart, 1144 E Seraphina, Kuna, ID, 83634 – Not Testify
6. Dick Gerhart, 1144 E Seraphina, Kuna, ID, 83634 – Not Testify
7. Shelly Kamps, 2967 N Sailer Avenue, Kuna, ID, 83634 – Not Testify
8. Tami Morgan, 1088 E Seraphina, Kuna, ID, 83634 – Not Testify
9. Roger Tofslie, 233 N Sailer Avenue, Kuna, ID, 83634 – Not Testify
10. Charlotte Busbee, 364 N Bay Haven Avenue, Kuna, ID, 83634 – Not Testify
11. Jim Kowalski, 1110 E Folgado, Kuna, ID, 83634 – Not Testify

(Timestamp 00:23:18)

David Reinhart explained no one project causes adverse effects to the School District (KSD) but all projects combined, that is why KSD was taking a new approach and requesting partnerships with Developers in which they provide land and/or voluntary impact fees. KSD had not yet discussed this with the Developer but would be reaching out.

(Timestamp 00:25:05)

Lon Morgan, speaking as a Neighborhood Representative, thanked the Commission for the opportunity to testify and for the information provided by the Applicant. He listed concerns regarding property values; traffic; home style and class. Mr. Morgan wished the Developer to mirror the existing home product and curb appeal. He expressed serious concerns with the amount of traffic coming around the “Kuna Curve” and how difficult it was to merge into the traffic that already existed; he questioned if turn lanes could be provided. Mr. Morgan discussed how Kuna was a very young City when it came to its residents median age and felt that due to this, the possible buyers attracted to the project would be first-time homebuyers. Mr. Morgan proposed some possible alternatives: mirror the existing home style in the new Phase; and possibly developing a City Park. Mr. Morgan thanked the Commission for their time.

(Timestamp 00:39:40)

Kathleen Thomason expressed her disagreement with her neighbors’ opinions and how they had become upset when they were notified of the proposed continued development. Ms. Thomason stated she was made aware of the future development of the surrounding property when she purchased her home. She also expressed her opinion that the proposed homes that would not have yards would actually attract “older folks” as it was less to take care of.

(Timestamp 00:41:18)

In rebuttal, Mr. Arnold was flattered the existing residents cared so much for the neighborhood that they were trying to protect its future; he continued by assuring the existing residents that the next Phases would be even better than the first. He touched on feedback received that less landscaping be provided and instead an HOA maintained common area. Mr. Arnold stated he had

stressed to the realtor that marketed the first part of the project, that buyers were made aware that additional development was coming. Mr. Arnold reiterated that the original traffic study was performed with a big-box store in mind and by creating single-family development instead, it actually reduced the originally projected traffic. He then stood for any additional questions from the Commission.

(Timestamp 00:45:15)

Vice Chairman Hennis addressed public testimony regarding deceleration/turn lanes for the development and asked if there were any plans for that. Mr. Arnold stated that in their original discussions with Ada County Highway District (ACHD) regarding the development of the properties, they had requested a turn lane, however they would not allow it. Vice Chairman Hennis also pointed out that the Idaho Transportation Department (ITD) controlled Meridian Road to about Walgreens, that is why they were differentiating between the two agencies (ACHD & ITD); he explained the public may not know that information. Mr. Arnold took the opportunity to point out that ITD was intending to reduce the speed limit at the Kuna Curve down to 35, and reducing down from there for the following speed zones, to help with deceleration of speed. There were no further questions from the Commission.

(Timestamp 00:47:15)

Vice Chairman Hennis asked the Commission their thoughts on continuing the Public Hearing until the revised ACHD staff report was received. Commissioner Damron said he agreed with waiting as he was concerned with the traffic; since there could not be a deceleration lane, could there be a light. Vice Chairman Hennis stated he was not aware of a light planned at that location and hadn't seen any information from ACHD or ITD.

(Timestamp 00:49:52)

City Attorney Bill Gigray provided comment for consideration by the Commission explaining the hearing could be recessed and reconvened at the following meeting. He also suggested getting comments from not just ACHD but ITD as well; that would clear up which parts of the road are primary and secondary jurisdiction. Vice Chairman Hennis thanked Mr. Gigray and asked Mr. Hanson if comments had been received from ITD; there were none. Vice Chairman Hennis then asked if the information had been sent to ITD and Mr. Hanson confirmed the information had been provided along with the agency transmittal request for comments. Vice Chairman Hennis was surprised ITD did not provide comments and Commissioner Damron was curious if ITD had seen the traffic study like ACHD had. Mr. Hanson explained the Traffic Impact Study (TIS) was performed five (5) years prior when the project as a whole was presented for approvals; Vice Chairman Hennis pointed out that Mr. Arnolds comments on traffic reduction seemed appropriate as the original TIS included the big-box store, however, he still wanted additional information.

(Timestamp 00:54:35)

Mr. Gigray suggested asking the Applicant what negotiations and/or permits they may have received from ACHD or ITD since access permits are required to access the roadways. Mr. Arnold stated the access was fully under ITD and they had in fact submitted their TIS to both ITD and ACHD; ITD reviewed the impacts to their rights-of-way and ACHD reviewed the projected traffic on internal streets. Mr. Arnold guessed that since there was a reduction in traffic with the new proposed Phase, they did not deem it necessary to comment. He also pointed out there was a possible traffic light at Kay and Avalon, and there were plans to change the layout of the

Meridian Road and Kuna Road intersection, so an additional light at N Sailer and Avalon most likely would not be approved.

(Timestamp 00:59:50)

The Commission continued to discuss their desire for additional comments, Vice Chairman Hennis deferred to Mr. Hanson. Mr. Hanson stated there had been a request for comments from ITD on the original plat and the revised plat but none had been provided, however, he asked the Commission if they would like him to request specific comments regarding decelerations lanes or other specifics, before the next meeting. Commissioner Damron then asked if there was a light planned; Mr. Hanson explained a signalized intersection at Kay and Avalon was the City's number one line-item request from ACHD. Commissioner Damron requested Mr. Hanson to follow up with ITD on a possible traffic light.

(Timestamp 01:02:32)

Motion To: Recess Case Nos. 20-01-PUD (Planned Unit Development), 20-06-ZC (Rezone), 20-08-S (Preliminary Plat) & 20-05-SUP (Special Use Permit) for Merlin Cottages Subdivision until November 9, 2021, pending additional comments from the Idaho Transportation Department.

Motion By: Commissioner Damron

Motion Seconded: Commissioner Garten

Further Discussion: None

Voting No: None

Absent: 2

Motion Passed: 3-0-2, Commissioners Young and Gealy were absent.

(Timestamp 01:04:08)

Motion To: Recess the meeting for few minutes to allow the individuals present for the previous hearing to vacate Chambers if they wished to.

Motion By: Commissioner Damron

Motion Seconded: Commissioner Garten

Further Discussion: None

Voting No: None

Absent: 2

Motion Passed: 3-0-2, Commissioners Young and Gealy were absent.

(Timestamp 01:12:18)

Motion To: Reconvene the meeting.

Motion By: Commissioner Damron

Motion Seconded: Commissioner Garten

Further Discussion: None

Voting No: None

Absent: 2

Motion Passed: 3-0-2, Commissioners Young and Gealy were absent.

(Timestamp 01:12:25)

B. Tabled from September 28, 2021 Case Nos. 21-04-ZC (Rezone), 21-05-S (Preliminary Plat) & 21-12-DR (Design Review) for Ewing Meadows Subdivision – Doug Hanson, Planner II

Sterling Land Development Inc requests a rezone for approximately 80.715 total acres to from an A (Agriculture) to an R-6 (Medium Density Residential) zone. The applicant also requests

preliminary plat approval in order to subdivide the approx. 80.715 acres into 319 total lots (298 buildable lots, 21 common lots). The site is located in Section 15, Township 2 north, Range 1 West (APN: S1315212403, S13155214551, S1315244600).

(Timestamp 01:12:41)

Planner II Doug Hanson presented an overview of the proposed project. Mr. Hanson notified the Commission it had been requested for the Applicant/Developer enter into a Development Agreement (DA) with the city, for any possible creative sewer solutions they may develop. He then stood for questions.

(Timestamp 01:14:10)

Vice Chairman Hennis asked if a DA had been presented yet; Mr. Hanson answered there was not as of yet. There were no other questions from the Commission.

(Timestamp 01:14:25)

Bonnie Layton thanked the Commission for their time and presented an overview of the proposed project. She informed the Commission of the project location and that Shayla Avenue would provide the connection through the development from Ardell to Hubbard. Ms. Layton explained the subject site had been Annexed into the city in 2006 with a zoning designation of Agriculture and they were requesting Medium Density Residential. She explained their project and others were working together to create a sewer serviceability solution with Public Works, such as a temporary lift station. Mrs. Layton discussed the sites topography and how the project had been designed with that in mind. She stated the project Net Density was 4.9 Dwelling Units Per Acre (DUA) with lots sizes ranging from 50 – 60+ feet wide in order to accommodate various floor plans. Ms. Layton talked about the proposed pathways and open spaces throughout the development, and how they were a great amenity for residents. She addressed the revisions requested in the ACHD Staff Report and stated they agreed with them and would be making those changes. She also explained they had been in contact with Kuna Joint School District No. 3 and were developing that partnership; she then stood for questions.

(Timestamp 01:25:24)

Commissioner Damron referenced Lots 6, 7, 9 and 10 and asked if they would be a green pathway; Ms. Layton confirmed they were. Vice Chairman asked about the proposed housing; Ms. Layton stated there would be a mix of one (1) and two (2) story homes with two (2) to three (3) car garages. Commissioner Damron asked about the average size of the homes; Ms. Layton stated they were anticipated to be a minimum of 1,800 sf and up to possibly 3,200 sf. Vice Chairman Hennis provided positive comments on how the open spaces were spread out through the development, then asked if they were going to be providing amenities like playgrounds. Ms. Layton explained they typically provide play structures, shade structures and various other items as part of all of their developments. Commissioner Damron asked if irrigation would be coming from the proposed pond; Ms. Layton said they would have pressurized irrigation but wished to defer any additional irrigation questions to their Engineer. Ryan Young, NV5 Engineer, addressed the Commission explaining the pond would be used as an irrigation reservoir for the City's irrigation system and irrigation for the subdivision came from the City's regular pressurized irrigation system. He also noted their pressurized irrigation was reviewed and approved by Public Works. As for stormwater drainage, there would be underground drainage built in. The Commission thanked Mr. Young.

(Timestamp 01:30:12)

Vice Chairman Hennis opened the public hearing.

Support:

None

Neutral:

1. David Reinhart, Kuna Joint School District No. 3, 711 E Porter Street, Kuna, ID, 83634 – Testify
2. Tuck Ewing, 1500 N Eldorado, Boise, ID, 83704 - Testify

Against:

1. Neil Durrant, 4000 W Hubbard Road, Kuna, ID, 83634 – Testify

(Timestamp 01:30:28)

David Reinhart of Kuna Joint School District No.3 (KSD), reviewed the projected number of students at buildout which totaled 220; though not all would attend KSD schools, a majority would. The Developer of the project was the first one to pledge voluntary impact/support fees to KSD to accommodate their impact; Crimson Point Elementary would need to add on.

(Timestamp 01:33:06)

Neil Durrant addressed the Commission and informed them the Developer had not reached out regarding the concerns he had raised during the Neighborhood Meeting; nothing on the Plat had been changed. He was concerned the Developer had not considered the impact to the 5-acre lots to the north and they fact they have equipment/trucks entering/exiting their properties. Mr. Durrant was concerned that he would face issues moving his farm equipment up and down Hubbard Road when construction on the sewer line began, especially because some of his equipment reached 20 feet wide and W Hubbard was a dead-end road. Per Mr. Durrant, he had attended the last Kuna Rural Fire District (KRFD) Commission meeting where they had discussed KRFD was responding to less than 75% of calls within the area, and they were relying heavily on the surrounding areas/cities to respond to the rest. He also addressed where it was stated in the Design Review application that there were no trees over four (4) inches; Mr. Durrant disagreed and stated there were actually many, including a large Poplar tree visited by hawks and other birds of prey. He explained he had to go directly to the Ada County Highway District (ACHD) to address his concerns about the N Shayla alignment since the Developer had not; if the alignment of the roadway had not been addressed, that Mid-Mile Collector would have lined up directly with his driveway. Mr. Durrant then referred to ACHD comments that N Ten Mile Road would face traffic issues once the 12th and 35th lot was developed due to lack of right-of-way; he also addressed the need for additional right-of-way from the southeast corner property owner and how that would further affect the N Shayla alignment. (Mr. Durrant's time elapsed and Vice Chairman Hennis requested he finish up). Mr. Durrant stated the site posting was not perpendicular to the roadway but were parallel. He also thanked the Developer for placing larger lots near his house but also requested the homes on those lots be limited to single-story. Mr. Durrant summarized that he was willing to work with the Developer and make compromises, however, the Developer needed to reach out. He then thanked the Commission and vacated the podium.

(Timestamp 01:37:18)

Vice Chairman Hennis invited the Applicant to rebut.

(Timestamp 01:37:48)

Ms. Layton discussed concerns brought up during their Neighborhood Meeting and how they were addressed: The alignment adjustment to N Shayla was requested by ACHD and they would make those revisions. She understood Mr. Durrants concerns and commented that they would communicate with ACHD and any other agencies on performing their construction in a way that would minimize impact. Mrs. Layton then stood for any additional questions.

(Timestamp 01:40:22)

Vice Chairman Hennis referenced the traffic mitigation efforts on N Ten Mile as the list from ACHD was extensive, and asked Ms. Layton if they were in agreeance with them since some of the items may not have a planned fix quite yet. She explained they had reviewed the mitigation requests and spoke with Mindy at ACHD regarding timelines of some of the items and the impacts of additional proposed subdivisions. She further explained that Mindy had said the neighboring subdivisions had been accounted for and the same requests had been made of them, it became a point of who got to that point in their development first; Ms. Layton stated they were coordinating with the other Developers and they would work together on those mitigations.

(Timestamp 01:41:50)

Commissioner Damron asked Ms. Layton if they were agreeable to keeping the homes on the lots next to Mr. Durrants property single-story. She responded Mr. Durrants home was across Hubbard from Mr. Durrant, not directly adjacent, but believed they were fine with that request.

(Timestamp 01:42:40)

Mr. Hanson deferred to City Attorney Bill Gigray for a point of clarification: Mr. Durrant stated the signs posting the property were parallel to the roadway and one sided, however, staff was in receipt of a Proof of Property Posting form with photos; Mr. Hanson further explained that short of staff visiting the site to confirm this, there was no way to prove either way. Would the property need to be reposted and continued? Mr. Gigray stated the most important thing was the property was posted, second was if the signs were two (2) sided and they had proof of that which the Commission could base their decision on. He explained the posting procedure would be controlled primarily by City Ordinance. Mr. Hanson referred to Kuna City Code (KCC) 5-1A-8 which states signs must be double sided and placed perpendicular to the roadway; an Affidavit of Posting (Proof of Posting) stating the signs were posted in accordance with KCC; and the photos were primarily used to confirm the verbiage of the sign. Mr. Gigray stated the Commission could inquire further with the Applicant who submitted the Affidavit, if they had personal knowledge the signs were posted correctly. Ms. Layton approached the podium and explained they contracted Forge Sign Works for the posting of the site and that company posts projects all over the valley, and had been the sign contractor NV5 had been using for a long time. She believed they were in compliance with posting the signs per KCC.

(Timestamp 01:45:55)

Mr. Gigray informed the Commission they could recess the hearing barring additional proof of the sign posting, from the sign company themselves, if they felt it was necessary. The Commission discussed that option amongst themselves, the options they had, and the legality of the posting. Commissioner Damron asked staff how many additional parcels there were further down Hubbard Road, Mr. Hanson stated he was not sure. Vice Chairman Hennis pointed out if there was signage along Ardell Road to the south, there were many more homes due to the Crimson Point Subdivision.

(Timestamp 01:49:11)

An audience member asked if the opportunity for public testimony was closed, Vice Chairman Hennis answered it was not. The Commission continued to discuss the matter amongst themselves. Mr. Gigray explained if the Commission wished to recess the hearing to the next meeting, they could limit the receipt of additional testimony in regards to the signs only, then make a decision. If it was determined at that meeting the posting was not correct, then the site would have to be reposted. The Commission thanked Mr. Gigray.

(Timestamp 01:52:02)

Commissioner Damron commented there was no blatant attempt to obscure the sign and the site was posted, he continued by stating if they wished to receive testimony from the sign company themselves, it could delay the hearing one (1) or two (2) meetings, thus pushing it into December. Commissioner Damron did not feel it was not on purpose and Vice Chairman Hennis commented that Ordinance was Ordinance. Mr. Gigray explained that the matter became an issue of due process if the posting was challenged.

(Timestamp 01:54:18)

Commissioner Damron pointed out the Commission could not prove the sign wasn't moved either. Vice Chairman Hennis requested the audience member who wished to testify to come forward.

(Timestamp 01:54:56)

Tuck Ewing of Yes Development addressed that Mr. Durrant did bring up a good point, then asked if this was a matter that Mr. Durrant wanted to address in court. Mr. Ewing stated he believed the signs were there, he just had not seen them himself. He further stated that if the signs were not posted correctly and did not meet KCC, Mr. Durrant's concerns were legitimate and he understood the Commission would have to make the best decision they saw fit; he also felt that delaying the project and it turned out the signs were posted correctly, it was appropriate for some monetary recourse.

(Timestamp 01:56:35)

Commissioner Damron asked Mr. Durrant if the matter was a great enough issue to him to carry the matter to court? Mr. Durrant stated it was not a severe issue, he just wished to address it and referred to the photos provided with the Proof of Property Posting. He explained by looking at how the sign was set against the adjacent cornfield and gated pipe; it was evident they were not perpendicular. Mr. Durrant stated that as long as the Developer was willing to work with him on his concerns, it was not a matter that needed to go to court. Vice Chairman Hennis asked if his driveway was on Hubbard Road, Mr. Durrant confirmed it was. The Vice Chairman then asked Mr. Durrant if the shifting of N Shayla was adequate or still caused issue. Mr. Durrant explained the road would be immediately adjacent to his driveway and that raised safety concerns with him when it came to exiting his driveway.

(Timestamp 01:58:58)

Commissioner Damron asked Mr. Gigray what their recourse options were: legal recourse or a minor infraction where the complainant was not determined to push the matter to court and what the Commission could do. Mr. Gigray explained taking all of the information into account, if it was evidence they could rely on, the Commission could make a decision. Mr. Gigray also pointed out that there was no recourse from the Developer to Mr. Durrant in regards to Mr. Durrant's right

to comment on the signs and did not believe the Developer had a right to threaten Mr. Durrant with costs for doing so; he continued by stating that the Developer would of course need to refer to his own attorneys in the matter. Mr. Gigray summarized that if the Commission was confident with the strength of the record, they could make a decision.

(Timestamp 02:02:03)

Commissioner Damron requested Ms. Layton approach the podium and asked that since Mr. Durrant did not see it as a huge issue if they worked with him on his concerns, would they be willing to do so? Ms. Layton stated it was a reasonable request and would work with Mr. Durrant and stressed they wanted to be good neighbors. The Commission thanked Ms. Layton then requested Mr. Durrant approach. Commissioner Damron asked Mr. Durrant if that was acceptable solution, he stated it was.

(Timestamp 02:04:17)

The Vice Chairman closed the hearing and the Commission proceeded into deliberation. Vice Chairman Hennis stated he was satisfied they had reached a solution and requested a Condition be added referring to it; he further commented the sewer improvements were a positive. The Chairman believed there was a solution to be had and Commissioner Damron agreed. Commissioner Garten commented he was appreciative the Developer was willing to work with KSD.

(Timestamp 02:06:04)

Motion To: Recommend Approval to City Council of Case Nos. 21-04-ZC (Rezone) & 21-05-S (Preliminary Plat) for Ewing Meadows Subdivision with the Conditions as outlined in the Staff Report, and the additional Conditions the Developer enter into a Development Agreement regarding sewer solutions and the Developer work with Mr. Durrant on his safety concerns.

Motion By: Commissioner Damron

Motion Seconded: Commissioner Garten

Further Discussion: None

Voting No: None

Absent: 2

Motion Passed: 3-0-2, Commissioners Young and Gealy were absent.

Motion To: Approve Case No. 21-12-DR (Design Review) for Ewing Meadows Subdivision with the Conditions as outlined in the Staff Report.

Motion By: Commissioner Damron

Motion Seconded: Commissioner Garten

Further Discussion: None

Voting No: None

Absent: 2

Motion Passed: 3-0-2, Commissioners Young and Gealy were absent.

(Timestamp 02:08:44)

C. *Tabled From September 28, 2021* Case Nos. 21-04-S (Preliminary Plat) & 21-14-DR (Design Review) Falcon Crest Golf Villages – Troy Behunin, Planner III

Wendy Shrief of JUB Engineers, on behalf of M3 ID Valor Golf Villages, LLC requests approval to subdivide approximately 86.90 acres into 291 residential lots, 18 common driveway lots and 43 common lots. The subject site was annexed into Kuna City on February 5, 2019 (18-03-AN & 18-

02-PUD). The site is currently zoned R-6 (Medium Density Residential) and R-12 (High Density Residential). The subject site is located near the northeast corner of Cloverdale and Kuna Road, within Section 22, Township 2 North, Range 1 East; (APN: S1422110300).

(Timestamp 02:09:00)

Planner II Doug Hanson stated staff requested the item be tabled to a date certain of November 9, 2021.

(Timestamp 02:09:36)

Motion To: Table Case Nos. 21-04-S (Preliminary Plat) & 21-14-DR (Design Review) Falcon Crest Golf Villages be tabled to a date certain of November 9, 2021.

Motion By: Commissioner Damron

Motion Seconded: Commissioner Garten

Further Discussion: None

Voting No: None

Absent: 2

Motion Passed: 3-0-2, Commissioners Young and Gealy were absent.

4. BUSINESS ITEMS:

(Timestamp 02:09:50)

The Vice Chairman asked staff if there were any items to address; there were not.

5. ADJOURNMENT:

(Timestamp 02:10:06)

Motion To: Adjourn.

Motion By: Commissioner Damron

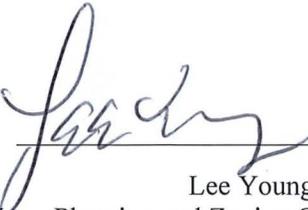
Motion Seconded: Commissioner Garten

Further Discussion: None

Voting No: None

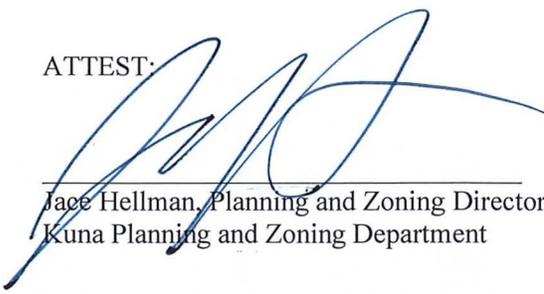
Absent: 2

Motion Passed: 3-0-2, Commissioners Young and Gealy were absent.



Lee Young, Chairman
Kuna Planning and Zoning Commission

ATTEST:



Jace Hellman, Planning and Zoning Director
Kuna Planning and Zoning Department

