

Kuna Planning & Zoning Commission
August 28, 2007

NOTE: These minutes are an unofficial record of this Planning & Zoning meeting until reviewed, corrected (if deemed appropriate), and formally approved by the Kuna Planning & Zoning Commission at a subsequent Planning & Zoning meeting.

Those present:

Chairman Brian Stewart, Vice-Chairman Justin Touchstone, Commissioner Holly Kerfoot, and Commissioner David Case, Commissioner Stephanie Wierschem
Attorney Randy Grove, Planning and Zoning Director Steve Hasson, Planner II Stacey Yarrington, Planner Tech's Tracy Rushlow and Maranda Schindel.
The Kuna Planning & Zoning meeting was called to order by Chairman Stewart at 7:00 p.m., located at the Kuna City Hall, 763 W. Avalon, Kuna.

OLD BUSINESS

Chairman Stewart: motioned to move Item 3 C under old business to 3C new business. Vice Chairman Touchstone second, all approved motion carried.

A. NOT PUBLIC HEARING / 07-12-S / PAWNEE CREEK SUBDIVISION / DEER FLAT ROAD / TABLED FROM AUGUST 14, 2007

Discussion: Chairman Stewart: This came back to clear up some items not clarified. This came before commission and council with preliminary plat and development agreement and has come back with a revised plat. As a new application there are significant changes on the preliminary plat and that is what we are here to discuss. They are proposing new dimensions sizes.

Vice Chairman Touchstone: Now we are not required to go with the new standards since the old preliminary plat was approved under the old standards of R-6. Did get original I packet and it had councils original recommendation or decision

Commissioner Case: The questions regarding this are still confusing.

Chairman Stewart; that is why we requested the original packet so we can see the changes and make a decision.

Commissioner Kerfoot: So is this a new application?

Chairman Stewart; Yes but we are not obligated to accept this application because it was platted and approved.

City Attorney Grove: I would like some clarification from the applicant on what their intent is in regard to the approval they already have. Are their going to abandon that or is it a fall back position. The R-6 zone they have is approved under different standards than the R-6 now.

There should of been a Development Agreement where the zoning reverts back what it was.

Chairman Stewart, there is let me find it, it's 5.2 in the Development Agreement:" **Consent to Rezone:** The Developer, by entering into the Development Agreement, does hereby agree that in the event there shall be a default in the terms and conditions of this Agreement that this Agreement shall serve as consent to a reversion of the subject property to RUT zoning as provided in Idaho Code.

City Attorney Grove: Not so sure we can go back because it would de-annex the property as well.

Chairman Stewart: Well in the Development Agreement says that it would revert back so how do we change it?

City Attorney Grove: Because that's what it was, so I imagine that when it was annexed and they proposed the plat and zoning at the same time.

Vice Chairman Touchstone; For the rezone preliminary plat agreement I think it was brought in as an "A" and is part of the LID so would revert back to the "A" not the RUT.

Chairman Stewart: Do we have a signed development agreement from the applicant staff?

Planner Technician Maranda Schindel: They have a old development agreement in the file, I talked to Lisa and Linda and we could not find a signed copy, so I believe it was not recorded.

Chairman Stewart: Applicant could you please come forward I have a couple of questions.

Do you know if there was a development agreement signed by the city and the applicant at the time of the original rezone and development agreement?

Bill Weaver 5797 Bogart Lane Boise ID, I can't say there was one signed but it was part of the conditions.

Chairman Stewart: What is the intent of owner, the original development agreement and preliminary plat is this a fall back if this does not proceed or is it retracted?

Applicant: Gavin King, original plat was 41 lots no park, larger lots and what has necessitated the new plat is could not get approval from a lender for that plat with the market slowing down said they need changes with higher density. Originally the homes were 1700-1800 square feet and larger and the market is now real soft so they requested a new plat with higher density with smaller homes. Gives them a better ratio. Take the land back and sell it would go bankrupt so we said ok we will go back and get a new plat since we are in the R-6 zone.

Chairman Stewart: So is it you intention to abandon the old plat?

Applicant: Yes because it has no value to us. We cannot get lending for the old plat, this one is better, better shaped lots, a park, picnic area, playground, green belt; just a better overall plat.

Chairman Stewart: Randy, if they do abandon the original plat and the Development Agreement, does this revert back to a RUT and do they have to re-annex?

City Attorney Randy Grove; you don't revert an annex, they will revert back to a "A" zone and they would need to do a application for a rezone, and Development Agreement.

Chairman Stewart: So they would need to have the rezone and subdivision because they defaulted on the on the original plat?

City Attorney Grove; There should have been a time limit on the original usually one year. They can seek time extensions but I imagine that they have not done that so it would be expired. So they need to do a new rezone, development agreement and subdivision.

Chairman Stewart: That was the main questions last time is what happens with the original agreement and we have enough answers now were we are not going to say no to the developer but that you need to go through the correct process. Need to ask for a application for a rezone and development agreement. Think that it needs to be tabled until the rezone and Development Agreement catches up to it.

City Attorney Grove: I recommend that it be tabled until a rezone and development agreement application be presented with a certain date in mind.

Chairman Stewart: I make a motion that we table Pawnee Creek preliminary plat until October 9, 2007.

Vice Chairman Touchstone second, all approve- motion carries.

B. Public Meeting- Season Creek Estates / 07-06-ZC (Rezone) / 07-10-S (Preliminary Plat) / 07-08-DA (Development Agreement) / 07-01-PUD (Planned Unit Development)

Planner Technician Maranda Schindel presented the application. The applicant is requesting a Rezone with Preliminary Plat and Planned Unit Development with a Development Agreement for an R-6 (Medium Low Density Residential) and C-2 (Area Business District / Commercial) with 637 single-family lots on approximately 184.72 acres. The site is located on the east side of Black Cat Road, between Deer Flat and Kuna Road. The property was recently annexed into the City with an Agricultural Zone and is a participant of the Local Improvement District for the new wastewater treatment plant. Applicant is proposing to dedicate a portion of the Park Area to the City. The park includes a playground area with Tot Lots equipment, soccer fields, baseball fields, and a public/private parking lot accommodation 43 vehicles, two (2) reserved for handicap parking which

will be shared with the private pool area. Additional parking will be made available along the Lotus Lane, Milkweed Drive, and Silverweed Drive.

Vice Chairman Touchstone: Can you clarify where the C-2 is going to be occurring?

Planner Technician Maranda Schindel: northern top portion, if you look on the overhead it is the white across the top.

Vice Chairman Touchstone: Where it shows the use for the C-2 in the Development Agreement can we edit the uses?

Planning and Zoning Director Steve Hasson: Yes, the C-2 is a pretty intensive land use when placed against a residential, and there are certain C-2 uses that are compatible and some that are not so we tried to come to a mutual core of uses with the Developer on what would be acceptable and if you don't like something on the list it would be okay to strike or modify accordingly.

Vice Chairman Touchstone: Meat market- is that defined very well?

Planning and Zoning Director Steve Hasson: No, it is not very well defined, like the meat market, so you have the option to say limit it to say 2200 square feet or has these attributes. Or if there is uncertainty about it then strike it. That is usually the better course of action.

Joe Canning, B&A Engineering: Boise ID. This is a PUD so the combination of a R-6 and C-2 will be done in 14 phases. At the neighborhood meetings we discussed the small commercial area with the C-2 zoning and the people in attendance thought this was acceptable. We made a short list of what would be acceptable uses in the C-2 with staff and the applicant is willing to be open for suggestions of what you would like or not like there. This area will be serviced from the north. There are 5.87 percent is commercial which is well below the 10% allowed, and over 15% of the minimum allotted for common areas. There will be a private pool for the residents and a private parking lot that will be maintained by the Home Owners Association that will also have allowed use for the public to park in for use of the 18 acre public park to the south that is going to be constructed with tot lot playground equipment. There are several pocket parks within the subdivision that micro-paths lead to and from. The overall density of the homes will be 3.45 and the net density will be 4.48. Lot sizes range from approximately 5400 square feet to 10,000 square feet.

On Blackcat there will be turn lanes into the subdivision. For residential collectors: there will be 3 residential collectors and no lots access from these collectors. We tried to eliminate streets so there are a number of cul-de-sacs. This eliminates a lot of intersections. There will be green belts along these collectors and access to the houses will be streets off these collectors. There are a few stub streets to access adjoining properties.

There are a few changes on the plat that you have before you that you do not have. We had to put the pool on a private lot since it is not going to be for made available to the public. There are more micro paths and the pool is on a private lot and split off from Public Park.

Chairman Stewart: Staff is there a preliminary plat, I don't have one here.

Planner Technician: Maranda Schindel. You have the old one, the new one is not ready yet, but the changes are minor, just more micro-paths and the pool is split from the public park.

Applicant: We are in concurrence with the staff report but we would like some changes in the wording in Development Agreement on pages 41-42 of the staff report. 3.1.9 in Development Agreement change to Dedicate 20 feet easement to the city, and if needed can then be deeded to ACHD for the mid mile collector and that way if that collector ever goes through and across the tracks that easement is there. We cannot dedicate that public easement without dedication to someone and ACHD usually will not take a easement or right of way unless it's improved.

Planning and Zoning Director Hasson: I would suggest that we have the language amended so that the dedication of easement would be to the city in the event that the city could convey it to ACHD in the future. In the comp plan one of our goals is to preserve the ½ mile and mid mile collectors and it shows it as a dedicated ½ mile second and we have a adopted map, from ACHD that shows this as a future corridor. So we need to preserve this easement for that purpose.

Vice Chairman Stewart: So on item 20 on the staff report we add to the end of it to provide provisions north-south mid mile collector to easement dedication to the city will that be enough of wording?

City Attorney Grove: That may not be necessary since it will city anyway, no harm in it.

Chairman Stewart: I think it would help us in the future is if we don't identify now, and another development comes up and it's not discussed then, we won't have an easement.

City Attorney Grove: For future notice

Commissioner Wierschem: 3.29 in the Development Agreement, it states that reasonable effort to obtain easement placement for sidewalk along Blackcat.

Applicant: We do not have any written or verbal agreement to construct a sidewalk along that section. It is private property and we need to see if we can come to some agreement to construct that with the property owner.

Commissioner Case: So the piece of our parcel we are talking about is that piece along Blackcat that is not yours and a sidewalk coming down Blackcat?

Applicant: Correct. We are required to build a sidewalk along Blackcat but there is a out parcel on that one section along Blackcat.

Chairman Stewart: Have there been any discussion with the owner?

Applicant: No.

Vice Chairman Touchstone: At the pool there is going to be a private entity and the parking lot private. For the park I know you referenced to parking along the road, but how are you going to separate those uses? Are you going to gate the pool and/or the private parking lot? If I am going to go to the ball park or soccer fields, am I going to be able to park in that parking lot?

Applicant: Yes. You be able to park in that parking lot. The pool is going to be gated but not the parking lot. We would like to encourage the residents in the subdivision to walk to the park, that's why we have all the micro-paths.

Vice Chairman Touchstone: With the ball fields, and this a public park, there may be a lot of cars for those activities.

Applicant: There is the parking lot, and along the streets where there will be a lot of parking, but we don't want to loose more open space for parking, maybe we can have some seasonal or term parking but really don't want to loose the green space.

Vice Chairman Touchstone: On 3.1.6 in Development Agreement: "City shall adopt an ordinance reasonably acceptable to City to allow for the transfer of sewer hook-ups associated with properties within the LID to properties outside of the LID. City shall use good faith efforts to adopt such ordinance within 30 days of preliminary plat approval of the subdivision." Realize that this is something we need to work on but feel this might be maybe a strong arm effort, and I understand why you are doing it, but have concerns of it being in the development agreement.

Kevin Schreeve 2655 Meadowview Drive, Kuna: This was written in another agreement, the Sanctuary, and is part of a previous development agreement; reason being is with discussion with the city attorney, because a lot need to be done with water elements, and to encourage the city to work on this and fairly soon as it needs to be addressed.

Chairman Stewart: can you please explain that a little more clearly so I can understand that better?

Applicant: When the LID was created there was an assessment fastened to the property. The concern is when other developments take place outside the LID, there is an absorption issue or as homes are built and people start to move in some in the LID and some in the non LID, it makes the people in the LID property an obligation to pay the assessment, it's a way of saying hey we want to be protected. Let our connections be used first, and so we can transfer some connections to the non LID people so it reduces their obligation to pay back the assessment that exists on their property. So in short, if there are non LID people and they develop first but the LID people do not there will be a undue burden on them because they are paying off a financial obligation that was part of constructing the treatment plant. This ordinance will allow transferring and paying off the overall obligation, therefore not having financial burden on any property.

Chairman Stewart: so this would allow people not in the LID a chance to purchase LID connections

from developers in the LID to relive some of the financial burden from them.

Tim Gordon: The commitment is a 15 year one with the cost of about \$18,000 a month. Many have more EDU than needed at this time and this will give developers who are ready to develop at this time and who are not in the LID a chance to get some of the LID connections reliving some of the financial burden.

City Attorney Grove: This will be done by a resolution not an ordinance. This was talked about in the beginning with the LID and the assessments are tied to lands and can't be changed to other land but we wanted to be flexible and fair to everyone, and they can transfer EDU to non LID users. Understand the desire to have in place, but will not have any effect until this assessment ordinance is adopted which will be some time next year around December.

Chairman Stewart: Then should this be something put in a Development Agreement then if there is nothing that can be done till then.

City Attorney Grove: Well it will not have any effect until the ordinance is adopted.

Vice Chairman Touchstone: Is this assessment ordinance being written right now or what.

City Attorney Grove: No we want to adopt the assessment ordinance close to the end of the project so we know the actual cost of the sewer plant.

Tim Gordon: What is the possibility of assume responsibility of putting our property assuming it is locked in, could you make a ordinance with an estimate to be reminder of when the actual numbers are place. Would like some assurances so I can sell some of those connections.

City Attorney Grove: Ultimately it is a decision made by City Council whether they want to do that, a resolution does not normally have public testimony attached to that by City Council decision and since it is a pretty big issue we might to make public comment on it anyway.

Vice Chairman Touchstone: I have some additional questions, on the list for the C-2 use can we strike a few of the choices like Meat Market and the Mortuary?

Planning and Zoning Director Hasson:., Yes by all means if there is something you do not like, we are flexibly on this.

OPEN Public Hearing at 8:13

Opposition: None

Support: Tim Gordon, Blackcat Road, Kuna ID. We are really trying to take in consideration of the community, we want to give the park and offer something to this side of town and the park will benefit the whole community.

Neutral: Diana Sanders, 1113 Blackcat Road, Kuna ID. Few items that would like the attorney address as far as procedural. According to the notice that was sent out he did pull out a out-parcel and according to city code 5.9.2and 4-28-5 , this parcel has to be part of this development. If you look at your definitions for subdivisions and original lot it does require this to be part of this development.

The other issue is that 5.1-A-2, 5-1A-5, 5-1A-6 requires that the application have a public hearing within 60 days of acceptance. If you look at the staff report on page 3 of 42 items B it show it was accepted on the 26 of June, that 60 days is up so it's an automatic denial. So that and 1 year before application can be resubmitted.

And also all the information from staff was not available to the public until, came in last Wednesday and staff report was not available and the staff report was not ready until Friday night for public review. If you did not receive a preliminary plat for a PUD, you need to address this before you continue.

Also your agenda on the website today says this application is tabled so if you didn't call in and logged in to the web site and looked at the agenda saying it's tabled so there was a problem with that also. So not all the people who would or could be here are not because they didn't know about that so I think that is a major problem; so they can testify on this application and have the information available to the public for them in a appropriate time. We have only so much time in

order to put in written comments so people can have all the information available to us so to review that we cannot put in written comments.

Some other issues I know that there is a problem with a issue for one of the other developments for a sub station to be placed. Is that still a issue? Also Crimson Point lift station, will they have to put in a lift station in for the two subdivisions at Deer Flat and Ardell? I don't think that issue has been resolved. Talking about financing and the problems resolved with that. And in the new stages if they have resolved that issues. But they were concerned with the lift station at Crimson could not handle all of that and adding 600 new homes that is not going to work.

Some of the other issues related to the subdivision is that's it's nice to have the collector's road easement but who is going to pay for construction for that road? They have Sunbeam road that a portion of that was donated to the city for right-of-way because ACHD would not accept it, because it was not constructed. The city has not been able to find the money to construct that road even though they feel it's a necessary item for the city to look at. So if you are going to accept that right-of-way you need to look at how it is going to be constructed and who is going to pay for that because basically the city will be constructing that road.

In a commercial in a C-2 zone there are very few items that are not allowed in the C-1 and they are asking for a C-2; a contractors shop is obviously not appropriate in that area next to residential either. Most of the other items are either permitted or require special use in this zone. C-1 is a more appropriate zoning for this area but not a C-2.

The other thing that needs to talk about is Blackcat Road. There are probably 13-14 homes that back out onto Blackcat Road. They are proposing some turn lanes and I think it would be more appropriate to build that third turn lane in the middle of that road. The city can be more restrictive than ACHD and in a PUD it talks about that you can be more restrictive requiring more requirements from the Developer. In the R-6 zone it calls for 4-6 units per acre, yet I would like the commission to consider the R-4 zone. In a PUD with the density bonus so they can reduce some of the lot sizes that is giving them the R-6 plus the density bonus or not require the R-4. I think that's more appropriate since your getting closer to the county line you're a mile from the county line, the city hasn't had any desire to go past that county line at this time. They may at some point but the R-4 and R-6 is what is recommended. For example, in the LID they can have three connections per acre and it's not guaranteed they can get that much in a R-6. So I would like to request the R-4 zone especially when it is in a PUD.

Vice Chairman Touchstone: What page was that 60 day issue on?

Diana Sanders: in the city code 5-1-A-2 AND 5-1-A-5&6. It takes about when a the director accepts the application how long he has to review that, and get a public hearing, and the commission has 60 days in order to have the public hearing and it past that 60 days if you look at when the date it was accepted. It shows June 26, 2007.

Vice Chairman Touchstone: Where does it say when the application was accepted?

Diana Sanders: on page 5 of 42 of the staff report under procedural items.

Chairman Stewart: Mr. Grove will please address the procedural issues please.

City Attorney Grove: I do have a problem with the conflict of notices, if the there is a Agenda on our web site that shows this item to be tabled and in the packet I received it stated it was to be tabled, then I received an additional packet where it shows it is to be heard I would urge you to continue this public hearing to another date for a couple of reasons, one so people who may of wanted to testify and did not have the opportunity to and give me a opportunity to some of the issues addressed.

Chairman Stewart: Our we giving it more jeopardy by setting this out further?

City Attorney Grove: No the hearing is from when it started, what is concerning is the notice confusion.

Diana Sanders: I believe that it should be re-noticed.

Chairman Stewart: So what does that involve time line, does it need re-notice, in the papers?

City Attorney Grove: I believe that all is need is to send out the 300 foot notice so interested parties are notified.

Chairman Stewart: Can this take place on the September 11 meeting.

Planner Technician Schindel: yes we can send out the 300 foot notice in the morning.

Tim Gordon: May we talk to Mrs Plummer on her issues.

Chairman Stewart, of course.

Nancy Plummer 804 N Blackcat Road: I was surprised about the property because I was not notified yet about any changes to my property. And I do have some concern about the turn lanes off of Blackcat Road. There is a hill and it can be dangerous. Do you if a traffic study has been done?

Applicant: in regards to the procedural items Diana Sanders brought up we will let the City Attorney address those, we are not aware of any power problems, and Idaho Power will construct power grids, for the lift station, this may require some upgrade but this, we are improving the mid mile collector and saving the mid mile collector for future use. On Blackcat turn lane, we have had traffic studies done and the turn lanes provided are more than adequate according to the study.

Chairman Stewart: I purpose that we table or continue the open public hearing until September 11, 2007.

Vice Chairman Touchstone motions to continue the public hearing to September 11, 2007, Commissioner Case seconds it, all approve, and motion carries.

Recess: 8:45

Back in Session: 8:55

NEW BUSINESS

A. PUBLIC HEARING: 07-02-SUP (Special Use) 07-06-DR (Design Review) / 07-14-DA Development Agreement) Idaho Baptist College Inc: Table until 9-11-07 due to no report from ACHD.

Vice Chairman Touchstone motions to table 07-02-SUP (Special Use) 07-06-DR (Design Review/07-14-DA Development Agreement) Idaho Baptist College Inc until 9-11-07
Commissioner Kerfoot seconded, all approve, and motion carries.

(B) PUBLIC HEARING – 07-01-AA (Administrative Appeal) Chad Urwin:

Planner Technician Tracy Rushlow presented the appeal: This Applicant is appealing the amount of connections charged for sewer and water for a 6200 square foot commercial building that has four separate entrances, and four separate bathrooms. The City Engineer, Justin Walker has looked over the plans and agrees to the 4 connections being charged. The city Attorney has also looked over the plans and concurs.

City Attorney Grove: The reason this is here, there are no provisions in the City Code for catch all appeals, so the Planning and Zoning Department is the deciding body on these issues, it is not a public hearing for comments, but a public hearing so the applicant can be heard. And if Mr. Urwin does not agree with the decision then he can appeal to the City Council.

Chad Urwin: Basically it is just a shop, I and my partner will have an office but the rest will be storage. I am disappointed in the lengthy process that it takes to get here. I would like to see where in the code it shows the fees are charged.

Commissioner Case: It shows that one portion is going to be used for a office for you and your partner, what are the other three portions going to be used for?

Applicant: Just storage, we are not going to be selling it off or anything. May rent out, but don't know anything yet. It may be warehouse.

Vice Chairman Touchstone: when they have a Tenant Improvement are they charged more connections?

Planner Technician Tracy Rushlow: It would depend on what business went in. They are charged for the basic. But say for example the tenant is going to be a Dentist, the chart for EDU shows that for each Dentist have 2 EDU's so if they only have the basic one and only 1 Dentist moves in they would be charged an additional EDU to make 2. Other businesses will not need any other connections then the basic one, again it goes to the type of business and there uses.

Chairman Stewart; The way I look at this there are 4 tenant spaces, and I was the landlord I would put separate water, gas meters etc so each would pay for there own services. My biggest concern is what is to stop a tenant coming in and say use power washing and using a lot of water.

Applicant; Well with me being the landlord I would be able to say who came in.

Chairman Stewart: Reason for the 4 connections, you have 4 individual units with separate entrances, separate facilities, with the potential for separate metering, which separates out to 4 EDU's, there are 4 separate facilities. Realize the fees are high but even I had to pay them when I built mine so I can sympathize.

Commissioner Kerfoot: Wouldn't at the time of Tenant Improvement they be charged the EDU's?

Chairman Stewart: We are assessing the minimum use of this building and that minimum use shows 4 EDU's. When TI comes in they would be charged for the additional use, for example a drycleaner comes in and has 50 washers, they would be charged the additional EDU's on top of the original base use.

Applicant: Like what Commissioner Kerfoot says, about having the Tenant Improvement pay for that at that time. And it is only a shell the offices are not in there.

Chairman Stewart; but when this came to us it shows 4 spaces, 4 separate entrances, 4separate restrooms. It's the restrooms where the 4 EDU start. And the approved plan shows 4 separate spaces.

Applicant: If we changed the so it was a shell without the walls then could we resubmit it and be charged only 1 EDU.

Chairman Stewart: Yes but this was the approved plan and if you do you would have to go through Design Review again. You can always pass this cost on to your tenants.

Discussion:

Commissioner Case: the design speaks for it self and there are only so many hookups with the sewer and if you want them you have to pay for them.

Chairman Stewart: He takes the 4 available now or redo and then try to get the connections and they may not be available then.

Commissioner Kerfoot: Is there something in there that tells them about the connections when they apply so they don't get any surprises?

Planning and Zoning Director: I don't know, should have something in so they are not surprised, and don't want to ambush anyone. If you are going to have more than 1 land use the language advises you will be charged for that land use.

Chairman Stewart: You usually want to get a feel for you fees before you submit your project.

Vice Chairman Touchstone: Is there a formula for square footage?

Planner Technician Rushlow; there is a chart that we were given from the City Engineers that shows classification and the EDU's that should be charged for that classification. For example a church is charged 1 EDU for every 50 seats and square footage like for an office space, etc.

Vice Chairman Touchstone: like for the square footage it's one EDU for every so many 1000 square feet for a say a office building and so many people can occupy it so you would need so many EDU's depending on that size, even if it is one large building.

Chairman Stewart; motions to deny the appeal

Vice Chairman Touchstone seconds, all approve, motion carries.

C. NOT PUBLIC HEARING – ALREADY CLOSED – COMMISSION DISCUSSION & DECISION ONLY / PUD ORDINANCE / Tabled to August 28, 2007

Planning and Zoning Hasson: asks to continue this. It still needs more work. The ordinance has two complaints, what is appropriate policy and what is legal. The legal review is done and Planning and Zoning is still reviewing.

Vice Chairman Touchstone makes a motion to take the PUD off the agenda and be added back in sometime in the near future when it is ready to be reviewed.

Commissioner Case seconded, all approved, motion carries.

REPORTS

PLANNING & ZONING DIRECTOR: On the Design Review process, do you want a committee or do you want staff to do it or maybe yourselves?

Chairman Stewart: well I don't think we need a committee yet, but maybe sometime in the future when there are more coming before us. Right now staff has been doing a good job about taking care of the minor issues before they come to us. So for now maybe keep having the staff do it. We don't need to go through the project up here and we need to be confident in the staff that they have been through enough and been review and it is here for a decision.

Commissioner Case: Even if the process is going to be a couple years away, we need to start right now; I would like to be ahead of the game and not behind it.

Vice Chairman Touchstone: It is tough to get people interested to serve.

Chairman Stewart: Maybe we should see about getting some input from the public to see if there is anyone who would like to serve on a committee or be involved. Maybe run something in the paper saying something like people who are interested in the involvement of Design Review, not necessary a committee but who are interested in the process.

Planning and Zoning Hasson: Yes, run it with the idea anyone interested and don't suggest that a committee, just interest level, but need to make sure design review language affords us to have a design review committee and if we want a design review committee.

CITY ATTORNEY RANDY GROVE: Nothing to report.

Chairman Stewart: what about the LID assessment?

City Attorney Grove: transfer can be done; kind of an overlay policy but the assessment is lengthy and can be hard to track so needs to be done at the end of the project so the costs are accurate in order for it to be done properly.

Commissioner Case: Where are we on for the study for impact fees for parks and recreational districts?

City Attorney Grove: It has stalled, will try to get it started again.

Commissioner Case: who will handle the parks turned over to the city from these people who donate the parks?

City Attorney Grove: the City has a park department; maintenance of the park is addressed in the budget every year, and needs to be addressed by the tax payers.

Commissioner Case; What about the recreation department, Kuna wants it and they say we need to have this study done yet no one wants to do the study.

City Attorney Grove: Talk to your Council Members.

MINUTES

July 31, 2007 Kuna Planning & Zoning Commission Meeting Minutes:

Vice Chairman Touchstone motions to approve minutes with the word "verbiage" spelling corrected on page 4, from Planning and Zoning from August 28, 2007, Commissioner Kerfoot seconds, all approve. Motion Carries.

FINDINGS OF FACTS/CONCLUSIONS OF LAW

Facts and Findings for August 28, 2007

- 07-01-ZOA / ZONING ORDINANCE AMENDMENT** Vice Chairman Touchstone motions Commissioner Case second all approve, motion carries
- 07-06-AN/Van Lilth Annexation** Vice Chairman Touchstone motions, Commissioner Kerfoot second all approve, motion carries
- 07-09-ZC/ 07-04-DA/07-12-S** Malsponia Subdivision Commissioner Kerfoot motions Commissioner Case second all approve, motion carries

Touchstone seconds all approve. Chairman Stewart abstains from voting due not at meeting.

CHAIRMAN DISCUSSION

None

ADJOURNMENT

Chairman Stewart motions to adjourn

Commissioner Case seconded the motion and it passed unanimously.

Chairman Stewart adjourned the meeting at 10:28 p.m.

Brian Stewart, P & Z Chairman

ATTEST:

Tracy Rushlow
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