

**Kuna Planning & Zoning Commission Special Meeting  
January 22, 2008**

**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.*

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**Those present:**

Chairman Brian Stewart, Vice-Chairman Justin Touchstone, Commissioner Holly Kerfoot, Commissioner David Case, Commissioner Stephanie Wierschem, Attorney Randy Grove, Planning & Zoning Director Steve Hasson, Planner II Stacey Yarrington, Planner Tech Tracy Rushlow. The Kuna Planning & Zoning meeting was called to order by Chairman Stewart at 6:00 p.m., located at the Kuna City Hall, 763 W. Avalon, Kuna.

<b>Consent Agenda</b>
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<b>OLD BUSINESS</b>
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<b>NEW BUSINESS</b>
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**Public Meeting:** Work Shop for 07-10-AN/ 07-17-DA Annexation and Development Agreement for Osprey Ridge Partners, Origin Properties, LLC/ Kuna 830, LLC

Planner II Stacey Yarrington: Changes in the development agreement, here is the latest draft.

Planner Director Hasson: Reason for this meeting was so that we had some certainly on product of the development agreement. We wanted some input from you and would have a more finished product before we went to City Council and you said no you wanted some assurance in the way of the product represents the deal and not a lot of variables. We have worked diligently with the parties involved and this has gone back and forth and you have the latest rendition, however late today there was more language that has been removed because it was determined that when this development agreement gets modified because of future land uses that will be defined at that time.

We have taken some of that language out that would be better put in when the land use changes and at that time it would be the proper time to get in more detail and be a better time and place for that language and amount of finer detail.

One of the things added today and was a concern of the City was a provision and safeguard of water rights, could they not be sold off before we got a agreement in place. Prudence dictates that we protect the City interest and tie down those interests. They have agreed that as of today that there will be no sale of water rights and the water rights will go with the property. This makes me feel a lot more comfortable. This is not to say that sometime in the future that that they will need more water than what those rights can provide but it say that to the City we do not have to import water because they have sold those rights elsewhere. They have also agreed to be active participants in the Comp Plan process and capital improvement plan process.

One of the concerns that has been brought is gee, maybe we should stall this project until we update the Comprehensive plan and we could certainly do that but without there participation but we would end up with a project where we would have to go back to them and asked them to participate since they own the land. But lets move forward even if we do not have a comprehensive plan in place per say to address that specific property and include them as a inclusion party through that process so that the outcomes assure that property is addressed as part of the Comprehensive Plan update but also that they are active participants in that process along the way with give and take. This is supposed to be give and take is what the whole agreement of a development

agreement is for. And for the outcome I would like to have some agreement that we feel comfortable with this document as construct and modified.

Commissioner Case: Steve on this section of 3.5.9 it says you have an exhibit of #11 I don't have that exhibit.

Planner II Stacey Yarrington: Actually it is now exhibit #13 and I will give it to you now.

Planner Director Hasson: We have with us tonight Alex for the Kuna school district and Anne for the Kuna Library district and observably it is going to grow and expand and with that expansion there will be a need for new facilities. It needs to be recognized in the agreement with Osprey Ridge and second as we update the comp plan and capital facilities plan we need to have the Library District participate.

Alex Simpson 1450 Boise St Kuna; We have talked to Mr. Massey a couple of times. Tried to put together a trend of how many kids compared to house being built. A year ago it was about .65 per kids per home but with the trend over the last five years it is over 1 so I took it as 1 kid per home. We are not under the impression that we expect everything to be donated to us either. The number we put together in the handout is what it is.

Vice Chairman Touchstone: In your item number 2 you asked about adequate bus turnarounds and staging areas, do you have some specific plans or guidelines that we can have to give to the developers and staff so that we can be better prepared and plan accordingly.

Alex: I don't personally, but the transportation department may; I will check and see what I can get.

Anne- Library Director of Kuna Library: We have experienced huge growth as Kuna has grown. From 1999 to 500 checkouts, to now 32000 check outs a month. From 4 employees to around 20. Would like to form positive partnerships with others for the Library. We want to continue to be a full service Library and in this report that was done from workshops but has not been adopted yet, it address such things as parking, what desires to be for build out for growth, utility costs. We are funded by property taxes and the funds run about 18 months behind. It can be a challenge to provide a full service. We work out a couple of scenarios, the Library was built so that we could add on to three corners and we are working with different other developers not in the city limits so that provides it own challenges. We are trying to work with cost estimates, square footages and any thing else we can find to make it a fair projection of what we need to continue a full service and not affect the full service we have now. We go out quite a distance into Ada County as well as Canyon County. We have a issue with the growth in the area, for example on one development is divided right down the middle. Half is Kuna and the other is Ada County Library District. We do not want to be a book in a box we want to keep the full service library and we do not want any other facility to be anything less than a full service library.

Joe Hassel: Applicant-Last time here concerned about having and not having a devolvement agreement and instead of struggling with this development agreement why don't we divide it to two and look at with a development agreement a that will provide each party with mutual assurances that will last through the development of the property for the next 15-30 years from now. So that it will not constrain us with specifics that we do not want to deal with at this time and more importantly not prepared to deal with. This development agreement must provide the assurances that we need as well as the City and then we will come back later when we need to deal with specifics at time of development. The language went back and forth with staff and we feel that the agreement before you know does with what we need. It addressed the issues that the City needs as well as ours. In regards to the schools I have mentioned that we have come up with 3 locations for elementary, middle and high school and we have professionals who know how and where to place them to be most affective. The math will have to be refined in time and this is standard proceeded in the state. In regards to the Library, we will work with then and can be discussed in the future when it needs to be addressed.

I believe that the agreement that is amended a of now takes care of what we need to address and address concerns that the City had.

Vice Chairman Touchstone; would like clarification on 3.6 water rights, "and or any other properties which may be acquired by the developers" strike out on city copies but is in the new copy?

Applicant: In developing the language the city wanted to make sure that if we bring you in we would not have to provide water to these properties when there were rights there but were sold off to outsider and then have to port water to them. At some point in the future there might obtain other land in eventually that happens and that is water poor we want the right to transfer water over there. So would have a net zero impact on the City. Mr. Hasson was content with this.

Planner Director Hasson: Real comfortable constructing the development agreement at the onset. Because it is so big it is important the City gets its arms around it and do our due diligence and do a good job but not to overly laden it so it gets away with the intent which is a agreement. Better than condition of approval, especially in a court of law. Better results of outcomes with development agreements.

City Attorney Randy Grove: don't see anything in the agreement that concerns me.

Commissioner Kerfoot: I have a general question before we start discussion, Steve on the comments on we do something like this without the comp plan in place could you clarified a few statements again, better for the developer to be involved now in this process as it is being put in place instead of after the fact and have something spelled out that they have to comply to. And this Commission as well s others have made decisions about properties that were not in the comp plan so it is something that needs to be clarified.

Planner Director Hasson: There is some public census that gee our comp plan needs to be updated, that it is old and rickety. If we decide not proceed forward with this project before the comp plan there is nothing that sets the stage for them to be a active participant and there is nothing to stop them for going to another city and saying hey we touch your city boundaries and we can go into your side and you have a comp plan. We could annex it into the city and within a couple of months it could outgrow the comp plan if there was one in place. The comp plan is a work in progress and is never really completed so the fact that you don't have everything in your city at the time you make a determination is going to be a fact of life for Kuna because we are going to grow so quickly from now on out. You do not have to have your comp plan updated it is preferable if you do, but the consequences are not that great if you don't. There is not that much land left in the Valley that is flat, has water, that is in private lands and close in. If you look at the forecast there will be another 500,000 in 20 years; that's 25000 people a year, or roughly a city the size Nampa springing up every three years for now on for the foreseeable future. So you will see tremendous pursuit for land in the Valley and especially in the Kuna area. The challenge for us is not so much that we are going to deny or keep you out, we want to be in the driver seat in as to what kind of views and values we are going to embrace to maintain the lifestyle that is desired so it is folded into the plan so it will happen.

City Attorney Grove: And another thing is that the Comp plan is kind of really a vision of the City's perspective but the city doesn't develop that the private land holders do. And a lot of times there are plans for the land that do not match the comp plan. And as the city evolves and changes the comp plan needs to be changed as well. It is a never ending evolving process.

Vice Chairman Touchstone: Follow up to that. On this comp plan you talk about the developers being involved in this process, is that the intent then that the developer does not start to develop until the after that comp plan is done or have those conversions taken place? If the comp plan is not done in say two years do they still develop or do they wait until the comp plan is done? I want to be sure that whatever happens out there is best for the city and we still need to keep open space and things, is this going to cause a conflict?

Planner Director Hasson: No we haven't discussed that, but I think it is very important that the developers take a active role in helping to develop the comp plan. And the public needs to take a active role also. A development this size will take 12-15 years and again I am hoping that the comp plan will be done in 2 years. I would think that a majority of what they do that the outcomes are going to reflect what this community is. They snooze they lose. Things like density, and with them being a active participant helps form a better plan. It is my goal that when we have the new comp

plan in place and we know what the values are relative to the 14 component parts that are required that we will have the analysis with generally every single land use application. Then we have a basis to say it agrees or doesn't agree with the plan.

Commissioner Stewart: With the information we have I want each of you to share your thoughts on the census of this application.

Vice Chairman Touchstone: Regard to annexation I am not opposed just want it annexed and managed in a proper manner. Bigger concern we need to be responsible for managing city growth and this is a opportunity to control that growth. The development agreement is good and don't want to be too restrictive but want one that is good because in 10-15 years I may not be on this commission. It needs to be a clear and concise document. It is a lot to chew on and to process.

Commissioner Kerfoot; I appreciate Steve clarifying the comp plan as that was one of my and the public's concerns about the process. I think with the development agreement outline it is definitely on the right track. On EDU transfer with the City's agreement is it suppose to be with annexation, is that annexation just going to happen? Is it only in exchange for annexation?

City Attorney Grove: The development agreement is one of the only planning tools a City has to manage and control development. Annexation is not really a development tool in sense of managing and controlling in what is constructed. Annexation is really only development tool in fact that you can exclude certain properties from your City. That does not manage growth; if it is going to be developed it is going to be developed by someone else with a different set of rules.

Commissioner Case: Well in looking at this and everyone knows I was late last week. I pulled the minutes as well as listened to the 2 hours and 14 minutes of testimony on CD. I thoroughly went through the information and I am comfortable with the annexation and the development agreement. I believe that the City has done due diligence in case and is looking out what is good for the City.

Commissioner Wierschem: I agree with Commissioner Case. I came in today and had some discussion and clarification with Steve to explain a few items that I didn't understand. And I believe that we have been through and I feel comfortable with the development agreement and annexation.

Chairman Stewart: I have been struggling with a lot of things, one is the size. My responsible is to represent the City. As I am working through this, one why are we doing this without a comp plan in place that has not been up to date since I have sat on the commission and would it be hypocritical of me to say you are required to have a comp plan in place when there have been several thousand of acres that we have annexed in to the city were not required to be under a current comp plan. The other side is what will happen to this property if the City would be to deny it. There would be several outcomes. Not comfortable to let City Council have a stab at everything that comes into the City. If we don't make choices about properties that do touch the City, they are going to impact us any way. Are they going to something good with this property for those who develop it if we don't? I don't think this would be to our benefit. Another thing weighting in is this corridor that will be developed. By developing this property it will help fire the need for this corridor, and it is needed even without this development. If we don't who will develop it and what kind of control would we have to make sure the development is what is wanted or needed. There is not a piece of property that is sacred and it is going to be developed. It is going to be developed even if we don't and I think that we need to develop it so we can control the growth. We are in agreement that we need to do something with this property.

Ashley Ford, WRG Design, Eagle, staff has worked hard on this development agreement. We are in agreement with what you have in this agreement. We are a little behind on this behind Osprey Ridge, and we don't have a master plan yet, but we have agreement to be good neighbors with Osprey Ridge. This is a great opportunity and better than having it piecemeal with 40- 60 acres at a time. It will benefit the community and when it develops it will save people from having to drive 30 minutes to Boise for everything. We will try to help preserve the vision of the community and will try to integrate that into our master plan.

Chairman Stewart; Our intent is to polish the Development Agreement. We do not want to send any thing to City Council that we do not agree on.

Vice Chairman Touchstone: Want to make sure because we have two developers that they will work together and it will take like 15 years to complete so do we need this in the development agreement?

Applicant: This is why that between Steve, Randy and we have input language in the development agreement to cover this. We are further along than Origin is, but we wanted to make sure that there want a negative impact on or the other developer. We do have an agreement in place between Osprey Ridge and Origin, we have a very good working relationship and the agreement is confidential at this time but we can represent that we are in constant contact and things are working out and there are cooperative measures at this time. It is going to stay agricultural until it is ready to develop and I believe it gives the City more control on the development for the future.

Planner II Stacey Yarrington: With larger area to work with to make something happened as compared to two property owners that own 40 acres that don't want to cooperate.

Chairman Stewart: This is our back door corridor and is going to be developed. It is better that it is one property and not two and we have a say in how it is going to be developed and to control this development.

Vice Chairman Touchstone: In respect to the comp plan are your time lines faster than ours?

Applicant: Yes.

Commissioner Wierschem: Mentioned that there would be property set aside for school sites and I understand this is a best guess, but the number of schools will not be efficient is this something that the school needs to purchase or be brought before the community for bond or what?

Joe Hassel: We have a number of different plans and packages with school sites, they are in the planning stages and will show you to them when we get to that point. Historically what happens in negotiation school site takes place at time of application for zone change, we can only follow the best guess of the school and sometimes it works and sometimes it does not.

Commissioner Case: Issues in development agreement for fire department, library district how are we going to divvy it up?

Planner Director Hasson: Some of that will come out of the capital facilities plan that is part of the comp plan in addition and some of those facilities will relocated to this project. Several schools, parks, maybe a park and ride, a lot of facilities could be relocated there.

Chairman Stewart: The key will be them getting a master plan in place and bringing that to us hand in hand with the comp plan and working out where the needed facilities will go.

Planner II Stacey Yarrington; This is the just the annexation before us, not the master plan so we cant say they are going to do this, this and this, until the master plan is developed and with that the future development agreements that go with it we cant be more specific towards those needs, this give us the base we need to start.

Chairman Stewart motions to adjourn

Commissioner Case seconds, all approve motion carries

**REPORTS**

none

**CHAIRMAN DISCUSSION**

none

**ADJOURNMENT**

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Brian Stewart, P & Z Chairman

ATTEST:

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Tracy Rushlow  
Planner Technician