

Kuna Planning & Zoning Commission
January 8, 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.*

Those present:

Chairman Brian Stewart, Vice-Chairman Justin Touchstone, Commissioner Holly Kerfoot, Commissioner David Case, late, in at 9pm, 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 7:00 p.m., located at the Kuna City Hall, 763 W. Avalon, Kuna.

Consent Agenda

A. Approve Minutes:

Planning and Zoning Commission Meeting Minutes for December 11, 2007.

B. Findings of Fact and Conclusions of Law

07-05-SUP (Special Use Permit) Hubble Homes, Greyhawk Subdivision – Model Homes and Sales Office

07-01-AN/ 07-03-ZC/ 07-04-S/ 07-03-DA/ PROFILE RIDGE SUBDIVISION/ SOUTHWEST CORNER DEER FLAT & HWY 69

Commissioner Stewart motion to approve minutes from December 11, 2007 meeting and Findings of Fact and Conclusion's of Law. Vice Chairman Touchstone second, all approve motion carried.

OLD BUSINESS

A. Not a Public Hearing already closed: 07-03-SUP/ 07-09-DR Bank of the Cascades

Planner Tech. Tracy Rushlow presented the project. Applicant did the research and showed the different possibilities of moving the building as Commission requested. Staff is recommending that applicant use the original plans with the new minor modifications shown on the new plans submitted such as moving a parking lot island, remove additional parking until time when future building is built. Several reasons for not moving the current bank building is that it will sit on top of a existing drainage bed which is not structurally a sound idea, a water meter would have to be relocated, the queuing for the drive-through would spill out into the driveway and the patrons would have to walk across the parking lot and dodge traffic to get to the front of the building. The applicant has shown where a future additional building and parking may go in and shown a more friendly pedestrian access from Kay Street that will need an agreement from the Irrigation District before constructing. Applicant: Jerrod Wallgren 1212 12th Ave S Nampa ID. We brought in the changes like you asked. Exhibit A shows the best location. If the bank was moved closer to the road it would be on a existing seepage bed, and the water meter would have to be moved as it ends up in the building. I have shown the location and general size of a possible future building with parking. We have also put in the pedestrian friendly access off of Kay Street, but again will need to get a agreement to cross that ditch.

Commission Discussion:

Chairman Stewart: Thank you for checking into the other possibilities of moving things around. It is much easier to visualize with the future site improvements and makes it easier to see what is , and possibilities.

Vice Chairman Touchstone motions to approve 07-03-SUP/ 07-09-DR Bank of the Cascades as shown with the latest site plans exhibit A, and Meet all staff and agency requirements.

Commissioner Kerfoot seconds, all approve motion carries.

NEW BUSINESS

Public Hearing: 07-10-AN/ 07-17-DA Annexation and Development Agreement for Osprey Ridge Partners, Origin Properties, LLC/ Kuna 830, LLC

Planner II Stacey Yarrington presented the project. The applicants are requesting to be annexed into the City of Kuna as an Agriculture zone from Ada County Rural Residential, Rural Preservation and General Industrial zones to be followed later by a general plan amendment, rezones, and possibly special use permits. The developers are relying on the category "A" annexation process as noted in Idaho Statute 50-222. The category "A" annexation is available for annexations wherein all private landowners raise no objection to the annexation process. All of the properties noted below are being proposed to be developed as a whole. The developers of Osprey Ridge have participated financially in the expansion of the new wastewater treatment facility while not actual participants of the Local Improvement District (LID). The properties are contiguous to city limits via the most western property located at Swan Falls Road, as will all properties be contiguous to one another.

The developers are subject to a Development Agreement which is included with this application and contains the initial conditions of approval associated with this development application. The applicant will have to do a Comprehensive Plan and Map amendment and the Development Agreement is a work in progress. The Development Agreement has to reflect not one owner but several and we are moving forward with a main draft for the Development Agreement with adjustments or addendums with future development. There are a lot of components that need to be included such as financial analysis, infrastructure, the agreement between the City and Opsrey Ridge on the sewer plant expansion and prepaid sewer connections, traffic study and water rights to name a few. The property is to be zoned "A" Agricultural right now which is consistent with ADA County's designation at this time except for one piece which is zoned M2 but will be zoned in as "A" in Kuna.

Planner Director Hasson: The Development Agreement is a work in progress and staff recommended that if the Commission ascertains approval that they direct staff to work with the applicant to work out the Development Agreement before it goes to City Council. The staff supports this land use.

Vice Chairman Touchstone: In the past I know we have not done a Development Agreement on annexations because we don't know what is going in, and we have made it a condition that one be done upon development of the property, but maybe with one this big we need one. Can it be amended or adjustments be made after it has been approved?

City Attorney Grove: We have statutes that allow us to amend or modify the Development Agreement.

Chairman Stewart: If we approve this is it binding or will it be after it is signed and is it just for a land use or is it a development agreement?

City Attorney Grove: there are provisions for changes for when it is developed so it is not set in stone.

Chairman Stewart: So will that be a separate agreement or will it be a amendment?

City Attorney Grove: Essentially it will be changed one off of this agreement. When they develop there may be more than one agreement.

Planner Director Hasson: Idaho law has a provision that every time we have a rezone we have a Development Agreement that goes with it. On this project the Development Agreement we have is the framework on which to build on. You have to realize that this project is approximately 50% of the size that Kuna is now. Staff feels that it is very important that we have a fiscal analysis done because of the impact on resources, and have those identified on the onset so the City can prepare for those contingencies. We are getting ready to amend the Comprehensive plan so we will have these changes and set some rules of engagement.

Chairman Stewart: is the property all tied together so that they have to come in as one zone change with one agreement?

Vice Chairman Touchstone: What about city services like police, fire department, schools, have we heard anything from them?

Planner Director Hasson: They are all coming in as one zone change. We would like to have a general plan now, set the framework so we can anticipate for when they construct and then modify the development agreement accordingly. We need a framework for expectations for everyone so that we have a level of comfort in what is expected; like a traffic study, water resources, sewer usage, and services like fire and police. This agreement is like a broad brush of what to forecast for future uses. We have had the Fire Chief weight in on this and had several discussions with him. We have not heard from or received any written comments from the Sheriffs office or the school even though they have received the information and we have tried to follow up with this as it is a big project and their input is important.

Chairman Stewart: Randy, what about water rights transfer, I know that this has been a issue in the past, what about now?

City Attorney Grove: Actually the dispute was between the irrigation districts and the city and we are working towards a solution on that. Not sure which if any irrigation district this property falls into.

Planner Director Hasson: I have talked at length about the water rights and our goal is to be prepared and as the property comes into the city the water rights remain with the property or have a equity process that exchanges the water rights for something of value so that the city does not have to export precious water resources to serve these properties because they sold their rights to someone else.

Vice Chairman Touchstone: What changes do you see added to this development agreement?

Planner Director Hasson: this is still a two fold process. The developer owns only part of the property and there are others who own the rest. The developer agrees to the agreement, but they have agreement between the other land owners and they have certain performances that they have to perform before they can develop the land and we want the development agreement to be in accord before it goes to City Council.

Applicant: Joe Hassell, Northwest Consultants 1296 Folsom Ave Post Falls ID:

This project is approximately 3400 acres and there are many land owners who are involved in this. Todd Massey has been working on this project for the last two years. On consideration on the Development Agreement I believe that the development agreement issues are brought in to early, these issues should be addressed when it is rezoned. Do we need a development agreement at this point? Wouldn't it be better to have a annexation agreement instead and keep it as brief as possible with the finer details worked out when the property is developed? I don't want to go back on the progress we have made with staff but question if this is the way to go. I understand that this is a big project and a first for the city but as a former mayor and council member I can appreciate your concerns. We plan to have schools and parks and other such resources to give back to the community. Todd Massey plans to live in this community and raise his family, that's how well he believes in this project. It is not something he is going to do then leave after making a profit.

Chairman Stewart: are all the properties zoned Agricultural in Ada County?

Applicant: to my knowledge they are, not real sure as there are many properties.

Chairman Stewart: Can appreciate where you are coming from with the annexation agreement but at the same time this is a huge project for us and will make a significant change which concerns

everyone. We feel that the need to have some kind of agreement in place is needed to protect what we have and to protect you also .

Public Hearing Opened at 7:50 pm

Neutral:

Bruce Smith 4001 S Eagle Road, no comment.

Support:

Megan Johnson 1173 E Winding Creek Dr., Client is co-applicant of this project but was unable to attend. Would like to work with staff to negotiate the development agreement. Approve the land use but would like to reserve the right to continue with negotiations with the understanding of reviewing content in the development agreement.

Sid Anderson 4110 Rose Hill, There is property that is zoned M2 in the county but it would be changed to "A" if annexed into the city. There is no development on that property at this time or has been applied for on that property. Is in support of this project but need to have a Development Agreement to protect everyone's rights and or concerns.

Ben Decker 490 Strobel, This is a good project and is happy in the direction that the city is going in.

Oppose:

David Dineen 2988 S Locust Grove: We are neighbors who surround this property and we have some concerns about the way it was noticed. The hearing signs seemed to be only on a few select pieces of property and they were on roads that do not get traveled a lot. Also there is property owned by WRG and when we asked the representative who owned that property they denied who owned that property. We have some issues and are not happy about the utilities markers, they said they had no idea where they were going to be put the utilities then you see flags and one individual said that if they could put it through his property that they would pay his connections and taxes or something like that for 5 years. And with 13,600 possible homes being brought in I am concerned about traffic and rural life as I know it.

Tracy Dinnen, 2988 S Locust Grove, Why do you need to annex all of the 3400+ acres at once. Why not some now and some later? They said the area was rural residential and rural preservation. I don't know what rural preservation means but it sounds like something I want to keep. Suggest that you look at a master plan and make it a certain percentage of residential, a certain percentage of open space, etc. and make it binding contract.

Dana Hennis 3505 S Locust Grove, We moved this far south so we would not be in the city. We believed that development wouldn't occur out this far out. But if it is going to develop it needs a good master plan so they do not lose sight of things and a good development agreement is needed. There needs to be provisions for schools, infrastructure, police and fire services, open space, ways to access BLM land for those of us who utilize that now with our horses. They need to make sure these things are taken care of first without compromising the needs of the people already there in that area. And what about the railroad tracks? Are those issues going to be addressed?

Jody Berheim, 2450 E Kuna Mora Road, This was a big shock. Look at the area, it is beautiful and now it is going to be clogged up with rows upon rows of houses. And what kind of houses are they going to build? We need more answers before this goes through. And why do they have to annex all of it at one time? Why not smaller portions a little at a time and develop those at it is needed. We need to have something in place before this annexation goes through so we know what we are getting in to.

Mark Berheim: no comment at this time.

Margo Whale 3333 W Ambrosia Lane: That with annexation the city will become liable to the property owner for the right to develop his land. And because this land is outside the city's comprehensive plan, the broad community input on such a development is absent. She want the city to deny the annexation until the comprehensive plan update can be addressed to what type of land use the community wants in that area.

Sarah Brosser: 1680 Firebrick: Does not live in that area but in Crimson Point and is a realtor. She is afraid that if it develops it will saturate a already over stock housing market. There are some many home for sale and with so many new homes popping up it is hard to sell a house. And wonders if this is good for Kuna.

Randall Heck: no comment.

Applicant response: On the posting of the property, it was done according to the law. As far as who the property, he does not know which piece the gentleman was talking about as there are many pieces so without specific information on that property he can't answer that one. As for the utility corridor, we don't have a exact path, we have a general path, but studies have to be done so we know about depth, and type of soil, rocks in area, etc before a permanent route can be determine for the utility lines brought in. And it is common practice to compensate the land holder for permission to take utility lines through their property. We are planning at least 3 school sites, parks, and other amenities but we have to be annexed into the city before we can go any further. When we get ready to develop we have to rezone so a lot of this will come to play then. In the Development Agreement the number one thing is to do the Comprehensive Plan amendment and how soon we develop is market driven.

Chairman Stewart: What about the access across the railroad track? That has been an issue for Kuna for some time about traffic and everything that the tracks effect.

Applicant: We have a consultant who specializes in those types of problems and will be addressing those issues but at this time we do not have any specifics.

Planner II Stacey Yarrington: I want on record the following exhibits, Exhibit 11 ACHD report and Exhibit 12, Margo Whale's letter. And if you look on page 1 and on page 7 of the staff report it shows that there is a piece of property zone M2. Currently that property is being used as Agricultural and has not changed that land use since it was rezoned in the county to M2.

Vice Chairman Touchstone: what about the express bypass that is going to be going through? How does that interplay with development?

Planner Director Hasson: As Ada county grows we need a express way to help with the traffic because the freeway can only handle so much. This is the Kuna Mora Expressway. And it is not going to stop in Ada County it will more than likely end up on the far western side of Caldwell. There will be several main thoroughfares to join this bypass from the freeway so it is key to not only this development but the whole area. The Kuna Mora Road is going to alter the rural aspect of this area and there is not anything that can be done about it to an extent as progress and growth in Ada County expands and with the growth is change so if people want this to stay it was they need to change the color of their glasses because it is not going stop because they do not want the change.

Commissioner Kerfoot: What about the utility lines going through those properties and is it legal to compensate people to put the utility lines through?

City Attorney Grove: That is not a process that the city gets involved with nor should it. It is a common occurrence however.

Planner Director Hasson: As part of any development they have to have a master utility plan, but placement depends on gravity, soil texture, rock outcrops etc, and yes it is common practice to compensate the land owner for putting utilities through their property. It sounds like this development is going to be market driven and a timing issue. And from the comments from the public they wan some assurances from the developers about issues they have and I believe that a Development Agreement is a way to make sure that these issues are addressed.

Chairman Stewart: I am in no way trying to influence the other commissioners or am I leaning towards one way or the other in making a decision. I would like to shed some light on my insights as how I see this application. For one thing about annexing so much property at one time. It is really not much different than if all the parties came at once, but separately and wanted to annex and in some ways this is a little bit easier to control as far as zoning. Otherwise we could have 20 different parcels with a hodge podge of different zonings and could end to be a real nightmare. And I agree this is currently a rural setting, but with Ada county experiencing a explosive growth I see it as a way to control that growth. It is going to be "home" to someplace whether it is the city of Boise, Meridian, or Kuna and if it one of the other cities we have no control on how or what kind of growth comes in. And it is really not that far south of where we are currently so I don't look at as creeping in the backside. And I feel like have been handed 30 ton elephant and I'm trying to chew through it's toe-nails. I am not prepared to make a decision on this tonight, there has been some new information given to us and I would like more time thoroughly go through the information. The applicant has had 2 years to prepare for this and we have had 4 days.

Commissioner Kerfoot: I agree, there is a lot of information to take into consideration and I have some concern about the comprehensive plan and no designation for this area. And I am not comfortable with the Development Agreement not being more defined.

Vice Chairman Touchstone: I would like to thank the community for coming out. It helps us make a decision when we have input from the public and it lets us know how people feel about the decisions we must make. I to am not leaning one way or the other on this project but because of the size I feel that I need more time to review all the information we have received tonight. I am not real comfortable with the Development Agreement and would like to see the public access to BLM lands, sub stations for fire and police departments and schools addressed more thoroughly in the development agreement. I would also like to have staff start a ordinance similar to the Highway 69 overlay to cover the Kuna-Mora express way so we have a hand up on that before it is built and we can control entrance way on it.

Planner Director Hasson: I think that we should also include McDermott in that and it is a very good idea to get a jump start on a ordinance to cover any possibilities.

Commissioner Wierschem: I agree with the other commissioners. I am not comfortable making a decision on something this big that will make such a huge impact on the community without going over the information received more in detail, mainly the development agreement. I would like to see a more solid framework on the development agreement than what is currently before us.

Chairman Stewart: Maybe we should change this from a development agreement to a annexation agreement, something that address public services, a detailed master plan. I would like to table this until we have a chance to look at this project in more detail.

Planner Director Hasson: Would you feel better if we have a workshop between now and the next P&Z meeting so we can go over this development agreement and iron out any concerns or at least explain them with the developer?

Chairman Stewart: I think that is a great idea. The next P&Z Meeting is not until January 29 so we Tuesday, January 22 open. That would be a great time to have a workshop. Say at 6pm. The public is welcome to attend and listen, but it will not be a public hearing so no testimony will be allowed.

Chairman Stewart motions to table 07-10-AN/ 07-17-DA Annexation and Development Agreement for Osprey Ridge Partners, Origin Properties, LLC/ Kuna 830, LLC until January 29, 2008 and have a workshop on January 22, 2008 at 6pm to go over the development agreement.

Vice Chairman Touchstone second all approved, Commissioner Case abstain from voting.

REPORTS

PLANNING & ZONING DIRECTOR: none, although I am looking for someone to serve on the interview process for the Comprehensive Plan. We will be starting the in house interviews on February 7 from 8:30 am to about 2 pm. And I would like a back up if one of you can not make it. Also have the PUD draft on line to get back more input before we finalize it so you can check it out. Maybe discuss on January 29 or the February 12 meeting.

Chairman Stewart: I will try not sure what my schedule is. Vice Chairman Touchstone: I will try to be the backup, I am pretty sure I can take the time for this.

Planner II: Stacey Yarrington: Will have the Design Review Committee Ordinance done and ready to discuss it on February 12, 2008 meeting.

CITY ATTORNEY RANDY GROVE: Closed the deal on the Danskin Lift station, the final sale was approved

CHAIRMAN DISCUSSION

none

ADJOURNMENT

Vice Chairman Touchstone motions to adjourn

Commissioner Case Seconded the motion and it passed unanimously.

Chairman Stewart adjourned the meeting at 9:40 p.m.

Brian Stewart, P & Z Chairman

ATTEST:

Tracy Rushlow
Planner Technician