

**Kuna Planning & Zoning Commission Special Meeting
April 29, 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:

Vice-Chairman Justin Touchstone, Commissioner Holly Kerfoot Commissioner David Case, , Planning & Zoning Director Steve Hasson, Attorney Randy Grove, City Engineer Gordon Law, Planner II Stacey Yarrington, Planner Tech I Maranda Schindel, and Planner Tech I Tracy Rushlow. Absent: Chairman Brian Stewart, Commissioner Stephanie Wierschem
The Kuna Planning & Zoning meeting was called to order by Vice Chairman Touchstone at 7:10 p.m., located at the Kuna City Hall, 763 W. Avalon, Kuna.

Consent Agenda

Approve minutes for Planning and Zoning Commission meetings on April 8, 2008 and Findings and Facts and Conclusions of Law for:
08-03-ZOA / Lot Split (LS) / Zoning Ordinance Amendment/: 08-02-ZOA / Planned Unit Development (PUD) / Zoning Ordinance Amendment and to move Best Bath 08-01-SUP (Special Use Permit) to old business.
Vice Chairman Touchstone motioned to approve minutes and facts and findings and conclusions of law and to move Best Bath 08-01- SUP to old business.
Commissioner Kerfoot seconded, all approve, motion carried.

OLD BUSINESS

Best Bath 08-01-SUP (Special Use Permit) Planner Director Hasson: Thank you Mr. Chair in lieu of the adducted Mr. Chair. The reason I asked you to take the Best Bath of the consent agenda wasn't to open up testimony but at the last public hearing staff was directed to change a few of the conditions to reflect views and values of the commission. So I just want to read into the record so that the public hearing that anyone interested would understand how the Best Bath staff report with the 115 or so conditions was modified by. Modifications of approximately five conditions and second I understand that there is the likelihood that Best Bath will be appealed to the Council. I thought that between myself and our esteemed council that we could advise the audience, or anyone that might be interested in the appeal process and how that would occur so that they would have some heads up. Then quickly looking at the conditions of approval and again there is five of them, I want to read them into the record.

The City shall commission a traffic study to determine what impacts, if any, may result from Best Bath's operation expansion upon the City's road system needing transportation mitigation. The applicant shall pay for the study and participate proportionally toward traffic improvements identified in that study.

That is one correction. Another one and this one was a big one because there were issues about whether or not the State and/or Best Bath would provide for adequate oversight so staff was directed to construct language and here is how it turned out:

The City shall hire a competent air quality consultant familiar with this type of operation and conversant in new air quality technologies. The consultant shall evaluate Best Bath's air quality reports; review its air quality procedures and adherence to air quality compliances on a biannual basis. The consultant shall advise Best Bath and the City of identified air quality issues and recommend policy, procedural, guideline or equipment improvements necessary to assure air quality compliances and protect the general public. The consultant's report shall be a public document but

not reveal operational confidences (trade secrets). The consultant shall also review Best Bath's odor management plan and confer with IDEQ in that process. The applicant shall pay for the consultant's review and timely mitigate any air quality issues identified in the review process.

Then there was a condition:

Comply with the odor management plan approved by IDEQ and mitigate odor issues identified by the air quality consultant. The applicant shall demonstrate to the City's satisfaction that any masking agent employed by the firm is safe and poses no air quality threat.

Another condition:

Upon notification of an air quality related complaint, Best Bath management shall work cooperatively with the City and the community to address the air quality issue(s) within three working days.

And then finally:

On a quarterly basis, provide the City a list of all chemicals employed in the operation, the average quantity stored on site, and the methods used to handle, monitor and store these chemicals safely. If the list is not submitted at the time agreed, City staff shall send a letter to Best Bath's management within five working days and provide them five working days to submit this information.

I believe this is what we gathered in way of instructions from you folks on how to modify this so that you were doing the best within your capacity to address the citizens concerns that arose during the course of the meeting.

The appeal process; It is my understanding that once you sign the findings on this action, and I assume you are going to do that tonight, that any party that has standing would have ten days in which to appeal. That appeal period would run until May 9th, which is a Friday at 5 p.m. I will refer to Randy as to who has standing and also refer to Randy in how a appeal process would come before the City Council.

City Attorney Grove: Chairman and members of the Commission, I have been asked ahead of time what the appeal procedures might be. And so we can put some of the initial ones on the record. We have decided that this will not be a DeNobo review by the Council. It is not going to be a complete do-over. The Council is going to review the actions of this body in light of the record that was created before this body and determine if there was any error made in light of whatever issues are raised in the appeal.

For that reason the presentations are going to be limited before the City Council to one representative for each appellant addressing the City Council and the representative from Best Bath to address the Council as well. We have discussed a cut off deadline of May 9th at 5:00 p.m. for submitting appeals. We are going to evaluate those appeals, and probably make a recommendation to the Council, but ultimately the Council is going to decide whether or not that particular appellant is standing or not. In light of the developed case law which is; which parties have standing to appeal to seek judicial review of a zoning decision from administrative agency; we are going to try to use the same standard to appeal from this body to the City Council as would the right to appeal City Council to a District Judge.

So the hearing is going to be held before the City Council is going to be argued, based on the legal issues raised in the appeals. There is not going to be any new testimony. I have been contacted by Steve Bradbury on behalf of the South Kuna Neighborhood Association, wanting to know specifically the procedures that are going to be involved in the appeal. I will get a letter out to him by the end of this week and will have that letter available to anybody wanting to seek a appeal from this body's decision and the Best Baths application by the end of this week. They can come to City hall and request a copy and it will be available by the end of the week.

Commissioner Kerfoot: When you talk about who can appeal, any one in standing, can you clarify that please?

City Attorney Grove: There are standards under the State code where to have an appeal-able interest; you have to have some real potential harm to your property. For example someone appeales who lives clear on the other side of Kuna, it is really sort of doubtful whether or not that property would ever really

be harmed by Best Bath. Of course the closer your property is to it, the more likely you will have standing. I can't advise people when they submit an appeal on whether or not they have standing, that is something the Council will have to decide and based on that determination they have the possibility to appeal that to District Court.

Vice Chairman Touchstone: The City Council is going to review who is going to submit for review prior to the appeal process taking place?

City Attorney Grove; No they will make that determination at the hearing. And the way the appeals are going to work is each appeal that is filed, and it is possible that there will be multiple parties appealing, the legal issues raised in those appeals might be different, we are going to have one hearing where all the issues are addressed to the City Council and the City Council is going to have to make a decision and determination on each separate appeal. There will be one hearing, but as many decisions as there are appeals filed.

Vice Chairman Touchstone: Ok, so if no one appeals by the 9th of May then this is settled? And if it is appealed will it be heard on the 20th then the next meeting or when?

City Attorney Grove: Yes, as far as the City is concerned. We haven't set that date because we haven't created that record and have to make sure that record is done and have enough time so that all the parties can review that record in advance of that hearing. We will set it as quick as we can.

Commissioner Kerfoot motions to approve the facts and findings and conclusions of law for Best Bath 08-01-SUP (Special Use Permit).

Vice Chairman Touchstone seconds, all approve, motions carries.

Commissioner Case abstains.

NEW BUSINESS

Public Hearing: Stephanie's Daycare 07-04-SUP (Special Use Permit)

Planner Tech I Maranda Schindel presented the project. Property owner, Stephanie Pearson, at 1554 W. Ryegrass Ct. is interested in opening a daycare within her residence and is requesting approval of a Special Use Permit to do so. Stephanie has many years of experience in child care and feels she can offer a valuable service to her community. Her home is located within a quiet cul-de-sac; with neighbors are all aware of her interest in establishing a daycare within her residence. As a 10-year resident of Kuna, she has cared for many of her surrounding neighbors' children on occasion, and the idea of a home daycare within the subdivision has come up many times. Stephanie wishes to provide a daycare that will accommodate a maximum six (6) children including her child. In order to provide more personal attention, love and guidance in a small family setting not found in larger centers.

Applicant: Stephanie Pearson 1554 W Ryegrass Ct, Kuna ID:Maranda pretty well said it all. I have many years experience in child care, I am licensed from Health and Welfare. I want to run a small daycare in my home where there is lots of attention and individual care for the children I wish to care for.

Commissioner Case: What about parking and picking up and drop off and has ACHD contacted you about the impact fees?

Applicant: I live in a cul-de-sac so there is hardly any traffic. I have a double car driveway so there is lots of room. There is adequate room behind our cars for them, but do not have an off-site parking as I am a home daycare with just a few children. I have been talking to ACHD and they have actually revised their fees once, but I am appealing the fees. I am appealing because I don't need a building permit, I don't need a certificate of occupancy, I am not changing the use of my house, it still will be a residence, I am still reading the 36 page ordinance that they have sent me as I don't quite understand it.

Vice Chairman Touchstone; on the gate in the back yard, is the gate accessible by children, from someone from outside the gate and can you see the gate from inside?

Applicant: The latch is very high up and not accessible by the children or from outside of the gate by other people. I can see the gate from my window; we have set the gate so it would be accessible to view from a main window for that reason.

Vice Chairman Touchstone: Do the children get dropped off and enter through the front and have you taken steps to make sure that the door is secure and is there a notification device on the door?

Applicant: There is a regular and deadbolt on the door and it is always locked, even when I am home. I don't have a door chime but can certainly get one.

Vice Chairman Touchstone: What kind of playground equipment do you have?

Applicant: I have a slide and a little tyke's house; we got rid of the swing set on advice from the insurance agent. We have a section where it is garden and we will plant stuff. We do a lot of crafts, gardening, games, bubbles, sidewalk chalk, and activities together.

Commissioner Case: On a special use permit, if it is approved for the home and the business ceases to exist what happens?

Planner Director: Good question, a lot have sunset clauses, I would suggest that you put in a sunset clause that if the daycare operation ceases for more than one year, they would have to reapply for another special use permit.

Planner Tech Maranda Schindel: That condition is already in the staff report. It states that if the daycare operation ceases operation for more than one year they have to reapply.

Open Public Hearing at 7:44pm

Neutral-none

Support-none

Oppose-none

Close public hearing at 7:44pm

Discussion: Vice Chairman Touchstone: I have two things written down, Item H where they would have to provide a lock/key for the exterior gate; item I provide a door chime on the front entry door.

Commissioner Case; I would also like a provision that if the property was to be sold or change hands the special use permit would no longer apply to that property, or that this daycare is non-transferable with the property.

Commissioner Kerfoot motions to approve Stephanie's Daycare 07-04-SUP (Special Use Permit) with the following additional conditions:

- H. Provide a lock/key for the exterior gate.
- I. Provide a interior door chime for front entry door.
- Revise C to add that the special use permit is non-transferable with the property.
- Meet all staff and agency requirements.

Commissioner Case seconds, all approve, motions passes.

Public Hearing: Brothers 08-05-AN (Annexation), 08-06DA, (Development Agreement)

Planner Tech Tracy Rushlow presented the project. The applicant is requesting to annex approximately 2.18 acres with a rezone to C-1 (Light Commercial) with a Development Agreement. The project is located on W Deer Flat, East of Linder.

This land is currently used for single family residential purpose. The property owner is annexing into the City as an infill annexation. The land in proximity is in transition from residential/agricultural use to a more intense development. It is anticipated this site will redevelop in the near future to a commercial use or perhaps combine with adjoining properties to become a commercial development.

Vice Chairman Touchstone: so this is just an annexation correct?

Staff: correct.

Vice Chairman Touchstone: So we can add a condition to the development agreement that at the time of development the development agreement will be revisited and amended to reflect the development.

Staff: Correct.

Applicant: Has no additional comments.

Open Public hearing at 7:55 p.m.

Neutral: none

Support: none

Oppose: none

Close Public hearing at 7:55 p.m.

Discussion:

Vice Chairman Touchstone: make sure we add on that the development agreement comes back at time of development to be amended.

Vice Chairman Touchstone: motions to recommend Brothers 08-05-AN (Annexation), 08-06DA, (Development Agreement) with a C-1 zone to City Council for approval with the following conditions:

- The development agreement be revisited at time of development and amended as needed.
- Meet all staff and agency requirements.

Commissioner Case seconds, all approve, motion passes.

Five minute recess called by Vice Chairman Touchstone.

Public Hearing: Heinrich Property 08-04-AN (Annexation), 08-05(DA, Development Agreement):

Planner Tech Tracy Rushlow presented the project. The applicant is requesting to annex approximately .6 acres with a rezone to C-1 (Light Commercial)) with a Development Agreement. The property is located on the south east corner of Deer Flat and Linder.

This land is currently used for single family residential purpose. The property owner is annexing into the City as an infill annexation. The land in proximity is in transition from residential/agricultural use to a more intense development. It is anticipated this site will redevelop in the near future to a commercial use or perhaps combine with adjoining properties to become a commercial development.

Applicant: Has no additional comments.

Open Public hearing at 8:05 p.m.

Neutral: none

Support:

Bonnie Heinrich 1672 N Claveras-no comment

Becky Abbott-1215 Flower Lane Middleton; no comment

Brad Abbott-1215 Flower Lane Middleton; no comment

Alan Durrant-862 S Jump Rope Pl-no comment

Brothers-155 E Deer Flat-no comment

Oppose: none

Close Public hearing at 8:06 p.m.

Discussion:

Vice Chairman Touchstone: make sure we add on that the development agreement comes back at time of development to be amended.

Commissioner Case: motions to recommend Brothers 08-05-AN (Annexation), 08-06DA, (Development Agreement) C-1 zone to City Council for approval with the following conditions:

- The development agreement be revisited at time of development and amended as needed.
- Meet all staff and agency requirements.

Commissioner Kerfoot seconds, all approve, motion passes.

Public Hearing: ABBOTT 08-03-AN (Annexation)/ 08-04-DA (Development Agreement):

Planner Tech Tracy Rushlow presented the project. The applicant is requesting to annex approximately .86 acres with a rezone to C-2(Medium Commercial) with a Development Agreement. The project is located East of Linder, and South of Deer Flat.

This will be an infill annexation and the applicant is proposing to convert the existing buildings to a daycare center and a dance studio, which will be required to go through Design Review process.

A daycare center which accommodates more than 12 children throughout the day and a dance studio are permitted uses in the C-1 and C-2 zones. The C-2 zone is a fairly intense land use and may be too intense for this location. The Commission should consider a C-1 zone designation for the site or limit the type of uses allowed for the C-2 zone.

Accordingly, we have provided you a list of uses that staff believes would be appropriate for that location. Consideration should also be given to limiting the number of children on site. For the daycare we would like to limit it to 20 children due to traffic constraints, parking, and how close it is to the Deer Flat and Linder intersection.

Applicants representative: Mike Dittenber Middleton ID- Upon annexation we would work with the City to do the Design Review and meet all requirements.

The existing house is approximately 2400 square feet and will be converted into a daycare; the existing shop which is about 1200 square feet will be converted for the dance studio. The Abbott's would like to change the requirement of only 20 children in the daycare to 40 children. We have had the fire department out and health and welfare inspectors out and with modifications they rated the occupancy for the daycare for 40-45 children. The dance studio will accommodate between 10-20 dancers a day twice a day. With regards to the parking, there are enough spaces currently there are sight plans being reviewed and being designed with an amended development agreement. There will be a minimum of 17 onsite parking spaces to accommodate both the dance studio and daycare. This annexation does fit with the surrounding area and will be consistent with the comp

plan. There are plans to have a shared access agreement to Deer Flat for the future on the far east side of the property.

Open Public hearing at 8:17 p.m.

Neutral: none

Support:

Mike Dittenber-Middleton ID-no comment

Becky Abbott-1215 Flower Lane Middleton; no comment

Brad Abbott-1215 Flower Lane Middleton; no comment

Oppose: none

Close Public hearing at 8:17 p.m.

Discussion: Vice Chairman Touchstone: The acceptable uses; on the list in the staff report and development agreement, are these all the uses allowed or just the ones you felt appropriate?

Staff: We have narrowed down the list to ones we felt were appropriate for that size of property, location, etc. All the uses listed can be in either a C-1 or C-2; but in a C-1 zone some of the uses would require a special use permit, which is why they want the C-2 zone. A dance studio in a C-1 requires a special use permit but a dance studio in a C-2 does not.

Planner Director: Steve Hasson: I have done over 100 daycare facilities and it is my professional opinion that because of the location, how close it is to the intersection, land constraints, dual uses with the dance studio, parking, and traffic circulation, that we are pushing our luck and 20 is the maximum number of students allowed.

Commissioner Kerfoot motions to recommend approval of ABBOTT 08-03-AN (Annexation)/ 08-04-DA (Development Agreement) for C-2 zone with the following recommendations:

- Meet all staff and agency requirements.

Commissioner Case seconds, all approve, motion passes.

Crimson Point Pool and Clubhouse 08-03-SUP (Special Use Permit)

Planner Tech Tracy Rushlow presented the project. The applicant is requesting a Special Use Permit approval for pool, clubhouse, tot lot and a 12 stall parking lot located on lots 3&4, block 2 of Crimson Point Subdivision. A Special Use Permit is required because neither a parking lot nor a community center (clubhouse) is outright permitted in an R-6 zone. A parking lot is prohibited in a residential neighborhood unless it is serving an accompanying land use that is permitted. Thus the Special Use permit affords the placement of a community center (clubhouse) in an R-6 zone and the parking lot is permitted as an accessory use to the community center. A parking lot and most of the tot lot will be located to the west of the pool and clubhouse on L4 B2. The parking lot will accommodate 11 standard parking spaces and one (1) handicap space and be compliant with ADA (American's with Disability Act) standards. The pool and 2673 square foot clubhouse will be located on lot 3 block 2.

Applicant: Jim Jewett, 1560 Carol St, Meridian- This is an effort to have facilities to serve the Crimson Point subdivision with a club house and pool. This is a combination effort between me and the HOA. I agree with all conditions and just want to get the building permit and build this.
Public hearing open at: 8:37 pm

Neutral: David Crossett 1737 N Pewter Ave: We did ask for this project. We got together as a home owners association to get the money together to get this facility built. This passed the HOA and we have the funds and this is something we want.

Support –none-

Oppose-Thomas Jones 2161 N Cauret St. The biggest concern is the liability. Who is going to be responsible for safety of the kids when they go across the street to get to the pool or while they are at the pool? What is the occupancy of the pool going to be? Who is going to monitor the water and cleanliness of the pool? They have a key card system into the pool and I don't feel this is a adequate solution as they can get anyone in as long as someone has a key card. What about parking? I don't think there is enough parking and if they park on the street it will be a safety hazard. Close Public Hearing at 8:43 p.m.

Vice Chairman Touchstone; In regards to the special use permit, it doesn't cover such things as monitoring water, liability, and cleanliness, or does it?

Planner Director Hasson: First I would like to speak on the water quality issue. There was an article in the Statesman about super bugs in pool waters that is resistant to everything. And that is one of the issues we have addressed in the conditions in the Special Use permit. I talked to Collette who oversees the municipal pools in Caldwell and they test the waters at least 6 times a day. They have a log they maintain and adjust the chlorine accordingly. One of the conditions I have placed in there is that the HOA must come up with a strategy and work with the city to ensure that water contamination is addressed adequately and adequate signage is provided. The City does not police the CCR's but the City has to step up to ensure water quality just like with Best Bath and the air quality. I will work with the HOA and Collette from Caldwell and check with appropriate agency to set up a protocol on water standards and if they don't follow or agree then the special use permit will go away.

Jim Jewett: The clubhouse is like a central facility and we try to place it where driving to it is minimal, we wanted it placed where people will have to walk there. The parking lot is for when there is a reception, wedding or such and they need to drop stuff off, but most can still walk there. Security measures, we use a key card system and the area is shut down at 10 p.m. at night, opens at 8 a.m. It does not mean you can not get in. Kids climb over the fence. The key also allows the pool service which is a daily thing. There is a committee who oversees the pool facility. For liability we have additional insurance to cover this. The clubhouse is restricted for scheduled uses, and there are bathrooms for pool use but cannot get into the club house.

I believe there are adequate safety measures in place as far as cross walks and signage. In the future if it proves that there is a need; we can maybe petition ACHD for more crosswalks and signage like "children at play". We might put in security cameras that monitor the area. The cameras are online and are feeding back to a computer all the time.

Planner Director Hasson: I wasn't aware of any video feed and I would like a condition so that the video cameras will not intruded on any of the neighbors and that the cameras be faced away from their property.

Discussion:

Vice Chairman Touchstone: Does this have to have a design Review with evaluations?

Planner Director Hasson: I think that it does, as essentially it is a commercial type activity even though it is residential application so it should go through design review.

Jim Jewett: I was never told that there was to be a design review, but if there is I think that the special use permit should be in conjunction with the design review and ask that it be tabled so they can be heard together.

Commissioner Case motions to table until 5/13/08 Crimson Point Pool and Clubhouse 08-03-SUP (Special Use Permit) until it comes back in with a design review application.

Commissioner Kerfoot seconds, all approve motions carries.

Commissioner Case: The reason I asked for the time to speak is to put out the information that I serve as a trustee for the School Board. With these next two applications there may be some issues that come up that address items that could relate to Kuna schools. The question was asked of me; could I hear these applications and vote in an unbiased way. In my opinion I can and will be participating in this discussion and voting. I am volunteering this information to you so I can be up front and everyone knows my involvement with the schools.

Public Hearing: 07-05-AN (Annexation)/ 07-09-S (Subdivision)/ 07-07-DA (Development Agreement) – Napa Vineyards Subdivision: Stacey Yarrington presents the projects. These projects have been in the works for about a year, starting with the prior planning staff. This application is for an Annexation with a zoning designation of R-6 (medium-low density residential), R-20 (high density multi-family residential) and C-1 (light commercial, of which staff recommends denial because it does not meet the 660 feet setback and does not match the comp plan); a Subdivision consisting of nine phases and a Development Agreement. The project is consistent with the Comprehensive Land Use Map. The site consists of 246.74 total acres. The project will include 622 single-family buildable lots, one multi-family lot for 728-units, one school site consisting of 11.89-acres, and 53 common lots consisting of 26.57-acres or 10.8%. This project shows two swimming pool locations within the subdivision.

The property has the Mason Creek Feeder along the northeastern boundary and the Painter Lateral along the northwestern boundary. There are two half-mile roads located within this project, Kay Street extends from Hubbard Road to Columbia Road along the western boundary and the proposed E Mason Creek Road is the north/south half-mile designation. Both the Hubbard Road and Columbia Road are mile corridors. There is also a frontage/ backage road shown as the N Cabernet Drive. This property is not a part of the Local Improvement District for the North Sewer Waste Treatment Facility and will be required to purchase connections made available through the EDU Transfer Registry when the North Waste Water Treatment Facility come on line.

Staff is recommending approval subject to applicant providing 15-acres for the school site; the property is zoned R-6 (medium density) and R-20 (multi-family high density) only; a well lot be set aside in this development or in the Criterion Orchards development for future purchase and development by the City; and with the additional specific and standard conditions as outlined in the staff report.

The ACHD report that is provided to you is a draft, as ACHD had a mix-up, lost or misplaced the information given to them and they were extremely long in giving us the report, so this report is not the final output.

On this project of 246 acres they are providing 10% open space and three fourths of that is landscaped buffers along the road. They are not providing a lot of open area but they are meeting the minimum requirement.

The portion of the northwest corner, there are 87 homes proposed in that phase and there is only one access proposed at this time on Kay Street because of the lateral that runs along the edge of that property and the developer does not own any portion of that lateral. There are some cul-de-sacs provided there, but the transportation task force and Kuna Fire Department all suggest a second access. There was discussion about providing an emergency access on to Columbia Road. Staff suggested flip flopping those homes with the school site to provide better access but no changes were put forth. Either way a second emergency access needs to be provided.

Also the City Engineer said that a well site needs to be located in this area and a lot be reserved for the City to purchase and for the City to be developed. Gordon Law, the City Engineer has identified a lot for that well site.

There are a couple of out parcels that are not owned by the developer and the City recommended that the developer provide road improvements on those lots if the owners agree; as parcels are in between their lots and it would be better to have continuous curb, gutter and sidewalk instead of it being broken up every 200 feet and then starting over.

The landscape buffer along Meridian Road (Highway 69) is 50 feet according to our overlay district ordinance due to the proposed multi-family use.

Planner Director Hasson: There are five or six issues on the Napa subdivision that I would like to bring up that are at considerable concern to the City. The first is the area cross hatched in orange, there is no layout or design plan in what I assume is a multi family area on Hubbard and Linder Road. The applicant is seeking approval without providing the City with an assessment upon which the City could make an analysis. We need to know how many units and the sight configuration so we can evaluate such issues as traffic, and storm drainage impact. Multi-family is subject to design review process so it is awkward to have this land use application before you where it is just a blank slate. If you approve it, exactly what are you approving? There are problems if you do not have an adequate assessment of what you are approving that always comes back to haunt you.

The second problem as noted by Stacey, is the access. There is one access into this section and it is my opinion that it needs a secondary access off of Columbia as far as possible from the intersection.

The third thing is the school site. It is a little bit less than 12 acres. About half of the school site is located in the flood plain. Is this an adequate site? Is it a place where you want children recreating where half of the area is in a flood plain?

The fourth thing, at this time we had not seen a landscape plan, but now we have an overall plan that is not very detailed and for each phase we will require a detailed plan.

The fifth thing is the out parcels. It has been mentioned, but I would like it required that the applicant provide curb, gutter and sidewalk to these out parcels to provide for the pedestrian traffic that would be greatly increased, not the landscaping that is required for the Highway 69 overlay, but the basic road improvements provided that the private property owners, who have the ultimate say on these improvements, agree to have these improvements provided for their property.

Vice Chairman Touchstone: in the report concerning the roads you have listed what the applicant is proposing and what ACHD recommending, can you explain those please?

Planner II Stacey Yarrington: We have our ordinance that determines how many feet of right-of-way are proposed, how from the intersection entrances can be located, sidewalk requirements. ACHD is recommending less than our City code, and again this is just a draft report and we would stipulate that they follow City code.

Applicant: Kent Brown, 1472 E Iron Eagle, Meridian: I have been working on this project and the other one for about the last six years. The flood plain was discussed; the one shown is an undefined flood plain. When the defined flood plain is smaller, more defined, has volumes and so forth. On pages eight and nine you can see the new boundaries. You are mid way in the school site with the flood plain, but it stays within the ditch easement. Other than the ditch easement the flood plain is not in the school area. On the west side, there is only one access; we have discussed putting in an emergency access in a cul-de-sac. The highway district does not like access to the arterials that is why we have not provided a full access. That is why we stubbed in the cul-de-sacs, so when the other property is developed there will be access.

The out parcels, they do not require curb, gutter and sidewalks on arterials, that is what impact fees are for in the future. If we had to put in those improvements, these out parcels the improvements would be either through their home or very close to the front door.

The open space. We meet the 10% open space, sure a lot of that is buffers, but we will be providing a couple of pools and what we thought were good amenities. When the R-20 area is developed there will be additional amenities in that portion. Your process requires that those things (multi housing) go through design review and you will be seeing it so I feel that you are not missing out on any thing.

Greg Johnson: 2037 E, Tursa St. Meridian: School site, I did visit with Carl Erickson, who is also a member of the school board, I agreed with Carl that we would like to meet with the school board to see if we could accommodate their needs. My rational about one school site for these three projects is if you add all of them together there is one area, or section. And I have developed all over the Treasure Valley and it has historically been one school site per section and most of the time that has been adequate. Occasionally there has been one or two that have been overcrowded and had to be bussed to another school, but when the area matures that problem will be alleviated. I realize that Kuna is in the early stages but eventually it will mature. I would like to work with the school system on this to adequately site an 800 children school area on 8 acres of ground. We have done this in Meridian. We have built three or four of them, it requires very good planning but it can be done.

We are also exploring the option of a Charter school. Many parents feel that Charter schools are better for their children. We are not locked into that but we are exploring that option.

The well site we have agreed on, so that is not a problem. The out parcels, I did not realize that we have some flexibility there if the homeowners refuse to have us provide the improvements. It is private property and we are going to do all that we can to purchase those properties, although it may take up to ten years to develop that section. Along Meridian road there is no curb and gutter, there are pathways, but those improvements will be provide by ACHD with impact fees.

I would like for it to be a condition that if these parcels decide to come into the City that they be required to pay for improvements as opposed to me.

In the multi-family portion, I will show you some products that we may put in there on the side show. We know that we have to submit a design review and preliminary plat at the time of development but want to have that in there so we have the option to build in the future. We currently envision some higher density single family detached, multi family style (condos) attached, assisted care and retirement facilities in this zone. They are all compatible in this zone and in keeping with the comp plan.

I think that the issue of the flood plain issue has been addressed. We had a study done and it shows the defined area. Understand this is a 100 year flood plain; it has the possibility of flooding with a foot and half sometime within the 100 year period. Those areas in the school site are playground areas and if they did flood once in our lifetime, it would not make them non-functional. This would have to be a major event in the valley, not whenever it rains or weekly.

The pools are one of the most used amenities and the pools we are providing will serve about 200 homes. If we have the retirement area, we will consider an indoor lap pool for them. We have tot lots which is very important also. They will be pocket parks.

We will have large executive homes, single family homes, multi family, condos, apartments, assisted living and retirement area. On some of the smaller more dense single family we want to have rear entry garages so that you do not see garages all along the street. The multi family will

have carports, stucco or vinyl siding or lap siding with a cottage look. We developed a product we call our T- courts, with 40 foot lots on a 24 foot street in shape of a T. A 24 foot street is now a public street with ACHD. It will not allow street parking. The garages are set six feet from property line, very dense lots. The design is where the back can be either front or the back depending on how you want to look at it with lots of paths in the common area between these properties. The patio area will have screened area to block from common area and all houses will back up to a green belt.

Vice Chairman Touchstone: there are a couple of things to address; one about a comment about tot lots, in phase one is a little one and then phase 4 and then not until phase 7-8 larger areas. That is not a lot of areas for as many houses that you are providing.

Applicant: the pool and amenities is very important for marketing in the beginning. In phase 4 there will be a larger park and we will build that then. When we get to the higher density there will be more pools needed and amenities and at that time we will build them and they will be part of those apartment plats. The walking paths, if you take all three plats comes to several miles and the pools and the paths are the major selling points. To cross Meridian road will probably will have to be either a tunnel or over the road but that will have to be looked at later.

Vice Chairman Touchstone: I guess the issue I have is that in the open areas, you meet the 10 % requirements, 90 % of that 10% is in no-usable areas; it is in buffers and road scapes, not parks. The other issue I would like address, 622 single family lots and the other is 621 single family lots plus multi family and you are saying that a single school site that you are proposing can accommodate 800 kids between those sites and you think that there are only going to be 800 kids? We have a lot of young families and a lot of families with more than one kid, that will put a large burden on our school system, I am just curious why since these two subdivisions are similar you are only providing one school site?

Greg Johnson: the total acreage of all three subdivisions is equivalent to one section of ground and historically one grade school has been sufficient to serve one section adequately. Just because these three subdivisions cross three sections why should I be responsible for providing for all three sites. These are less than a third; other developers should have to help provide for these school areas.

Commissioner Kerfoot: One issue is on the flood plain, is this a revised FEMA map?

Greg Johnson: We have not filed the revision with FEMA; the maps currently being viewed by staff show the current FEMA flood plain maps. Paul Koonz went in and did a new study with the new bridge on Columbia and Linder, and we will file that when we file our new plats. It was widened when the new bridge was built on Columbia so it has made a big difference and it no longer backs up.

Commissioner Case: There are a lot of things that concern me from the report. Why was it pushed before us when there are so many issues in the report that have not been resolved? It appears that staff and you have knocked heads on certain issues that you are not willing to give on. I have some of the same issues that you have locked heads on with staff. Like the school site, flood plain and size, one school site will not accommodate the amount of families. Second, you present it as a family friendly subdivision yet you have not provided for sufficient green space. Only thing that really sticks out is all the lots you have shoved in with a few pools and a couple of little parks shoved in here and there. I really don't see anything family friendly as to where the kids could go out and play in the park, play football, basketball or whatever. The issue regarding the multi-family phase, I do not feel comfortable on voting for something that I don't know what is going to be there. Then there are roadway issues addressed by the City of Kuna and ACHD as far as widths, a lot of unresolved things and I have to wonder what you expect out of the Commission?

Greg Johnson: the roads are not an issue, we will work with the out parcels, and the flood plain is not an issue we will make sure that is filed and adequate; I understand the issue with the parks and the schools.

Vice Chairman Touchstone: Have you talked to the school district about what size they want?

Greg Johnson: I have visited with this gentleman here, Layne Saxton, and he says they are between 10 and 12 acres, he does not know where the City got the 15 acres from.

Commissioner Case: Did he happen to mention the capacity of children on that size school site?

Greg Johnson: 600 I believe.

Open Public hearing 10:32pm

Neutral-

Susan Palmer 9075 S Meridian Rd, We are up in the air on what is going to happen. We are not opposed on selling, but we do not want a sidewalk right on our front door. I realize something is going to come in there and we will have to move. We would like to find out what options we have and who we can go to find some answers. We do not want the high density around us and that is why we want to leave.

Support-

Kent Brown

Trent Nieffenegger 660 E Franklin: No comment

Oppose-

Ginger Yore, 8799 S Rocky Mt Lane: The biggest problem will be the traffic and the access to my home, how am I going to get to my home, the only legal access is along the area where they want a path. I have animals, farm equipment, dogs, who is going to take the liability when they trespass or try to pet my animals or go through the fence. I also have a pool and what happens is someone else comes on my property. This project needs some work. We are not necessarily opposed, but there are issues that need to be addressed. The R-20 is a concern; too high of a density right next to our property. We have our own well and septic system, from the well perspective what is that going to do to our water table? I have a significant investment in our property and would like to assure quality materials are used in the development.

Don Smith; 140 W Hubbard: We live just west of this development and we are concerned with the traffic and the high density building around us. There is the liability of trespassing, littering, loitering, noise and with the sidewalk within two feet of our house I do not want. With the increased traffic it would be hard for me to leave my driveway.

Kelly Stevenson 7751 S McClintock Pl: Since not everyone wanted to submit a letter a week before, I am submitting a petition and I am representing over 80 people that we have talked with and there are more to talk with. In regard to the proposed development these homeowners would like to express their opposition to the high and medium density housing proposed in the Hubbard and Columbia area. We moved here for the rural atmosphere and the ability to be a land owner. With the high density it brings more tract housing, impacts crime rates, schools, services and traffic. The current road systems are not designed for the high volume of traffic that will be put on Columbia and Hubbard. The school site is not sufficient in size. The current schools are already over crowded and there is no additional revenue to help fund the school. Kuna needs to follow the guidelines to follow the comp plan as it now exists. We want careful consideration taken on how high density housing will affect our schools, services, and quality of life.

Bill Sieminski 8291 S Chugiak Pl: My biggest concern is having high density so close without any transition from an acre to a R-20. It will create some problems, wells, traffic; narrow streets will effect how fire engines get to the houses. The things promised are not in writing and I see this as a problem.

Kevin McCleve 8131 S Chugiak Pl: Poppy Field subdivision. He talks about his subdivision in phases, Poppy Field is phase one of one of his projects. He started that in 1994. He is a great magician; they always make you look at the wrong hand when they are doing something else with the other hand. Our subdivision was left high and dry with a lot of expenses and some legal litigations. We were able to get Greg Johnson to come back and make some corrections. If you take out the flood plain map that Ada County has now, my property is in the middle of the flood plain. FEMA has no record of me being in the flood plain. When I made a addition to my home, I tried to file a LOMA, I was told I could not file one because I wan not in a flood plain. The engineers that Greg Johnson hired for the flood plain and resubmitted to Ada County that we were not in the flood plain. There were a lot of shortsighted problems that have not been corrected and the ones that we have had to have legal action to get done. We the people elect you to protect us, so I want you to carefully listen to Greg Johnson testimony today you hear a lot of open ended statements and he does that so he can push the envelope open further and put as many homes in as small place as he can and then he leaves. This expansion is getting to fast and needs to be slowed down. Kuna in the past has not had a good track record in protecting its land that is why we have fought to stay out of Kuna. You need to put it in writing and make sure that he fulfillls every obligation that he says he is going too.

Kimberly Bunn 8451 S Chugiak Pl: I agree with my neighbors about the high density. I look at my acre and cannot image six houses on my property. His two famous words that he kept saying over are "typically" and "possibly", nothing in concrete. I do not want people to come into my City and come over the hill and see nothing but fields of houses and apartments, which is all we would be know for.

Denna McCleve 8131 S Chugiak Pl: I am concerned about the schools, a charter school is really not going to fly and if Mr. Johnson really thinks that one school that size is enough he is in serious denial.

Teri Sieminski: 8291 S Chugiak Pl.: I don't know if speaking up helps and I hope that I did not waste my time in speaking up. We have saved and worked hard a long time to get the place we have and were we are today. It is important that we the people get to be heard. Is Kuna going to back us up if the wells go dry and we are on a limited income and taxes go up when this development goes in? Just because we are the little guys, does not mean we are not important.

Eilnne Smith 140 W Hubbard: I have lived here a long time and if they put in all that high density it would ruin our view of the mountains, our country living and all that we have worked all of our lives for.

Vice Chairman Touchstone: We do listen and appreciate the public coming out to these meetings. Your input does help guide us and our decisions and we appreciate the time you have taken to come here.

Close Public Hearing at 11:05 pm

Greg Johnson: for Ginger and the access on the property I believe I talked to her father and need to talk to them further and he asked about irrigation and I believe they are cut off. They do have a easement along Mason Creek. We will have to be in sight of that or give them access off of a public road that they are agreeable to. We had intended to give access to a public road.

For the transitional lots, that is one of the reasons why we wanted the school site there. We have felt that the Mason Creek drain easement would be a sufficient buffer.

Vice Chairman Touchstone, would you be agreeable to have larger lots boarding their property like ½ acre.

Greg Johnson: I would go to larger but not ½ acre, maybe like 80 foot width, 120 foot depth, about a 10,000 foot lot. This zoning is for the lots sizes we have and for the sewer and water we need the density to pay for these. For the wells on these types of projects they are drilled well below the table that most of the other wells are, so it will be on a totally different aquifer then what they use.

Gordon Law, Kuna City Engineer: Municipal wells are typically drilled in formations traditionally far below those that serve and are drawn from residential properties. The reason for that is to keep interference purposes from those wells and septic's. It separates us hydrological from their wells as well as their septic wastes.

Greg Johnson; The lots backing up to Mason Creek are typically 130-133 feet in depth and most are about 1/4 of an acre or a little less. The only ones we have not buffered is by the 8-acre lot, those are smaller. I purchased the development called Poppy Fields from Jim Jewett as an approved plat. There are or were some issues which I have addressed or attempted to address. I admit it is not the perfect subdivision, it border us on the east side of Mason Creek. Part of this land is part of that plat.

We would like to buy the Palmers property; we would provide the higher density single housing along these properties, 10-11 houses per acre instead of the 20. The other property is the school and I don't believe that we will be able to purchase that property. To address the issues of agreement with the City, there will be a written Development Agreement with conditions that we will have to comply with.

Discussion:

Commissioner Case; as I have expressed my concerns already my thoughts are there is not adequate park space, there are issues in the report that have not been ironed out and I'm not in favor of this as it stands right now.

Commissioner Kerfoot: My main concern is what we have talked about, the school site as far as size and location; the density issues and not enough information about the high density area. I know it is a problem for people that have lived in these areas and to see these kinds of things happening. We have to look at all of the information and the process, and I know that we have a outdate comp plan that is being updated but there are stipulations that go with these kind of developments.

Commissioner Case: They have been working on this for six years and we have only a couple of days to process all of the information and try to make a decision. One of the people who spoke said that it is our job as officials in a government to make sure everybody's rights are protected, whether it be the developer or the right of the citizens. And it is up to us to do our due diligence to make sure that the product that is put out is going to be appeasing to everybody, there has to be give and take where no one side wins over the other. I think that this project has a lot of work to go be fore it appease me. What I see currently is a head butting game and neither side is willing to give and take. All I see is lots, not something in my view that is conducive to the City of Kuna. More open spaces, less density. I am not comfortable on making decisions where there is no information like the multi-family. The developer needs to sit down with staff and develop a good product.

Vice Chairman Touchstone: What I am hearing is that Commissioner Kerfoot could make a decision with conditions added but Commissioner Case cannot. Here are our options we could table it to a date certain or further down the road so you can review it more, and if we do decide to table it I recommend you guys work on a set of conditions for the subdivision and come back with the conditions. We know where the City sits on issues, where the Developer sits and where the community is sitting so we need to take that into account and come up with some conditions that we can make a decision that makes sense. It will have to be a meeting that all three of us can make as the others will not be deciding on it.

The other options are we recommend approval with conditions or we recommend denial and we have to give reasons for denial.

Vice Chairman Touchstone; I think there are some issues with this subdivision but they are issues that I think can be resolved with additional conditions to the development agreement. There are some concerns about the multi family abutting up against the other out parcels, the school needs to be tweaked and if it will work. The open space is the other thing that I would like to see addressed. It is too late to work on tonight and my personal recommendation it to table this.

Commissioner Case motions to deny 07-05-AN (Annexation)/ 07-09-S (Subdivision)/ 07-07-DA (Development Agreement) – Napa Vineyards Subdivision because of density, lack of usable open space, no plans for multi-family unit setup and issues with the school site.

Commissioner Kerfoot: seconds motion.

In favor of denial: Commissioner Case

In Opposition: Commissioner Kerfoot, Vice Chairman Touchstone

Vice Chairman Touchstone: Motion fails.

Commissioner Kerfoot: Motions that 07-05-AN (Annexation)/ 07-09-S (Subdivision)/ 07-07-DA (Development Agreement) – Napa Vineyards Subdivision be table until May 27 meeting for density, open space, multi family plan, school site and flood plain problem and out parcels problems.

Vice Chairman Touchstone: Seconds:

Vice Chairman Touchstone and Commissioner Kerfoot: yes

Commissioner Case-no

Motion passes to table until May 27, 2008.

Greg Johnson asked to table 07-04-AN (Annexation)/ 07-08-S (Subdivision)/ 07-06-DA (Development Agreement) – Criterion Orchards Subdivision due to having some changes on the roads that the City Engineer has requested.

Commissioner Kerfoot motions to table 07-04-AN (Annexation)/ 07-08-S (Subdivision)/ 07-06-DA (Development Agreement) – Criterion Orchards Subdivision to June 24, 2008.

Vice Chairman Touchstone seconds, all approve, motion passes.

Public Hearing: 07-04-AN (Annexation)/ 07-08-S (Subdivision)/ 07-06-DA (Development Agreement) – Criterion Orchards Subdivision: This is an application for annexation with a zoning designation of “R-4” (Low Density Residential), “R-6” (Medium-Low Density Residential), “R-20” (High Density Multi-Family Residential), and “C-1” (Neighborhood Business); a subdivision consisting of 196.56-acres approximately with potential of 621 single-family residential lots, 263 multi-family residential units, one commercial lot, and 66 common lots; and a Development

Agreement.

REPORTS

Planner Director Hasson: Just that so far for the month of April we have 39 new residential building permits, so Kuna is doing well. There were only 101 in new residential homes being built in Ada County and Kuna had a large amount of those, so we know where developing is at.
City Attorney Grove: No report.

CHAIRMAN DISCUSSION

Vice Chairman Touchstone- Can we have a template development agreement so that when we have annexations that come in that are not going to develop soon it will state that they will be revisited at the time of development?
Planner Director Hasson: most certainly.

ADJOURNMENT

Commissioner Case moves to adjourn the meeting at 12:05 am
Commissioner Kerfoot seconds, all agree, meeting adjourned.

Justin Touchstone, P & Z Vice Chairman

ATTEST:

Tracy Rushlow
Planner Technician