

**Kuna Planning & Zoning Commission Meeting
January 27, 2009**

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 Justin Touchstone, Commissioner David Case, Commissioner Carl Trautman, City Attorney Grove, Zoning Director Steve Hasson, Planner II Troy Behunin, Planner Maranda Schindel and Planner Tracy Rushlow

Absent: Commissioner Wierschem

The Kuna Planning & Zoning meeting was called to order by Chairman Touchstone at 7:00 p.m., located at the Kuna City Hall, 763 W. Avalon, Kuna.

Consent Agenda

Commissioner Case motions to amend the agenda, to move
09-01-TE (PRELIMINARY PLAT) (Time Extension) SPRINGHILL SUBDIVISION
08-11-TE (PRELIMINARY PLAT) (Time Extension) Fossil Creek Subdivision
To new as 4A and moving 4A to 4B
Commissioner Trautman seconds, all approve motion carries.

Planning and Zoning minutes:
December 30, 2008

Facts and Finding and Conclusions of Law for:
08-01-V (Variance) Kuna Life Church, 500 E Deer Flat Rd.

Commissioner Trautman motions to accept December 30, 2008 minutes and Facts and Findings and Conclusions of Law for 08-01-V Kuna Life Church.
Commissioner Case seconds, all approve, motion carries.

OLD BUSINESS

None

NEW BUSINESS

A: 09-01-TE (PRELIMINARY PLAT) (Time Extension) SPRINGHILL SUBDIVISION
08-11-TE (PRELIMINARY PLAT) (Time Extension) Fossil Creek Subdivision:
Commissioner Case: It seems like there is quite a extension of time on some of these, in fact of them has gone through 3 mayors and Councils since then, how long are we going to extend these out?

Planner Director Hasson: Well, you just approved a text amendment that puts limits how many and how long the time extensions are. The language in there states that after the initial time period you can have a maximum of 2 one-year time extensions. Once that is adopted and in place which should be the next City Council meeting, it means that any that come forth from now on will only be able to have 2 time extensions, otherwise they will have to revert back and start over again. Our codes and regulations are works in progress and issues have come that promotes these changes.

Staff: The reason we want to give them an extension is after speaking with Gordon Law, these properties are in the LID and if these were to fall down it would cost the City financial issues.

Commissioner Case: I can understand that, but since these came in to existence there have been a lot of changes, not only the comp plan, but other changes as well, where we are requiring them to put in more

amenities or a better product for our community and with these hanging out there for so long they are not being made to do the same standards and I feel that we will run into some issues with fairness.

Chairman Touchstone: When the new ordinance passes will it affect these time extensions?

Planner Director Hasson: Generally when a product is in the door before the new rule take effect, it is under the old rules or the rules applied at the time of acceptance or approval. So there for those new regulations will not apply to these applications.

Commissioner Trautman: Are those extensions for 2 years?

Staff: Right now they have 1 year on the original and then they have no end to the time extensions that are a year long each so it could go on for some time if they keep applying time extensions. The new ordinance applies to the original application is for 2 years and then they can apply for up to 2 extensions for a year long each, so it will be a maximum of 4 years total to have the project started.

Commissioner Case: What it appears to me is that folks are coming in and wanting an extension because the market conditions are not right and instead of trying to precede with their project they are just sitting on it until the market conditions turn around and we don't know when that is going to happen. I think that on some of these they should either move forward or let it fall down and reapply when the conditions are better instead of asking for so many time extensions. We need to look after some of these issues that we currently have with the comp plan and the direction we are trying to go instead of trying to protect a old plan that does not provide for the community.

Planner Director Hasson: I agree, a good example is Willow Glenn. In phases 1 &2 they had very little requirements yet when phases 3 & 4 came in they had a lot more extensive requirements and it did not match up. Paved walkways butt up against gravel is just one example. And then there was no park area for 1&2. We are trying to advance the course and raise the bar.

Commissioner Trautman: Can you explain why the development agreement is in default on Fossil Creek?

Staff: On all of the development agreement it states that they have 1 year to complete the development or it will go in to default. The wording in the development agreement needs to be revised.

Planner Director Hasson: The language is constructed to say even through it is in default, it opens a door for some action does not mean that it is the end.

Commissioner Case: On Fossil Creek I am reading at the bottom that City Council approved a time extension with expiration of December 27, 2008. Are we past those time lines?

Staff: They were submitted on time but we did not have a meeting on January 13, so they had to wait until this meeting to be heard. It was submitted December 16, 2008. It will expire on December 27, 2009; they have to have the final plat in by then.

Commissioner Case: On reading the paragraph in the report that says "Fossil Creek Development is part of the Local Improvement District (LID); City Engineer, Gordon Law has informed Staff of the importance in keeping all subdivisions in conjunction with the LID within an active status." What kind of impact is this going to have on the City if we deny it? Our the folks still going to be accountable for the LID?

Staff: We really don't know.

Chairman Touchstone: I am of the mind set to give them the extension this year; can we put on a condition that they have to have the preliminary plat done before the end of the year and no more time extensions? I don't want to hurt the City, but I don't want these hang there for ever either. I understand that there is a lot of downs, but I think that the end of this year they should apply for final or resubmit.

Commissioner Trautman: So there have been no final plats applied for yet? So we have the opportunity to review and add conditions to the final plat?

Planner Director Hasson: Once the new language goes in effect it says that on extensions or it falls down there are conditions that can be added and it will apply for anything that comes through. It does not apply for these ones.

City Attorney Grove: I understand that you are concerned wit the comment that the City Engineer added about the plats being in the LID and I unfortunately I do not know what the basis for those statements are. This year we will have to close out the LID and try and get some permanent financing in place. That might be

easier done with more development than less development as far as liable for assessments. I can not think of any thing legally that would create a liability for these extension to be denied. The only thing I can think of is the more active developments the more attractive the prospect therefore making it a more viable project with a wider range of investor which is in the best interest for all.

Commissioner Case: I feel like we are in a catch 22 with these subdivisions, there really should be additional things added, but granting an extension as long as they stay on the timeline seems to be in the best interest for the City and others as well.

Commissioner Trautman motions to approve the time extensions subject to current staff recommendations.

Commissioner Case seconds, all approve, motion carries.

Comprehensive Plan Review: This is on there more for status update and dress rehearsal. We are close to completing the comp plan. This copy is about 228 pages that reflect the input we have received and reviewed by staff and staff in the process of re-reviewing it again. We are close to the end on the comp plan. Our comp plan map has three areas; it has City limits, City impact, and planning boundary. We are trying to put in land uses, areas where is already planned and areas where we want certain things or what the public wants there. The map is almost done, the text almost complete, we have a capital facilities map and plan that will be included in that comp plan. The whole thing should come before you in the formal process in about 30 days in the process of being adopted.

It's on time and within budget right now, when it is adopted we then need to take it to the County Commission and when that's all done then in theory we have a plan we can use and operate from. It is still a work in progress and every 6 months the map could be amended and text can be amended at anytime. At the same time we will have a capital facilities plan and we will do an impact fee analysis. There will be a couple of attorneys that will help craft an impact fee ordinance. That is where we stand at the moment.

Commissioner Trautman: I did not see any language on the CD where it addressed an east-west corridor or anything in that respect. I think that at least one should be addressed.

Planner Director Hasson: There is a lot more language that addresses the Kuna-Mora corridor, but we haven't done a lot. There is Hubbard and Columbia, maybe Deer Flat and King but we haven't said a lot about the east-west corridor. The overlay district that was for Highway 69 also has language in for the Kuna-Mora. I rewrote it with both in mind so it will cover both of these main roads

Then as a separate land use action I will bring you one for Ten Mile and McDermott and maybe Cloverdale-5 Mile. I want to be out in front of everything that I can. Ten Mile is the most logically first one to be done with the Ten Mile interchange going in. A lot of traffic that is going on Highway 69 now will be using the Ten Mile interchange instead, so traffic there will increase greatly.

REPORTS

Planner Director Hasson: The Mayor has 2 candidates for the Commission. It was not easy finding someone who met the resident qualifications. Stan Sanders and Curt James.

City Attorney Grove: No report

CHAIRMAN DISCUSSION

Chairman Touchstone: I have enjoyed the work that I have done here and I feel that I have made some good for the City. I will try to help the Commission as much as I can and maybe in the future I can come back, but right now I just will not have a lot of time. My term ended January 9 to be exact. I don't want to completely abandon the City, as there is still a lot of work that still needs done and the City has been behind the 8-ball long enough. With the comp plan it will continue to make Kuna a good place to live. A suggestion would be to implement some of the City centers from the comp plan put into the design book, people are visual and we need to encourage good developers to develop out here in Kuna.

Planner Director Hasson: You have been a good Chairman and we were lucky to have you and will miss you. We appreciate all the good work that you have done.

By the way the Mayor made me Chief of Police- we need to review some of the old Night Court tapes for legal statutes and Reno 911 for police procedures.

Commissioner Case: I will not be here for the February 10 meeting.

ADJOURNMENT

Commissioner Case motions to adjourn at 8:18 pm
Chairman Touchstone seconds, all approve, motion carries.

ATTEST:

Tracy Rushlow Planner Technician