

**Kuna Planning & Zoning Commission Meeting
October 28, 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:

Commissioner Stan Sanders, Commissioner Curt James, Vice Chairman Carl Trautman, Commissioner Stephanie Wierschem Director Steve Hasson, City Attorney Grove Planner II Troy Behunin, Planner Maranda O'Bray and Planner Tracy Rushlow,
Absent:, Chairman David Case,

The Kuna Planning & Zoning meeting was called to order by Vice Chairman Trautman at 6:03 p.m., located at the Kuna City Hall, 763 W. Avalon, Kuna.

Consent Agenda

Vice Chairman Trautman opened the meeting at 6:00 pm
Planning and Zoning minutes:

Minutes: September 23, 2009

Facts and Findings, Conclusions of Law:

None:

Commissioner Sanders motions to approve the consent agenda as is; Commissioner Wierschem seconds, all approve, motion carries.

OLD BUSINESS

None

NEW BUSINESS

08-03-S Crimson Point North Subdivision (Amending subdivision conditions of approval)

Planner II Troy Behunin presented. This is a request by West Park Company. This request is in response to the market place and the current economic climate. They would like to take their recently approved final plat of 17 lots and move forward with a new recommendation and what they would like is a new approved square footage. This is a land use action intended to modify the minimum size residential square footage land use condition that has been placed on his Crimson Point North Subdivision by the Kuna City Council.

The request is to reduce the residential square footage from 1550 square feet to 1200 square feet (approximately a 23% reduction in average dwelling size) for the 44 lot subdivision. The size of the residential structures to be built in Crimson Point North Subdivision was decided last December [2008] as part of a Council land use action conducted for purpose of reactivating a preliminary subdivision plat that had fallen down because it was not completed within the timeframe required for finalizing a preliminary plat nor was a time extension sought or granted to keep it active. At that time the following actions were directed with respect to the subject condition.

We have seen some fair response with the sales of smaller homes in Kuna and staff is support of this request so we can keep the market place moving and the momentum in a forward movement. There are a couple of requirements in the staff report that I would like to touch on. The reduction be limited to provide a minimum of 1200 sq. ft. home and in the event that Crimson Point North is sold after the final approval that any lots remaining that have not pulled a building permit will revert back to the original minimum square footage of 1550 sq. ft.

One of the reasons that staff is in favor of this request is that for one it will keep our permit activity going, secondly it will bring new families in which will bring in a greater tax base for Kuna and it will not be just a 1200 foot subdivision, it will just allow some smaller homes to be inner dispersed among the rest of the subdivision.

Commissioner Sanders: There was an editorial a couple weeks ago in the Kuna Melba News that said a house this size after homeowners exemption would not even pay for itself with the tax base, do you have any figures on that?

Planner II Troy Behunin: I am not a financial analysis but we could check with the City Treasurer if you like and get some figures together for you. We believe that it will not be a drain on the system and will provide a very important niche for those people who wish to own a home but can't afford or don't want a bigger home.

Commissioner Sanders: City Council has already approved 5 lots with this square footage. And I guess that I might be comparing apples to oranges, but the second applicant that we will be hearing tonight is asking to approve 83 lots with homes over 1600 square feet and they think that they can sell these homes, I don't understand why this developer feels that he can't sell those larger homes when another one feels that he can. I'm not sure I fully understand his reasoning for the smaller lots. I drove through Crimson Point and there are a lot of nice, larger homes that are well taken care of, and I also went through a other subdivision where there were smaller homes and frankly they were not well taken care of and I am afraid that if we grant the smaller homes it will look like some of those other subdivision with the smaller homes and go downhill and look shabby.

Planner II Troy Behunin: Correct, that was approved last year but the applicant is asking for an amendment to that and hence this new application. I don't have an answer for that and that is something to address to the developer.

Commissioner Curt James: Is there research to suggest which size sells better, is the 1550 some magic number or is that was what the standard was at the time the subdivision was being developed?

Planner II Troy Behunin: That square footage was negotiated at the time that they were in the developing process and it was the standard size at that point in time. House's at that time were selling and they were much bigger than what is currently selling and affordable. Back then our unemployment rate was low, people had more money to spend and the banks were willing to lend. The current economic environment is not the same. People are more cautious, banks are not lending the same and a lot of people have lost their jobs or have cut backs in many ways. Right now it is more of an economic thing.

Commissioner Wierschem: Are these homes going to be for rentals? That is one of my fears, these sizes of homes are often favorable for rentals and that often brings down the neighborhood. Will those students being going to Crimson Point Elementary?

Planner II Troy Behunin: This was originally one subdivision with different phases and had one owner. The elementary school was sized for the development. Since that time parts have been sold off or fallen down and this is one of those phases that was sold and resurrected.

Vice Chairman Trautman: Why is the condition and the reasoning for the condition that if this is approved with a reduction in size, but it is sold that that the homes size go back to the original size of 1550?

Planner II Troy Behunin: It is more of an entitlement and the reason is that West Park is here they are vested and we don't want it so he can turn around and sell to someone else and someone else moves in and puts 1200 foot homes in.

Planner Director Hasson: There is a lot of uncertainty in the market place right now and a lot of it has to do with the lending institutes. It is kind of like a dog that chases the car. What would happen when he catches the tire? The analogy is the same in the financial arena right now. For years the lenders chased the tire with the expectation that if it went into foreclosure they would get the land back but it did not happen very often, so they made loans. Well now they have caught the "tire" and they have a lot of foreclosures and they have these properties and they don't know what to do with them. They do not whether to lend- to seek the entitlements and so that more than anything has caused a lot of uncertainty. Some of them create some kind of assurance to compensate for it or they say we can not do anything about this and let the market force do what they will. Silvertip is a current example, it may not be the best one but there it is. They were in a five month period able to build on those 78 lots and develop and sell them. And they were not only developed but sold. How they were able to do that? Because the land was in foreclosure and cheap. They were able to carry all the costs for developing and selling the homes buy getting the land cheap with the improvements already in place. But if you are a developer who owns the land outright like Greg Johnson does you have to be able to compensate for the market place cost someplace. When he request a year ago we said no, but did afford a few smaller houses. Well the size house right now is not selling. If we wait and not make any concessions and he is not able to sell any lots and no one else is able to sell lots with larger homes on them we will be hard pressed for revenue next year and if we will hard pressed to provide services next year. The thought was to provide some relief because of the market place and to insure that people are interested in developing Kuna, and we can provide some short term concessions then we facilitate the market place and insure the liability of this subdivision. I'm not keen on smaller houses, but we want to make sure that people who have vested here work and stay here. Greg makes quality homes so I believe that this is a reasonable request. The condition is talking about selling to another developer and he intends to hang on to this and sell the lots to builders but retain the majority of it. There is risk and there will more than likely others who will be in to request the same relief. But you need to balance that risk out.

Commissioner Sanders: Maybe you can answer the question I ask Troy earlier about a house this size after homeowners exemption would not even pay for itself with the tax base, do you have any figures on that or comments on this? Do short term buildings permit revenues offset that these lots will be on the backs of the other taxpayers for years to come?

Planner Director Hasson: There is a belief out there that residential never pays for itself. And smaller units never pay for themselves. But I have a couple of studies that suggest over time, 7-10 years, regardless of the size of the house and they meet all code compliances; it actually pay for itself. I have heard both sides. But what houses do that helps is the more rooftops you have the more chances for commercial enterprises and the more commercial enterprises in your community the higher the tax basis. And that more than pays for the presence itself.

Vice Chairman Trautman: was the lot size reduced?

Staff: no there is the same size lot as platted.

Applicant Greg Johnson: I would like to request the reduction in Crimson North mainly due to the current economic conditions. The fact that we can build and sell smaller square footage a little more rapidly that the larger homes right now is why we are requesting the smaller size. We do plan on continuing on putting on the hardboard painted siding. We are asking for about 50% of the subdivision to put in the smaller homes or you can put a number like 20 houses. There will be a mix of half over 1500 and half under if we are granted this.

Vice Chairman Trautman: The question I have is the relationship that you have with the builder and you the developer. I understand that this is about economics. Another concern is that the homes in Crimson Point have been kept up pretty good and they are afraid with the smaller homes that it will lead to a less than desirable area and the homes not kept up.

Applicant: The two builders that I plan on using for a majority of the building are River Wood Homes and Eagle Wood homes and both of these companies I own. I may sell a few lots to other builders. I don't know if the first time homebuyers will be extended and most first time homebuyers buy a home valued at \$130,000 to \$200,000 and we need to stay within those perimeters. The 1200 foot would allow us to build a house in the \$130-160,000 range which is what the first time home buyer can afford. Something else that helps is that Kuna has a rural development 100% financing for homes up to \$225,000.

To address the concern about smaller homes not being taken care of. It depends on the homeowner. Some are not adequately use to taking care of their own home, they have been renters and they always had someone else take care of the problems. They sometimes have to be trained. I don't have a special homeowners training program and the homes that we build are a little better quality than other similar to those same sizes. If they are looking for a real budget-budget home they will not be buying these homes.

We do not have a split sidewalk but we have our own nursery and we are planting some larger trees, in the 3"-4" caliper range so it will give it a more mature look and give the street more of a presence. There will be the standard tree required in each yard plus one tree on each lot line so it will look like three trees on each lot. The plans are for 3 bedrooms, with living room, kitchen and dining room. There not real fancy, they are affordable but not cheaply built.

Commissioner Sanders: Will you be willing to go 25 % for a total of 10?

Applicant: It can be done; it will just take longer to complete the subdivision, as right now the larger homes are not selling.

Vice Chairman Trautman: Some ideas and suggestions that I have as a builder, what type of architecture requirements do you have; like a certain amount of masonry, and if you do, what is the percentage?

Applicant: We already do have some architecture requirements, there is 20% masonry on the fronts already, the front yard are sod or grass planted, the trees and shrubs are already planted and sprinkled before the homeowner moves in. There are zones already zoned in the backyard stubbed and their will be wing fencing. The rest of the fences are up to the homeowners but we offer a package deal to put in the fence if they so desire or they can contract out or do it themselves.

Commissioner Sanders: Will these houses all have 3 car garages? I am concerned about the look of the subdivision than the market place and I have to wonder if that will look out of place with the two car garages instead of the three that already exist.

Applicant: Some will have two car garages. Not all the people want 3 car garages, it adds about \$12,000 more to the cost of the house for the extra bay and people have actually downsized, usually they want three car garages for their "toys" and a lot of people have given up those toys or don't want the extra expense. In my opinion extra garage doors do not add to the aesthetic of the house. If the house is well built and designed it does not matter that it has a two car or three cars. And a lot of times with the three car garage you don't see much of the house just garage doors.

Open Public Hearing at 6:53

Support: none

Oppose: Lori Wilson: 1878 N Firebrick Dr. Which part of the development is we exactly speaking about, as there are several parts of this subdivision? Once we start down this road of going smaller and smaller it will develop a trend to other developers of saying why they did so why cant we since this is not working out as fast as I want it to so let's build it smaller and cheaper. Some of the new homes that they are putting in now in Crimson Point are about 1600 square feet and they seem to be selling ok, so I don't see the issue of smaller homes instead of larger ones. Will this HOA be a different one than the current HOA that is now in Crimson Point? My biggest concern is having the smaller homes and Kuna knows as the Starter Home area.

Herb Loren: 1596 Hutchins, Crimson Point; If this is approve and since this is a totally different subdivision I believe that they should have a different name and monuments to reflect that name difference. Homes with lower assessed values raise other homeowner's taxes, they do not cover the cost of services that are required, and they negatively affect home values of those existing. Price point is driving this request. It will cost the City dearly in the long run. Crimson Point is not the place for the smaller homes. The City's obligation is to the current residents. Town-homes, duplexes, and patio homes; these provide the smaller homes where they don't impact people who put a lot of money and time into their homes not smaller homes in this subdivision.

Neutral: none

Applicant: Greg Johnson: We plan on mixing the models throughout the whole phase so there will not be just one size built. You always want to have some smaller and larger models to appeal to the larger population. It is easier to make a profit on the larger homes than the smaller homes so we would prefer the larger homes, but again it depends on the market.

This is a separate subdivision than Crimson Point so it will be Crimson North and there is a different HOA. There is only the west side where we butt up against the current subdivision. There will be separate monuments so you know that you are in Crimson North. They may have larger homes in Crimson Point, but they will not have better quality, these will comparative in quality.

There will be two phases on this development.

Herb Loren: If you look at the master plans for the whole thing, it shows many streets coming in and yet none of them go to the other roads like Ardell and this puts more constraints on Crimson Point for traffic.

Applicant: This plat was presented with the rest of them at the same time by the original party, who I believe is Jim Jewett. We have not changed any of the plat from the original that was presented; this section has just changed ownership. We have not changed any of the roads or overall design of the plat; we are just going to do it in phases instead of one piece.

Close Public Hearing at 7:07

Commission Discussion:

Commissioner Wierschem: There are a couple of concerns that I have. I understand this is for financial reasons and because of the economic climate right now, but I can not help but wonder where is this going to lead us, will this open us up to others coming in and wanting the same thing because of the possibility of a quick fix, and what kind of impact will this have on the City and its citizens.

Vice Chairman Trautman: This is going to set precedence for the moment and potentially long term if conditions do not change. This is really an economics concern and I think that the issue is more a function of quality then size and that is why I think that staff has put some trust in this builder because they may be smaller homes but the quality is somewhat better than average. If

we can I would like to see the elevations pass Design Review for the homes under 1550, and if that is the case I would be agreeable to the 25% or 10 homes under the 1550 square feet. I would feel better if we hold it at a design review and to a certain percentage of smaller homes. And I feel that is something that we could live with long term, but it needs to be done well otherwise we will be hurting ourselves.

Commissioner James: I can appreciate that but I also am reluctant to fall into this slippery slope.

Commissioner Sanders: This is a recommendation to the Council, and I am trying to listen to both sides of this and be fair. I think that what we need is a compromise; instead of 50% would you be willing to go with 25% or 10 houses with the smaller size and scattered throughout the development?

Commissioner Sanders motions to recommend approval to City Council with the following conditions:

- Meet all site specific and standard conditions, staff and agency requirements
- And staff requirements of 1.4.2, 1.4.3, 1.4.4
- The developer shall provide 10 buildable lots that are under 1550 but no lower than 1200 square feet
- All homes under 1550 go through Design Review.

Commissioner James seconds, all approve, motion carries.

Sadie Creek Subdivision #2 09-01-S (Revising Preliminary Plat)

Maranda O Bray, 763 W Avalon.

Planner Maranda O Bray presents. On April 6th, 2006; the Kuna City Council approved the Findings of Fact associated with the two phased Sadie Creek Subdivision preliminary plat. That action initiated the first phase of this subdivision and provided the developer one year to prepare it for final plat acceptance. The action also provided phase two the same one year development time frame to follow the first phase, provided the developer acted within the prescribed development timeframes. The developer who sought the initial subdivision approval was, Red Cliff Development, who subsequently sold the second phase, known as Sadie Creek Number Two, to Alpha Lending, LLC.

Alpha Lending never initiated construction plan approval on Sadie Creek Number Two, within the prescribed timeframes for completion, nor sought final plat approval for that second phase; thus, phase two has expired. Because it expired it needs to be reactivated through a re-submittal process according to the City subdivision requirements, which were recently updated to address the issue of subdivision reactivation.

To reactivate the subdivision, the developer will need to fill out the necessary paperwork; pay the applicable fees and submit for new public hearings. The subdivision application is subject to new or changed conditions.

Sadie Creek Number Two's development infrastructure [to the extent it exists] will need City Engineer, approval. If the new preliminary plat is approved it will be valid for a two year period to afford the developer to prepare for final plat approval, consistent with the provisions of Kuna City Code 6-2-3: J: 1-3.

There are still a R-6 zoning of 26 acres with 83 build-able lots with 1600 square foot minimum homes and common lots did change from 7 to 8 due to change of the access on Meridian road.

Commissioner James: There is a question of exhibit 12-13 about a fence around the area and a letter about reimbursement for street improvements, were these added into the staff report?

Staff: No, they came in when I was sick and after the staff report was completed and exhibit 12, about the street, is a civil matter, and has nothing to do with the City, it is between the two developers/property owners. As for the fence, there will be a perimeter fence, but again, it is the other owner's responsibility to make sure that his cows do not get out and his fence is adequate, not the developers.

Commissioner Sanders: I have a concern dealing with the access closest to the railroad tracks. It is a good seven or eight feet above the grade and if Meridian Road is extended I don't think that a bridge would work, maybe a tunnel like they have over in Nampa for under the tracks. But there is not enough room where that road comes out now to give room for a future bridge or tunnel. I know even with ACHD there is a debate on whether that road is going to go through, but as Planning Commission it is our job to plan for these things and have a contingency in place for the what if's.

Ideally I almost like it the way it was before they changed it, I am just concerned about the entry way onto that road if it goes through.

Bob Unger, ULC Management I am representing Alpha lending who are the owners of the property. In answering your questions, I do not have any problems with staff recommendations. The fence issue, there will be fencing along the southern property and along the northern portion of the boundary, along the right away of the railroad. The fence issue was brought up and addressed before the current owner bought the property. The biggest issue was that property owner had cows and was afraid that they would go through a vinyl fence. The Commission and Council at that time said that was his issue and he needed to make sure that those cows stayed in their own field with his fencing and not rely on the vinyl fencing for that issue.

The Shortline Road issue I believe that staff has covered that very well. The construction of Shortline Road was a requirement of phase one. Any issues that Idaho Mutual Trust for reimbursement will be an issue between the two owners and not an issue with that the City needs to be concerned with Access on Meridian Road; that was a requirement from ACHD. ACHD at this point in time is not projecting any type of a crossing over the railroad and that has been an issue between the City and ACHD. The best way to look at this is if ACHD ultimately puts in a bridge in at this location there would not be sufficient room for any access from this development and Meridian Road. The slope from a bridge on either side would go far beyond the south edge of this development. So what would happened if ACHD decides to put in a bridge or tunnel, there are two common lots dedicated to future right-of-way so when or if that time comes that access would go away entirely. ACHD would just have to extend curb, gutter and sidewalk and they would not have to dedicate any more right-of-way for that area.

Open public hearing at: 7:34

Support: none

Oppose: none

Neutral: Ben Slaughter 12594 W Explorer Dr. Boise, representative of Idaho Mutual Trust; we do not have a problem with the development as it is proposed but we do have some comments. One is regarding the fence. At one time this was one development one phase, there are now two phases and we have no control over the second phases, what the design is going to look like, and the feel and quality. We feel that since this is going to be a totally different subdivision with a different developer it should be treated as such and have a clear line of demarcation with a fence as the demarcation to distinguish the two different subdivisions and to have some sort of design review for the second phase so that it is consistent with phase one for landscaping, quality and design. We have solid wood doors, nice landscaping and it is not only for our benefit but the homeowners there. Issue number two is construction traffic. We had to build Shortline Street and the only purpose is to access phase two and the park, but we would like that to be used for construction traffic, we don't

want them to come through the Subdivision off of Luker and on Sadie Creek Drive where there are kids and houses. The Third thing is going back to the payment, I understand the legal thing, but I want to give some background on this. Mr. Unger was working for Redcliff Development at the time that we entered into the declaration of covenants' reimbursement fund and it is a recorded document. There was a agreement in place and feel fair that they should pay for the pro-grata costs on that.

Commissioner Sanders: On the fence of demarcation between the two subdivisions are you looking for the same type of fencing like vinyl or masonry or what are you looking at for the fence?

Ben Slaughter: we would at the very least like a vinyl fence and some sort of clear monument that shows you are no longer in what we are marketing as Pioneer Estates. The alternative, some sort of design review process so that it has the same look and feel of phase one and it stays with the same theme.

Vice Chairman Trautman: Is there any fencing built already on the backs of those current lots? On the reimbursement- we have been informed by staff that this is an issue that we are not involved with, unless there was an agreement with the City.

Ben Slaughter- on the west end there is no fencing. Nor was there was an agreement with the City.

Planner Director Hasson: Anyone can say anything to you and that is there right. However, when you go to make decisions you need to work within the frame work of what is acceptable. There were a couple of things that the gentleman said that need to be cautioned; the City is not able to address things that seem to be a civil matter, the road reimbursement is civil matter dispute and that stays between them and is not a concern of the City.

On restricting a roadway for construction access; these roads are public access and we cannot restrict them from public traffic. And to have a line of demarcation like a fence so as to discern one market from another, clearly that is unacceptable. These are public streets and we do not distinguished one neighborhood from another and that is just issue of fairness and equity. One of the important things in our comp plan is connectivity. We want as much connectivity as possible where-ever, when-ever we can. We want to get away from the parochial view that our neighborhood is an island unto itself and therefore it has more status and since it has more status than the other neighborhood the other neighborhood must have less status. We are not in that business.

Bob Unger: As far as the agreement, I was not privileged to that agreement. I no longer work for Redcliff. For the western fence that they are talking about, for one thing they are marketing phase one as Pioneer Estates. I have concerns about someone putting up signs that are calling the subdivision I live in as something other than what it was recorded as. I would think that this would also be an issue for emergency services. They have the recorded plat and if it shows one thing and you call in saying it is something else, how will they know where to go. Phase one and Phase two were presented to this City as one development to built in two phases. Phase one has no open space, parks for children, it is all in phase two. There is suppose to be access for the parks in the southwest corner from phase one to this park so children have access so the children do not have to walk on the streets. There is also a 40 foot easement for a lateral that has been piped and the fencing would have to be outside of that easement. But I am sure that the houses that are along that will probably put fences in their respective back yards on both sides, that is what most of them do. But as Steve mentioned we need to keep that connectivity and I do not think it is appropriate to ask this developer to put up that fence. If that is a concern about keeping it separate then let them put up a fence. We are sticking with the original conditions of approval on this project. We have followed every through to this point. For any kind of architectural control between phase one and phase two I think that is totally inappropriate. Phase two has larger lots, larger square footage buildings then phase one has and I think that they will be just as comparable as the ones that they are putting in now. But any kind of requirement that all of our structures have to go through a design

review is totally inappropriate. For construction access, we do not object to using Shortline for construction access.

Commissioner James: I understand the design review for everything is not a reasonable requirement, but some consistency would be nice so that it seems like one subdivision.

Staff: Design Review does not cover residential homes. It is only for commercial, landscaping, and PUD's anything involving project development.

Bob Unger: I can understand their concerns. But putting the same conditions back on their developer, what assurances do I have that their quality of homes will match the ones we are planning? I think that what needs to happen here is that we have two lending institutions that own these two phases and I think that these two lending institutions need to get together and establish one association for both phases; that was how it was originally planned and if there had not been the loan defaults that is how it would have been. I think that it would be appropriate that both lending institutions get together and establish one HOA so that there is consistency with architectural review and one set of regulations. I don't think that is too impossible to do.

Close the public hearing at 7:50 pm

Commission Discussion:

Commissioner James: I feel comfortable with the development and the requirements in the staff report. Can we restrict the construction traffic?

Vice Chairman Trautman: Steve counseled us on that and I believe that we cannot restrict the traffic because they are public roads. Is this right Randy, that they cannot restrict the traffic?

City Attorney Grove: Probably not I would image at time of construction time plans are submitted there may be a dedicated construction route.

Commissioner James **recommending approval** to City Council with the following conditions:
Meet all Staff and Government Agency requirements and recommendations.

Commissioner Sander seconds, all approve motion carries.

Diagonal Church Subdivision 09-01-CPF: Planner II Troy Behunin, 763 W Avalon presented the project. This is a combination or short plat that includes preliminary and final plat. To be eligible for a combination they have to meet certain criteria such as having less than 10 lots, no new streets and dedicate any new right-of-way.

The applicant's property was recently annexed and rezoned from RR (Rural Residential) in Ada County to C-1 (Neighborhood Business District) in City of Kuna. As a feature of the annexation and rezone the applicant entered into a development agreement with the City that further clarifies the terms and conditions of the supporting land use actions. The applicant is seeking approval of the construction of a 16,558 square foot church building and adjacent parking lot. Kuna City Code requires that churches in a C-1 zone have a special use permit (SUP). The Planning and Zoning Commission granted an SUP November 25, 2008 (08-08-SUP). All commercial type uses are subject to Design Review, which the applicant successfully went through (08-08-DR) on October 9, 2008. The church site will be used primarily on Sunday to accommodate up to 300 occupants at one time. The church building is designed to fit within the surrounding uses of light commercial and residential architecture.

The applicant has worked hard with staff to bring this parcel in line with all City policies, standards and procedures. After this parcel was annexed, rezoned, granted an SUP and successfully went

through the design review process it was discovered the site did not have the available land division splits it once demonstrated it possessed.

Kuna City Code (KCC) 5-16-3 states in part, an original parcel may be splitinto the dividing of the original tract of land to create no more than three (3) parcels. Because it has been discovered the subject parcel was the result of more than the allowed three (3) splits the City staff has determined this parcel to be non-conforming and subject to the City's subdivision process.

Earlier this year, the applicant was notified of the need to cure this land use conflict. Consequently, the applicant initiated the subdivision process in order to remedy the illegal lot split. Accordingly, this application for a preliminary plat / final plat combination is a request to cure the non-conformity status of the parcel and finalize all the procedures necessary to the LDS Church placing a building on this parcel and moving towards construction.

City code (KCC 6-2-3-b-1) provides that an applicant may rely upon a combined preliminary and final plat application when the land divisions are limited to a maximum 10 (ten) lot division. Thus, the applicant is eligible to rely upon this short platting procedure. Staff is recommending approval of this combination preliminary-final plat application. There is one recommendation that Staff would like to emphasize and that is curbing, gutter and sidewalk be required on Ten Mile Road and Columbia and that is because we need to set precedence for future developments and set a standard of what we expect for these roads.

Commissioner James: I still am not sure what the land use conflict is, can you explain that?

Staff: Essentially what happened here was an illegal lot split was done. They are only allowed so many lot splits and they exceed the allowable splits, so in order for the Church to be build on the property it needs to go through a subdivision process to create the additional lot needed for the church. This is the last step that they need to do to finish the land use actions and get a building permit and proceed forward.

Jo Larson with GJZ Architecture, 400 S Main Street Payette ID: I am here representing the Corporation of the Residing Bishop of the Church of Latter Day Saints and the submittal of the combination plat. As mentioned we have several prior approvals that include a Special Use Permit, Annexation, Development Agreement and Lot Line adjustment. I want to make it clear we were not aware there was a problem with the lot split and we were not trying to do something underhanded. This has been a long process but a good lesson. The only item that we have is that ACHD recommended a right-in, right-out but they were not making a condition of approval on Ten Mile. The conditions were already set forth in the previous land use actions so I do not have any other comments. The only change we have made is a change to a few parking spots because they did not meet the isle width.

Open Public Hearing at: 8:08pm

Support: none

Oppose: none

Neutral: none

Close public hearing at; 8:09pm

Commission Discussion:

Commissioner James: It is straight forward.

Vice Chairman Trautman: Everything was addressed when they went through the other land use actions so I am fine with this application.

Commissioner Wierschem recommends 09-01-CPF to City Council with the following conditions:

- *Meet all Staff and Government Agency requirements and recommendations*

Commissioner Sanders seconds, all approve, motion carries.

City Attorney Grove: Has tendered his resignation with his last day on November 6, 2009

Planner Director Steve Hasson: There are a few things, one there was a question about whether residential housing pays for itself, and I was under the persuasion that it didn't. But I have some studies here that say otherwise and I would be glad to make copies for you if you are interested. The first one is called "The Metro Area of Impact of Home Building in Ada County, Idaho" by the National Homebuilders Association, dated July 2007. The Executive Summary: and it says that "the evidence is in, housing pays for itself". So you might to look at this and some of the figures. There is another updated one and it is called 'Metro Area Impact of Home Building in Ada County' and I believe this was from last year. You have to be a little skeptical since it is put out by the Homebuilders Association, but they do a good job of showing where revenue is enhanced by virtue of the housing.

The second thing is the housing subsidy and whether it was going to end. And that is real important to Kuna because half of the housing that has been intimated this year had some relationship to that subsidy. I have been listening close to Congress on this and the Obama has not been real keen on this. The thinking is the home subsidy to March or April and if this occurs it should help our local housing market this year.

Is this church on Ten Mile and Columbia, are they going to do any additional landscaping and do we have a overlay district? I have some other people coming in the door on Ten Mile and as they come in to place I think as we write the conditions of approval, some kind of overlay district language regarding landscaping criteria will be added and then eventually we will follow through with a Ten Mile overlay district.

Commissioner Sanders: I would like to have that done before the Ten Mile overpass is done.

Commissioner James: Can you tell us where the comp plan process is at?

Planner Director Hasson: The comp plan was approved on September 1 and the findings and facts were approved October 6. After that the City is free to approach the County and enter into the negotiations for area of impact. We did that last week, we actually sent over last Thursday and submitted documents and we heard back from Ada County this morning and they have set up three times for the Council and Commission to get together as introductory engagement so we can come to some conclusion on the boundary. The first meeting is November 9 at 9am at Ada County and you are welcome if you are interest in going. I did not think that we had any overlap in jurisdiction between Meridian and Kuna but I found out that we do have a small section of overlap and we will have to address that; either undo it or take the stance that it's ok to have the overlap. I do know that when I looked at the States Statutes, which are minimal, and Ada County- they have certain requirements that they place upon themselves and it will take several months to go through negotiations.

CHAIRMAN DISCUSSION

None

ADJOURNMENT

Commissioner Sanders motions to adjourn at 8:20 pm

Commissioner James seconds, all approve, motion carries.

Carl Trautman, Vice Chairman

ATTEST:

Tracy Rushlow, Planner