

**Kuna Planning & Zoning Commission Meeting
May 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:

City Attorney Grove, Chairman David Case, Vice Chairman Carl Trautman, Commissioner Wierschem, Commissioner Sanders, Commissioner James, Director Steve Hasson, and Planner II Troy Behunin, Planner Tracy Rushlow

Absent:

The Kuna Planning & Zoning meeting was called to order by Chairman Case at 6:00 p.m., located at the Kuna City Hall, 763 W. Avalon, Kuna.

Consent Agenda

Chairman Case opened the meeting at 6:00 pm

Planning and Zoning minutes:

Facts and Findings, Conclusions of Law:

OLD BUSINESS

09-01-CPA; City of Kuna Comprehensive Plan Amendment:

Planner Steve Hasson: This was brought to you two weeks ago, the text and land use maps for your decision. Due to late exhibits you request to table it to go over the information and now we are back to hear your decision. There were a number of comments from public agencies, you have a staff report, two future land use maps and it seemed prudent to take it under advisement then come back. In the interim we have received some request for some changes and I will point those out and take any questions you may have and then see if we can wrap this up somehow. There have been some changes to the future land use map and I want to point those out to you. The area above Lake Hazel, which is in Meridian's impact area, is a piece of land that the City has recently acquired that embraces approximately 107 acres. Additionally we have had property owners in the proximity to this park land area that are considering of annexing into Kuna. Since we are looking into that we would like the map to reflect what we would like to do with our land in that area. So to accommodate those folks we have adjusted the map accordingly with the intent that those folks are going to annex in to Kuna. Another request we have received is Desert View, a large lot subdivision in Ada County. We had excluded it from our impact area, not so much as a request but because of a neighboring property owner, which did not want to be in the impact, but were ok with the planning area. But he fine folks that live there requesting to be put into the impact area. Next there is a gentleman farmer name Thornton and he is concerned about being in to our area of impact and asked to be excluded. I have talked with Margo Whale tonight as well as a while back and she requested some time ago and we said we would consider it, that the properties around her and adjust them so that they would comport more with her living arrangements and we have not done that, as we have either tried to accommodate property owners that have asked for certain designations, or as a City installed different land use categories that she feels do not comport with what she feels should be in the area or belongs there. The only other thing that I would add to this is Compass, who is are regional transportation authority, has provided you a map, that they program the functionality of roads on what they believe to be demographics which is population

forecast. In addition they look to the community for the community's own population assessment. At the last meeting we said the population increase by 2030 could be anywhere from 40,000 up to 200,000 plus. They took these figures and came up with an approximate figure of population of 120,000. There is a map that reflects on the roads, their functionality, and some assessment of volume of traffic in the event that Kuna was 120,000 people.

Commissioner James, I do not see the green lines designating the canals on the maps.

Staff; those lines are just an overlay and are just not shown on these maps; they still exist and have not changed. That layer is still there. Sometimes there are so many layers that one or another gets obscured. The irrigation companies control to a point and it depends on the irrigation company, from the bank to a certain distance or from centerline of the irrigation canal and that is there easement and anyone doing anything in that easement has to get permission. They do not afford much to be done in that easement area. And that is liability purposes.

Commissioner James: My next question has to be with the letter from the City of Meridian on the planning boundary and would you comment on what a difference of an impact area and planning area is.

Planner Director Hasson: First last fall Meridian went before the board of County Commission and asked to have their area of impact expanded in a lot of different directions. Meantime last summer when we were asking where planning boundaries should be we went before City Council and asked where our planning area should expand to. Initially they held it to Lake Hazel but we had several property owners request to be included into our planning area and so they Council agreed to include that area as part of our planning area. This map is three tiered, one reflects our municipal boundaries, the second one represents our area of city impact, and the third one represents the planning boundary. What a planning boundary means is means that based on some prognosis this area might be in Kuna so we should plan and predict for that area. When we went to the County Commission last year, Meridian asked for that area for their impact area and we asked for it as part of our planning area, well the County Commissioners gave it to Meridian so we were going to make our area of impact agree with Meridian's city impact.

In Idaho if you are a property owner and touch property in a City you have the discretion of knocking on that City's door, even if it is in someone else's area of impact.

City Attorney Grove: The difference in the area of impact and planning boundaries begin with the three different types of annexation that the City can do, category A, B, C. Category A is what the City of Kuna does which states "all landowners have no objections, touch land already in the city, is in the planning boundary and may be annexed in by simply adopting a municipal ordinance.

Planner Director Hasson: When you have the growth rate that we have had in the last several years we have had to plan for where the public facilities are going to be placed to serve those in the City or where the City may expand to in the best possible means. People in approximately to those services want so they can capitalize on it. If you are not in the City you are in the County and the County has two big constraints to development that every property owner faces. One is the lot size; it has to be either 5 or 10 acre lots. If I have 40 acres and the zoning is such I can only have 4 houses if each can only be 10 acres or if it is 5 acres then I can only have 8 house lots. If you get past that hurdle then you have Central District Health to see where you can put a septic tank on and you need at least 1-2 acres for that. So if you are close to a City that has facilities close by and can furnish public sewer and water, which will afford you the opportunity to develop your land with 4-6 house per acre.

This gives you a huge enticement to knock on the door and ask for that service. It doesn't matter which City, you are going to have a conflict because this state is a very strong property right state.

Commissioner Trautman: Have you had a chance to review the letter that Margo Whale present to us, about the designation of zoning on Black Cat and Kuna Road except for Mr. Thornton?

Planner Director Hasson: No I have not had a chance to review the letter as she only sent it to the Commissioners and I believe the Council members. I think that it is important to explain on how we constructed this map. It might differ than the Whales assessment. When we started planning the map, we started with the steering committee, staff and others; our first aim was to recognize that as we grow we would need a little bit of this and that prospect of what we need to put on this map to accommodate the ingredients to make this a full fledged city. For instance the area of manufacturing,

and this area of professional office; these examples are where we put these on the map where we felt they would best suit, where some of the experts suggested they should go, and we stuck those on here without necessarily looking specifically looking at any property or any property owners interest; it was more of where would be a good place to put it where so we can account for all the different land uses that we are going to need to produce this map. We then we had a second proviso on how this should be constructed. The property owners have a right for a specific property or properties be a certain color to reflect a certain use, and all told we probably had about 100 request of property owners over the last year to assert their private property right to say what it is they need on their land. If it seemed reasonable for the land use they were asking for ws compatible with the adjoining properties we went ahead and put it on there if we thought it was wrong then we did not put it on the map. The new had a few property owners who came in and wanted to change the land use around them, Margo was one of them, and they think that it would serve the public's best interest. In Margo's letter she says that she doesn't think that the people are object-able to having those designations that she is suggesting. That is her right to come and ask to make those changes, but on staff level it was "I want to change the properties around me to a use that I find agreeable." Again this is a very strong private property state and I as a staff person do not want go and change other peoples properties to accommodate one persons interest. If they want the other property owners to be what they are then they simply need to provide us letters from them stating that this is what they want. But absent that we are not going to take do anything about it.

Chairman Case: I have one question before I have to leave for another engagement and turn the proceedings over to Vice Chairman Trautman. If considering the additional items that have come in at the last minute are there any considerable changes that need to be noted and have the hearing open back up for public testimony?

City Attorney Grove: If you want to make considerable changes to the map and text, since Planning and Zoning is a recommending body, you can, with out having to notice again as this is part of the noticing process and the recommending body. If City Council made considerable changes then it would have to be re-noticed. You can open the hearing again if you feel that the additional testimony is warranted.

Commissioner James: The other theme that I pulled out of the letters, ACHD, Compass, and Idaho Smart growth they had some concern on the population forecast in the com plan, is this a significant concern that we need to change in the text of the comp plan?

Planner Director Hasson: No there is not a significant concern. Where they were troubled is that we provided several different alternatives on the forecast depending on certain projections. They want some level of comfort for the functioning roadmap that we have constructed. There is nothing in the comp plan that is not realistic.

Commissioner Wierschem: I just want to thank Margo Whale for the additional information and the time that she has put in.

Vice Chairman Trautman: There is a gentleman who wishes us to reopen the public hearing, Commissioner Sanders does not think we need to; Commissioner Wierschem and James are neutral. Has staff reviewed this document that he wishes to present?

Planner Director Hasson: I think that opening the public hearing and hearing what Mr. Trainer has to say would be a good idea.

Open public hearing at 6:47 pm

Neutral:

Charles Trainer-800 S Industry Way, Meridian: The map was transmitted to you through Steve. It was taken off of the numbers of 120,000, one of the numbers represented in the plan. We allocated it out across your planning area according to the land use. We created some employment to match these numbers. 2030 is the program that we used to provide this data. There are some financial issues facing Kuna as well as ACHD and other jurisdictions in the region. The importance of collector roads is very important as well as back-age roads to help take the load of those collectors. Driveways make the roads very hard to flow, such as Eagle road, that is why the back-age road are very important.

Tom Attwodd- residence of Desert View Estates and I am the vice president and the operator of the water system. For a number of years we have been talking amongst our small community and we are going to get annexed into a city and we would prefer Kuna. I can't represent the people as we do not have a homeowners association, but I talk to a lot of the homeowners. We are in the Kuna, school, library, and fire districts and want to be included in this plan. I have been running the water system for 30 years.

Karen Klostic Desert View homeowner, we do now have a homeowners association but the other three members could not be here tonight. I have contact information if it is needed to let us know of any developments or if there is a change we should be aware of.

Bill Clark -3543 W Ambrosia Lane: I agree in principal that once a hot color is on the map it looks good, I hate to see a higher density just because of the color is hot, but a higher density is not always better. And second that is normal to approve several scenarios and let the Council make the final decision.

Lavar Thornton- 2800 S Ten Mile. My son owns the property that is in question there and he is requesting to be left out of the plan, and my other son is over by Margo Whale. That property has already been annexed into Kuna and it would not be a very good rural cluster. This is his wish that the property be zoned medium residence.

Tim Gordon 1206 N Black Cat- I own about 200 acres in that area that Margo is suggesting be zoned Rural Cluster and that property is already zoned and has a preliminary plat approval and would require that density. It is in the LID and I would need that density to meet those obligations.

Margo Whale- Ambrosia Lane- in respect to Mr. Thornton I would like to address that we do not want to prevent the other land owners from developing, but I believe that his other son's property was annexed in without being in the LID and was annexed in as Agricultural and does not have any current commitments on it. Our request would be a least a low residential instead of medium, and let the landowners pursue the change at a latter time and not set the expectations at this time. We are currently in a agricultural area and we do have a air strip, there can be some future challenges right next to a air strip. My earlier letter was trying to show some consistency between the plan and that particular area west of the railroad tracks because it makes it difficult for public services. The letters from smart growth and ACHD, shows that the densities were higher than the growth, and I believe that some of the high densities in that area are not necessary.

Close the public hearing at 7:01 pm.

Commissioner Discussion:

Commissioner James: this is not a cop out but do we want to send two maps to City Council that shows the different densities, one as it is and the other as low density for that area to get a a different perspective?

Commissioner Sanders: I have a problem with that. Kuna Road is going to be the entrance road into Kuna, and I don't think that maybe we have gone far enough in what's going to be a major corridor. If we restrict a major entrance way into Kuna by way of saying that it is going to be agricultural and I think that we are putting off decisions that need to be made for the future and it is not good planning. The planning is done and is very good as it is now.

Vice Chairman Trautman: I have mixed feelings about the area around Blackcat. My biggest concern is the air strip, I believe that at the time of development plans can be made for that air strip. I agree with the higher land use density and it will be a area that develops and that density is appropriate.

Commissioner Wierschem: I believe that we have a excellent document before us and it is hard to take everyone into consideration and please everyone. I lean more towards a land owner in what

they want instead of what someone else saying that is what they would like to see there instead. I think that Kuna will grow and this is a excellent document to help us start that process in the right direction. This document will change and be altered over time but it is a great start. I want to thank all the people who came out and participated.

Commissioner Sanders motions to recommend approval to City Council 09-01-CPA with the vote of 3-0 with Chairman Case absent at time of the vote with the following conditions:

- The FLU Map without the proposed Idaho Power Transmission line easement.
- Inclusion of the lands north of Lake Hazel and south of Amity Road into the Planning area boundary.
- Inclusion of the Desert View Subdivision into the Area of City Impact boundary.
- Remove the Brad Thornton 40 acre parcel along Peon Road from the Area of City Impact boundary.
- Deny Margo Whales request to change the land use designation on surrounding parcels not in her ownership.
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Commissioner Wierschem seconds, motion passes.

NEW BUSINESS

Planner II Troy Behunin will give a presentation on the proposed New City Park on Lake Hazel. Here is a map of the proposed regional park on Ten Mile and Linder. We have a meeting coming up on June 1 to get some input from the public and want to get as many people there as possible. This is just a proposal that staff has put together and we are seeking to annex this property and as part of the annexation and we need a conceptional site plan. We want the input from the public on what they want in a regional park. The public seems to be excited about this project and we have received maybe one negative comment and that was it didn't come sooner or have other facilities. It will have a variety of things from ball fields, dog parks, park-in-ride, pavilions and large open spaces are just a few. The land is purchased which is one of the larges costs associated with parks. This project that will generate costs, and there are some ways the City plans on doing to offset those cost, and most certainly donations and volunteer hours is always welcome. At this time I do not have any thing concrete on how it will be funded.

REPORTS

City Attorney Grove: No Report

Planner Director Steve Hasson: I report that I have no report

CHAIRMAN DISCUSSION

Commissioner Sanders : I would like to report that ACHD is finally doing the sidewalks along Linder and 4th street. They will start on June 22. We have waited for this for years.

ADJOURNMENT

Commissioner Wierschem motions to adjourn at 7:25 pm
Commissioner Sanders seconds, all approve, motion carries.

David Case, Chairman

ATTEST:

Tracy Rushlow, Planner