

**Kuna Planning & Zoning Commission Meeting  
September 23, 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.*

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**Those present:**

Commissioner Stan Sanders, Commissioner Curt James, Vice Chairman Carl Trautman, Director Steve Hasson, Planner II Troy Behunin, Planner Maranda O'Bray and Planner Tracy Rushlow, Absent: City Attorney Grove, Chairman David Case, and Commissioner Stephanie Wierschem, The Kuna Planning & Zoning meeting was called to order by Vice Chairman Trautman at 6:00 p.m., located at the Kuna City Hall, 763 W. Avalon, Kuna.

<b>Consent Agenda</b>
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Vice Chairman Trautman opened the meeting at 6:00 pm

Planning and Zoning minutes:

**Minutes: September 9, 2009**

**Facts and Findings, Conclusions of Law:**

1. **09-02-SUP (Special Use Permit) – Kuna Commercial Mall**
2. **09-03-SUP (Special Use Permit) LDS Church**

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

<b>OLD BUSINESS</b>
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1. **David & Helen Tidwell – 09-04-AN / 09-06-ZC / 09-05-DA continued from 08-26-09**
2. **Reed & Leah Jarvis – 09-05-AN / 09-07-ZC / 09-07-DA continued from 08-26-09**
3. **Gary Herriott – 09-06-AN / 09-08-ZC / 09-08-DA continued from 08-26-09**

1. **David and Helen Tidwell 09-04-AN, 09-06-ZC, 09-05-DA**, Steve Hasson Planning Director; The City has acquired 107 acres of land between Linder and Ten Mile above Lake Hazel as part of that acquisition. Since it was in the County, and at the time we pursued that land to bring into the City, we invited some individuals in the approximately of that land to annex along with the City if they so desired. The reason is we knew of that interest was from last year when we were discussing on whether or not we were going to expand our planning boundary up to Amity. Some of the property owners, one in particular was Paul Taylor who said, let me talk to some of my neighbors and before long there was 600 hundred acres owned by different property owners who said if given the choice that they would rather be in the City of Kuna than Meridian. And with that the Council set our boundary at Amity. And I was aware that there were a few properties in the general area of the City park land and I asked if they wanted to piggyback in on the City's annexation. We bundled the annexations together, you heard part of them at the last meeting and the rest are coming before you tonight. Three of them we asked you to continue because one of the property owners who was key to the other two property owners coming in had some questions and concerns on whether they wanted to come into the City or not. I went out and talked to Mr. Tidwell. One

of his biggest concerns is he did not know what his property tax would be if he annexed into the City on the 40 acres he was considering on bringing in. I got with John Marsh, who is our City Treasurer and he called the assessors office to find out what Mr. Tidwell taxes were in the County and what would change and by how much by coming into the City. The amount was nominal only about \$16 more per year on his agricultural land. When Mr. Tidwell got all of the analysis in writing he decided that coming into the City would have a minimal tax effect.

That is why we asked for the time so we could talk with these individuals to make sure that they were comfortable with the transition of coming into the City of Kuna. They are very comfortable at this time, and I would ask that you look at them and if approved we will bundle them with the other five already heard so that they can all be heard at the same time for City Council.

Commissioner Trautman: The white spot in the middle of Tidwell's property, is that not included in the annexation?

Planner Director Hasson; that is correct. That is a separate parcel that has Mr. Tidwell's home on it and to bring it into the City would increase his taxes by approximately \$208 per \$100,000 assessed value so he did not want to bring it in at this time. We have in the development agreement that if and when the other property is developed, this piece will annex in and will be included in any development so as not to have an "island" by itself. And that serves both the City's interest and Mr. Tidwell's interest.

Commissioner Sanders: I noticed that we have a letter from the Mayor of Meridian. Is this annexation going to increase the problems with Meridian? Do you foresee any resolution of this problem with Meridian?

Planning Director Hasson: Any time two municipalities grow and they grow closer together, they have conflict. It is each jurisdiction advantage to try and reach out and captures as much resources as it can while it can. We have competing interests and as long as there are competing interest there is going to be conflict. The challenge is to keep it down, and even though we are in conflict over this land use action, the Mayor has signed a couple of letters in support for various grants that Meridian is seeking. We are trying to keep side doors and back doors open, it is in our best interest and their best interest to keep those doors open.

Commissioner Trautman: Do you have a map or something that shows where Meridian is as far as annexed land close to these annexations?

Staff: We have a map that shows where the closest land that is able to annex in to the City of Meridian and it is over two miles from any of these properties.

Maranda Obay: Mr. Tidwell is coming in as Agricultural; he has no interest in developing his property in the near future. He is providing a path of annexation for the other two individuals that will be presented tonight.

Commissioner James: On the development agreement: is it just the one part that is different than the boilerplate development agreement by having the section dealing with the out parcel in it?

Staff: Correct. The majority of the development agreement is standard other than the section having to do with the development of the property and that out parcel.

Open public Hearing at 6:33

Support: none

Oppose: none

Neutral: none

Close public hearing at 6:34

Commissioner Discussion:

Commissioner Sanders: I don't have anything to say.

Commissioner James: I am of the same mind frame. We pretty much discussed this at the hearings for the others and this one is not much different, so I don't have any comments.

I made my decision pretty much when I approved the comp plan map that included this in the Planning area. I am comfortable with decision.

Commissioner James motions to recommend approval of 09-04-AN / 09-06-ZC / 09-05-DA to City Council with the following conditions:

- Meet all site specific and standard conditions, staff and agency requirements

Commissioner Sanders seconds, all approve, motion carries.

**2. Reed & Leah Jarvis – 09-05-AN / 09-07-ZC / 09-07-DA** Planner Maranda Obray presented. Mr. Jarvis is annexing in three parcels to the north of Tidwell with approximately 15.56 acres. He is currently Rural Residential in the County and he is annexing in as R-4.

Applicant Becky McKay, Meridian ID, Engineering Solutions; Mr. Reed Jarvis wanted to convey that originally this was a 110 acre family farm that their father owned and the children inherited it and it was divided up amongst them. Mr. Reed Jarvis has 15 acres and it was his desire to annex into the City with Rich Jarvis, and Rich Jarvis Jr. and their respected properties. It is a small parcel and they have asked for an R-4 designation. The Commission has asked about the cities and the territorial issues; I would like to give the Commission my experience, I have been in this business for about 20 years now and along the Eagle corridors between Chinden and Fairview, we had Boise City, Meridian and their areas of impact butting each other. Boise decided to expand or upgrade the west Boise sewer plant and bring the trunks up the bench at a considerable cost. Serviceability became a big issue to the property owners and some were already in the City of Meridian's impact area. I represent several clients in those areas and we went to the County Commissioners and asked their thoughts on it. They said it should be up to the property owners to decide which City they want to be in, and what services that they could provide. At that time Boise had sewer in, United Water was there and Meridian did release some of that area of impact and we went to the County Commission and petition to have it included into Boise. Initially there disputes but everyone worked through the issues and finally agreed on those boundaries and it was on who could provide service at that time. I can see this as being in the same situation. Serviceability and the desire of the property owner are the key issues and my clients desire to come into the City of Kuna.

Open the Public hearing at 6:41pm

Support: none

Neutral: none

Oppose: Anna Canning, Planning Director Meridian. I sent in a letter from Mayor Tammy De Weerd. I would like to summarize from the letter the Mayor of Meridian that was written for the record. The point that the City of Meridian wants to make is that we did look at this area, we worked with all the residents in this area and we took in testimony of the property owners when we took this area in to the area of impact. The overlap area in particular, when we were doing our planning efforts, it was clear that ACHD did not have a planned roadway system to support urban development. Like wise the Meridian Rural Fire District that will serve the area is not prepared to service urban development at this time. Those things do not change, and if you annex them it is the same if we annex them, it is basically the same people but it changes a little bit on the fire district. The area is about two (2) miles from both of our urban edges. You have annexed land closer but the actual urban area is about the same. The other point is the duplication of services. We are both planning for sewer and water for the area and that is not very efficient. Our Mayor was hoping to get our respective City Engineers together and try and work out a solution that did not involve annexation or duplication of services but to my knowledge they have not had a chance to get together. The other issue falls on the fairness to the property owners. The property owners should have some decision, but the decision on this one affects quite a few people. If you annex these properties it will precluded up to 25 other property owners and some of those properties have stated on public record that they wanted to be part of Meridian. It is a

fairness issue, we did not contact all of the individuals to put on a list, but there were some, in particular in the Jarvis subdivision, many of those property owners stated that they wished to annex in to the City of Meridian.

That is basically the contents of the letter and as an elected representative of the City of Meridian; the Mayor was stating in this letter that she could not support the City of Kuna annexing into the overlap area.

Close public hearing at 6:46

Commissioner Discussion

Commissioner James: I really don't have anything to discuss, it is in the same realm of what we have discussed in the previous annexations.

Commissioner Sanders: I agree, I do not have anything else to add.

Vice Chairman Trautman: It is all in the same context and I do not have anything to add either.

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

- Meet all site specific and standard conditions, staff and agency requirements

Commissioner Sanders seconds, all approve, motion carries.

2. **Gary Herriott – 09-06-AN / 09-08-ZC / 09-08-DA:** Planner Maranda Obray presented. Mr. Herriott has four parcels that come to approximately 13.39 acres and coming in from a Rural Residential in the County to Agricultural in the City of Kuna. It complies with our comp plan. I would like to state that during our meeting for the City park to get the idea of what the Community would like to see, and their opinion on and what they wanted for the park, there were a number of properties that wanted to come into the City but they wanted to wait until services came across to them that they would like to be a part of the City of Kuna. As far as a pathway to the City of Meridian, those properties that might be cut off had expressed a desire to a part of Kuna, not Meridian.

Commissioner Sanders: In the middle of the property is a section marked different, is this also a separate part of property similar to the Tidwell's?

Staff: No that is a canal. He is trying to buy that canal easement; it is a old State land easement that use to be for a canal that no longer exists and goes back to the time when it was a township and had two sections set aside for school property, and it got set aside and never got cured somehow. He will have to go to the Department of Lands and they move real slowly.

Commissioner James; Any anything unusual in the Development Agreement?

Staff: No, just your standard Development Agreement.

Open Public hearing at 6:51

Support: none

Neutral: none

Oppose: Anna Canning 33 E Broadway, Meridian: I want to restate my comments. I apologize for being late I thought that it started at 7pm. I would also like to extend an invitation to the Idaho Chapter of the American Planning conference. It is free to Commissioners and appointed City staff

Close the public hearing at 6:53.

Commission Discussion:

Commissioner James: I have nothing to add.

Commissioner Sanders: I also have nothing new to add.

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

- Meet all site specific and standard conditions, staff and agency requirements

Commissioner Sanders seconds, all approve, motion carries

## NEW BUSINESS

### **08-14-SUP (AMENDMENT) – Les Schwab Tire Center**

In February of 2009, commission approved the special use permit for Les Schwab Tire Center to be located within Profile Ridge Subdivision off Deer Flat and Hwy 69. The Developer is requesting special use permit approval for a 12,000 square foot commercial building to provide a retail and auto-service center for tires, wheels and related products, as well as front-end alignment, brakes and shock absorber services, (no engine repair, no oil changes). The site currently is located on a parcel which will go before City Council to request approval for a Lot Split, following Commission decision; dividing the parcel into two, leaving Les Schwab Tire Center on the western section of the split parcel. They have not changed anything on the original plans and they have complied with the requirements form the Design Review Committee.

Commissioner Sanders: when we originally approve this there was the condition of no outside storage and I see on exhibit 10A that there is a bullpen, yet on the same exhibit 10A it says that no outside storage is allowed on this property. Since there is a bullpen, I think that we can strike out the wording of no outside storage on this exhibit, since this site is much larger and there is room for a bullpen if one is going to be implemented. Right now it is conflicting on the exhibits.

Applicant Mike Oxman, Real Estate department of Les Schwab's Tires, Bend Or. The situation at Deer Flat is unfortunate, and we are very pleased with the arrangement that we were able to work out with Mr. Nichols. There is nothing in the staff report that is going to cause us any problem, a few concerns with extending lines of the utilities, but that is with the City Engineer. ACHD says that we will generated 244 trips per day, if that's new trips that will be good for everyone and all the business's will benefit. We don't expect that to happen through. We are well known in small communities and we like to be in the smaller communities. For the bullpen or outside temporary storage; we recognize that if we build anything we are going to have to screen it. We know that we will have to go through design review and they may add extra requirements in regards to screening. A bullpen is a temporary storage area as we pick up the tires on a regular basis so they (the tires) are not there for long.

Something else that I would like to discuss is the fact that ACHD wants us to provide a temporary turn around when there is one across the street that the Young's had to put in. Our lot is big enough that we really do not need to have one; the fire equipment would not have any problem getting its equipment in or out of the site. We will be having semi's come in so if it is big enough for them, there really shouldn't be a problem with the fire department's equipment.

Commissioner Sanders: I just want to thank you for following through when the other property did not work out and I believe that you will be a great asset to the Community of Kuna.

Open Public Hearing at 7:10

Support: none

Oppose: none

Neutral: none

Close Public Hearing at 7:11

Commission Discussion:

Commissioners James, I don't really have anything to discuss on this. We addressed all our concerns when they were at the other location and this location I believe is much better, a bigger lot and it is a better fit overall.

Vice Chairman Trautman: I agree, what do you think about landscaping by the bullpen?

Commissioner Sanders: I think that it is already shown to have landscaping and when they do build the bullpen they will have to go through Design Review, so I believe that it will be addressed then if they think that additional landscaping is needed.

Commissioner Sanders motions to approve with the following conditions:

- Meet all site specific and standard conditions, staff and agency requirements

Commissioner James seconds, all approve, motion carries

## REPORTS

**City Attorney Grove:** absent

**Planner Director Steve Hasson:** none

## CHAIRMAN DISCUSSION

none

## ADJOURNMENT

Commissioner Sanders motions to adjourn at 7:18 pm

Commissioner James seconds, all approve, motion carries.

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Carl Trautman, Vice Chairman

ATTEST:

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Tracy Rushlow, Planner