

**CITY OF KUNA
PLANNING & ZONING COMMISSION**

**MEETING MINUTES
Tuesday, February 14, 2017**

PZ COMMISSION MEMBER	PRESENT	CITY STAFF PRESENT:	PRESENT
Chairman Lee Young	X	Wendy Howell, Planning Director	X
Commissioner Dana Hennis	X	Troy Behunin, Senior Planner	X
Commissioner Cathy Gealy	X	Trevor Kesner, Planner II	
Commissioner Ron Herther	X	Nancy Stauffer, Planning Technician	X
Commissioner Stephen Damron	Absent		

6:00 pm – COMMISSION MEETING & PUBLIC HEARING

Call to Order and Roll Call

Chairman Young called the meeting to order at **6:00 pm**.

1. CONSENT AGENDA

- a. Planning and Zoning Commission meeting minutes for January 24, 2017
- b. 16-03-CPM (Comprehensive Plan Map Amend) and 16-10-AN (Annexation) Ashton Estates Subdivision; Requesting approval to amend the Comprehensive Plan (Comp Plan) Map, from Medium Density Residential to Mixed-Use General over approximately 50.6 acres into Kuna City with the following zones; C-1 (Neighborhood Commercial), R-6 (Medium Density Residential) and R-20 (High Density Residential). The subject site is located on the south-east corner (SEC) of Meridian and Deer Flat Roads. ***Findings of Fact and Conclusions of Law.***

Commissioner Gealy motions to approve the consent agenda; Commissioner Hennis Seconds, all aye and motion carried 3-0.

1. PUBLIC HEARING

2. 16-12-AN (Annexation) – **Renascence Farm and Mason Creek Farms**; Applicants, Renascence Farm, LLC, Spaulding and Anderson and Mason Creek Farm, LLC, requests approval to annex approximately 165 +/- acres into the City of Kuna. Applicant requests the R-6 (Medium Density Residential) for all properties. 139 acres of the application are located between Ten Mile and Black Cat Roads, south of Amity Road. Approximately 26 acres are located near the NEC of Ten Mile and Lake Hazel Roads, east of Ten Mile and north of Lake Hazel.

Kevin McCarthy: Good evening, my name is Kevin McCarthy address 9233 W. State Street in Boise. Tonight, before you, you have an application for an annexation and zoning for approximately 162 acres near Ten Mile and Amity. 139 of those acres are located south of Amity between Ten Mile and Black Cat roads, and are known as the Renascence property. The other approximate 25 acres is located on the east side of Ten Mile north of Lake Hazel. One of these parcels is known as the Mason Creek parcel, which will become part of the Caspian Estates project, and the other is a small parcel providing the path of annexation for the Renascence parcels. The Mason Creek parcel is contiguous to approximately 168 acres currently annexed into Kuna, along with the entirety of its' east and north property boundary. At this time our client has elected to apply for annexation and

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zoning only with plans to submit a preliminary plat in the coming months, assuming we have a favorable recommendation this evening and ultimate approval from the City Council. We are requesting a zoning of R-6, falling directly in the middle of the density allowed for land identified as medium density residential. This will allow for a variety of lot types across the site consistent with the city's comprehensive plan, which will be our intent when we design the preliminary plat. We appreciate all of the work we have had with Troy to get through the application, we have reviewed the staff report and agency comments and have no objections to the conditions listed. With that I will answer any questions you may have.

"No questions at this time"

Chairman Young: Ok, then we will have Troy come on up.

Troy Behunin: Troy Behunin for the record, Planner III, Planning and Zoning Department. The application before you tonight is 16-12-AN for the Renaissance Farm and Mason Creek Farms annexation application, which includes some other parcels owned by other folks outlined in your packet. That would include the Spalding piece, the Anderson piece, the Kolson piece and also the former Roberts piece, which provides the touch for an annexation. The applicant, Tim Eck, has submitted all necessary items for this application and they have been forthcoming with all of the other requested information from staff to this point. The application has met all required noticing procedures and requirements, including a meeting with land owners that live within 300 feet of the property, actually staff gave the applicant a list that included properties up to about 320 feet, 300 feet is the minimum. Tonight's meeting was also noticed with a flyer to the same people using that 300-foot list that was used for the land owner meeting prior to the application being submitted. The site was properly posted and a legal notice was printed in the Kuna Melba News and the applicant has complied with everything else that staff has asked for up to this point. This annexation request is a category A annexation as defined by the State of Idaho, which states that a land owner may request, from any given city, for annexation into their city limits as long as that property touches current city limits, which this applicant has been able to obtain. Notwithstanding, the fact that any property, at least for the city of Kuna, any property that touches the city limits is still eligible, whether or not it is actually in a defined, approved, or otherwise, any kind of other city impact boundary line. The only two requirements is that a land owner is willing and that they have a touch, which they have secured. The history behind this annexation request is quite a long one. We will sum it up by saying that staff, and when I say staff, I mean me, I have been working with the applicant on this application for more than four years and I have been working with other members of this audience for this annexation for the better half of seven and a half years. The applicant has finally obtained the necessary touch to the city limits and that is the reason why we are having this meeting tonight, because he is requesting this category A annexation. They are seeking an R-6 zone, which is medium density residential, and that is the most common, or the typical zoning type for the city of Kuna and I know that this particular developer rarely hits the maximum allowed units per acre, but I will answer any questions, if there are any questions for him about the densities, but that is the zone that he is seeking, that is smack dab in the middle of the medium density residential definition. This project is not quite a half a mile away from the cities northwest waste water treatment plant on south Ten Mile road, just south of Lake Hazel. During 2008 when the city was going through its comprehensive plan update, the city did envision that this area would be included in the city limits at some point. Suffice it to say that a number of years have passed and there has been a number of contentious points with, not only the city of Meridian, but also with Ada County asking for a common ground on a city impact boundary line, which, in staff's opinion, city impact boundary line is just a line on the map, because as I said before, category A annexation, there are only two

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conditions, willingness by the land owner, and a touch. So, no matter what you hear, or what you have heard from anybody, if there is anybody who questions whether Kuna has the authority to annex this property, let it be known that, by state code, by Ada County code and by Kuna code, as long as the touch is obtained, it can take place. The city has provided for the means to provide sewer and water lines and service for the area s this treatment plant is real close to the project. I might be able to answer some questions later on, right now I hope that you have had a chance to review the packet, review all of the information by the government agencies that have responded and I would stand for any questions you might have at this time.

Chairman Young: I'm not sure if it is really a question for you or the developer in this case. There was mention of a sewer facility out there for the existing subdivision out there and some of it may be somewhat temporary, or can one or the other...

Troy Behunin: I'm sure the developer can actually address that question, but I do know that there is an opportunity for that facilitation to happen, but it is not a requirement. I can also expound on the fact that this area is included in what has been deemed and approved by Ada County as the Meridian City impact boundary. I know first hand and also a letter has been submitted by the developer that he has met, not only with Mayor De Weerd, he has also met with a council member and their lead council. This annexation will not go opposed...it will be supported by Meridian city and they will not have any objections, even though it is in their area of city impact boundary line and there is a really simple reason for it, in order for Meridian to service this area they would have to extend their lines a significant distance and they will also have to provide what's called a lift station in order to do that. This land is gravity flow and will work better with gravity and mother nature for serviceability. But yes, that invitation has been extended to the Bitter Creek subdivision.

Chairman Young: Are there any more questions for staff?

"All No"

Troy Behunin: Staff would also like to point out that there was a typo, it was brought to point out attention early this afternoon, in section J, Item one, it erroneously stated January 24th as the meeting for tonight. That is indeed not eh case. Staff will correct that to reflect tonight's meeting date. I have also received, just tonight, a couple of letters of support, they are late exhibits, I will just give these to you now.

Chairman Young: At this time, we will go ahead and open up the public testimony for those that are signed up. I have two people listed to testify. One didn't indicate whether or not they wanted to. I will mention that, as far as when you come up, please state your name and address for the record and you will have three minutes to present your comments and then the timer will go off and we will ask you to please respect everybody's time when the timer goes off. Afterwards the applicant will have a chance to respond for a few minutes as well. With that in mind I have listed to testify in opposition is Tim Kelly.

Tim Kelly: Tim Kelly, my address is 3891 W. Daisy Creek Street, Meridian Idaho. Chairman and commissioners, I'm here on behalf of Bitter Creek Meadows subdivision, I understand that if I'm representing the whole subdivision I might have 10 minutes, is that correct?

Chairman Young: I will defer to Wendy on that.

Wendy Howell: Inaudible

Tim Kelly: I would just like to illustrate our position in regards to this development. The homeowners within the Bitter Creek subdivision submit this letter for record to show that (inaudible) opposed annexation plan for Renaissance and Mason Creek Farms case #16-12-AN. We are not actually opposed to the development of this land in general, however we are opposed to the specific plan as written. We believe that when the land

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development occurs, there must be an impeccable balance between property owners that have already developed and built and those with undeveloped property. In regards to the city of Kuna impact, I heard some things, I may be uneducated, or don't agree with, but, after an exhaustive search of your website and comprehensive plan, it was difficult to locate anything that represents visual written evidence, that any consideration has been given to the area north of Lake Hazel and south of Amity between Black Cat and Ten Mile. The city of Kuna city impact map, dated 15 December, did not address any land development issues north of Lake Hazel road. The online interactive zoning map does provide visual representation, but everything north of Lake Hazel road is still RUT or there is one small area that has another zoning, but it is not R-6. The city of Kuna city zoning map has planning line at Lake Hazel and the area north of Lake Hazel zone is RUT, which is what we are zoned. The zone code for a compatible zoning code within the cities plan is only an R-2. It is not represented that Kuna established zoning districts, the two maps, I actually called the planning department and got two maps sent to me. One was an area of city boundary dated of August of 16, still nothing north of Lake Hazel and the ACI future land use dated December 15 still nothing that we could see that any planning has been done North of that line. Your housing development the 2015 city of Kuna comprehensive plan includes a section of housing goals, objectives and policies. Proposed plan is actually the antitheses of goal number two, which is to encourage logical and orderly residential development. The development is neither logical or orderly, it is a classic definition of leap frog. That definition, leap frog occurs when developers build new residences some distance from an existing urban area, bypassing vacant parcels located closer to the city. In other words, developers choose to build on less expensive farther land away from urban area that are more costly, and instead of more (inaudible) closer to the city. This project stretches a very long and narrow land path asking to place medium density housing beyond your area of impact. We understand that Ada County understands that your area of impact rests there at Lake Hazel. Your objective 2-1 states that insure the development proceeds a logical and orderly manner so that public services are provided in a cost-efficient manner. I ask where is the planning that supports medium density. Could planning only supports low density because if you look at your zoning code in low density you got exactly what you need there. We actually experienced the downside of leap frog development in Bitter Creek Meadows when it was developed. Because we had a solid commitment from the city of Meridian and our developer that services would be delivered. Homes were built, the developer of the city of Meridian failed us. A down turn could happen at any time for any number of reasons. We all need to learn from our experience with the Bitter Creek Meadow subdivision. As far as zoning, your code, you asked for a transition are between zones. I need to illustrate the area in the ground between the Bitter Creek Meadows subdivision is rural nature and is at both the city of Meridian and the city of Kuna's planning area. It is our understanding the division line is actually disputed, but falls somewhere between Amity and Lake Hazel roads. We have already developed built our subdivision and are happy with the RUT zoning in which our homes have. Our neighbors outside of our subdivision have developed their properties in a rural or agriculture environment as well. The R-6 zoning as proposed is not appropriate for the area between Amity road and Lake Hazel. This zoning allows for a lot of range of housing types as does most of the city of Kuna's zoning codes. There's potential for a manufactured home housing development being placed on our back fence of homes that average half a million dollars. We believe an appropriate zoning in this area is low density residential district, R-2, even though manufacturing homes are still allowed in the R-2, it doesn't make fiscal sense and the risk is greatly reduced. Our home owners' association neighbors would support an R-2 zoning district. Furthermore, one of the purposes of the R-2 zone is to serve as a transitional buffer between rural areas and higher density urban development. R-2 zoning is not intended to provide a full range of urban services, which actually matches your current planning effort from the city of Kuna. Without a plat, which I know this process doesn't require, we have no ability to weigh in on if it

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would even work. Again, we oppose it because we have no idea what the developer is going to do there. Recommendations, respect the development already completed. Follow your housing goals objectives policy established, especially goal 2, encouraging logical and orderly residential development. Zoned property south of Amity road, east of Black Cat, north of Lake Hazel and west of Ten Mile roads should be R-2. We actually ask to suspend this process, the annexation and zoning, until a plat can be developed and there may be some negotiation, at least in our aspect, past our current position. There have been a few noticing issues, we had a meeting last night and I don't have details, but I just put you on notice that there are some people that are not being notified in our subdivision. In regards to the support of the city of Meridian, we have actually talked extensively to a number of people in the city of Meridian's staff. In the applicants letter it refers us to annex C-1. The letter that I got, or the packet I got has no C-1 enclosure, so I cannot see what he is actually representing to have for support from the city of Meridian. We did have or call the Mayor's office and the answer we got back, again, like they said, we are not going to oppose it, but we don't support it. But that will be the only one allowed between Lake Hazel and Amity. So, why this one? Well, there may be another reason with the developer and the EDU connections he currently owns and assessed against it, so, we would like to hear what that status is and if that has anything to do with the push for R-6 zoning in such a rural area that is at the edge of your impact area and some will argue, beyond your impact area.

Thank you.

Chairman Young: Excuse me sir, can you hand me the list of names that you have for that? Thank you.

Is there anybody not on this list that has not signed up that would like to testify? Ok, please step forward and state your name and address for the record, and write your name and address on this for the city record. Thank you.

Tracy Vetter: My name is Tracy Vetter, I'm a recent resident of this area, south 5377 Ten Mile, we are just outside of the proposed annex area. We purchased our property at the end of July this last summer. We did get the meeting notice for tonight's hearing, but we were not contacted by anyone at the city of Kuna for any sort of a property owners meeting. I'm not sure exactly when the meeting that Troy was referencing, when that was happening, but we were not contacted, nor were we aware of it. We got involved in this process pretty late, just recently as a matter of fact. We do have some concerns. We would oppose, as Mr. Kelly from the other subdivision, we have a ten-acre parcel in this area, we would oppose this particular annexation as it is written for a couple of reasons. 1. It, just by the look of it from what I have seen is that it seems to be not a very sensible annexation, and if they work very hard to get this lower section, the only contiguous property there, apparently that is what has held it up for the past four years, it still doesn't make sense you have one tiny parcel here, and then the rest of the annexed property is up in this area and as far as this map goes, which is the only notice that we received regarding this annexation, there is no contiguous land there. There is a leap from this property here, to the next property up above. As Mr. Kelly mentioned, this area right now is currently all in pretty much a rural or rural transitional area, that's what we have, we have ten acres, we have horses, we plan to continue on that property in that fashion until they haul us out on a cart. So, it just doesn't make much sense, both from your own annexation rules and what your requirements are. If you want to annex this part, fine, because it's contiguous, the rest of this isn't. Why would you go to the expense of providing services up here, when you have all of this property down here that is not part of this annexed area. It doesn't make sense for the type of density that he's talking about, and while Troy mentioned this developer is known for going less than the medium R-6 density, well that's all nice and well and good, but, who knows what, there is nothing that is requiring him to do anything less than that type of density. And clearly, this area is not meant for any heavier density than is what Mr. Kelly was talking about, which was the R-2 density. We would be willing to see some sort of annexation

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perhaps in the future if it made sense, if it was truly contiguous, if there was a good reason to provide services to all of this property and it seem to make sense as a group, and if it was a density that was respectful of the properties that are currently there and how they are being used. At this point in time it is not. We think you should start over. Thank you.

Chairman Young: One last time, is there any-body else that is not one here that would like to testify? The list that Mr. Kelly was speaking of.

Wendy Howell: Chairman Young, if you could read the list of people that have signed up and verify that they had Mr. Kelly represent them, just to make sure we don't miss any due process here. And verify that they are on the list at the same time. Thank you. The sign-up list to testify.

Chairman Young: The only other name on the list is David Ferguson who didn't indicate to testify or not.

from the audience, inaudible

Commissioner Hennis: Are we missing a sheet, because we don't have their names on there?

Wendy Howell: Does anyone have a sign-up sheet in their possession?

Troy Behunin: Are there two pages there Lee?

Chairman Young: Yes, nobody else has signed up.

Wendy Howell: Then make sure you ask if anyone else would like to sign up.

Chairman Young: Ok, so, Is there anybody else that is not on here that would like to sign up to testify?

from the audience, inaudible

Chairman Young: The list of names that Mr. Kelly gave us for people that he was representing from the subdivision. Then you are not on this list? Ok, then please come forward and sign up. Please state your name and address for the record sir.

David Ferguson: My name is David Ferguson, I live at 3430 Lake Hazel Rd, Meridian Idaho, just up a little bit from the corner down there. We have lived there for quite a long time, long enough that I have seen three floods going on in that flood plane. One of them was quite young, 1951, and then there was another one, maybe, 1970, actually I purchased the farm in 1975. Anyways, we're on the south side of the creek, so we get to see lots of things happening there. I am opposed to the R-6 medium density residential request. So, a fairly large portion of that property is on the flood plane and it's been under water on at least two occasions that I have witnessed. But I have kind of fixed it up because I moved about this much rock off the bottom of that stuff, but I still worry about the fact that people who get on it will be stuck eventually with really high costs for having some insurance on the flood insurance, because I know some of that flood insurance goes pretty high. To make things real short, because of the flood plane, mainly, is, I have talked to the people who are going to do it over the years, they said well, leave it up to the engineers and we'll take care of it, but I don't see that it is actually going to work, especially when you think about what's happened in southern Idaho here. What I really think would be best is to keep farming that place, ok? But beyond that, I think Kuna could use some athletic fields, and that would be a great place to put athletic fields because, even if you get water in there you can still survive without having to put new houses in. Ok thanks.

Chairman Young: Please state your name and address for the record.

Dane Burns: My name is Dane Burns, I live at 5377 S. Ten Mile. On your map here, we are actually the center lot facing Ten Mile road that's inside your proposed annexation. We have a ten-acre lot there, and if I am reading

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this correctly, this R-6 would be six houses per acre, that would be, if we did the same thing to our ten acres, you could put 60 houses in there. For this kind of a rural area, that's crazy, in my opinion it just makes no sense. If you look at the back where you are annexing, that's our back property line, and you could put, I know there's 30-40 acres in there, you could figure out what that is at R-6. If you fill it up, you know the housing development where the gentleman just talked, even for us, that's a pretty tight community in there. If you do that all the way through that, besides being a flood plane, which I know after this last storm, I saw it, it just makes no sense to make that R-6, it's just totally inappropriate for the areas out there. Besides the leap frog effect, that's all I've got. Thank you.

inaudible from audience

Chairman Young: Next I have listed on here is Leslie Anderson, please come forward and state your name and address for the record.

Leslie Anderson: My name is Leslie Anderson, I am here with my husband Brent, 3985 West Amity road. We have a two-acre parcel right smack in the middle of this field, although we have filed a consent to annex, I truly feel the density, the R-6 is too great of a density even if it goes down to four per acre just by the developers own doing, then I believe that it is a rural area and an R-2 zoning makes much more sense at this point. I also wanted to, we walked in about six minutes late due to the detour on Ten Mile and I guess Lake Hazel, sent us quite a bit out of our way and so I don't know if we missed any hand-outs, if there are any views of the actual subdivision, if it's been platted, or any survey information, I mean, we got the green notice, is there any other information that was disseminated publicly?

Chairman Young: No, it has not been platted yet. This is just for an annexation of the property at this point.

Leslie Anderson: Ok, the packets that were described? About submissions of letters that Troy was referencing, are those publicly available here at this meeting?

Chairman Young: They were just entered in.

Leslie Anderson: Ok, I didn't know if they were available, copies.

Commissioner Hennis: On the city website, you can get all of our packets.

Chairman Young: Next up, Mr. Ells.

Christopher Wells: Christopher Wells, 5199 S Bitter Creek. I am in the Bitter Creek Meadows subdivision, I didn't want to negate anything that he said, but I did not receive notice, he has my address as 10046 West Sandy River, which is a previous address from years ago. But our property again, also is abuts up to the proposed annexation, and again, did not receive notice, he went just off of county records, for some reason it still has out old address on there, even though we receive our county bills at our current address at 5199. We did not receive notice. My main concern is, all of that, most of that property is in the West Ada School district. West Ada, I know, school districts don't really change. If that were annexed into the city of Kuna, people would have Meridian addresses, go to meridian schools and pay taxes to Kuna. If it were developed. West Ada schools are playing catch up all the time, they are always behind, and, again, with that high density or medium density development, has there been any consideration for the West Ada schools, again they said the city of Meridian wouldn't oppose it, but they are not the school district. I just wanted to bring that up as a consideration as well that the city of Kuna is trying to, I don't know if it's the city of Kuna, but somebody is trying to annex and develop land that would have a large effect on the West Ada schools without the West Ada schools having any say about it. Thank you.

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Chairman Young: Next we have listed to testify is Linda Lake.

Linda Lake: Linda Lake, my address is 854 n Biltmore Avenue in Meridian, and I own property at 4655 Amity Road. I also represent Herma Sparks, who is my next-door neighbor and I have his consent, and he has 54 acres right adjacent to mine, the corner of Amity and Black Cat, all the way back to Mr. Eck's property. Mr. Man is also here to speak to that, and he is on the south side of Mr. Sparks, and he has 16 acres there. We are in support of this project and my personal opinion is that our properties that are out there are on septic systems and wells and in addition to, so, the sewer being so close to us, our wells are old and our septic are old, and in fact mine has had already problems, and so for us to be that close to the city of Kuna and if our systems fail, it's going to be a huge amount of money to replace those, so, that's one of the reasons, that and the fact that we have held out properties for years and years waiting for the moment to get into the Kuna city, so we would be proud residents of that community as well. We support the density and we think that that is the perfect place for the city to grow to. There is lots of land out there, and I think the system is out there to support that land.

Chairman Young: Next I have listed Clare Bowman.

Clare Bowman: My name is Clare Bowman, I live at 4400 W. Legacy Lane. We are a subdivision on the south side of Mason Creek, immediately adjacent to the subject properties. I'm a very strong believer that a property owner has the right to do everything that is legal with their property, and there are areas like density that you folks get to make a recommendation about. I think the annexation is legal, it works, the density seems very high to me. We are also one and two-acre estate lots all along Legacy Lane. There will be eight of them shortly. We would expect the same kind of separation from dense family housing on our side that Bitter Creek would expect on their side. One of the ways to accomplish that is to use what Dave Ferguson suggested in the way of ball fields and exercise fields, parks, like that. Another is something Dave and I have talked about for years, which is to run a green belt down the north side of Mason Creek. There is well over a half a mile of frontage there that could make an excellent start on a green belt for you out in that vicinity. That's it, thank you very much.

Chairman Young: That is everyone on the list? Is your name on the list and I did not call you? With that I will have the applicant please come forward.

Tim Eck: Good evening Commission, my name is Tim Eck, I live at 6152 W. Half Moon Lane in Eagle. I have a narrative here that I would like to read first, and then I would be glad to spend some time and try to answer some of the many questions they have brought up. There is a lot of history surrounding the property included in this annexation zoning application. For years Kuna's planning are extended to Amity with Meridians Lake Hazel. This resulted in a one mile overlap. Both cities started planning how to provide services to this one mile overlap, each assuming this mile would eventually annex into, and be serviced by them. At that time the path of annexation to Meridian was over two miles, and to Kuna was about a quarter mile. Today the path to Meridian is about one and a half to two miles, depending on the direction, and to Kuna, the applicant properties are contiguous. The path to Meridian is virtually impossible at this time, and for the extended future. There are significant land owners in the pathway to Meridian with no interest in annexation and opposed to annexing into any city. Meridian entered into an agreement with a developer, where Meridian would build a lift station within this mile that would connect to the Meridian waste water facilities, and the developer would bring domestic water from Meridian to this mile. Kuna researched and decided the best location for the Kuna north waste water treatment plant, would be at its' present location, along the Mason Creek drain, and within the sewer shed, approximately one quarter mile south of this mile. Recognizing that the natural gravitational flow of this mile would bring the sewer to Kuna. As the national economy changed, Meridian and the developer entered into a nullification agreement, releasing each other from any obligations to bring services to this mile. While Kuna proceeded by building a waste water treatment plant at the approximate cost of 30 million dollars, with interest,

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and brought, or is currently bringing sewer and domestic water services to within 800 feet of the Renaissance property, less than a quarter mile. It's obvious that the location of these facilities was with the intent to service this mile. Additionally, all land south of the Rossin canal, which includes all of the applicant properties, will gravity flow towards Kuna waste water treatment plant. Meridian proceeded with expanding their area of city impact to include this mile and, subsequently, abandon all plans to service this mile. Wanting to end the arm wrestling with Meridian, Kuna pulled their line on their comp plan map back to Lake Hazel, having already built the Kuna north waste water treatment plant, several hundred feet south of Lake Hazel, followed by extending sewer and domestic water services several hundred feet north of Lake Hazel. Kuna recognized that Idaho law provides the land owner the right to annex their property into any City that they become contiguous to, regardless of area of city impact lines, or city planning area lines, or comp plan maps. It's the land owners option and right. Prior to pulling back their city planning area to Lake Hazel, ...was included in the Kuna comp plan map, and in the Kuna comp plan text on pages 64 and 125. It is clear that Kuna anticipated this area becoming part of Kuna in the future. At one time, the area had a land use designation of medium density residential. The pull back on the map removed the mile from the map, but it still remains in the Kuna comp plan text. It should be recognized that based on the data from the Compas traffic area zones, and new waste water treatment plant, coupled with the nearby developments already underway, Kuna still identifies land in this application as being part of Kuna's future and being developed with the overwhelming typical density, medium density residential. Kuna defines medium density residential as R-4 to R-8, that is 4-8 dwelling units per acre. We are not attempting to push the maximum density, recognized in medium density residential, we are simply asking for R-6 as a maximum number of homes per acre. In order to offer a variety of housing and comply with the goals and policies of the Kuna Comp plan. In addition to the land we own, there are four additional parcels that have recognized the importance of being in Kuna who have signed consents to annexation. One parcel we have under contract to purchase, the other three parcels have agreed to annexation to pursue their best interest, as annexation is the best way to allow them access to the city services, sewer, water, pressurized irrigation, that will be brought to, or near their properties as the applicants' land is approved. I'll speak to a couple of those properties. The Anderson's property is a two-acre parcel with problems. One side of their house is within feet of the property line, they have structures on the west side of their property that are actually straddling their property line, that is significantly on our property. We will fix that. We will do property boundary adjustments with them to get all of the structures on their property fully within their adjusted property boundary and be in compliance with Kuna city codes. It's just the right thing to do. The other two acre parcel the Spaldings' own. We have surveyed every building on their property, as well as every building on the Anderson's property at extensive costs. We have to design around what they've got to make it fit. It's a lot of work to make that work. We have a sewer main that comes from the Bitter Creek Meadows subdivision that runs through our property. We have to build a road over that sewer main, I just can't have it running under houses. The location of that road or that sewer main is going to require us to do what we intended to do anyway, we will build a series of buffer lots between our higher density and the Bitter Creek Meadows homeowners lots. My engineers are estimating that these will be approximately one acre lots, so they will see a very large lot buffer between them and our higher density product. Along the Mason Creek, there will be a pathway, as mentioned. I believe it is the cities policy. We will have a green belt and pathway on our side of the canal. My engineer will step up and speak later to the measures to be taken to analyze the flood plane, the flood zone, and everything necessary to make sure that we are not building residences on lots in the flood plane. The Bitter Creek home owners lost their connectivity to the city of Meridian for domestic water and city sewer when that nullification agreement happened between the city of Meridian and the developer. I was involved because I own the adjacent land and I got dug into the litigation.

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Our project will build a waste water lift station. At the end, or slightly past the end of the existing gravity sewer main that comes out of the Bitter Creek Subdivision. I worked extensively and relentlessly with the past Mayor, the city engineer, to make sure that they would be willing to accept waste water from the 24 homes in Bitter Creek, without the requirement of annexation. That has been agreed to, so when we develop and build our lift station, it will be at the end of the sewer line, they will then be able to take all of their microbial plants off line and drain their waste water right down the gravity sewer main into our lift station pumped back to Kuna. Their problem is fixed for them. The concern about the EDU's, we have a lot of EDU's. Are you familiar with the EDU's from the LID? We have a lot of EDU's. We have land for three times as many EDU's as we have, not counting this land. I have structured a deal with Meridian to work with them. They are actually going to cooperate with us, to a small extent, in the cost of the lift station, and they are going to secure EDU's and all the homeowners in Bitter Creek will be connected to Kuna sewer without annexation. They will not get city water, they will not get pressurized irrigation from the city because to get pressurized irrigation from the city they have to be annexed, or it's water spreading and the city cannot do that. The offer is there if they wanted to annex, we will connect them. If they don't want to annex that's fine. So their sewer problems are resolved. We will facilitate getting the Andersons' property, all their structures on their revised lot. We will have one acre lots, approximately, don't shoot me if they come back at .85. But, very large lots buffering the Bitter Creek lots, following the existing sewer line. We will work with the Saldings' to try and figure out the best way to do a property boundary adjustment for them on their land. They have a two acre square, it doesn't split up easy. They want to be able to split it up and get their son living next to them. We can help them with property boundary adjustments to give them a piece of land that's dividable. It's a foot of dirt for a foot of dirt. We're actually solving a lot of problems. The city of Meridian, I have had several meetings with them. The last meeting I had, they understand my annexation. They sat in chamber meetings with the city of Kuna, recognizing the fact that they have to support our annexation as a condition of their settlement agreement from the litigation that took place with the Bitter Creek homeowners to get them sewer, and the only way to get them sewer is by working with me in this development. I agreed to help them, I didn't have to. I agreed to help them, Meridian is paying all of their sewer connection fees, we are going to reach a point we're going to be able to turn that lift station on, all of their sewer problems are gone. With that, I stand for any questions, like I said, there is 8-10 years of history with this project, about four since we have owned it, but I learned a lot about the project through the litigation we were drug into between the Bitter Creek home owners' association and the city of Meridian and the developer that developed Bitter Creek Meadows. I don't see this a leap frog when we are contiguous. The sewer, the project that is being built right now, there will be a gravity sewer main and water within 800-700, I'm not exactly sure how far they are bringing it north on Ten Mile, there were budgetary constraints with them, but from that point on, we'll take it.

Chairman Young: are there any questions for Mr. Eck at this time? No.

Tim Eck: I would like to allow my engineer to step up and he can maybe make a few notes on the flood plane and how that's addresses.

inaudible from the audience

Chairman Young: He was just responding to your comments. That was his chance to respond to your comments.

Tim Eck: An equivalent dwelling unit is a portion of a prepaid sewer connection. It's based on the cost of building the waste water treatment plant each property that was involved was assessed a certain number of EDU's, each EDU is \$3233.75 toward your \$4239.00 sewer connection fee.

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Troy Behunin: Lee, at this time, I'm not sure that you closed the public hearing, so, you need to make sure that you do that.

Chairman Young: Well, I can't close it until after the applicant rebuts, correct?

Troy Behunin: Actually, you can.

Chairman Young: Then, if you would like to come up please. Oh, I apologize, we will let the engineer go first.

Kevin McCarthy: Kevin McCarthy, 9233 W State Street. So, just to answer a couple of questions on the flood plane, and it is always great when somebody has lived near the property for that long, I will talk to him at some point about that and hear his experience on all of that. But there is a Fema flood plan associated with Mason Creek, and on Fema's maps it's a zone A I believe. Meaning that they don't know exactly in a hundred year event what the elevation the water would be in Mason Creek. So, as part of this project in order to develop the property, we need to do that. So, we are in the process of doing a flood study on the property. What that entails is surveying cross sections through the creek, and in doing a hydrolic analysis to establish what those base flood elevations would be and how that compares to the actual elevation of the property. And then from there we determine really how to design the project, that's going to be a heavily influence, where along Mason Creek we can back lots up to. In some cases you have to fill the property, and some cases you don't, and we won't know that until we complete the study. We started the surveying and then the snow hit and so we have not been out there in a while. We are in the process, but we still got a little ways to go. We will have that as part of our, when we move to the preliminary plat, that will have to be done.

Chairman Young: Mr. Burns

...Like Tracy said, we had not been notified for any of this, so I had a couple of questions since the gentlemen are here. We're on the lots against Ten Mile and you were talking about one acre parcels for homes there, really good way to alleviate some anxiety here, is you said you were thinking about doing, although you are not required to by law, if they rezone this, one acre parcels, how many one acre parcels you gonna do up against the housing development and our property? It sounds like you guys have a map, have this drawn out, have an idea of what you are doing for a plan, is that correct? Sounded like...

Cathy Gealy: Excuse me, you, need to address your comments to us and then Mr. Eck will have an opportunity to respond to your questions.

...Ok, I just thought it would be much easier to go straight to the horses' mouth.

Cathy Gealy: I understand, but we have protocol.

...So I need to ask you? Ok, so I would like to know how many lots you have planned for one acre lots there, I would also like to know what you have done for traffic, with the traffic for Kuna decided to do, what Canyon county and Ada county, which are both going to be involved here. Once you put that many houses in there, and I would also like to know the total number of houses, besides the one acre lots, what else you are planning to do. Most importantly, the road access in and out of all of this stuff. That should do it. If you could answer those questions, I would be appreciative.

Chairman Young: I will go ahead and close the public testimony at 7:08 and have Mr. Eck come forward and respond.

Tim Eck: To answer the question about the design, as my engineer said the snow hit, we have been surveying a lot of information on the property, one thing we had to do is go out and dig up every man hole in the field of the existing development. There were a number of record drawings available, and they were all different. So we had to go dig up every man hole and survey every man hole to find out where that sewer main ends. Now we have to build a road over it. Consequently, we know approximately where that road is going to lay and it's going to dictate some pretty good sized lots against Bitter Creek Meadows subdivision. Like I said, probably one acre

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7/8 acre, they are going to be large. There is not enough room between this road and their subdivision. So all we can do is put big lots there. We have a lot of work to do to figure out how we are going to adjust their property to get all of their buildings on and build roads around, the sewer line runs directly south of your property. So there is going to be a road directly south of their property. There is just a lot that has to be done, we got shut down, like everything did when the snow hit, we can't get out there and survey much in the snow. I'll let my engineer come up now and speak to the traffic study that has to take place and the neighborhood meetings that will go through with the preliminary plat process. I stand for any questions.

Kevin McCarthy: Again, just a reminder, tonight we are looking for the annexation rezone. In order to get a preliminary plat with the density and what the lots are all going to look like, we are going to go through this whole process again. We will go through a neighborhood meeting. We have noted the people that were not notified last time, we will make sure that happens this time. At that time, we will have a lot layout that everybody can look at in the neighborhood meeting, then we will go through P&Z and City Council again, to go through that approval process. As Tim mentioned, when we go through that, we will be working with the highway district and others to go through a traffic study, in order to do that, we need to kind of have an idea on what our lot count is going to be, and at this time we don't know that because I really need to figure out where that flood plane is. So there is just kind of a few things we are trying to figure out, but having a zoning in place is obviously a great help. With that I will stand for any questions.

Tim Eck: It is not completely out of procedure, we will never hit R-6, with so much open space for the Renaissance properties, if it would ease everybody's concern, and if it is proper procedure, we would be willing to change our request for R-6 on the Renaissance properties to R-4. You have seen our plats before, they are generally 3-3 1/2. I don't know what we will be able to hit out there because we have, (inaudible) It's Bitter Creek, we got the flood plane against Mason Creek, but it will be a very diverse project and we will never hit R-4, so if that makes everybody feel better, we'd be glad to drop our request for the Renaissance to drop to R-4.

Commissioner Herther: So, you are saying you won't hit R-4?

Tim Eck: No

Commissioner Herther: Then what will you hit?

Tim Eck: Probably in that mid three range. Again, we are going to get out there and we got a lot of work to do determining where the flood plane is going to be, where this road is going to be, how we adjust the other properties, R-4 is greater than we would hit. But I don't think I can ask for an R-3.75.

Wendy Howell: Just to clarify for the commission, you can entertain his change to an R-4, because it's less intensive use. You can make a recommendation on that or the request on the application.

Chairman Young: With that, that brings up our discussion.

Commissioner Herther: This flood study needs to be done a little early.

Troy Behunin: I'm sorry, we are going to have to ask everybody to stop talking because the commission can't hear, staff can't hear and the rest of the audience can't hear, so please be respectful. I'm sorry, go ahead Commissioner Herther.

Commissioner Herther: Well, I'm just concerned, the question was asked about how many lots, a number of houses and about a traffic study and I'm just thinking that there are so many questions that need to be answered before a decision can be made.

Chairman Young: Well that is part of what the platting process is. Right now, we are just considering whether or not to allow this zone to come in.

Commissioner Herther: An it would be zoned at an R-4.

Chairman Young: If that's the recommendation that we come to today.

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Commissioner Hennis: Well, that's going to determine how many houses they are trying to put into that facility, that proposal.

Chairman Young: Then at that time they can design around that number of homes per acre and develop a plan, but until they know what they are going to be zoned for, they can't...

Commissioner Hennis: They can't do a traffic study if they don't know how many houses are going to be in there either.

Commissioner Herther: At this point we need to know that we are looking at an R-4.

Chairman Young: If that turns into our recommendation.

Commissioner Hennis: Yes, that's part of what we are looking at.

Troy Behunin: Staff would like to point out that when a preliminary plat, which is required and it would also require a public hearing, just like tonight, when a subdivision is designed, then a traffic study will be warranted and required at that point and so will flood plane litigation. So, no, this is not premature, this happens all over the state.

Commissioner Gealy: Sometimes we do get an annexation request with something similar to a preliminary plat, but it is not required.

Commissioner Hennis: Now, one thing that they said is the R-4 for the Renaissance, but what about Mason Creek?

Commissioner Gealy: He said it would apply to everything.

Commissioner Hennis: Is it all encompassing? Could I ask the applicant to come up and clarify that?

Tim Eck: The offer was to reduce the density on the Renaissance properties to R-4, leaving the Mason Creek property at R-6. I can tell you we do have a plat layout for that and I believe...

Tim Eck: (speaking to staff): ...Caspian?

Troy Behunin: Yes I have, it's under four, I can , that I do know.

Commissioner Hennis: So then can we say that that R-4 would cover both areas?

Tim Eck: If that engineer was here today I could confirm, if it is a real hang up I think we could say *inaudible* I'm certain the density is under four on Caspian.

Commissioner Hennis: Ok.

Tim Eck: I would like to leave it at six, but if it is a real hanging point we could go to four because I'm pretty sure it's, that preliminary plat application is forthcoming in about a month and a half.

Commissioner Gealy: So, to clarify again, when you say the Renaissance portion, does that include those other four parcels as well. The Spalding, the Anderson, the Roberts and the fourth one. When you say would apply to those as well?

Tim Eck: I can say affirmatively on the Kolson's, because we are buying that property, the Anderson's are here, I guess I would have to defer to them.

Commissioner Gealy: Because you're not building there.

Tim Eck: No, and we are not buying their properties, we are just trying to fix them.

Commissioner Gealy: But when we annex in we have to put a zone on all of the property whether you own it or not.

Tim Eck: The other three applicants are here and R-4 is fine with them.

Commissioner Hennis: Ok, thank you very much. So, I wasn't sure if you could actually split, what you said makes sense, I mean if we access per parcel then we could split it up, it would be easier to keep that all, especially Mason Creek. That was the main thing that I have is, I just, I think we are getting too much of the same R-6

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throughout the city. All of the things we have been seeing lately have been R-6 and above. I'd like to see some larger lots, some open areas in our housing, because we keep saying that we want to have a diverse amount of housing developments, yet, we all have medium density lately in the last two years probably.

Chairman Young: See some more of that transition between...

Commissioner Hennis: I mean, that's the biggest thing for me, I think as long as we can go down into an R-4, and I know Mr. Eck usually tries to give us a lot of nice looking space and border lots and transitions, so, I would feel more comfortable with that because I would like to have some more larger lot type developments in our city. And also, if we annex into the city, I don't think West Ada would be still providing the school services.

Commissioner Gealy: The school district boundaries are different.

Troy Behunin: Commissioners, actually, I got a call today from the Kuna school district, they did not respond in time for their comments to be included with this packet, but I did talk with Kim Bekkedahl, they have indeed met with West Ada school district about this issue and there are other things at play that are going to leave the boundaries where they are right now. There has been no decision to change them, so the properties that are in their respective school district will stay as they are currently defined. The school districts and the cities do not share the same powers.

Commissioner Gealy: The question I would have for staff is, was West Ada school district noticed in this application?

Troy Behunin: They were not noticed. But staff did have a discussion with them and encouraged them to visit with West Ada and they did fulfill that request.

Chairman Young: With changing to an R-4, I did have concerns about an R-6, I still, it is certainly not an R-2 but there, the lots will be a little bit larger and, as you said, we need to start getting a little bit of that transition land between some of the more, especially that far north. I think I would be in support of an R-4 designation in lieu of an R-6 for their comments.

Commissioner Gealy: In looking it over, I had two concerns and I think they were both addressed. One is...I know that you are at the preliminary stages of preliminary plats, but we are looking for amenities in these areas and I would like for you to consider, and you have offered, open space and pathways, especially along Mason Creek, which I think lends itself to. I'm also concerned about transitions between our larger rural areas and our higher density housing, and you mentioned that you were willing to put one acre buffer lots along some of those areas and I think that clearly addresses the concern about transition, so the amenities, the open space and the transitions are all addressed. My question for staff is, do we need to include that in our conditions of approval? Oh, and I also would support the R-4.

Troy Behunin: Staff would request in your conditions of approval that you say that they work with staff when they come in with a preliminary plat. There is nothing for us to put in a concrete answer right now, because we are not looking at a subdivision plat, we don't know what it's doing to look like, but you can request that they work with staff to meet all standards, and you can certainly request that they consider things, but there is no reason to make any concrete recommendations.

Wendy Howell: You can state that the applicant shall put in pathways, just don't be very specific because we don't know what the design is.

Chairman Young: then at the time the preliminary plat comes in we can address some of that at the same time I believe.

Commissioner Gealy: It seems better to bring it up before the preliminary plat is drawn, than after the preliminary plat comes in. So, I appreciate the applicants willingness to provide those amenities and transitions.

Chairman Young: Anything else, any thoughts?

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Commissioner Hennis: Mr. Chairman I move to recommend approval of 16-12-AN (Annexation) with conditions noted in the staff report and the revision of the properties being zoned to an R-4 as accepted by the applicant, also for the applicant to work with staff during the preliminary plat to consider some amenities and paths as we have talked about tonight, especially along the proposed greenbelt area along Mason Creek and the transition lots near the Bitter Creek subdivision.
Commissioner Gealy Seconds, all aye and motion carried 3-0.

Wendy Howell: Wendy Howell, Planning and Zoning Director. We have made a decision on a recommendation from the consultants group from the proposals that we had gotten in for the comp plan and that should be going in front of the City Council on their next hearing date, which I believe is next Tuesday. That recommendation will be going forward from the selection committee's decision on who they think is the best fit and to start negotiating a price. We are probably starting right away in March... start actively moving on it.

Commissioner Hennis: I remember it taking like two years last time before we signed.

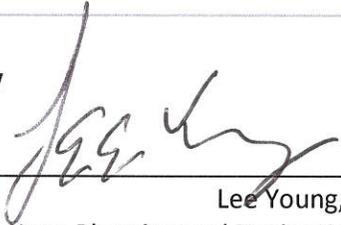
Wendy Howell: I have it proposed for 18 months, and that is with a lot of community involvement, that was in my RFP.

2. ADJOURNMENT:

Commissioner Gealy motions to adjourn at 7:40 pm; Commissioner Hennis Seconds, all aye and motion carried 3-0.

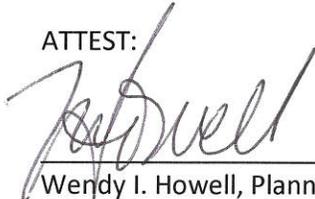
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Lee Young, Chairman
Kuna Planning and Zoning Commission

ATTEST:



Wendy I. Howell, Planning and Zoning Director
Kuna Planning and Zoning Department