

**CITY OF KUNA
PLANNING & ZONING COMMISSION**

**MEETING MINUTES
Tuesday, November 27, 2018**

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	Jace Hellman, Planner II	X
Commissioner Stephen Damron	X	Sam Weiger, Planner I	X
Commissioner John Laraway	X	Bill Gigray, City Attorney	X

6:00 pm – COMMISSION MEETING & PUBLIC HEARING

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

Call to Order and Roll Call

1. CONSENT AGENDA

- a. Meeting Minutes for October 23, 2018.

Commissioner Hennis Motions to approve the consent agenda; Commissioner Damron Seconds, all aye and motion carried 4-0.

2. NEW BUSINESS

18-37-DR (Design Review) – Freedom Fitness; Richard Wilmot, with ALC Architecture, seeks Design Review approval from the Planning and Zoning Commission (acting as Design Review Committee) to construct a *Freedom Fitness* gymnasium with accompanying landscaping, lighting and a parking lot. The project is within Ensign Commercial Subdivision No. 2 at 821 North Meridian Road, Kuna, Idaho 83634 (APN# S1324142215).

C/Gealy: Mr. Chairman, I will recuse myself from this item. **Richard Wilmot:** 1119 East State Street, Eagle, ID. We are proposing a fitness facility off of Meridian Road just south of the existing Dollar Tree building. There will be a workout area with locker rooms and child care available for patrons using the facility. The building is comprised of cement plaster, stucco, metal panel, and standing seam metal roofing. It is our plan to share our parking lot with other future buildings that are developed on the property. We don't have objections with anything in the staff report. The only condition is that we address the location of the trash enclosure. We'll finalize that in the coming week or so. **Sam Weiger:** Chairman, commissioners for the record Sam Weiger, Planner I for the City of Kuna 751 W 4th ST. The applicant is seeking Design Review approval for a new *Freedom Fitness* gymnasium accompanying landscaping, lighting and a parking lot. The new commercial building site is located within Ensign Commercial Subdivision No. 2, at the northwest corner of Meridian Road and East Meadow View Road. The property as it sits now is vacant, within city limits, and currently zoned C-1. The applicant proposes two driveway access points from North Meridian Road. The applicant proposes 78 total parking spaces and 4 accessible parking spaces. Staff finds that the proposed parking lot and parking lot lighting comply with Kuna City Code. All landscaping complies with Kuna City Code, Title 5, Chapter 17, Landscaping Requirements. Comments received from J&M Sanitation indicate that the proposed enclosure meets their standards. Staff would note the applicant was required to submit a new site plan illustrating the new location, dimensions and material types. Staff has determined that this application complies with Title 5 of Kuna City Code; Idaho Code Title 67; and the Kuna Comprehensive Plan. Staff forwards a recommendation of approval for Case No. 18-37-DR to the Planning and Zoning Commission. I will now stand for any questions you may have. **C/Young:** Did you have any feedback from fire as far as any path of travel or anything? **Sam Weiger:** There were no comments from the fire department on the Design Review application. **C/Young:** As far as

CITY OF KUNA PLANNING & ZONING COMMISSION

MEETING MINUTES Tuesday, November 27, 2018

the side layout, the parking lots are there and the circulation seems to work well. As far as landscape, there is not much to landscape. They have the planters in the area. **C/Young:** Architecturally it looks good, with a change in roofline materials. **C/Hennis:** I think they've done a nice job with layout and conformance.

Commissioner Hennis motions to approve Case No. 18-37-DR with the conditions as outlined in the staff report; With an additional condition that the applicant continue to work with J&M Sanitation to arrive at the correct location for the trash enclosure and materials. Commissioner Laraway seconds, all aye and motion carried 3-0.

PUBLIC HEARING

18-05-S (Preliminary Plat) & 18-26-DR (Design Review) – Lete Commercial Subdivision; The applicant, Inaki Lete, requests to subdivide approximately 12.19-acres into 19 total lots, consisting of 10 commercial buildable lots, and 9 Common lots and has reserved the name Lete Commercial Subdivision. A Design Review application for site landscaping, and an addition to an existing on-site mini storage facility, which features eight (8) additional storage buildings on approximately 4.93-acres, accompanies this application. The subject site is located at 1795 West Deer Flat Road, Kuna, ID 83634, within Section 22, Township 2 North, Range 1 West; (APN# S1322111056).

William Mason: I'm with Mason and Associates, on behalf of Lete Commercial. This is on the southeast corner of Deer Flat and Ten Mile. This will be constructed out the same materials and colors as the existing facility. This will actually come with landscaping along Deer Flat. One of the questions in the staff analysis was about something that we needed to do in the landscape areas. There are 19 lots, nine of those are common lots. Those nine lots are in different phases in the project. We've split those common lots up, it's all going to be one facility and one ownership. There will be 10 commercial, buildable lots in these phases when it's built out. We made sure with staff that we would come forward with that preliminary plat, so we made sure we would meet that within one year. **C/Young:** The house that sits currently, is the intent of that house to stay until that parcel develops? **William Mason:** It would stay until that parcel develops if there was a use for that house somewhere else. There's a possibility that it can be relocated sometime in the future. Right now, there's no intention of moving it. **Jace Hellman:** Good Evening Chairman and Members of the Commission. For the Record, Jace Hellman, Planner II, Kuna Planning and Zoning Staff, 751 W 4th St, Kuna, ID. The application before you this evening is for subdivision consideration and design review approval. The applicant is proposing to subdivide approximately 12.19 acres into 19 total lots, consisting of 10 commercial buildable lots, and 9 common lots. The subject site is located on the Southwest corner of Deer Flat and Ten Mile at 1795 W. Deer Flat Road, and has reserved the name, Lete Commercial Subdivision. Staff would note, this preliminary plat comes to the Commission as step towards completing the conditions of approval of a special use permit that was granted by this body in February, 2018, which required the applicant to begin the preliminary plat process for the overall site within one year of the Commission's Order of Decision. The applicant has proposed shared accesses onto Ten Mile Road between proposed lots 18 and 16, 14 and 13, while the remaining lots are to be accessed via an existing access on Deer Flat Road. Following Correspondence with Ada County Highway District (ACHD) access to the proposed buildable lots will only be granted via approved existing access points on Ten Mile and Deer Flat Roads. Furthermore, conversation with staff members at ACHD an additional right-in/right-out entry point along Ten Mile no further than 550-Ft from the Deer Flat Road and Ten Mile Road Intersection will be permitted. Staff would recommend the applicant be conditioned to work with ACHD and City in order to provide access to the site that meets Kuna City Code and ACHD Policy. Additionally, Staff will require the applicant to allow cross access across all newly created parcels. Per comments received by ACHD, the existing driveways that service the above-mentioned household should be approved as temporary full access that may be restricted to a right-out/right-in only in the future as long as the house retains its current function as single-family residence. According to the applicant, the existing house will remain in place until the proposed phase that contains the residence is developed. Staff would note, at such time that the property is redeveloped Ada County Highway District and the City of Kuna will require the applicant to close the existing driveways. The installation of streetlights is a required public improvement listed under Kuna City Code 6-4-2. The applicant has not identified streetlight locations on the

CITY OF KUNA PLANNING & ZONING COMMISSION

MEETING MINUTES Tuesday, November 27, 2018

preliminary plat. Applicant will be required to work with staff in order to comply with Kuna City code and install street lights a maximum spacing of two hundred fifty (250) feet along the site's frontage. An updated preliminary plat and site plan will be required to be provided to staff showing the improvements. Staff would note that these street lights must be designed and installed according to "Dark skies" standards. Applicant proposes to install an eight (8) foot sidewalk. Following Staff's review of the preliminary plat, it appears that the proposed location is within the designated landscape buffer for the site. The road sections of Ten Mile Road and Deer Flat Road that abut the site are designated as minor arterials. Kuna City Code 5-17 requires the construction of detached eight (8) foot sidewalks along the accompany property frontage. This sidewalk needs to be located within the public right-of-way and separated from public vertical curb by a four to eight-foot-wide irrigated and landscaped planter strip, which is in addition to the required 20-foot landscape buffer. Staff will require the applicant conform to Kuna City Code and install the proposed sidewalk within the right-of-way separated from the public vertical curb by a four to eight-foot-wide irrigated and landscaped planter strip. A design review application for common area landscaping was included as a part of the overall application. Applicant proposes several dedicated landscaping and buffer areas throughout the project. Much of what the applicant proposed will mirror what was installed when Kuna Caves Storage was built. Staff finds the proposed landscaping complies with the landscaping requirements set by City code. Staff would note the applicant does not identify the type of groundcover that will be used for all landscape buffers. Staff would prefer sod, and Kuna City Code requires organic material for groundcover. Staff would recommend the applicant be conditioned to provide a landscape plan to staff with a Kuna City Code approved groundcover identified. Additionally, the applicant has proposed to create a second phase of Kuna Caves Storage on some of the lots to be platted. Special Use Permit approval was granted in February of 2018, with the condition that the applicant get design review approval prior to beginning construction. The applicant proposes eight additional storage related buildings on 4.93-acres (as granted by the recently approved special use permit). Extensive landscaping has been proposed along the site's frontage on Deer Flat Road. Colors, fencing and building materials are proposed to be similar those used in the existing Kuna Caves Storage facility. Staff has determined the preliminary plat and design review complies with the goals and policies for Kuna City, Title 5 and Title 6 of the Kuna City Code; Idaho Statute § 67-6511; and the Kuna Comprehensive Plan; and forwards a recommendation for a recommendation of approval for Case No. 18-05-S (Preliminary Plat) and a recommendation of approval for 18-26-DR (Design Review), subject to any conditions of approval outlined by Kuna's Planning and Zoning Commission and City Council. **C/Gealy:** I heard you mention several conditions that you would recommend, and I would like to clarify those conditions. **Jace Hellman:** The cross-access agreement across all parcels, that is included in the staff report. The closing of the driveway is when the property is redeveloped, and that is also in the report. The conforming to Kuna City Code is covered in No. 5. I did not include that staff would work with ACHD for their access points. That would be one that we need to include as a condition. I also would request that the commission recommend that they work with staff to provide a landscape plan showing an approved ground cover for their planter strips and buffers. Is street lighting included in there as well? **Jace Hellman:** That's tackled with No. 6 and No. 7 of the conditions of approval. **C/Gealy:** What about submitting a preliminary plat and site plan? **Jace Hellman:** That could be added to condition No. 6 as a recommendation to provide staff with an additional preliminary plat showing improvements. **C/Gealy:** We basically have three conditions to consider? **Jace Hellman:** Correct. **C/Hennis:** We'll have additional design review for the commercial lots. **C/Young:** They've done an exceptional job with the landscaping. On the preliminary plat side, I like the idea of the second entrance off of Ten Mile. We just need to verify those distances with ACHD. We're looking forward to seeing additional material in that corner. Any additional thoughts on the preliminary plat piece.

Commissioner Gealy motions to recommend approval of Case No. 18-05-S with the conditions as outlined in the staff report; With an additional condition to update the preliminary plat and site plan. And an additional condition to work with staff regarding the landscape plan with the allowable ground cover; And an additional condition to work with ACHD to work with staff on access points. Commissioner Hennis seconds; Motion carried 4-0. Commissioner Gealy motions to approve Case No. 18-26-DR with the conditions as outlined in the staff report; With an additional condition to update the preliminary plat and site plan; And an additional condition to work with staff to include allowable

CITY OF KUNA PLANNING & ZONING COMMISSION

MEETING MINUTES Tuesday, November 27, 2018

ground cover and to work with ACHD and staff on the access points. Commissioner Hennis seconds, all aye and motion carried 4-0.

18-03-AN (Annexation), 18-01-CPM (Comprehensive Map Change), 18-04-ZC (Rezone), 18-02-PUD (Planned Unit Development), 18-04-S (Preliminary Plat) & 18-20-DR (Design Review) – Falcon Crest Subdivision; Scott Wonders with JUB Engineers, on behalf of M3 Companies- Mark Tate (Owner), requests approval to Annex approximately 996 acres into Kuna City limits, Change the Comprehensive Plan Map (CPM) from Agriculture to Mixed-Use for approximately 163 acres, for a Planned Unit Development (PUD) for approx. 1,028 acres, to rezone approx. 20 acres and subdivide approx. 132 acres into 409 residential lots, 51 common lots, four common driveway lots, two well lots and one private road. This site is located at the NEC of Cloverdale and Kuna Roads, Kuna, Idaho. Please see the application for a list of parcel numbers affected by this application.

Mark Tate: I'm with M3 Companies, the address is 1087 W River Street, Boise, ID 83702. The Falcon Crest property is over 1,000 acres. There's an additional property that's 160 acres. They have maintenance buildings. There is a residence, a pro shop, and the courses were constructed in the 1990s. The property is also irrigated as a sod farm and has been operated as such for some time now. The bulk of the property was designated as mixed-use in the comprehensive plan. With Boise not really continuing to grow to the south, this would be a great opportunity for the City of Kuna. This will be restricted to people 55 and over. The area will have many amenities, including tennis, pickleball, swimming pools, horseshoe, any kind of activity that you can think of as far as popular recreation. On the corner of Kuna and Cloverdale, we have 19 acres of commercial. Regarding the east-west collector road, if it ultimately extended, there's a big ridge line right there. The road would never be able to be built on that section line. Because it drops off at such a steep angle, it would have to come back down that ridge line at an angle. It's important to note that the east-west collector road, knowing about the concerns of traffic there, for what our project would do regarding trips. Having the east-west collector road running through the middle of the property would really funnel our own traffic into the collector road and out to Cloverdale Road without having to push it down to the south. We also noticed that we have limited access at Kuna Road. Most of the traffic is really going to come into the middle and will have very little impact, relatively speaking. The most logical way will be to come into the project and out that way, we'll talk about the open space and trails. Another thing to point out is the overall gross density, which is only 2.25 units inside the community. It's not really a high-density development. One thing we're really excited about is the new golf club facilities and community amenities up where the existing club house is. There are three zones in our rezone we're requesting. One is C-2 in the corner at 19 acres. We made it large enough to include a restaurant, a grocery store, any uses that be ancillary to residential uses. This will ultimately reduce trips and make the location more walkable. The greyed-out areas are all zoned R-6. Each of those parcels has boundaries called villages. For the larger density, we have R-12. We've focused that kind of zone around our community. It would potentially be townhomes or things like that. It doesn't mean apartment complexes. It would be really for a smaller lot kind of property. There is an eight- to 10-foot wide greenbelt area. This is much more than any of the items required in city code. There is a seven-acre city park, which should go up to a 10-acre city park. We're proposing a roundabout as you come into the property. The main reason that we're doing the PUD is to focus on private streets, different types of lots. We're looking at concepts to build additional lakes. The first subdivision is in the southwest corner there. This would be a four-mile extension from the sewer line to the Orchard Lift Station. Water will be done on site through a well. We're currently in a process with the City of Kuna to decide exactly where that would be and get that located on the site. The city would be developing the well, and we'd be responsible for building all of the infrastructure for the community from the well. We've got one access proposed at Cloverdale Road directly into the subdivision, which would be gated. This project does not have a lot of surface water available. Most of the property is elevated above the New York Canal. Most of it is done through a couple of large irrigation wells to serve the golf course and sod farm. Our irrigation system would be private, the owning rights would stay with that community and the Homeowner's Association. The City of Kuna and the City Engineer seem comfortable with what we're proposing. There's a central community park off to Cloverdale that

CITY OF KUNA PLANNING & ZONING COMMISSION

MEETING MINUTES Tuesday, November 27, 2018

will serve the neighborhood. There's a pathway network where you see a lot of trees lining. It's eight feet long and loops the entire property. There's no access to Kuna Road with this phase. The lot sizes vary from 55 feet wide to about 75 feet wide. These are smaller than your standard subdivision lot size, because we are targeting a demographic that does not want to have to maintain large lots. I've reviewed the city's staff report, and I agree to the conditions. I will ask a request from you. For the development agreement that is part of the application, I will ask that you include in your motion direction to staff to continuously refine the development agreement exhibits, formatting, numbering. We want to make sure that we can revise the development agreement before we go to City Council. There were a couple of specific modifications that were included in the City Engineer's letter. There was some form language in there as it relates to irrigation. Typically, irrigation rights are returned to the city. Because we're not doing that, we request you include these changes in your motion. **C/Laraway:** You mentioned in here a gated community, and ACHD bought off on that? **Mark Tate:** Yes, the important thing to them is that the collector be maintained through the property. We should not be foreclosing anything beyond the property or adjacent to the property. They've seen the east-west collector that runs through the property and extending Five Mile Road to the north. These would all be public roads. **C/Laraway:** All snow and stuff like that would be at your hands? **Mark Tate:** Yes, snow removal, road maintenance, all that goes through the HOA. **C/Laraway:** The second house between Five Mile and Kuna, is that going to be renovated? Has that been discussed with the Fire District? **Mark Tate:** The owners of the Falcon Crest Golf Course take title to that property, and the Fire District has requested to have a location somewhere out along Cloverdale Road with the industrial stuff going on to the south. We don't any specific use for it right now, but I know that the nursery next to it is potentially looking into using it during the interim. **C/Laraway:** Part of my concern is, as big as this is going to be, there are not many first responders out there. **Mark Tate:** believe the fire district has had an opportunity to weigh in on the application. I know that they are working on acquiring a place on Cloverdale Road. I believe all the fire districts in the area are charging impact fees for land acquisition. **C/Young:** Has anybody done any test wells out there for water? **Mark Tate:** There are two large irrigation wells, and there is a domestic well on the property. The domestic well is associated with the clubhouse area to use for potable water or drinking water. The two irrigation wells do 1,800 gallons per minute, and the domestic well is about 2,500 gallons per minute. In terms of capacity, that would be on par with a very highly productive municipal well. The water quality out there is substantial. The wells out there are pretty old, they haven't seen any decline in water levels. We've also done a lot of water quality testing. Some wells in the region have had some water quality issues. We did test all three wells for irrigation, and that water does not need to be treated. As far as water rights go, there are water rights that have been used for irrigation out there. We would be maintaining those irrigation rights; sod water and golf is a very water-intensive use. **C/Young:** As far as product types in this first phase, if it's geared toward active adults, are they mainly one-story, two-story, or is there a mix? **Mark Tate:** We haven't written the design guidelines yet, I don't know if we would preclude two-story houses, but we probably won't see a lot of four-bedroom houses. Two bedrooms is about as large people would go. We would allow in some of the larger lots an RV garage. There will be all the travelers. I would anticipate single clubhouses. **C/Young:** Do you have for the first phase or the first preliminary plat, an average lot size? **Mark Tate:** I would estimate about a fifth of an acre. **C/Young:** As far as the higher density, I'm guessing that it's a townhome type community? **Mark Tate:** It could even be a detached type of product. Maybe two master suites with indoor and outdoor living, maybe with 6,200 square feet. This could be 6-7 square units per acre for a detached product. Some of our houses have featured a bigger side yard to the next house, and there are ways to maintain the outsides of it. We envision cluster-type projects out there. **C/Hennis:** One of the applications you're looking at out there is an R-12 area. All your densities so far are R-6, so why go to an R-12? **Mark Tate:** It really has a lot more to do with the lot standards. The R-12 gives us more flexibility with the design to try to get to 12 or more units per acre. We might have areas that get up to 8 units per acre. All of the open space in there comes in at a reasonable density. **C/Young:** We'll start off with the R-6, where we're looking at being able to work with an R-6, which has an average size of 4,500 square feet. **Mark Tate:** These are around 6,000 square feet. **C/Young:** That is well into an R-4. **C/Young:** As far as plats and that go and the grand scheme of things, the clubhouse portion for the active living section, what plat is that intended to come in? **Mark Tate:** It will actually come in the second plat and will

CITY OF KUNA PLANNING & ZONING COMMISSION

MEETING MINUTES Tuesday, November 27, 2018

definitely include the collector road with the community clubhouse. **C/Hennis:** That roundabout or that collector that comes in, you have an area designated as Design Review, what is the DR? **Mark Tate:** That is actually for the driving range. **C/Young:** With this preliminary plat, you've got one entryway into the subdivision for 400 plus units. Do you have plans for a temporary access until this builds out? **Mark Tate:** Along the Cloverdale Road portion of the boundary, there will be an emergency access going out to Cloverdale right there. That's a potential future well site as well. We would build a 20-foot access and put a well site as well. We would basically double the access and put emergency services in there. We also have one along Kuna Road for emergency access ingress. **C/Young:** Do you have an initial intent until there's a second entrance at the subdivision coming from another direction to use one of those as a full access until it builds out? **Mark Tate:** We're still looking at the exact phasing. I know that the plat we submitted included Cloverdale access, the first one that we're planning on doing. Potentially looking at the Falcon Crest entry as the first access and coming off of that. In this case, we'll need to get out to the secondary access very quickly. **C/Hennis:** You indicated that you would the extension on Five Mile and then reconnect down to Kuna. I noticed in ACHD's report, there was a recommendation to not have it wander. There was a recommendation to keep it a hybrid of the section line going all the way over to where we proposed. Part of their recommendation is that they will need to address it as future applications come in and as we get to platting in that area. **C/Young:** As far as ACHD's report goes, it was one of the biggest reports from ACHD I've ever seen. What are your anticipations for left turn lane, southbound direction, deceleration lanes and that sort of thing for these messages? **Mark Tate:** That would have to be done immediately, and we would anticipate that to be done at the outset. One of the big reasons that their traffic study is large is because they are all private streets on the interior, so there's not a lot to comment on. As we go through this project, there will be many preliminary plats that we will submit as we go. Each one will require its own ACHD approval. They will continue over the life of this project to a 20-year horizon. We will be looking at trip counts, traffic rates, where we are at in five years. They have a twenty-year work plan for much of Cloverdale Road. They will look at what gets built in that time. The retired buyers will do their commute in the middle of the day, which will reduce the 8-5 commute problems. **C/Young:** Can you describe the initial modifications of Cloverdale? There aren't any specific recommendations from ACHD for 400 units. **Mark Tate:** The traffic study determined that Kuna Road or Cloverdale Road is functioning well. They've got projects in the cue to remedy things much closer to Overland Road. When you look at 400 units, it sounds like a lot of units. From a percentage of trips as we get closer to Cloverdale Road, it is a very small percentage of those trips because Cloverdale Road is an arterial. It's covered by impact fees. Every house in this project is going to pay some impact fee for the road arterial system. We will build arterial roads in our project. We're also responsible to build the entire frontage of the project. All along Cloverdale road with the accesses and the turn lane, we'll be building that. **C/Young:** Cloverdale being an arterial road, you have no plans to put a middle turn lane in? **Mark Tate:** We would at our access. **C/Young:** I'm trying to get some specifics because it's not in the report. Where are you looking to put those? Where are the deceleration lanes? How long are those? What is that plan that you have? **Mark Tate:** There would be a deceleration lane and a center turn lane associated with the Cloverdale entry on this preliminary plat. ACHD has the real idea on the deceleration and turn lane. It has to do with travel speeds and that sort of thing. They are still going to improve all of our projects. **Troy Behunin:** Good Evening Commissioners, for the record, Troy Behunin, Planner III, 751 W. 4th Street, Kuna. The applications before you tonight are case No's 18-03-AN (Annexation), 18-01-CPM (Comprehensive Plan Map Change), 18-04-ZC (rezone), 18-02-PUD (Planned Unit Development), 18-04-S (Preliminary Plat) is presented for your vote to recommend approval, conditional approval or denial to Council. 18-20-DR (Sub Design Review) is before you for your decision tonight. The application materials have been assembled for your packets for your reading pleasure. All of the noticing procedures have been followed to hold the public hearing tonight. The applicant seeks approval for annexation of approximately 996 acres, approximately 807 acres at R-6 and 187 acres at R-12, a comp plan map change from Ag to Mixed Use for approximately 160 acres, a rezone of approximately 20 acres, and a pre-plat for approximately 131 acres to subdivide up to 409 lots and 58 common lots, 2 well lots, and up to 4 common driveways in a PUD in Kuna City limits. The applicant also proposes a DA to memorialize the requirements, obligations for both applicant and COK. This request (except for the request for CPM for approx. 160 ac) matches the Comp Plan map,

CITY OF KUNA PLANNING & ZONING COMMISSION

MEETING MINUTES Tuesday, November 27, 2018

designation of Mixed-Use General. This project is located at the NEC of Cloverdale and Kuna Roads, and 40 ac is already in the COK limits. This project has significant frontage on Cloverdale and Kuna Roads and proposes half mile collectors for E-W and N-S alignments. There are several topographic challenges and Staff is willing to work with the applicant on alignment. What is important is they are proposing to continue the MSM Kuna has approved. As a PUD, and the fact the applicant is willing to meet and exceed the 10% open space requirements and other amenities, these requests meet the criteria to request changes in dimensional and other code changes to add variety and flexibility to their communities. Staff (including our Attorney) has met with the applicant multiple times to discuss and negotiate the requested changes and even as late as yesterday, to bring a unified request to Commission and ultimately on to City Council. In the back of the DA is a side by side comparative to showcase what the applicant will be required and obligated and where flexibility has been extended. It is up to the Commission to decide if they recommend approval. Staff has vetted out this entire document with the applicant and we have reached an agreement that will provide a way for a resort style community that Kuna has never seen before. This will include age-targeted audiences as well as family subdivisions, or villages. The pre-plat appears to meet all COK standards and does include a request for private streets, which staff and ACHD have both met with applicant to discuss standards and we have reached agreeable terms. The Landscape plan appears to meet all COK standards. The same goes for the pressurized irrigation. There are limited surface water rights out there. They will be creating their own system to facilitate watering all of the common lots and nursery. If they connected to our system, as Mark indicated in his request, the water rights would have to be dedicated to the city in order for the city to continue servicing those customers. The applicant has been notified and is willing to bring the sewer to this site. Staff would support a condition that in the event that the pressurized irrigation system is dedicated to the city, then it would be held at that time. The Development Agreement indicated that there would be several city parks. Right now, the plan is to dedicate just one city park of 10 acres as a public park. Staff would ask the applicant work with the Kuna Fire District, based on how many houses can be built at one time. There has been an incomplete application submitted by the Kuna Rural Fire District for a new site, which is almost a half-mile south of Cloverdale Road. Staff has worked with the applicant to get it before you tonight, and they have submitted everything that staff has asked for. Staff finds this application to be complimentary to the comprehensive plan goals and the comprehensive plan map. I stand for questions. **C/Laraway:** You mentioned the sewage situation. Is there going to be a sewage system built on site, or will it be transferred all the way back here? **Troy Behunin:** It will come from the Falcon Crest Subdivision. It will travel down Kuna Road for a large part of that. It will empty into the Orchard Street Lift Station. There will not be a sewage site on Falcon Crest. It will all travel this way. **C/Laraway:** The Commercial lot on the corner of Kuna and Cloverdale Road, will that be commercial pads or will we see townhome applications? **Troy Behunin:** That will allow for townhome or any other kind of multi-family or single-family residence. It will be commercial uses. They will come back with a plat for that, because right now, it's being platted as one single lot. They'll come back at a later time when the commercial development does kick off. **C/Young:** Have there been any discussion with Kuna Police Dept for that jump in current control areas to this, and have they worked with staff to do all that? **Troy Behunin:** ACHD will not support or fund anything with roads until there's actually been something created. That also goes for police and fire, too. Their actually contracted through the city as Ada County Sheriff Office. They will add more control once this comes up. **Wendy Howell:** The fire and police departments attend the pre-ap meetings. As far as coverage, the budget season is when council and the sheriff's office determine if there's additional need for additional detectives. That would go for the next coming year. **C/Young:** For the code modifications addressed in the DA are just specific to the DA, not a city-wide request? **Troy Behunin:** Correct. It's not a city-wide zoning code request. It meets the criteria for a PUD. **C/Gealy:** With respect to these exhibits, the schedule of district regulations and official height and area standards, they are only applicable to this application, correct? **Troy Behunin:** Any code changes are specific to this project only. **C/Damron:** I didn't see anything on street sizes. Did they send anything in? **Troy Behunin:** They did not, they will have to meet those standards. Even for the private streets. They have met with the fire district. The fire district did not have any significant concerns. Fire hydrant spacing is not handled at this level. That is a technical question that is handled during construction plan review. The only standard that they are requesting a change for is the length of cul-de-

**CITY OF KUNA
PLANNING & ZONING COMMISSION**

**MEETING MINUTES
Tuesday, November 27, 2018**

sac. They are willing to and will provide emergency accesses for those over length cul-de-sacs. The two cul-de-sacs that they have proposed do meet code. **C/Damron:** The C-2 access, that's internal from within that subdivision? **Troy Behunin:** They will have to go through the preliminary plat process for that. **C/Damron:** They've got the access points for the other phases. Do we know if that will be internal or external? **Troy Behunin:** It will be external. There are separation distance requirements, especially for an intersection. **C/Gealy:** There will be pressurized irrigation on the common lots, golf courses, and lots themselves? **Troy Behunin:** Yes, they have to come up with their own pressurized irrigation system for that. **C/Gealy:** The swales are on Cloverdale, but there is no curb, gutter and sidewalk? **Troy Behunin:** All arterials and collectors do require those to the proper widths. **C/Gealy:** Curb, gutter, and sidewalk? **Troy Behunin:** We're willing to work with ACHD. Sometimes we have these roadways in the five-year work plan. If they are not in the work plan or capital improvement plan (CIP), then they would require a swale. Staff would like to recommend that if it's not in their CIP then they widen and improve it to city standards. **C/Gealy:** Would that also include Kuna Road? **Troy Behunin:** Yes. **C/Laraway:** Is there any discussion about greenbelt walkway? **Troy Behunin:** Yes, there is. They have their own master plan for a regional walkway system. That's in addition to the internal walkways, which will be extensive. They plan to exceed our open space requirement by a significant margin. **C/Gealy:** I have a question regarding the development agreement. The red copy that you gave us, does that also include the red line copy that was in our packet? **Troy Behunin:** Actually, this supersedes the development agreement portion in your packet. That represents everything said since yesterday afternoon. **Troy Behunin:** Staff would also note that there were four letters sent in from the public. The fourth one was not, and it was anonymous. That does not meet the requirements for sending in a citizen's letter. **C/Gealy:** On page eight, item number 1.5.7 private road. I think it's confusing to have a public street a private road. **Bill Gigray:** With regards to the definitions, the reasons that they are definitions for private roads and public streets is so that we can find in the development agreement that this development will have both. When we're using the word streets, we're denoting that these are going to be public. ACHD indicated it would be in their jurisdiction. They would be the holders for the public streets. The private roads will be retained, and in accordance with the development agreement, the developer once they have been completed will then be transferring those to HOAs. Within the HOA CC&Rs, they'll be responsible to maintain them. **C/Gealy:** What I don't understand is why public street is included as a separate definition and it is also included in the definition of private road. **C/Gealy:** Can I request that we get a current copy of the agreement before we discuss it? **Wendy Howell:** We can go through your concerns to make sure they are addressed on this new development agreement. **Wendy Howell:** On our copy, it just says any road or street. **C/Gealy:** Next is 5.1.1.5.1. If they're going to modify curb drainage and other standards, then would they need to go through another approval process or will they modify it at will? **Troy Behunin:** This gives them the ability to modify that. The standards and what actually is transpiring will actually be construction plan review. **C/Gealy:** Would there still be staff review of those modifications? **Troy Behunin:** Yes. **Wendy Howell:** In addition, it will be looked at in the subdivision review process. **C/Gealy:** In the next section, it mentions an owner's association. Typically, we hear about homeowner's associations. In this case, it's referring to an owner's association. **Troy Behunin:** If you go back to the definitions, owner's association refers to any nonprofit organization or any responsible for the maintenance and operation of management, private roads, green space, public green space, pressure irrigation system and common lots as such are set forth in the CC&Rs. It is talking about a homeowner's association. **Bill Gigray:** The reason to include that it is a non-profit entity is because the developer intends to form either a non-profit corporation or it could be a non-profit association. There are different kinds of entities that can be created under the Idaho law to establish membership and the membership within those. These are usually the property owners in the designated boundaries of the homeowner's association. They're the ones who establish and pick the board of directors. They manage it just like you would manage a corporation. They are responsible for administering the CC&Rs in the designated areas, and it's my understanding that planning this development will be done in phases so they will create different HOAs for different phases of this development. **C/Gealy:** My concern is that when I read owners, I think I'm rightly so that it will include all owners of the property will be represented. If everybody with a 6,000-foot lot gets one vote, the people in the golf course get more votes than anybody. I have that the homeowners be well-represented in the presentation. **Bill**

**CITY OF KUNA
PLANNING & ZONING COMMISSION**

**MEETING MINUTES
Tuesday, November 27, 2018**

Gigray: You might want to ask Mr. Tate about that with regards to how they plan to deal with HOAs and the entities that they create. How I understand it is they will be able to review all of those, because we're going to be really concerned that those associations will be in a position and well able to maintain all the necessary infrastructure that they'll be responsible for. It's their intention that it will come back before it's ever finalized.

C/Gealy: My feeling is that we are representing the residents and future residents of this area. 5.2.2.7 reimbursement regards to potable water service. What does this mean? **Troy Behunin:** They are subject to the reimbursement agreement, and it's been decided in the reimbursement policies that the city has in place right now or that are reached through this process. **Bill Gigray:** We are prohibited by law to extend and enlarge our proprietary systems water and sewer. Developers can put extensions to them to at their expense if proposed. We require them to oversize the line so that it would be able to handle the load of adjacent properties as those are developed. When they do the oversizing, through the reimbursement process they can recapture some of the investment that comes from these hookups. This is a process used all over the valley by cities that are growing. It enables the city to maintain a controlled sewer and water system through this process. **C/Gealy:** My next one is 5.4.2.2.4. It says the developer shall be eligible for reimbursement of 100 percent of the cost. **Bill Gigray:** It would be the same idea that I mentioned for water. **Bob Bachman:** We have a section of the sewer line that's basically 7,700 lineal feet that the city had to put in. Instead of the city putting it in, we are actually having the developer put it in and basically treat it as a CIP. The benefit to the city for doing that is general contractors can do it much cheaper than we can. That percentage of the 7,700 feet is 100 percent eligible that will be eligible for reimbursement. The fee for future development tying in that line will go to pay that back quicker. They're putting in the line for us and getting reimbursed for that section of the line at 100 percent. Some of that basically gets done by the developments. **Troy Behunin:** They have to pull it like three and a half miles? **Bob Bachman:** From Cloverdale down Kuna Road to Strobel, the developers putting that section in are paying for their reasonable duty and we will reimburse them for anything over their reasonable duty. **C/Gealy:** For 5.5.7, in locations where pathways and trails are isolated and not connected to any development or trail, such isolated trails shall be constructed and approved by the city. **Troy Behunin:** The whole trail system is not being built all at one time. Portions of that will be built with each phase as it progresses. In a way to make it a better situation for the developer and public interest, a short trail doesn't just end. Really what we've negotiated with the developer is that small trails won't just be created and site for long periods of time. We're hoping to extend as much with each phase as we can. **C/Gealy:** Why would the city construct those trails rather than the developer? **Wendy Howell:** We will delete constructed. The system will be constructed by the developer and then dedicated to the city. **C/Gealy:** For 5.6.9, I just wanted to clarify the statement beginning with if the developer develops and conveys any public park within the subject property to the city upon approval from the city administrator of the public park improvement costs. This included the fair market value of the land. My question is with respect to all other developers that come before us and we ask them for amenities or additional amenities and they pay park impact fees. We have not offered to any other developer that I know of an offset of their park impact fees by putting in a park. **Troy Behunin:** It is offered to any developer that comes in. It may not make the public arena, but it is offered. There is a Kuna City ordinance that does allow for that. **C/Gealy:** I do understand that this is a different animal here. I want to make sure we recognize that we're opening this as an opportunity. **Troy Behunin:** Other developers have implemented that same structure involving parks and trails. **Bill Gigray:** This really follows the impact layout of the State of Idaho. There is a mandatory provision in your ordinance for impact fees, and it's driven by state law. A fee payer can request a credit if they are entitled to an offset that's in the CIP for the parks. The payment of those fees, for which the fees can be used to buy for an improve facilities. This is doing nothing in my mind but complying with the Idaho Law and what the city's own ordinances which follow the law for development impact fees. **C/Gealy:** The next one is 8.5, the top of page 25. Could you explain this section please? **Troy Behunin:** With respect to the residential densities, as was discussed earlier, the minimum lot size for an R-6 right now is 4,500 square feet. Their average lot size is 6,500. They will exceed that in terms of density. They may get into a situation where they can't reach R-6. They may shift things around so one village is 5.2 dwelling units per acre, but they cannot go over six. That will be reviewed by staff in the preliminary plat process. **C/Gealy:** The next one is at

CITY OF KUNA PLANNING & ZONING COMMISSION

MEETING MINUTES Tuesday, November 27, 2018

9.1.3.1, just further down on that same page. Where it says the City Council shall grant an application for a limited termination for some parts of this agreement, is the shall a directive? Should it say shall or may in this sentence? I would like to defer to a legal. **Bill Gigray:** The reason why this has this wording is that it would depend on the circumstances in which the applicant is going to want some of this terminated. It's going to depend on the completion of the complete phase of the project. The idea was that they would come back, and they would say all of it is completed and in place. We want to have a certain portion of the agreement terminated. I wanted to make sure that we included provisions for perpetual maintenance and operation of infrastructure is going to be maintained throughout by a homeowner's association. That's why that was left in there. If they were seeking terminations in portions of the agreement, it would likely only be parts of the agreement, rather than the whole agreement. **C/Gealy:** Does the City Council have flexibility to grant the limited termination. **Bill Gigray:** "May" is a better word for us, absolutely. **C/Gealy:** I prefer the word 'may' as well. My next one is 11.2. For this part, if there is additional property will there be another PUD? **Bill Gigray:** I requested that be added there, because the applicant wants to have the assurance as they move forward. The city's zoning ordinance is as it is now. They don't change as they add phases to this development. We were saying it's ok within the original property subject to development within this agreement. We're not going to agree that it can automatically apply to some additional property that they may want to add to this development years from now. If you change your zoning ordinance for whatever reason, then those new ordinances would apply. **C/Gealy:** Section 14 on default, it did seem that it was primarily one sided, but you'll continue working it. **Bill Gigray:** It is provided so that the developer can only seek specific performance in the agreement. There are provisions are there for which the city can seek modifications for the other. The way in which it's written, there will be more options for the city than there would be for the developer. It is a deliberate process of notice of intent, ability to cure, proceeding through the process that will end up in the City Council's lap. Much of it, if you have original jurisdiction, will start with you, and it would go directly to the city council. This process also assures that the City Council and you have a chance to look at the default and determine. If they claim that we're in default, then they must go through the same process. They can't just run to court and say that we're in default and try some sort of declaratory relief action in district court. They have to go through our process and we have a chance to address whether we are or are not. **C/Gealy:** In 14.1.3 under default, there had been a comment regarding mediation. I don't see it on the copy that I have here. The part that states that the claimant shall ask the Planning and Zoning Commission or City Council to proceed to set a hearing and provide written notice of the hearing to show cause of the accused. In the event of default, the Planning and Zoning Commission will potentially hear the default? **Bill Gigray:** Yes, if you have original jurisdiction and other factors, it may just fall to the City Council. It's hard to tell at the point. As you know, this is a very large development with all kinds of issues. Some may be public works alone, some may be a compilation of a PUD permit. You have original jurisdiction and it seem to me that if you have original jurisdiction on the granting and permitting process, then they're in violation of the development agreement as well. They'll need to come back to the original jurisdiction and that's why it's written that way. **C/Gealy:** The last question I have is on question 16, legal defense of this agreement. The city and the developer may mutually agree to hold a legal counsel. However, all other costs of such defense shall be shared equally by the parties. **Bill Gigray:** It's helpful to the city too, because if we get third party action claiming that the agreement was contrary law, we would probably be in a position for good faith and fair dealing under a contract to defend it as well as the developer. The idea is for the parties to share the cost of defending the agreement if they declare that it is unlawful. **C/Gealy:** In the packet I received, there was nothing about CC&Rs. There was a title page and nothing else there. Are they not available yet? **Troy Behunin:** That's not something that we actually review, they just have to show and provide for a homeowner's association the CC&Rs. It's just to show this body and the City Council that there are CC&Rs for the owner's association. **Wendy Howell:** We do review the maintenance portion to make sure all of that's covered, but not anything else because it's a civil issue. We don't comment on them. We'll get that with the final plat. **Troy Behunin:** We want to make sure that the proper mechanism is in place to take care of the trails, the roads, and the green spaces. **C/Gealy:** 5-3-3 and 5-3-2 will only apply to the modifications on this project, correct? **Troy Behunin:** Anything is specific to Falcon Crest Subdivision. **C/Young:** We'll open the public testimony at 8:23. We'll start with

CITY OF KUNA PLANNING & ZONING COMMISSION

MEETING MINUTES Tuesday, November 27, 2018

those in favor. **John Lawson:** I am a resident of Ada County and I live in the subdivision to the west. I am actually opposed. I am representing myself and my neighbors. I'm on the board of the Cloverdale Ridge Corporation just to the west. We provide irrigation water for about 50 homes, farms in over 250 acres of irrigated land, which has been there since the late 70s. All of the homes in this area have personal wells. There's not a unit that depends on more than the well. My biggest concern with this proposal is that I understand that you look at the surface. There has not been a Comprehensive analysis on this site. There are two wells that the golf course uses, and there is a drinking water well that the golf course drinks from. No sophisticated pump test has been provided. We are in no effort to document the water in the subdivision. We have two significant irrigation wells that could be affected by this. Those wells are a significant cost to us. One of those wells is fairly deep and is not drinking water. We have over 50 homes that could be affected. If we lose a well to our house, who do we talk to? We all have senior rights, but with bureaucracy, we would go through an incredible process to recoup our losses. **C/Young:** Next I have those who are neutral. **B.J. Henningfield:** I live at 11893 S Cloverdale Road, which is a house directly across from the new development. I'm concerned about the R-6, because that's in front of me. The other concern I had was the widening of the road. If it encroached on my property versus the development side. I want to know about the speed limit as well. I have two boys at home. Nobody really follows that speed limit. For the City of Kuna, what does the future look like for those five-to-10-acre lots? We have a lot of those in this new development. On the south side there, Kuna Road, this condensed look that we'll have out there will look kind of funky. I'm wondering what the future holds for that area as well as we move forward with this. **C/Young:** Next is opposition. **David Enhoff:** I live at 9901 W Kuna Road. We attended the initial meeting at Falcon Crest Clubhouse. Most are strongly against it based on our way of life. We have large animals, gardens, we have a 15-20 commute. We value small community and minimal traffic. Controlled growth is important for the current members. Infrastructure expansion would be enormous. An addition 4,000 plus trips from Cloverdale and Kuna Road, and a secondary road coming in east of Five Mile Road. Growth in other locations of Kuna has seen a change in the demographic. We're all on wells, and it will be affected. To handle the increase of populations and traffic, what properties will be taken to handle those needs? These people will lose 25 to 50 feet of their property lines and put homes closer to busy lifestyle. Developers are looking at this solely to maximize profits. Please respect the people who you are attempting to run over. Being a respectful neighbor is everything this community stands for. We would ask that everyone affected by the development have an opinion about it. We need their voice heard and carried equally. **Brad Rosenbaum:** 1091 Cutting Horse Drive. I'm on an individual well and the system, we're very concerned about water and traffic. I've been out here for 25 years and it's in jeopardy now. I heard Troy talk about the infrastructure of the water and the water lines. They will be built to Kuna standards. I'm concerned about where the water's actually coming from. Have there been studies on the aquifer We have 2,300 homes coming up and a lot of it is on dry ground. I'm concerned about the horse trailers trying to get onto to the road. Can some more studies possibly be done? **Brent Higby:** 12741 S Romiro Avenue. This is just off Kuna Road next to the development. As this growth comes, we need to temper it. If it fits within the surrounding area and subdivisions that are close to there. To the north are typically one-acre lots. To the west are 5-10 plus acre lots. All this is agricultural in nature. In 2009 it got rezoned. I'd like to mention that the R-6 will not fit well in the surrounding area. Also, one person uses 80 to 100 gallons of water per day. When that comes out of the ground, it gets used in their system and goes into a sewer pipe on Cloverdale. With the amount of people, that becomes 600,000 gallons of water per day. It won't percolate back down into the water. **Richard Wharton:** 999 Cutting Horse Drive. I'm about 600 yards west of Cloverdale Road. We've lived in our property for 46 years where the golf course was developed. I put myself down as semi-neutral for this development. When the golf course was developed, it was planned to be a class act. What I find inadequate is the analysis of where the water is coming from. There is no record of where the water is coming from. Will we dry up and have to do new wells? Should there be a condition that the developer put money in for our wells? Nobody knows. The Bureau of Reclamation has done studies near the New York Canal. **Vicky Lane:** 3907 E Indian Trail. I am off the beaten path but Cloverdale is my path out. Cloverdale is my main concern. I look at the houses that are right on the street, are they going to be widened? How many streets will be added? What's our speed limit going to be on Cloverdale? It said in the statesman here

**CITY OF KUNA
PLANNING & ZONING COMMISSION**

**MEETING MINUTES
Tuesday, November 27, 2018**

last month that road construction will begin in 2023. The Cloverdale won't expand until between 2031 and 2035? We'll have 2,000 houses and the road won't be started for four years. All of these rural communities next to the subdivision I support. **Brian Wilson:** 6171 Cutting Horse Drive. My biggest concerns are water and traffic. I understand they pump a tremendous amount of water for the golf course. If you take what they're pumping and add another 2,300 homes, they're taking so much water but they're not doing it year-round. Can they only pump during the ag season? I'm not sure how those wells work. That and traffic will become more and more of a problem. We all know that, but you can widen the road but the traffic noise will be a problem. I used to live off of Victory Drive and they put that big wall on the other side of the freeway. **Richard Vick:** 11457 S Cloverdale. I raise hay and I'm right across the entrance to Falcon Crest. When we moved in 16 years ago, we were told they'd add 400 houses. The meeting's been hyped up. The area is 220 feet with no water left in it, that's all. If you allow this development to go in with these wells, you'll put our whole subdivision out of business. None of us will have any water. **Nicole White:** 12625 S Five Mile Road. Next to me is the sod farm field. Everyone in Desert View has farm animals. A lot of our homes were built in the mid-70s. Having that type of atmosphere next to an HOA type atmosphere doesn't fit. The school concerns are noticeable. Rural people are feeling forced or pushed out. When I heard of this my heart sank. Our whole style of life is being threatened. If this development happens, we won't stay around. We don't want an HOA type of community. I'd like to speak on behalf of those families that couldn't make it. I don't know how the demand is for all of this senior living. I would like to more affordable housing. Who will fund these HOA communities? **Tom Atwood:** 12793 N Sonora in Desert View. I've lived there for 42 years and I kind of expected this to happen. We have a pressurized irrigation system and a domestic system. We have a little over 200 residents. We pump one million gallons a day as a community. 10 million gallons a day would occur in the irrigation water in the summer months. **Ben Eichelberger:** I live at 4008 E King Road. I live 2-3 miles southwest of this development. My kids are the fifth generation to live on this property. I commute north on Cloverdale every day. It's six miles to Overland. The plans for widening are way out. I'll take exception to the 55 and over, but what is the average retirement age. There are many people working well into their 60s. I just ask that you take that into consideration. Thank you for your time. **Mark Tate:** Commissioner Gealy asked about the owner's association. We run HOAs typically in the course of all of our developments. As we are developing, a lot is declared by the HOA board. That master association will take over certain portions of the project. There will either be affiliated associations of that master that have private amenities that aren't available to the entire community. The community also won't have to pay for those amenities. There are basically neighborhoods within the homeowner's association that will have their own structure. For instance, if you have your own community with private streets. You will have access to all the master amenities. However, if you're not in that area, you won't be paying for their private streets, the parks within that area. There are benefits to each of them, if somebody wants to be in the gated portion. There will also be amenities that are for everybody in the community. There are community parks and entry monuments. It's a master system so there will be use of those wells that are currently out there. To get to your question about HOA representation, it is very developer oriented. You're probably wondering if the golf course is part of this association. Our owner's association would really just be for the golf course. We've done it 100 percent the opposite way where it's basically an HOA amenity. For the isolated trails, I do in my defense want to say that there's another way to refute that. The city will not build the items as mentioned earlier. In the termination section, we just ask that we have a little bit of flexibility as we continue to make that exactly what it needs to be. We'll do that through your motion. We want to continue to work on that agreement to clean those things up. I think that the structure is there, we have no problem with what the attorney described. As a response for what I've heard from the neighbors, there were three main themes that I heard. The first was water, which was obviously a concern. Development uses less water than agriculture, irrigation water is still used seasonally. The really isn't a more water-intensive unit than sod. If the whole thing was going from dry land to development. We'll be taking sod out of production for the most part. As part of a permit to drill a new well out, the submit a watering plan to the Idaho Department of Water Resources. They submit readings from that well to monitor aquifer levels. To their question about impacts, you need to monitor them. There are provisions in the state law to address impacts to wells. There are also provisions in state law that says if you have 200 feet of water in the aquifer, and

CITY OF KUNA PLANNING & ZONING COMMISSION

MEETING MINUTES Tuesday, November 27, 2018

you draw a well to the top foot, that doesn't necessary preclude people from certain wells. It needs to be a reasonable depth of wells, so this is certainly not the first place to deal with these sorts of things, and I certainly understand their concern. We will be very efficient with our water systems, it's smaller lots and lawns which should be a benefit. Cloverdale and traffic in general are the other issues. Development pays impact fees, unfortunately the roads must be built in phases. ACHD does have their five-year work plan. With this interchange being replaced, they're actually looking at speeding up a lot of those projects. This is because they thing that it will be a better connection. We'll at bike facilities and a lot of other stuff. I would say look in the near future at the iterations that accelerate some of those projects. We're paying impact fees, building the frontage, and ACHD will continue as we submit the preliminary plats to condition more improvements. We will continue to look at the offsite improvements. There was a question about right-of-way and the additional side. That shouldn't happen. There is enough right-of-way out there currently, and we certainly don't have condemnation of those improvements. We'll build half of the road with a five-lane section. That will be the extent of it. The speed limits are determined by ACHD. The last big overarching concern is just with the rural character in the area. The houses and the lots will be much smaller. They'll be a higher density development. It's developed at 2.25 units per acre. That is a low -density development. While there are clusters of higher density, overall there's a huge amount of open space. A typical suburban development might be three or four units per acre. Much of it is relative. We certainly want to be respectful and mindful of our neighbors and those folks around us. I'm proud of neighbors not saying that this development is shoddy. All of the developments we do are high quality and we're very proud of them. They will bring a lot of value to the area. There are also concerns about traffic and water. Having a really high-quality development next door. This will enhance property values and make properties more desirable. I think we do bring a lot of benefit to the area. We'll bring food service, new club facilities, and a walking pass. This project will still be built incrementally. This will be a 20-year project. The improvements will come as the rooftops come. Please include the requests I added in the presentation. **C/Young:** The family zone on the east end of the property, what are the lot sizes that you envision for something like that? **Mark Tate:** A third of an acre lot is typical for those. **C/Young:** There's a conflict between the DA and the landscape plan. The fencing called out as wood, but we'll modify that as we go. **C/Damron:** The gated community at 55 and over, is that planned for without children? **Mark Tate:** Correct. **C/Gealy:** You're not developing the commercial now. There will be access from here to the commercial property. That would not require driving back to Cloverdale and back in. **Mark Tate:** We didn't include any streets to go in naturally, but if you look at the landscape plan, there are connections on the north and east side. They would function as emergency accesses as well. **C/Young:** We'll close the public hearing section at 9:16. **Bob Bachman:** The City of Kuna is currently in the middle of a rate study, and we got detailed into water use, sewers, capacities, basically across the board. Currently, the average family in Kuna uses 206 gallons of water a day. This equals about 60 per person. We have roughly just under 7,000 houses and we use about 1.2 to 1.3 million gallons of water per day for 7,000 houses. Over the last several years, we've reduced our potable water usage on an annual basis by roughly 3 million gallons. One reason we've been able to do that is our pressurized irrigation system and not allowing residents to use potable water for pressurized irrigation. They must use the wells that are already in place. That will help eliminate some of the concerns or problems that could come with allowing them to use potable water. One thing that we saw in the rate study is that there are roughly 300 homes. The City of Kuna right now uses potable water for irrigation. Those users take 80,000 gallons of water and the average user on pressurized irrigation is roughly 7,700 gallons of water. It's a significant savings to create a pressurized irrigation system separate from the water. That's one reason why we're requiring that. Department of Environmental Quality (DEQ) has ultimate authority over usage of the wells. If the water isn't available, they won't let us drill the wells. As a City, we're held to a much higher standard than a domestic well. We'll also drill two wells and put both wells in one hole and pulling out two aquifers instead of one at the same location. Ultimately, this lessens the impact of the water table loss. We're taking every precaution that we can to make sure we get it right, we'll also be drilling test wells. At this point we can't do that, because this property is not in the City of Kuna. We have also hired one of the best hydrologists in the state to help us with this. We're confident in the information and plan he shared with us. **C/Hennis:** We hear the concerns of the public with the wells and the efforts you're making to

**CITY OF KUNA
PLANNING & ZONING COMMISSION**

**MEETING MINUTES
Tuesday, November 27, 2018**

mitigate it. What have you found out so far with the hydrologist? Is there enough water out there? **Bob Bachman:** All of the information that we've been given through our due diligence process of picking well sites shows that we have adequate water. Until we drill test wells, we will have to find the right water level and get to it. Like Mark said, we are required to do a monitoring plan and monitor those wells. **C/Hennis:** The concern I have is approving this and then getting to the point where there's not enough water. We're past the point of no return in that case. **Bob Bachman:** The first thing that we're doing is the wells. If we don't get DEQ approval, then we're not drilling wells anyway. As of right now, we're in the process of doing that. Hopefully this spring, we'll start doing test wells. In theory, our wells should be ahead of our development. **C/Hennis:** As a city, drilling wells out there, utilizing that water, does it take away from the present usage of those aquifers? If there is a way to show that it has the capacity, then it will alleviate that. I'm sure that it's the cart before the horse and the horse before the card. **Bob Bachman:** That is what I've heard more than anything else. The only way that it can be figured out is the test well process. The city has decided to drill a test well to see that we get a good aquifer. We need to make sure there's plenty of flow until we drill the test well. It's not until spring. **C/Damron:** I have a problem with that Bob, some of the people here have been here for generations. When they drilled wells in those days, somebody would add a well at 60 to 70 feet. To draw an aquifer down with that much usage of water, another gentleman said that he had static pressure at 60 feet. We will draw that down, because they're at the top of the aquifer. Knowing what the hydrologist knows today that we didn't know back then, I have a concern that they're going to draw their wells down and they'll be out of water. You'll be in the aquifer and they've got enough flow, because they know it's there. We'll do a well depth study on what these neighbors all drilled their wells at and where they are footage-wise. We could be drawing water to where they won't have anything and we're saying that you have to go deeper. \$25-30 per foot is a lot of money. **Bob Bachman:** A municipal well will be deeper than a domestic well anyway. **C/Damron:** We have aquifers at 150 to 250 feet deep. We're dropping it down to 160 feet. We're in the middle of the aquifer as a city, where these guys are at the top of the aquifer. They went down at say 65 feet. Say they go down to 75 feet or 80. They got a static pressure of 50 feet in the pipe. We're pumping water down at a rate to where their static pressure will drop below 65 feet. Their pump is down 10 feet below, we could get it down below that. They're still in the aquifer, but now they have to drop their pipes down another 60-70 feet. **Wendy Howell:** We're recording this hearing, we cannot have applause as it overrides what's being recorded and discussed up here. **Mark Tate:** What Mr. Bachman is saying is that until they go and drill, we're just guessing. The test well will tell us what is happening in the aquifers. Water is typically slower than others and has the ability to impact more or less. The best way to do all that stuff is to do a drill a test well and do a pump test on that. You go and monitor all the other wells around it. While you're doing that pump test, which is what they'll do. We have irrigation wells and additional wells in the area. You could measure the influence or not measure the influence. We want to ask how transmissive, how much water will be an impact and how much those impacts will be. There is a process for all of that. The well processes go through the state, much regulation for impacts on wells. People are concerned about it, I get it. The city's got to do their work. Plan B is to build a water line and there's provisions in the development agreement and there's some reimbursement policies for that, in which we would have to build the water line for it potentially. I'd extend it from Kuna instead of doing wells there. We're not going to know any of that until we get into it. We won't know most of that until the development moves forward. **C/Hennis:** Some of us in the industry like yourself and citizens don't understand what was being said there. What you're saying in the development agreement is that if we get to the point where this goes through and there's not enough water, then you guys will put a water line in to supply the subdivisions versus pulling from the well that will take from the people that already exist out there. Is that correct? **Mark Tate:** If we can't get the well approved, or the city can't, or the water quality is not good, then bad things could happen. The second option is that you're pulling the line from those wells. **C/Laraway:** While this process is happening, to keep these folks informed on what is going on, how do they keep in the loop during this process to keep them informed? **Mark Tate:** I think that they certainly could reach out to the city. **Bob Bachman:** We have an open-door policy, any information that we have is public record. The permits are only approved if DEQ thinks that it's adequate water. **C/Damron:** I think we need to do a well-depth study with the depth of the aquifer. I've watched our static water go to 58 feet. I've gone to 65 feet. We had to

CITY OF KUNA PLANNING & ZONING COMMISSION

MEETING MINUTES Tuesday, November 27, 2018

drill a new well, because he didn't do a well depth study. We know that the water is there, but will that affect the residents around there? For the irrigation wells and the potable water. I don't feel we're putting the cart before the horse. We need to pass it to know what's in it. What I feel that I will have to do tonight is to pass this, and then we'll find out about the water. If we have the water for this to do it, if not then we need to work on the city water system to get it out there. **C/Young:** Obviously, there's large traffic concerns too, not just the water. **Bill Gigray:** With your permission, members of the Commission, I just wanted to point out that in the development agreement, I think this is what Mr. Tate was discussing. It's section 5.2.1.2 on page 17. In the event that the city does not secure the water rights and well permits, to prepare and submit an offsite potable water plan that would connect the subject real property to the city's potable water system. The offsite water line would be the responsibility of the developer. That's how development agreement works. **C/Young:** Does the city have the capacity to suck from our wells by the four miles to supplement that, if that turns out to be the case? **Bob Bachman:** We do. As full buildout occurs, we have to expand our system to keep up. You guys approve these all the time. As we do a development, we just hook in and keep going. The reason we do that is so we don't have to tear it up and redo it. Every well we have in the city limits right now is a loop system. If we have 10 miles, those 10 miles all feed one another. If one well goes down, one well picks up the demand. It's very efficient to do it that way. Ultimately, if we drill wells out there, it will be looped. **C/Damron:** Say we go to full buildout and go to Kuna Road through Cloverdale, the well passed and says we have enough water. Say 30 years we get down that road, then they say we don't have enough water in the aquifer. Since the city took care of that, the city will have to pay for that development. This will incur huge costs to the city. Say we're five miles down the road with developments. Now we've got to build a road to where we're at now all the way out to where the aquifer will no longer support it. **Bob Bachman:** A developer is responsible for water or sewer to and through their property. Say we put in an eight-inch by 12-inch, they are responsible for that size difference. If we don't ultimately bring our line out there, he would most likely be eligible for some reimbursement now. We would make him oversize it. It wouldn't make any sense to just bring a line out there that only services his community. It would be more cost in the long run to do that, if your scenario were to play out. **C/Damron:** Would it be more cost effective to use the city to use that as say, a booster well, have them run the lines out there, use it as a booster well as it builds up? Then we're not sacrificing the water that's there. We can utilize it down the road. **Bob Bachman:** I wouldn't say more cost-effective. It's always more cost-effective to have your sources as close to the demand as possible. From a cost-effective standpoint, the most cost-effective thing to do would be to drill wells on the site. **C/Young:** To partly answer your question, I think that looking to do that before any test wells were done would be an undue burden on the developer if it turned out there was enough. This would be better than pulling out five miles of line. **C/Damron:** I'm thinking when we're gone 30 years down the road and that's built out, at what point does that aquifer drop off or the static level drop far enough that these people don't have water? We need water further down the line, and now say we're ten miles back from the city sewage out there. You've got to pay for that whole 10 to 15 miles of pipe and line. This is to where the other developer now hooks in to it. **C/Gealy:** But at what point do the people out there hook up to it the city water system? **C/Damron:** Do we put an undue burden on them that they have to? **C/Young:** They can't, because they're in the county. **C/Damron:** If we as a city take their water, they have to either incorporate into the city or something. **Bob Bachman:** The city has allocated water rights that we have to use up, or you lose them. Say Mr. Tate builds five different preliminary plats in the next five years. Before every one of those plats, we have to issue a will-serve letter on behalf of DEQ. What that means is we are capable of serving the next project. If DEQ says we're not capable, there is no next project. DEQ regulates that from a sewer perspective and water sewage perspective. You're getting ready to do phase 11 and there's no water and sewer capacity, we can't issue them that will-serve letter. We stop until the problem resolves. **C/Young:** At that point, the developer would have to maybe bring the line out at that point. **C/Gealy:** I would go back to what I heard several times, which is that this uses less water than agriculture. Right now, they're watering sod out there out of wells. **C/Gealy:** Without a study we don't know. **C/Hennis:** A study would give us hard numbers and assure our citizens that if we're going to have water or not. **C/Gealy:** It sounds like the city is more than willing to do a study once the land is annexed into the city. The city feels it's imprudent to do a study on the land that isn't in the city. **Bob**

CITY OF KUNA PLANNING & ZONING COMMISSION

MEETING MINUTES Tuesday, November 27, 2018

Bachman: We're currently in the middle of a rate study. The rate study clearly shows the people that are using potable water for irrigation use 10 times more water. The study clearly shows that. It will probably go to the City Council next month for review, and the study shows that the 300 homes we having using potable water use quite a bit more extensive amount than are on pressurized irrigation systems. **C/Young:** My other concern is traffic. To me, reading the traffic impact study, it looks like what was done was the buildout in 2040. It tried to address everything looking at where we'll be at in 22 years. A fair portion of those that were being addressed in the five-year plan for ACHD (obviously not all of them), ACHD modifies those. North of the development, I think that it worked out as the impact for how the process works. My biggest concern is right here by the development. The only thing that was listed in the traffic impact study was for 2022 based on the current buildout. In 2022, they recommended putting in the left turn lane. Personally, I'd be in support of a specific traffic study for this plat. It's good to know when we're at 22 years from now. I want to know what they want us to do to mitigate the traffic right here at the proposed entrance. I want to know specifically what ACHD wants us to do. I think that's something that needs to be done on the plat approval. I don't know if there are some things that we need to approve. For me, a pre-plat approval may need to be tabled for these 400 homes. **C/Hennis:** This is the influential corner for all the neighborhood down Kuna Road, this will impact the most people. **C/Young:** The product they're proposing is good quality, I think that they wouldn't be proposing to build them if the market was bad. There are many people retiring early. For me, there are pieces of this that I could recommend approval for. **C/Hennis:** Providing the annexation and allowing the city to move forward with their pre-work would probably be good. How does the PUD figure into this? **C/Young:** The PUD would be the concept of the overall development and the functions of those pieces, adult, family, the way it's spread out. **C/Gealy:** Can we treat the items separately? **Wendy Howell:** Yes. Another thing that you could do is condition with the recommended condition that the TIS be completed for that before it goes to the City Council as well. **C/Gealy:** Would the traffic impact study before City Council address those concerns? **C/Laraway:** They would have to do speed studies of 15 days or so to complete it before it gets to council. **C/Young:** If it takes 3-4 months for a study then it takes 3-4 months for a study. **Wendy Howell:** I was notified by the developer that the TIS was completed. **Mark Tate:** It was completed 3-4 months ago. ACHD acted on the entire project, and that's what you have before you in the package. ACHD also did the phase one impacts. They were going through an ordinance change over the last couple of months. Their conditions were changing while it was all submitted. It includes everything that you wanted to submit in there. This was part of the approval to City Council. **C/Young:** Actually, if it's completed, I'd like to review it myself. If that's available, I would be happy to table the preliminary plat to have time to review that. **Mark Tate:** I wonder if there is a way that you can move us forward and add a condition to come back to you to meet what you want to see in there. **C/Young:** As a commission, we need to review it before we go forward to City Council. **Mark Tate:** That wasn't our doing, that was ACHDs. We've been tabled here for a month. Everything we're doing is time sensitive. If we can't move forward, we'll lose an entire year. I would implore you to move us forward conditioning what ACHD did. The staff report requires that we build all of our frontage to city standards. There isn't going to be anything different in that ACHD report. **Troy Behunin:** Staff would like to mention about the frontage requirements that City Code has marked points out. As stated in the staff report. Staff recommends that the build it to ACHD standards. If we're requiring full width, that will be far more stringent than what ACHD requires. We talk about all lanes, the whole gamut. ACHD doesn't care what happens outside the right-of-way. **C/Hennis:** We need to have the ACHD report to make sure that it meets your standard and everything around it. **Troy Behunin:** ACHD has a signature on the plat. Both agencies have to agree that it meets the requirements. We take their recommendations quite seriously over a number of projects. **Bill Gigray:** If you determine that you want to see that report, then I think you must continue at a later date when certain. You would say the purpose of continuing this study is to receive any comment on the part of the developer's staff or any property owners. With regards to that study, which would limit the continuance of the issue. I think you should announce what they are and set a date and time for the continuance if that's what you choose to do. **C/Hennis:** What would be our use to see this traffic study rather than do a condition. If he wants to move forward to continue to do this, then that needs to be addressed. **C/Hennis:** It seems like our water concerns have a Plan B. It looks like there will be many preliminary plats. We've got backup water for the

CITY OF KUNA PLANNING & ZONING COMMISSION

MEETING MINUTES Tuesday, November 27, 2018

people that live there. **C/Young:** I'm fine with conditioning that in the report. **C/Hennis:** Steven, some of the stuff in the report, the well studies, is that something that they typically do in the monitoring? **C/Damron:** If they look at the area geographically and then geologically, because aquifers don't run straight all over. The proper way to do it is a well-depth study, which determines how much and where they will be in the well. It should tell them through the status of the aquifer how that static level's going to drop due to water usage. That will give them over time an idea of how much water they have, how much they're drawn down. **C/Young:** If we can follow ACHDs plan for mitigating some of the homes here, and obviously there's plans for water. I think that this is viable. What the applicant's done in the past speaks for itself. They do try to play well with others. As far as the annexation, comp plan, PUD piece, I have no issues. As far as the preliminary plat, I think that the development is consistent with the comprehensive plan. The trails go above and beyond what we see with many developments. **C/Gealy:** It's well over 1,000 acres and it looks like a residential density of about 2.25. That's far lower than anything we've seen come before us in a long, long time. This is not the traffic you'll have for an R-6 or R-7, same for traffic. That low of a residential density is low for the project. The amenities are good. I would like to see more transition for the lots on the edge of the neighbors. With this preliminary plat is this gated community. There will be landscaping swales and sidewalks and landscaping. That corner will be commercial will be beneficial to all. **C/Gealy:** I remember a deceleration lane already at the entrance of Falcon Crest Golf Course. **C/Laraway:** I think the developments in these phases, it's not like it's going to drop 900 homes in the next year and a half. It's probably a 20-year project. I have to trust the process we have in place. **C/Hennis:** I like the Plan B in there. **C/Laraway:** As far as the traffic study, I think this will help that it's people 55 and older. I don't think the growth in the next five years will impact the traffic study too much. **C/Gealy:** Where does the development agreement go? **Bill Gigray:** Because the city has an application for annexation and zoning which is proper (the state statutes the zoning), it goes with the application and the zoning. If we are authorized to do development agreements, when we do zoning. It's those two that kind of fit together, then we'll take these at a pace where it would make most sense to take the application and zoning in the development agreement first. I believe those would all go together. You can deal with the more specific requests that would follow. **C/Gealy:** I would ask for a clarification from staff about several conversations and conditions that we would like to have included or added. I feel that from a cursory inspection that the conditions would not really apply to the annexation, rezone or development agreement. **C/Hennis:** I disagree, one of the notes that I have is for the development agreement. The potable water rights and the default agreement are all the ones that I see applying to those. **Troy Behunin:** For the development agreement, that's all that staff recommended the affordability to continue to work out any of the nuances with the developer between now and City Council. Then we come up with complete product at that time. Instead of adding to the City Engineer's Memo. We add that pressurized irrigation be conditioned to dedicate those water rights for the pressurized irrigation system. This would be part of the preliminary plat.

Commissioner Gealy motions to recommend approval of Case Nos. 18-03-AN and 18-04-ZC with the development agreement and the conditions as outlined in the staff report, with an additional condition that the applicant would work with staff to refine and finalize the development agreement and include potable water, the default clause, and to submit a clean development agreement to the City Council. Commissioner Hennis seconds; Motion carried 3-1. Commissioner Gealy motions to recommend approval Case No. 18-01-CPM to the City Council with the conditions as outlined in the staff report. Commissioner Hennis seconds, all aye and motion carried 4-0. Commissioner Gealy motions to approve Case No. 18-02-PUD with the conditions as outlined in the staff report. Commissioner Hennis seconds, all aye and motion carried 4-0. Commissioner Gealy motions to approve 18-04-S with the conditions as outlined in the staff report. With an additional condition that the applicant work with staff to include recommendations from ACHD's report to mitigate the traffic of the first preliminary plat ; With an additional condition that the applicant includes the irrigation text from the City Engineer's letter, as appropriate; with an addition condition that the applicant include curb, gutter and sidewalks on Cloverdale and Kuna Road if they're not included in the ACHD five-year plan; With an addition condition that staff work with ACHD on the alignment of Five Mile Road. Commissioner Hennis seconds, all aye and motion carried 4-0. Commissioner Gealy motions to approve

**CITY OF KUNA
PLANNING & ZONING COMMISSION**

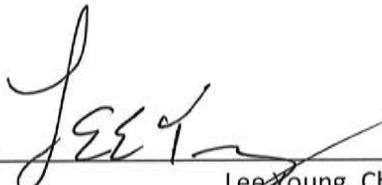
**MEETING MINUTES
Tuesday, November 27, 2018**

18-20-DR with the conditions as outlined in the staff report and the additional conditions included in the preliminary plat, which would include modifications to include text from the Engineer's letter, curb, gutter and sidewalks on Cloverdale and Kuna Road, to include that the applicant work with staff and ACHD to draw the Five Mile alignment, and that the applicant work with staff to provide sod for the driving range. Commissioner Hennis seconds, all aye and motion carried 4-0.

3. COMMISSION REPORTS

4. ADJOURNMENT

Commissioner Hennis motions to adjourn; Commissioner Damron Seconds, all aye and motion carried 4-0.



Lee Young, Chairman
Kuna Planning and Zoning Commission

ATTEST:



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