



**PLANNING & ZONING COMMISSION
MINUTES**

**Tuesday, July 14, 2020
6:00 PM**

*Under authority of the Governor's partial Open Meeting Law Suspension Proclamation dated March 13, 2020, and due to social distancing protocol, the **Council Chambers Audience Occupancy Capacity was 15. Social Distancing was required.***

*This meeting was also streamed Live on the City of Kuna Idaho Facebook page:
<https://www.facebook.com/CityofKunaIdaho/>*

Public testimony will be received on the cases listed under Public Hearings within this Agenda. The instructions and options available for public testimony are listed below.

1. CALL TO ORDER AND ROLL CALL: 6:10 PM

COMMISSIONERS:

Chairman Lee Young
Vice Chairman Dana Hennis – Absent
Commissioner Cathy Gealy
Commissioner Stephen Damron – Absent
Commissioner John Laraway

CITY STAFF PRESENT:

Wendy Howell, Planning and Zoning Director
Troy Behunin, Senior Planner
Jessica Reid, Planning & Zoning Staff

2. CONSENT AGENDA:

All Listed Consent Agenda Items are Action Items

A. Planning and Zoning Commission Meeting Minutes

1. June 23, 2020

B. Findings of Fact & Conclusions of Law

1. Case No. 19-08-ZC (Rezone), 19-10-S (Preliminary Plat), 19-06-SUP (Special Use Permit) & 20-03-DR (Design Review) Monarch Landing Subdivision
2. Case No. 20-01-SUP (Special Use Permit) 3040 W. Pear Apple Street In-Home Daycare
3. Case No. 20-09-DR (Design Review) Francis Dental Office

Commissioner Cathy Gealy moved to approve the Consent Agenda. Seconded by Commissioner John Laraway. Approved by the following roll call vote:

Voting Aye: Chairman Lee Young, Commissioner Cathy Gealy and Commissioner John Laraway.

Voting No: None

Absent: 2

Motion carried: 3-0-2

3. PUBLIC HEARING:

- A. Case No. 19-14-AN (Annexation), 19-11-S (Preliminary Plat) & 19-32-DR (Design Review) Patagonia East, Ridge & Lakes Subdivisions - **ACTION ITEM****

C/Young: Staff has asked that we table this to a date certain due to non-receipt of final agency comments. Is there a date we are anticipating or how far out we anticipate that?

Troy Behunin: Thank you Chairman Lee Young, for the record, Troy Behunin, planner for the Patagonia East, Ridge and Lakes subdivision. The contact at ACHD indicated they will have the report in time for the coming July 28th meeting; in time for staff to review and also for it to be in the packet. **C/Young:** Ok. **TB:** That is the date that staff would recommend but it is up to the Commission to decide. **C/Gealy:** At our previous meeting *unintelligible*.

Commissioner Cathy Gealy moved to table 19-14-AN (Annexation), 19-11-S (Preliminary Plat) and 19-32-DR (Design Review) for Patagonia East, Ridge, and Lakes Subdivision to July 28, 2020. Seconded by Commissioner John Laraway. Approved by the following roll call vote:

Voting Aye: Chairman Lee Young, Commissioner Cathy Gealy and Commissioner John Laraway.

Voting No: None

Absent: 2

Motion carried: 3-0-2

B. Case No. 20-01-CPF (Combined Preliminary & Final Plat) Ensign Subdivision No. 1 – ACTION ITEM

Troy Behunin: Once again, thank you Commissioners; for the record, Troy Behunin, Kuna Planning and Zoning Staff, 751 W 4th Street, Kuna, Idaho. The application before you tonight 20-01-CPF, combination preliminary and final plat, for Ensign Subdivision No. 1 is a request from Emmett Partners, LLC group, owners of the property, and they are looking to resubdivide one of the lots within that commercial subdivision. Originally, they wanted to split the lot but as it is in a platted subdivision it would require a replat; that's what this process is designed to do. The subject property is Lot 1, Block 1 and they request that it be split into two different parcels so that the 3.09 acres are split into two separate parcels so that two separate businesses could purchase those. It is staff's understanding that there is a party interested in part of that site and the applicant would like to split that so the transaction could happen, but it does have to go through the public hearing process. It's a fairly simple and straightforward request, Brett Jensen with Emmet Partners, LLC is here tonight and I would stand for any questions you might have. **C/Young:** Are there any questions for staff at this time? **C/Gealy:** I do have one for clarification. In the staff analysis, staff requests that the applicant join the property owner's association; does that need to be included in the conditions of approval? **TB:** I have worked with Brett and his company on other projects and I know that they would be willing to join since it's already in place, we just want to make sure that cross connection and all of those other things that are required *unintelligible*.

C/Gealy: Thank you. **TB:** You bet. **C/Gealy:** That's the only question that I have. **C/Young:** Ok, is there anything that staff would like to add to that? No, then we'll open the public testimony at 6:12 PM. I don't see anybody on the sign-up sheet, is there anybody here that isn't signed up that would like to testify on this matter? Is there anyone on Zoom wanting to testify? **Jessica Reid:** No, there is not. **C/Young:** Seeing none I will close the public testimony at 6:14 PM and that will bring up our discussion. I feel like this is pretty straight forward case. **C/Gealy:** I agree, I don't have any concerns. **C/Laraway:** I think it's appropriate. **C/Young:** Ok, then I will stand for a motion.

Commissioner Cathy Gealy moved to approve 20-01-CPF (Combined Preliminary & Final Plat) for Ensign Subdivision No. 1 with the conditions as outlined in the staff report and including the additional condition that the applicant join the property owner's association. Seconded by Commissioner John Laraway. Approved by the following roll call vote:

Voting Aye: Chairman Lee Young, Commissioner Cathy Gealy and Commissioner John Laraway.

Voting No: None

Absent: 2

Motion carried: 3-0-2

C. Case No. 20-01-S (Preliminary Plat) Fossil Creek Subdivision – ACTION ITEM

Troy Behunin: Good evening Commissioners, once again, Troy Behunin, Kuna Planner, 751 W 4th Street. The two letters that I just passed out to you folks are letters we received yesterday morning and yesterday afternoon, in response for the call for public comment on the Fossil Creek Subdivision; they were not submitted in time to make it into your packets. I would like to take special note that there are two letters in here, one from Mr. John and Clare Marsala which has signatures from their neighbors that feel the same way; the second is from a Mr. James A. Weuhler, I really hope I am not slaughtering his name. Mr. Weuhler resides at 2163 W Quilceda Street here in Kuna; the letter before you was submitted to our office while a moment before, an identical letter was submitted to the Mayor. The Mayor did not read the letter, in fact, he brought it down to our office so we could confirm if it was something he was or was not supposed to read; I have an electronic copy of that identical letter should you wish to see it to confirm that it is an identical letter. This project is on the southside of Deer Flat and just west Ten Mile Road, the application is for a preliminary plat approval and a design review approval for the common spaces; in fact, this is actually a redo of a plat that was submitted back in 2006, they have come back to us with changes. The applicant is proposing to subdivide the approximately the combined 66.75 acres creating a subdivision known as Fossil Creek. The area is presently zoned R-5 which we no longer have, that stems back to the 2003 application, the Future Land Use Map does designate this as a Medium Density zone.... I'm sorry, earlier I said 2006 but I meant 2003, I apologize. The Future Land Use Map and the Kuna Comprehensive Plan Map identifies this parcel as Medium Density which places it between four and eight dwelling units per acre. The application proposes 8.4 acres of useable open space or 12.5%, which includes trails along Ramsey Lateral and a future open space setup along Indian Creek, plus there are other open spaces and trails for the residents. Staff does agree this proposal is in concert with the Future land Use Map and Comp Plan. The applicant proposes 272 home lots and 11 common lots so, there would be a total of 283. Staff has confirmed with the applicant that they will work with Public Works Department to bring utilities to the site and throughout the site, and provide the stubs that are necessary for traffic and utilities to adjacent properties as to conform with Kuna City Code. Public utilities will be provided at the developers cost and will be extended to the site and through the site in sufficient sizes as Public Works deems. Staff has recommended that the applicant be conditioned to multiple items, including working with Kuna Rural Fire District for proper permanent secondary access; streetlights on streets, including the Deer Flat frontage; improve, widen and dedicate public roads with curb, gutter and sidewalk. Staff does find that the preliminary plat does appear to be in concert with Kuna City Code. A design review also accompanies this property and they seek approval for the landscaping, the trails, and the open spaces that are included inside the subdivision. The landscape plan appears to be in substantial compliance with Kuna City Code 5-17, and staff would like to point out that

any changes to the landscape or streetlight plans must receive staff approval prior to these changes being made in construction. At the time of inspections, if staff goes out and finds that conditions are different than the approved plans, changes will be required until the conditions are compliant and will be at the developer's expense. Staff has determined that these applications meet Kuna City Code and the Idaho State Statutes, Kuna Comprehensive Plan and the Future Land Use Map. Our recommendation to the Commission is approval for Case No. 20-01-S and 20-02-DR; I will stand for any questions you might have. **C/Young:** Are there any questions? **C/Gealy:** No questions. **C/Young:** Ok, thank you. Applicant, could you please come forward and state your name and address for the record please. **Jane Suggs:** Thank you Commissioners, I really appreciate you being here and allowing me to do this, I'm not quite used to that as I had another hearing last night *inaudible* showing everyone what we were trying to do so, thank you. My name is Jane Suggs with Gem State Planning, 9840 W. Overland Road, Suite 120, Boise, Idaho, 83709; I am here representing Fossil Creek Subdivision. Let me just start off by saying the proposed subdivision meets all of Kuna Code for the current zone, as Troy talked about, R-5 now R-6 in your code; and we agree with all the conditions of approval. We are doing everything we can to make sure this preliminary plat approved since it already follows the zone for this use and the Comprehensive Plan as well. As Troy presented, this property is already annexed and subdivided even some time ago, that plat did expire; we talked about bringing that plat back in but had realized that plat conditions had changed and the open space requirement has changed since 2006, sorry, 2003. We were also asked to do a Traffic Study because traffic has changed as well; due to all this we have brought in a new subdivision. If you look at the old subdivision you see cul-de-sacs, you see straight streets, we don't do so many cul-de-sacs anymore, so let's look at the landscape plan; you can see we have more connectivity, so no cul-de-sacs, a lot of connectivity, pathways that you can see here. This is a new project but generally the same layout, we will have 272 single family home lots on 66.75 acres. The smallest lots are closer to the park as you typically see, and the larger lots are down along the south boundary because we are adjacent to a rural subdivision in the county, the Secluded Court Subdivision. We are including the 8.2 acres of useable open space, of course that does not include the buffers or the endcaps, the landscape because that is not considered useable open space. If you look you can see a 5-acre park with a playground, a covered shelter and a half basketball court there in the west corner. We also have some additional just open areas, one along the Ramsey Lateral that is 2.5-acres, for open play; of course, sidewalks and pathways connect to these open spaces. We are building our streets to Kuna and ACHD standard and providing the stub streets, these stub streets go southwest, south, east, and connect to potential future development *inaudible*. We do expect this will take probably 5 years to build out, it may be a little longer because of the economy, we can't predict that. Again, we have designed Fossil Creek to meet Kuna Subdivision Code and we agree with the conditions of approval. There is one clarification on condition 13, it says this shall be approved (Condition 13 states, "The applicants proposed preliminary plat (dated 02/11/20) shall be considered a binding site plan *or as modified and approved* through the public hearing process.), we have just found out from ACHD that they are requesting additional 10 Feet of right-of-way on Deer Flat. Our plan does not show the additional right-of-way but, we have saved ourselves with that plat the 35 Feet of buffer space; that is much more than the required 20 – 25 Feet of buffer, so we have some room there to give ACHD their request. That is the only clarification I see so; this is the plat we are asking you to approve with the addition of the right-of-way ACHD requests. We have not changed anything other than the city construction drawings will show a little bit different (because of the additional right-of-way). We request that you approve our design review for our landscaping and amenities, and with the recommendation of approval to the City Council for our subdivision. Are there any questions? **C/Young:** Could you describe the

fencing types on the perimeters? **JS:** Generally, 6 Foot vinyl fence, not white, more beige in color; we've gone away from the white vinyl fencing. The entire area will be perimetered by the fence, the only way you would not see the vinyl fence is if we are adjacent to some open spaces like the pathway in the middle going east and west in that northwest corner; you see a little pathway between some lots, we would put some open fencing there. It could be some fencing with lattice on the top or maybe even some wrought iron fencing; we don't like to put that 6 Foot fence that close together because we need something different along the pathway. Along the Ramsey Lateral we would like to keep that open but with the houses backing up to it, will likely have some special open fencing, maybe a 4 Foot fence; it's just enough so that if somebody is walking there you can see them. Generally, we will have the fence around the entire subdivision, including the stub streets; unless those stub streets connect into another subdivision, all stub streets will end in a fence. **C/Young:** Ok, some of my questions are going to be clarifications based on comments in the letter we have here and I just want to also get those on the public record. One of the comments in the letter that we received from John and Clare Marsala, I don't have these in the correct order but, a lot of the concerns that I have noted is the fall from north to south from the end; I know they've expressed concerns with irrigation waters staying on the correct sides of the property line. Could you just address that briefly? **JS:** Yes, we have had some previous discussions with Mr. Marsala about that. We don't have the details worked out about that, certainly we're not *unintelligible* the lay of the land so, we will be putting a pressurized irrigation system, there will be a fence there, and we may cut in a little berm so there's no water coming from the flood irrigation from his acres; we don't want the flood irrigation from the north and of course we don't want our irrigation to get on his property as well. Those are some of the guarantees we can give; I don't know if you can see in the plat, but there are *unintelligible* that we would like to see during construction *unintelligible* can be graded in a way to where there is no problem there. We don't have that yet but there are certain details in construction that can be built further down the line. **C/Young:** I just realized with his name on the letter here that he is listed to testify so, I won't need to go through these items here because I am sure they will be brought up during his testimony; I'll stop you here. I just wanted to make sure that if they were not here that their concerns were heard. Are there any questions? **C/Gealy:** I have no questions at this time. **C/Young:** Ok, thank you. **C/Gealy:** Mr. Chairman, I wonder if we could take some time to read the two letters before, we proceed? Before we proceed with the public hearing? **John Marsala:** (From the crowd) *Unintelligible*. **C/Young:** Is it contained to three minutes? If it's going to be read into the record then.... **C/Gealy:** *Unintelligible*. **C/Young:** I agree that maybe, just before we open up the public hearing, that we can take a moment. **C/Gealy:** Thank you. **C/Young:** We'll take a quick pause here. (Pause while letters were read.) Ok, then, we'll go ahead and open the public testimony at 6:34 PM. The first person that is listed to testify has three minutes to state whatever they'd like, and then the applicant then has a chance to come back and answer your questions, and that's how that works. With that, first I have listed, we'll start with those that are in opposition, to testify. Clare, could you please come up and state your name and address for the record please? **Clare Marsala:** Clare Marsala, 2150 Secluded Court, Kuna, Idaho, 83634. I don't want to insult your intelligence; you guys have a copy and I assume you've read about our concerns here. I do want to say that I am here on behalf of the twelve people that signed this letter. As a long time resident of Kuna, but someone who is ignorant of the political process; I think I speak for some of the others when I say it just feels like every single subdivision that comes along gets approved. Traffic is so bad on Ten Mile and Deer Flat right there; is there any consideration that is put into it? My goodness, we've got enough cars, we've got enough kids packed in the schools, you know, where are the schools going to be built? Corey Barton doesn't have enough money? I feel like our town is turning into Corey

Barton town. With six houses per acre, everything looks the same. Are there no large acreage lots anymore? Are there custom homes? It's just, I don't know. I'm certainly not the only citizen that talks this way, maybe others don't voice it but that is what the community says. When is it going to stop? When are we going to stop this cramming in new subdivisions? I'm assuming that this will naturally get approved as they all do, but I am hoping that....you know, we have no concerns about that stub street; we don't ever want a stub street coming through or people coming through our property because that stub street is right on our property. We don't want kids coming through and taking shortcuts across our property, going to the two schools that are right at the end of our road. I guess I would like to hear you guys speak to the overcrowding on all those roads, all the cars coming out on Deer Flat to the schools and such because I am unfamiliar with the process you guys have with approving these subdivisions. Thank you. **C/Young:** Ok, thank you. Next, I have listed John Marsala. Did you still want to testify? Ok, please step forward and state your name and address for the record please. **John Marsala:** John Marsala, 2150 W. Secluded Court, Kuna, Idaho, 83634. I am speaking on behalf of the issues with the new subdivision and Secluded Creek Estates. I have a list here real quick, I just want to mention these for the record. The property line surveyed is about three feet on the north side of the fence line, we have located those pins by electronic device so that we could ensure that they follow the correct property lines; my neighbor and I, we actually ran a string from one pin to the other, 722 Feet, so we want to make sure that they follow the correct property line. There are three in-ground swimming pools near the property line, they are concerned about the dust and the dirt going into those pools and clogging up those filters; we already have issues with the farming that goes on but we tolerate it because its Ag and we would prefer the fields instead of the houses. We are also concerned about the work starting too early in the morning, we already hear the back up beepers and safety beepers from all the heavy equipment at six o'clock in the morning traveling all the way over to our house, from a subdivision that is being built already. Also, we are very concerned about the changes to the irrigation water box on Ten Mile by Ramsey 577. We understand from our neighbors that they had issues over on Deer Flat where they had destroyed the water box and they could not get their irrigation water to their property; I have 110 trees on my property, 54 seventy foot Poplar trees along the property line that need water during the summer time, I'm really concerned about the irrigation water getting to my trees. Also in regards to the irrigation water, it flows a little bit north and a little bit west then flows to the Hintz's property into a small little collection area; it collects on both sides of the property line, sometimes it's a pretty good-sized pond. We want to be good neighbors to the neighbors that will eventually be behind us, we don't want our water flooding their backyards out so, we were asking if there could be a small 6 inch or 12 inch berm between the property lines built to control that water while irrigating. The last item is the stub street, Jane and I were talking and my neighbors are very, very concerned by the stub street. There's a precedence set back up *unintelligible* and they deleted the stub street; we are asking that the stub street be deleted and if not, we would like it moved down farther because right now where it's located, if it eventually came in, it would cut my property in half. We would like a lot of concern to the stub street. Also, already right now, we have people crossing the pastures to get to the pond that come across at random and we have to deal with that right now. So, those are the things we are concerned about; the kids jumping the fence and coming through the stub street, crossing our property, the Hintz's property, and the Jacobson's property. **C/Young:** Ok, thank you. Is there anybody on Zoom that is signed up to testify? **Jessica Reid:** No there is not. **C/Young:** Then, could you please come back up Ms. Suggs. **JS:** Jane Suggs, Gem State Planning, representing Fossil Creek Subdivision. As Mr. Marsala has said, we have talked, we talked previously and he was actually nice enough after our neighborhood meeting to provide me with a list of questions and I recently responded; I thought I had

responded earlier in an email but we have kind of responded to some of those questions with this communication between us. Let me tell you first, going through the letter, there were some concerns about traffic. We have done a traffic study and have found out through ACHD that both Deer Flat and Ten Mile have capacity. Now you might know from our traffic study with ACHD that eventually, there will be a single lane roundabout there; it's not funded and it's not going to come anytime soon, it's not in their work plan, the five year plan or the ten year plan but, that is something that they have an idea of what will be built there. In talking about the stub streets, (requests the map be shown on screen) I think I could move that over maybe two lots, I can't make it come down the north-south street, but I can move it over about two lots; I can't get it too close because we have to have an offset but that might move it enough so that it's not right in the middle of Mr. Marsala's. It can be made a condition that we move the stub street one, maybe two, lots over; they can slide over a little bit, I'll have to convince my engineer that's a good thing. We do break up the streets with intersections, we can't be too close, but we try to break up those long stretches of street with that.

Unintelligible where the property line is, we will follow that; sometimes of course, things get moved around and a fence isn't always on the property line. The property lines are actually three feet north of the fence but we will follow the pins of course. Yes, there are in-ground pools; when you're living next to somebody who's basically plowing up 66 acres creating dust, but we don't expect much worse than that. During construction we have water trucks and things that keep the dust down, then of course when the property gets developed, there will be noise just like everybody else has. I don't expect the dust to be even as bad as they experience now when there's someone out there in springtime doing the plowing. We talked about the fencing already, the vinyl fence is pretty typical; anything higher than that I don't have to do, six foot is standard, it's what the city asks us to do. We're going to try and make sure there aren't any step-holds for the kids to use to jump over, I haven't been able to jump over a vinyl fence ever. I need to refer to, as far as construction, Kuna's Ordinance. The Ordinance does say when construction can start and when it has to stop; something like 7 AM to 7 PM, we would certainly follow that noise Ordinance. Certainly, on days like in the summer, we would like to start earlier but we will follow the requirements of the City Code.

C/Young: Ok. Let's get back to the stub street and the fencing question and maybe address those more; I assume it's the intent to run that vinyl fence across the future stub street location so there's a continuous fence across that so there's not a gap in the fence or an opening, right? **JS:** There's not a gap. (*Comments from audience.*) I think the issue is, if I can share, the concern is if there is a stub street right there, that people are likely to spend some time there, to back their cars up, someone had said something about trash being thrown over the fence; I would hate to think that would happen even in someone's backyard, sometimes people cut the grass and dump it. I hear that sometimes from Ag(riculture) users that people come in with subdivisions and just think that that's a wasteland, so, CC and R's will certainly address that and address that. There isn't anyway you are required to improve the street like a regular street, all the way to the property line boundary and then put the fence in. We're just going to have to depend on the neighbors to be the eyes there and make sure kids aren't jumping over the fence; I mean, they could do that in somebody's backyard too but we are hoping that people don't do that. I think that has covered some of the things; the fact that there's dust in an area that nobody owns, that is open to the fence....I really don't have a way to control that, I think after awhile between the neighbors and the CC and R's, the neighborhood association would handle that. Let me finish up, I don't want to take all night here. I don't have the authority to specify one-story houses there, this is typically *unintelligible* these 10,000 Square Foot lots which is like a quarter of an acre, they're wide and they are typically two-story houses or if they're one, they have bonus rooms and upper stories and that type of thing. I don't have the authority to agree with that, it can be

conditioned but, I'm hoping with those lots that the builder, it's Corey Barton, with those lots will do some different styles on those wider lots. I just don't have the authority to suggest that. The Poplar trees, they're on Mr. Marsala's property; he does have a lot of trees, we walked through that whole area back in February. If they're on his property we won't be doing anything with them, if they are on the subject property (the subdivision property), they may have to be cut down but, I think with the trees because of where the fence is and that the property line is north of the fence, I don't think we would be doing anything to destroy his trees. And as you know, you've heard this before, state law does require us to maintain irrigation throughout the irrigation season. Our engineers and our contractors will make sure that nobody ends up without their water, in fact, you'll find out that in the next couple of weeks we will start working on our plans to submit to the irrigation companies for them to review so we can start our work when there is no irrigation water coming out. We talked a little bit about the possible berm, again, we don't have the details exactly of what that is going to look like on that south property boundary; of course, we don't want flood waters coming into the neighborhood and we don't want our water to flow into theirs. There is a requirement that we keep our runoff on our property. I also looked at the other letter but I don't really have any responses to the other letter that was sent; it's mostly about just *unintelligible* in general and it wasn't very specific to this project. Did I answer the questions? I know that you didn't have much time to review that. **C/Gealy:** Does the stub street have to be there? **JS:** It is a requirement of ACHD and the City of Kuna that all properties adjacent to it has to have some connectivity. We could go on with stories about how we don't do these things and then someone comes into Secluded, and it's very limited on how to get *unintelligible* protection. Let's say you don't have those streets, and I'm not saying Mr. Marsala is going to do this, someone came into these properties and wanted to subdivide and annex; they wouldn't be able to subdivide and build unless they continued the street for second access. Those are just the things from ACHD, they've looked at this plan and it says in the staff report we have to have those stubs in the infrastructure to the south. **C/Gealy:** You do have some flexibility? **JS:** I can't bring it straight down, they're already dinging us with some traffic calming so, to extend our straight streets we can't but I do have flexibility with maybe moving it over to the east; I think that's what Mr. Marsala wants to get it out of the middle of his property and to the end of his property. I could move it to.... I can commit to one but maybe two (lots). **C/Young:** Ok. Are there any others? **C/Gealy:** What about the second access? **JS:** Our first phase will be the western access from Deer Flat and we also have secondary access coming in off the subdivision being constructed now, I think it's called Pawnee. This street actually connects to a subdivision here that has access, so there's two. There's two there and then in the next phase we'll be taking the eastern access off of Deer Flat, then we'd move down to the southwest corner and then the southeast corner. That goes with phasing, there are four big phases that will open that up a little bit more; so, there's north; northwest; northeast; southwest; southeast. **C/Young:** Ok. Anymore questions? Thank you. **JS:** I just want to reiterate; this is already zoned for this; we are just doing a subdivision plat and meeting all of the codes. Thank you very much. **C/Young:** Thank you. **C/Gealy:** Mr. Chairman, could we please take a moment to read the second letter? I didn't get a chance. **C/Young:** Yes. I'll go ahead and close the public testimony then at 6:54 PM, then we'll just take a brief pause to do that. (Commissioners read the second letter that was submitted by Mr. and Mrs. Weuhler). And that brings up our discussion on the application; I don't know who would like to go first. **C/Gealy:** I actually have one more question for staff, if that's alright, it's in respect to the Comprehensive Trails Plan. It looks like part of the western edge bumps up to where the creek is, are there plans for some point for trail along that side of the creek? **TB:** That's a good question, thank you Commissioner Gealy; or the record, Troy Behunin. Yes, there is an intended trail on the plan along Indian Creek and this

property where it is adjacent to the creek, if you look in the southwest corner where there's green strip, that is the only part of the property that is adjacent to the creek. In between the two stub streets on the west side of the project, those are other properties, and that's as close as they get to the creek. **C/Gealy:** Thank you. **C/Young:** I guess for me with the topics, it is consistent with the city's Comprehensive Plan, it's already zoned as medium density and marked in the Comprehensive Plan that was approved last year. The traffic impact study was also reviewed by ACHD and they said the impact was acceptable I guess, for lack of a better word, as far as the increase in traffic at those intersections indicated in the traffic impact study. **C/Laraway:** I just want to add that ACHD, to me, puts us in a bad position. They report the existing traffic condition and the existing configuration of streets in the study areas, and they say roadways meets ACHD's minimum standard. *Unintelligible* it kind of puts us in a bad place because they're saying this is going to be minimum impact for these roads and it just doesn't make sense why they say minimum impact; it either meets a standard or it doesn't. **C/Young:** I think when they look at those studies they say, here is the threshold and it meets that threshold as this is.... hold on, I want to say this correctly.... in essence they are saying, based on the traffic impact study that the increase meets the minimum; it doesn't mean it's going to be an open freeway with fourteen lanes where everybody can go but there is a minimum requirement and it meets those whereas, at a minimum, you have to be able to accept this much traffic, at the minimum you have to be able to do X, Y and Z. They're saying, at a minimum, it meets those thresholds. **C/Laraway:** That's what I'm talking about, there's really no improvements for this until 2035, they're talking about most likely 2031 for improvements to Ten Mile. It's not the developers problem, they're following the guidelines given to them and getting approval from ACHD but I think that puts Kuna in a bad situation to where the citizens are going, "Ok, the traffics getting out of hand", and we all agree, but ACHD says we're good to go. There are projects that are so far down the road that they aren't supporting the subdivisions that they are approving; that's just my personal concern. Again, I know it's not the developers' issue but when you have citizens talking about the traffic, it is going to get worse. I can't tell Mr. Smith that he can't sell his 40-acres of agriculture to anybody when he has the right to sell it to anybody he wants, that's his right if he chooses to, and I understand that, but the traffic starts to get more and more where they are getting pushed down these major arteries of Hubbard, Ten Mile, and Deer Flat. The roads aren't made for it, not now, not today. I know the development probably isn't going to be going on for five years but that's why we need to be thinking five years ahead with what this is going to look like, and we have ACHD that we have to look to as our expert; it kind of puts us in a hard spot. **C/Young:** Yeah. I know there has been outreach from the Mayor to ACHD and Ada County and other local jurisdictions, in trying to come up with an overall county-wide, Treasure Valley-wide plan to address that; baby steps, I don't know. **C/Laraway:** That's just my two cents. **C/Young:** I don't disagree. **C/Laraway:** It looks like a nice subdivision, you know, *unintelligible*. The two-story buildings along the fence, that's something that again, I don't know if we can prevent that or if we should; I know it's a request from the local papers. Things to ponder. **C/Young:** Yeah. My point of view, I don't know that I feel comfortable telling somebody you can't build this here because I'm here first. I understand the privacy and that they're included in that but again, I think your going back to some private property rights and that I'm not comfortable mandating one or the other myself, or requesting a mandate. Again, addressing some of their concerns on the stub street, if we can get that shifted a little bit; again, those stub streets are required by us and ACHD, because yes, there's nothing there today and there will be a fence across the end of that, but twenty years from now, in not just this subdivision but in other subdivision; what's going to happen next and there's planning that goes along. **C/Laraway:** I feel your pain, I live on that spot in my subdivision where it's a dead end and there's a sign all over it that says end of existing road.

C/Young: But figuring out as things are going to grow, as they inevitably will, how we address that. As far as noise and new neighbors and the potential for items appearing on the wrong side of the fence, that is a City Code issue and if something like that happens, it's something that our Code Enforcement people address and put a stop to. **C/Laraway:** And there is a noise Ordinance, if that happens you can always call the police. **C/Young:** As far as dust mitigation, this is also addressed and there are requirements for them to wet down as much as possible throughout construction and maintain low levels of dust. I'll concede there is no way possible to stop hearing a backup beeper during construction. I feel your pain, I know, where I work, they are putting in an eight-story building across the street; I've heard pile driving for eight months, it's just part of construction. I'm not boo-hooing it in any way but it is temporary. I'm just kind of moving my way through the list of concerns, but I think Mrs. Suggs did a pretty good job of addressing those and I was trying to highlight some of that with the traffic impact study that has been looked at and approved by ACHD. I know the fire department, the schools, have also all looked at this and have had a chance to comment on the impacts of this subdivision. **C/Laraway:** I would love to be able to tell the citizens as far as the traffic, go to the Mayor and explain that you like to have a traffic enforcement added to the police department; there are other ways it can be prevented, just not here. **C/Young:** Again, to this particular application, for me it looks good; I like the open space, the parks, connectivity to those parks through different parts of the subdivision. As this one connects to the subdivision being built just to the northwest, staff has indicated there's connectivity to some of those future trails as well. For me, I think if we can get that stub street addressed and shifted to help, I don't have too much concern for this. **C/Gealy:** I also don't have any concerns. I did want to say that the City of Kuna does have a Comprehensive Plan that was redone and just approved within the past twelve months, to try and address some of the concerns in regards to growth. I think we all recognize the increased pressure for housing in the Treasure Valley and our City Code has been adjusted to reflect the wants, needs and desires of our citizens in the Comprehensive Plan. Through this plan process and through this hearing process, city staff and we, try to make sure that applications adhere to City Code and bring the best quality we can to Kuna. I've said it before and I'll say it again, I have two primary concerns when it comes to subdivisions: amenities for the people that live there, is it actually a livable community, and transitions to the existing and surrounding uses. I think in this case, and I want to say I appreciate, the efforts that the applicant has taken to provide the amenities for the people that will be living there and also to address the concerns of the neighbors to the south in providing larger lots in that location, for a better transition. In respect to the inconveniences of construction, I have the sense that the applicant is willing to work with the neighbors and if you don't have satisfaction, I encourage you to come staff with the code violation. With respect to irrigation, my understanding is that it is the responsibility of each landowner to keep their irrigation on their own property; you can work together with the neighbors to do that or you can do it independently. Again, I appreciate your willingness to work with the stub street. I do think.... in some neighborhoods I know you come to a stub street and there's just like a little post, like a field goal, that says street to be continued but from what I understand, this is going to be a six foot vinyl fence; that is going to be a little bit more of a deterrent to cross traffic. I have no concerns with this particular subdivision; it's well thought out, you have addressed concerns of the neighbor and the concerns of the city. **C/Young:** Any other thoughts? Ok, I would stand for a motion then.

Commissioner Cathy Gealy moved to approve 20-01-S (Preliminary Plat) for Fossil Creek Subdivision with the conditions as outlined in the staff report with the modification of condition No. 13 to recognize the right-of-way request from ACHD. Seconded by Commissioner John Laraway. Approved by the following roll call vote:

Voting Aye: Chairman Lee Young, Commissioner Cathy Gealy and Commissioner John Laraway.

Voting No: None

Absent: 2

Motion carried: 3-0-2

Commissioner Cathy Gealy moved to approve 20-02-DR (Design Review) for Fossil Creek Subdivision with the conditions as outlined in the staff report. Seconded by Commissioner John Laraway. Approved by the following roll call vote:

Voting Aye: Chairman Lee Young, Commissioner Cathy Gealy and Commissioner John Laraway.

Voting No: None

Absent: 2

Motion carried: 3-0-2

4. BUSINESS ITEMS:

5. ADJOURNMENT:

C/Young: Seeing nothing else on the agenda, is there anything that staff would wish to report at this time? Ok.

Commissioner Cathy Gealy moved to approve adjourn. Seconded by Commissioner John Laraway. Approved by the following roll call vote:

Voting Aye: Chairman Lee Young, Commissioner Cathy Gealy and Commissioner John Laraway.

Voting No: None

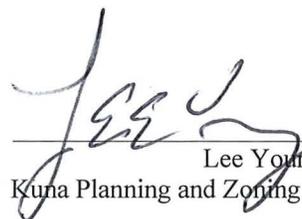
Absent: 2

Motion carried: 3-0-2

ATTEST:



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



Lee Young, Chairman
Kuna Planning and Zoning Commission

