



**PLANNING & ZONING COMMISSION
MINUTES**

**Tuesday, July 28, 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.***

Public testimony was received on the cases listed under Public Hearings within this Agenda.

This meeting was also streamed Live on the City of Kuna Facebook page:

<https://www.facebook.com/CityofKunaIdaho/>

1. CALL TO ORDER AND ROLL CALL 6:00 PM

COMMISSIONERS:

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

CITY STAFF PRESENT:

Wendy Howell, Planning and Zoning Director
Doug Hanson, Planner
Jessica Reid, Planning & Zoning Staff

2. CONSENT AGENDA: *All Listed Consent Agenda Items are Action Items*

A. Planning and Zoning Commission Meeting Minutes

I. July 28, 2020

B. Findings of Fact & Conclusions of Law

I. 20-01-CPF Ensign Subdivision No. 1 (Combination Preliminary & Final Plat)

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

Voting Aye: Chairman Lee Young, Commissioner Dana Hennis and Commissioner Cathy Gealy.

Voting No: None

Absent: 2

Motion carried: 3-0-2

3. PUBLIC HEARING:

A. Case No. 20-01-AN (Annexation), 20-03-S (Preliminary Plat) & 20-07-DR (Design Review) LedgeStone South Subdivision - **ACTION ITEM**

C/Young: It appears that staff requested that this item be tabled to a date certain pending final agency comments. **Jessica Reid:** Correct. **C/Young:** Is there an anticipated time of arrival? **JR:** August 11th, if the Commission would approve. **C/Young:** Ok.

Commissioner Cathy Gealy moved to table 20-01-AN (Annexation), 20-03-S (Preliminary Plat) and 20-07-DR (Design Review) for Ledgestone South Subdivision to August 11, 2020. Seconded by Commissioner Dana Hennis. Approved by the following roll call vote:

Voting Aye: Chairman Lee Young, Commissioner Dana Hennis and Commissioner Cathy Gealy.

Voting No: None

Absent: 2

Motion carried: 3-0-2

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

C/Young: This item also, staff requests it be tabled to a date certain pending agency comments. **Jessica Reid:** August 11th please, if that's possible. **C/Hennis:** That's going to be a busy night.

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 August 11, 2020. Seconded by Commissioner Dana Hennis. Approved by the following roll call vote:

Voting Aye: Chairman Lee Young, Commissioner Dana Hennis and Commissioner Cathy Gealy.

Voting No: None

Absent: 2

Motion carried: 3-0-2

C. Case No. 19-11-AN (Annexation), 19-29-DR (Design Review) & 19-08-S (Preliminary Plat) Ashton Estates East – ACTION ITEM

Doug Hanson: Good evening Chairman and Commissioners, for the record, Doug Hanson, Kuna Planning and Zoning staff, 751 W 4th Street, Kuna, Idaho, 83634. The applications before you this evening are the annexation of an approximately 38.47-acre parcel into Kuna City Limits with an R-8 (Medium Density Residential) zoning district classification, and the subdivision of the 38.47-acre parcel into 175 buildable lots and 25 common lots. Additionally, the applicant has submitted a design review application for the projects landscaping and open space. Ashton Estates East sewage is anticipated to flow to the Danskin Lift Station. At this time, lift station capacity is over-committed; the applicant has met with the Public Works department and discussed that they are willing to cost share for improvements in Danskin Lift Station so they can move forward with this project. Staff would note that if the Commission recommends approval of this project that the applicant be conditioned to work with the Kuna City Engineer to provide a solution regarding the creation of additional capacity. This condition has been provided as condition number 6 in section "I" of the Staff Report. Following review, staff has determined the annexation, preliminary plat and design review are within compliance of Kuna City Code, Idaho State Code and the Kuna Comprehensive Plan. As a reminder, the annexation and preliminary plat are before you as a recommendation to the City Council, and the design review is seeking your decision this evening. If the Commission approves the design review and recommends approval of the annexation/pre-plat, staff would recommend that the applicant be subject to the conditions of the approval listed in section "I" of your Staff Report, as well as any other additional

conditions this decision-making body decides to impose. Thank you. **C/Young:** Are there any questions for staff at this time? **C/Gealy:** I have no questions at this time. **C/Hennis:** Me neither. **Jessica Reid:** Commissioners Gealy and Young, if you could be closer to your microphone please so we can pick it up on the (Facebook) Live. Thank you. **C/Young:** Ok then, can we please have the applicant come forward and tell us about your project. Please state your name and address for the record. **Stephanie Leonard:** Hi, Stephanie Leonard with KM Engineering, 9233 W State Street, Boise, Idaho, 83714. Thank you for having us here this evening, especially with current circumstances, we appreciate the possibility to speak here tonight. We're here tonight to ask for your favorable recommendation and approval of our application on Ashton Estates East. We are asking to annex into the City of Kuna with an R-8 zoning district and a preliminary plat of 200 lots in total. Doug did a good job summarizing our project, I'm not going to wordy as far as the description. We're about 38.6-acres in total, we are currently zoned Rural Residential in Ada County; we're asking for the R-8 zoning district, Medium Density Residential in Kuna. We are contiguous to be annexed, as you can see, Ashton Estates to the west and there's also property to the south that has been annexed into Kuna. Ashton Estates, as I'm sure you're all aware, is a mix of commercial and residential properties; we were hoping to continue on with the residential product in Ashton Estates East. In preparing for this application, as Doug mentioned, we spoke with Public Works and staff several times before we managed to meet all the requirements for Sewer, Water, and Pressurized Irrigation. And we've also *unintelligible*. In designing this plat, we did review the city's goals in the Comprehensive Plan and you can see in the Future Land Use Map shows that our property is located in High Density Residential land use designation; that High Density designation does correlate with the R-8 which allows up to eight dwelling units per acre, we have hit that with 4.53 Gross dwelling units per acre or 6.07 Net dwelling unit per acre. We are fulfilling several Comp Plan goals with this subdivision, specifically with construction of a pathway that I will show you later with the landscape plan; and by providing a variety of different housing opportunities, especially adjacent the commercial development to the west. As Doug had mentioned, our development is 200 lots overall, 135 of those are single family residential lots, 21 common lots and then 4 shared driveway lots that are located throughout the site. Our minimum lot size is approximately 3,984 square feet, we have an average lot size of 5,206 square feet; both of which meet the R-8 minimum lot size requirements. We are requesting for the R-8 dimensional standards primarily; we have a section of lots on the southside of the site that are just a little bit more narrow than the R-6 district would allow so, the R-8 incorporates with this subdivision. As mentioned, we are proposing a density of 4.53 dwelling units per Gross acre and 6.07 dwelling units per Net acre which are *unintelligible* in the R-8 district. Our main entrance is going to be via Stone Falls which is to the south, and it will be accessing Meadow View Drive which is not currently constructed but we will construct it with part of this application. *Unintelligible* direct access from Meadow View and we will be constructing three stub streets and continuing one which is currently stubbed at Ashton Estates. ACHD determined in their staff report that we should work with roadway improvements on Stroebel which is the eastern boundary of our site. They recommended that we work with them before they sign our Final Plat, to determine what development patterns are like and what is appropriate, whether that be *unintelligible* or constructing the roadway, it just depends on what is needed at the time. We will be providing public roads throughout the subdivision to Kuna & ACHD's standards. This is our landscape plan; we are requesting approval for design review. There is approximately 7.7 acres of open space which is considered useable open space, it's over 15% of the site, and is in compliance with the requirements. The Kuna Canal that crosses the site from north to south, we are proposing to leave that panel open and install a 9-foot walking path just west of the canal; this is in compliance with the Kuna Pathways Plan. Our plan does anticipate that

they are going to be putting in some type of tot-lot too, in one of the bigger open space areas. They have also incorporated a school bus pickup area at the entrance to Meadow View Drive, which was a request from the School District. Open space will be maintained by the Homeowners Association as well. This is the phasing plan that we are planning on at this point, it will be 5 phases. The first phase will contain approximately 49 lots and include two access points, there will also be a stub street that would lead to the undeveloped property to the west; as I mentioned before, we will be including that bus stop off of Meadow View. As mentioned earlier, we are requesting an R-8 zone for this site so we can accommodate a different product type which is to the south in grey; they are a little bit more narrow than some of the other lots. The ones in blue and yellow are actually around 5,000 – 6,000 thousand square feet, I don't remember the average on them but, the ones in grey are right around 4,000 square feet. *Unintelligible* is kind of close to the thoroughfare, its right near Ashton Estates on the west. We feel the development is consistent with the Kuna Comprehensive Plan in providing a variety of other residential opportunities. We're close to services; we've been working with Public Works to make sure that we can serve the site. We also feel that this will be a complimentary continuation of the Ashton Estates Subdivision that is already there. We are compliant with the standards of the R-8 zone and in fact those areas exceed the minimum requirements. I believe that this is going to be a great product for Kuna, especially in the transportation areas and services. With that, I will stand for any questions.

C/Hennis: There was one question that I had, I believe it was in one of the irrigation districts reports that they had requested a full bridge over the canal; it looks like it shows that on your plat, is that the plan to continue the roadway over? **SL:** That is correct, it's on the northside of the plat. **C/Gealy:** I have no questions. **C/Young:** I do have a quick one and it's probably more for the people in the area because they're always, especially in an area like Kuna, people are always fearful of their water rights and access to their existing irrigation. I know the canal was going to stay open and maintain being open, any of the existing water rights off of that canal will be maintained; the water will still be accessible to all those parcels? **SL:** That is correct. We are required to do that. **C/Young:** As far as the stub streets to the north and adjacent parcels, it's your intent that when you are putting the fencing around the subdivision that even though those are future streets, to run that fence the full length of the norther property boundary, correct? **SL:** I believe so, that's the plan. **C/Young:** Until something is developed, then they can modify that? **SL:** ACHD requires there's a sign on the road that says the road will be extended in the future. **C/Young:** It looks like there are three different flag lots, blocks 2, 3 and 9; the shared driveway for those, is that maintained by the HOA? The landscaping that borders that driveway? **SL:** Yes, that is correct, it will be maintained by the HOA. **C/Young:** Ok, those are all the questions I had at this time. **SL:** Thank you. **C/Young:** Thank you. We'll go ahead and open up the public testimony at 6:17 PM. Each person will have three minutes to make their comments then, after everybody has had a chance to speak, the applicant has a chance to come back and answer those questions that have been brought up. With that, I have listed under Neutral, Harvy Kohn. Did I even come close? Ok, if you could just come up and state your name and address for the record please. **Harry Kohn:** Harry Kohn, I live at 2211 E Deer Flat, Kuna. My property borders on the west side and what would be the south side. The problem I'm having right now is the subdivision they're working on to the west side, I've got neighbors coming to me constantly complaining about water in their yard because when I flood irrigate my pasture, it runs over into their yards. There's a drain there but the drain is higher than their yards so it's going to go in their yards before it goes into the drain. This has been going on ever since they built the place, I'm just fed up with the guys coming over and bothering me with it when there's nothing I can do about it. I think before they build a subdivision, they should fix the one they got. That's the way I see it, and I think Rod wants to talk about irrigation so I'll let him talk

about irrigation but I do appreciate you listening to me. Thank you. **C/Young:** Thank you. next I have listed, Deb Schull. Is that right? **Debra Schenk:** No. **C/Young:** Man, I'm not doing too good. **DS:** Do I take this? **Jessica Reid:** Yes, go ahead and use the microphone for me. **DS:** *Unintelligible*. **JR:** I'm sorry Deb, if you could just hold on, they accidentally shut the microphone off on you. **DS:** Is that better? **JR:** Yes. **DS:** Debra Schenk, 2405 E Deer Flat Road, Kuna, Idaho. Could you bring the picture of the plat back up please? Rod, Harry, and I are all neighbors and we get our water, there's the canal, just to this side of it. This road comes down, and right now it is an open ditch that follows that road; that's Rod's place and that's Harry's place. Right there is where our water is piped so I don't know if you guys have an idea to do that, but that would be a good way to get it to our place and not be under anybody's yard. The only problem is that No. 18 on the other side, that would go under somebody's house right there; that's what we don't want because when everything is said and done, that's not fair to who lives there in the future. So, that's what we're concerned about, and it looks like *unintelligible* with the plat because it kind of drops down. So, that's all we want. Thank you. **C/Young:** Thank you very much. And next I have listed, Rod.... **Rod Wiens:** Wiens. **C/Young:** Thank you; I just gave up. **RW:** Is it working? **C/Hennis:** Yup. **RW:** The first question is, how the developers plan to work with our water which is open ditch that runs into a pipe? How do they plan to do this? Is it going to be an underground pipe that goes down the middle of the road? Will we have access? We need to know what is going to happen there. **Jessica Reid:** Rod, if I could interrupt you. Please state your name and address for the record. **RW:** Oh, yes. Rod Wiens, 2329 E Deer Flat Road. **JR:** Thank you Rod. **RW:** We need our water like I was saying, and I want to ask the developer how they are going to do that. Currently, at the very top there on the north side, the RR is my property; over on the other side here is Harry Kohn's property. As you can see, this is the second issue I have, there are three temporary road spurs and I would definitely like to see some kind of temporary fence at the end of those so that residents, children, pets, etcetera, etcetera, don't keep coming across to our property. Basically, that's it, we are concerned about our water and a little concerned about the temporary fence. Thank you. **C/Young:** Thank you. I don't see anybody else on the sign-in sheet, is there anybody here that has not signed in and wanted to testify on this application? Ok, and just to verify, there isn't anyone on Zoom. **JR:** There is not. **C/Young:** Ok, then we'll have the applicant please come back up. **SL:** Hi, Stephanie Leonard, 9233 W State Street, Boise, 83714; I guess I will address some of the questions. I think we addressed Harry's question before the meeting, we gave a number to call for someone to kind of coordinate the water and what has been going on with the flood irrigation; we'll work through that. For the water and delivery to properties that are currently being served, we have met with the ditch company a couple times and addressed that issue. We will be accomplishing anything that needs to be done for them to get their water during this project. There is actually a state statute that requires us to maintain water rights for anyone, its of the utmost importance *unintelligible*. As far as the fencing that Rod thought of, we will be placing a temporary fence behind or kind of across that area and there is also a barricade, we are required by ACHD, to make sure that folks can't go to on his property. I think with that I will stand for any question you may have. **C/Young:** Ok, are there any other questions? **C/Gealy:** I have another question and I appreciate the variety of they housing type and the useable open space. I am concerned about access to the open space, there's the pathway and then the two larger parcels seem to be pretty well surrounded by homes except for there at the north and the south. It seems that there's really minimal.... there's not easy access for the smaller lots to the open space. **SL:** Thank you Commissioner Gealy. I think that the idea would be that they would use the pathway that is within that common lot then go up to the bridge to the smaller area or, I don't know how far that is all the way in feet, walk up to the central open space there. Do you think there may be inadequate pathway to those areas? We

will be installing sidewalks on these roads so, that will provide folks who are maybe down in this section where they can walk up to one of those linear open spaces then up to the larger open space too. **C/Gealy:** So, there will be access from that southern portion from that cul-de-sac to the pathway? **SL:** Correct. What I think is this is actually a common lot and I don't exactly remember what the design is but, I imagine there is an area or a way to get there. **C/Gealy:** I was wondering if it would be possible to consider a pathway, maybe not at Stone Falls, but somewhere in there across to the open area. **SL:** I'm not sure if we considered that but I think that the 5-foot sidewalk provides a pretty.... I mean, it's a little bit of a jaunt but, I think that's adequate to the central open space. Each of those lots are 40-feet wide and with twenty of them that's 240-feet long; it's not terribly long, it maybe looks like that. **C/Gealy:** Thank you. **C/Young:** Are there any other questions at this time? **C/Hennis:** No. **C/Young:** Ok, thank you. **SL:** Thank you. **C/Young:** Then I'll close the public testimony at 6:30 PM, which then brings up our conversation or discussion. Does anybody want to go first? **C/Hennis:** I think things have been answered with regards to the flag lots. I think for the most part it's a well laid out area; I kind of like the open spaces with how wide and long and you can get to them pretty easy for the most part. With how the canal is, they can't do anything with water rights, it's against state law; otherwise I think it lays out pretty well. **C/Gealy:** The other concern I have is the city sewer capacity. Staff indicated they would be willing to work with the city on shared cost for increasing sewer capacity. **C/Hennis:** Yes, it's one of the conditions in the report. I think the condition intends to be continual across there, they said they will and that seems to be the only thing not in the condition. **C/Young:** I agree, I think that they can't build until they get the sewer issues figured out anyway. **C/Hennis:** Right. **C/Young:** It all has to be permitted and approved by the City Engineer to accept everything. **C/Hennis:** It all has to be permitted. **C/Gealy:** Before they do anything? **C/Young:** Right. For me, the layout looks pretty good and I do like the multiple areas of open space. I think it fits as a transition from the future commercial to the west and a transition to the future uses to the east as it develops. I think the landscaping looks appropriate; I don't see any issues. I agree with ACHD shifting one street over to the east a little bit to provide some traffic calming coming from the north at *unintelligible* avenue. I think it all looks pretty good myself. Anything else that anyone else wants to discuss?

Commissioner Dana Hennis moved to recommend approval for 19-11-AN (Annexation) and 19-08-S (Preliminary Plat) to City Council for Ashton Estates East Subdivision with the conditions as outlined in the staff report as well as the additional condition that the fences bordering the north side of the property continue across the stub streets.

C/Young: Did we want to include the item in section 6, item "I"? **C/Hennis:** It was already in the conditions for the sewer. **C/Young:** Was it? **C/Hennis:** Mhm. **C/Young:** Ok.

**Seconded by Commissioner Cathy Gealy. Approved by the following roll call vote:
Voting Aye: Chairman Lee Young, Commissioner Danna Hennis and Commissioner Cathy Gealy.**

Voting No: None

Absent: 2

Motion carried: 3-0-2

Commissioner Dana Hennis moved to approve 19-29-DR (Design Review) for Ashton Estates East Subdivision with the conditions as outlined in the staff report as well as the additional condition that the fences bordering the north side of the property

continue across the stub streets. Seconded by Commissioner Cathy Gealy. Approved by the following roll call vote:

Voting Aye: Chairman Lee Young, Commissioner Danna Hennis and Commissioner Cathy Gealy.

Voting No: None

Absent: 2

Motion carried: 3-0-2

4. BUSINESS ITEMS:

A. 20-02-DR (Design Review) Fossil Creek Subdivision – **ACTION ITEM**

C/Young: Didn't we already approve this? **Wendy Howell:** This is a confusing one because the Commission technically did approve this last time, but the design review portion of the case was not on the agenda so it is being brought back to you, to allow it to be on record as well as the agenda. **C/Gealy:** But we did review the design review? **WH:** You did, yes. **C/Gealy:** And we voted on it, it just wasn't on the agenda. **WH:** It was not on the agenda. **C/Gealy:** Alright, thank you for explaining because I was confused. **C/Young:** Yeah, I was looking through the minutes and going up and down. **C/Hennis:** So, then we need to revote on this? **WH:** Yes please. *Unintelligible.* **C/Young:** I could re-read the motion from last time. **C/Gealy:** That would be great, and I believe that Commissioner Hennis wasn't here. **C/Hennis:** Right, but I reviewed it again today because I was confused. **C/Young:** Ok, let me get to it here, it's on the last page. I'm just going to recount from the minutes of the last meeting, the motion was: "Commissioner Cathy Gealy moved to approve 20-02-DR (Design Review) for Fossil Creek Subdivision with conditions as outlined in the staff report. Seconded by Commissioner Laraway." **C/Gealy:** And there were no additional conditions on the design review? **C/Young:** Not in the motion, no. **C/Hennis:** Do we need to re-motion then? **WH:** Yes.

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

Voting Aye: Chairman Lee Young, Commissioner Danna Hennis and Commissioner Cathy Gealy.

Voting No: None

Absent: 2

Motion carried: 3-0-2

B. Findings of Fact & Conclusions of Law

I. 20-01-S (Preliminary Plat) & 20-02-DR (Design Review) Fossil Creek Subdivision

Wendy Howell: Then this one is the Findings of Fact for Fossil Creek approval. **C/Young:** So, we need to do a motion for approval.

Commissioner Cathy Gealy moved to approve the Findings of Fact for 20-02-DR (Design Review) for Fossil Creek Subdivision.

C/Hennis: And 20-01-S. **C/Gealy:** I don't have anything. **Wendy Howell:** It's the Findings of Fact for both the preliminary plat and the design review, the preliminary plat was already

approved last time. **C/Young:** It's here. **C/Gealy:** Maybe I could get you to make the motion since I am messing up the numbers.

Commissioner Dana Hennis moved to approve the Findings of Fact for 20-01-S (Preliminary Plat) and 20-02-DR (Design Review) for the Fossil Creek Subdivision with the conditions as outlined in the staff report. Seconded by Commissioner Cathy Gealy. Approved by the following roll call vote:

Voting Aye: Chairman Lee Young, Commissioner Danna Hennis and Commissioner Cathy Gealy.

Voting No: None

Absent: 2

Motion carried: 3-0-2

5. ADJOURNMENT: 6:40 PM

Wendy Howell: I just wanted to remind you that when you are talking with your mask on, we need you right up on the microphone so that it comes through on the record.

Commissioner Dana Hennis moved adjourn. Seconded by Commissioner Cathy Gealy. Approved by the following roll call vote:

Voting Aye: Chairman Lee Young, Commissioner Danna Hennis and Commissioner Cathy Gealy.

Voting No: None

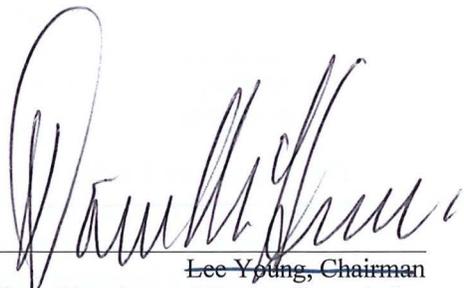
Absent: 2

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
Dana Hennis, Vice Chair