



KUNA PLANNING AND ZONING COMMISSION
Agenda for May 28, 2014

Kuna City Hall ▪ Council Chambers ▪ 763 W. Avalon ▪ Kuna, Idaho

REGULAR MEETING
6:00 pm

1. CALL TO ORDER AND ROLL CALL

Chairman Lee Young
Vice Chairman Stephanie Wierschem
Commissioner Dana Hennis
Commissioner Cathy Gealy
Commissioner Joan Gay

2. CONSENT AGENDA

- a. Approval of Meeting Minutes for May 13, 2014
- b. **14-03-AN** (Annexation) ***Canberra Estates Subdivision***
Findings of Fact and Conclusions of Law: Todd and Laura Zimmerman requests approval for annexation of approximately 28.5 acres into the City of Kuna creating Canberra Estates Subdivision (two-lots).

3. NEW BUSINESS:

- a. None

4. PUBLIC HEARING

5. DEPARTMENT REPORTS

6. CHAIRMAN / COMMISSIONER DISCUSSION

7. ADJOURNMENT



City of Kuna

Findings of Fact, Conclusions of Law

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To: Planning and Zoning Commission

Case Number(s): 14-03-AN (Annexation) 14-02-DA (Develop Agreement) and 14-01-CP (Combination Plat)
Canberra Estates Subdivision

Location: 7326 S. Black Cat Road
Nampa, Idaho 83687

Planner: Troy Behunin, Senior Planner

Hearing Date: May 13, 2014
Findings of Fact: **May 27, 2014**

Applicant: **Todd and Laura Zimmerman**
7206 Lima Drive
Nampa, ID 83687
208.465.6141
Zimtod@aol.com

Consultant: **Idaho Survey - Greg Carter**
1540 E. Water Tower St. Ste. 150
Meridian, ID 83642
208.846.8570
gcarter@idahosurvey.com

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A. Course of Proceedings

1. Kuna City Code (KCC), Title 1, Chapter 14, Section 3, states annexation and a development agreement is designated as a public hearing, with the City Council as the decision making body. This land use was given proper public notice and followed the requirements set forth in Idaho Code, Chapter 65, Local Planning Act.

a. Notifications

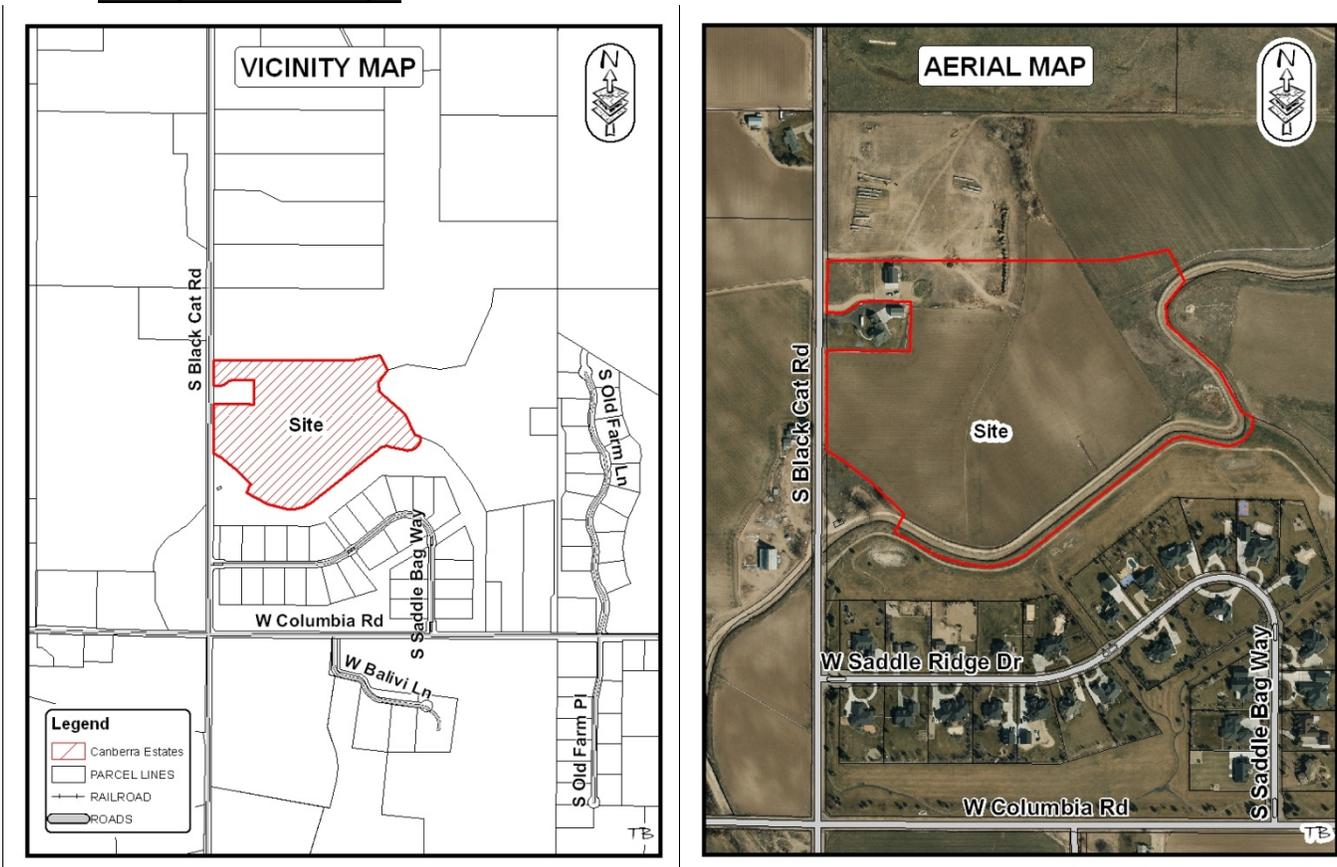
- | | |
|---------------------------|--------------------------------------|
| i. Neighborhood Meeting | February 1, 2014 (6 people attended) |
| ii. Agencies | March 11, 2014 |
| iii. 300' Property Owners | April 25, 2014 |
| iv. Kuna, Melba Newspaper | April 23, 2014 |
| v. Site Posted | April 26, 2014 |

B. Applicants Request:

1. Request:

Applicant requests approval to annex approximately 28.5 acres into the City limits and create a two lot subdivision (Canberra Estates). The two lots would be subdivided in such a way to create an approx. 1.5 acre and 27 acre lot. The applicant is specifically pursuing this annexation request as a way to create a lot sufficient in size to place a single residence (and accompanying septic system and well) on his land. The applicant seeks an R-4 (Medium Density Residential) zone for this lot. The remaining approx. 27 acres will be developed as a subdivision (and rezoned) in the future when sewer and potable water are within a reasonable and economical distance to the site or development requires they be provided. Until such time, it is anticipated the 27 acres will continue enjoying its existing agricultural uses in a City Ag zone. Applicant is aware a development agreement will be recorded to guide all future development.

C. Vicinity and Aerial Maps:



D. History: The lands in this application are part of an existing County subdivision. Therefore, this application is a re-plat of *Saddle Ridge Estates* Subdivision (Inst. 100038156 – Bk. 80, Pg. 8606). The property is adjacent to the City limits and is currently zoned RR (Rural Residential) and contains a large horse barn and the majority of the lands are currently farmed. This parcel has historically been farmed.

E. General Projects Facts:

1. Comprehensive Plan Designation: The Future Land Use Map (FLU) identifies this site as Low Density Residential. Staff views this land use request to be consistent with the approved FLU map.

2. **Surrounding Land Uses:**

North	RR	Rural Residential – Ada County
South	RR	Rural Residential – Ada County
East	RR	Rural Residential – Ada County
West	A	Agricultural – Kuna City

3. **Parcel Sizes, Current Zoning, Parcel Numbers:**

- Approx. 28.4 total acres
- RR, Rural Residential
- Parcel # - R7686240322

4. **Services:**

Future Sanitary Sewer– City of Kuna
Future Potable Water – City of Kuna
Irrigation District – Boise-Kuna Irrigation District
Future Pressurized Irrigation – City of Kuna (KMID)
Fire Protection – Kuna Fire District
Police Protection – Kuna City Police (Ada County Sheriff’s office)
Sanitation Services – K&M Sanitation

5. **Existing Structures, Vegetation and Natural Features:** Currently there is a large barn being used for agricultural and large animal purposes. The site has been used for agriculture activities and it is anticipated it will continue its historic uses on the approx. 27 acre lot.

6. **Transportation / Connectivity:** The applicant proposes driveway access to Black Cat Road for the 1.5 acre to be placed just north of the existing access for the adjacent out-parcel. This application also proposes a separate access to Black Cat Road in connection with future development of the remaining 27 acres.

7. **Environmental Issues:** Staff is not aware of any environmental issues, health or safety conflicts. This site’s topography is generally flat.

8. **Agency Responses:** The following agencies returned comments: City Engineer (Gordon Law, P.E.), Central District Health Department, the Idaho Transportation Department (ITD), Ada County Highway District (ACHD), Kuna Fire District and Nampa Meridian Irrigation District. The responding agency comments are included as exhibits with this case file. The following agencies did not send in comments; Kuna Police Department, Kuna School District, Ada County Planning and Zoning, Idaho Power, J&M Sanitation, and the US Post Office.

F. **Staff Analysis:**

This site is located near the northeast corner (NEC) of Black Cat and Columbia Roads and is within the Saddle Ridge Subdivision. The applicant proposes to annex into the City and create a two lot subdivision. Lot one will be approx. 1.5 acre in size and a single residence will be placed on it which will rely on a septic tank & well since City services are a considerable distance away from the site. The remaining 27 acres has been historically farmed and it is anticipated those uses will continue. When City services are closer, or nearby development requires those services in the future, the remaining 27 acres will likely be further divided and developed into a subdivision.

Staff has determined this application complies with Title 5 of the Kuna City Code; Idaho Statute §50-222; and the Kuna Comprehensive Plan; and forwards a recommendation of approval for Case #'s 14-03-AN, 14-02-DA and 14-01-CP, subject to the recommended conditions of approval.

G. Applicable Standards:

1. City of Kuna Zoning Ordinance No. 230, 546 and 570,
2. City of Kuna Subdivision Ordinance No. 2012-18, Title 5 Zoning Regulations,
3. City of Kuna Comprehensive Plan and Future Land Use Map,
4. Idaho Code, Title 67, Chapter 65, Local Land Use Planning Act.

H. Comprehensive Plan Analysis:

The Kuna Planning and Zoning Commission accepts the Comprehensive Plan components as described below.

1. The proposed applications for this site are consistent with the following Comprehensive Plan components:

GOALS AND POLICY – Property Rights

Goal 1: Ensure that the City of Kuna land use policies, restrictions, conditions and fees do not violate private property rights. Establish an orderly, consistent review process for the City of Kuna to evaluate whether proposed actions may result in private property “takings”.

Policy 1: As part of a land use action review, the staff shall evaluate with guidance from the City’s attorney; The Idaho Attorney General’s six criterion established to determine the potential for property taking.

GOALS AND POLICY – Economic Development

Goal 1: Promote and support a diverse and sustainable economy that will allow more Kuna residents to work in their community.

Policy 1.3: The City will develop a policy to provide incentives and/or assistance in order to competitively attract firms.

GOALS AND POLICY – Land Use

Goal 2: Encourage a balance of land uses to ensure that Kuna remains a desirable, stable, and self-sufficient community.

Objective 2.2: Plan for areas designed to accommodate a diverse range of businesses and commercial activity – within both the community-scale and neighborhood-scale centers – to strengthen the local economy and to provide more opportunities for social interaction.

Policy 2.3: Retail and residential land uses should be appropriately mixed and balanced with professional offices and service facilities to provide residents with a broader mix of services within walking distance from their homes.

I. Findings of Fact:

1. This request appears to be in compliance with all ordinances and laws of the City and appears to be consistent with Kuna City Code (KCC).
2. The use appears to meet the general objectives of Kuna’s Comprehensive Plan.
3. The site is physically suitable for a subdivision.
4. The annexation and subdivision uses are not likely to cause substantial environmental damage or avoidable injury to wildlife or their habitat.
5. The annexation application is not likely to cause adverse public health problems.
6. The application appears to avoid detriment to the present and potential surrounding uses; to the health, safety, and general welfare of the public taking into account the physical features of the site, public facilities and existing adjacent uses.

7. The existing and proposed street and utility services in proximity to the site are suitable and adequate for residential purposes.
8. The Kuna Planning and Zoning Commission accepts the facts as outlined in the staff report, any public testimony and the supporting evidence list as presented.
9. Based on the evidence contained in Case No.s 14-03-AN, 14-02-DA and 14-01-CP, this proposal appears to comply with the Comprehensive Plan and the Kuna Comprehensive Future Land Use Map (FLU).
10. The Planning and Zoning Commission has the authority to recommend approval or denial for these applications.
11. The public notice requirements were met and the public hearing was conducted within the guidelines of applicable Idaho Code and City Ordinances.

J. Conclusions of Law:

1. Based on the evidence contained in Case No.s 14-03-AN, 14-02-DA and 14-01-CP, the Kuna Planning and Zoning Commission finds Case No.s 14-03-AN, 14-02-DA and 14-01-CP comply with Kuna City Code.
2. Based on the evidence contained in Case No.s 14-03-AN, 14-02-DA and 14-01-CP, the Kuna Planning and Zoning Commission finds Case No.s 14-03-AN, 14-02-DA and 14-01-CP, are consistent with Kuna's Comprehensive Plan.
3. The public notice requirements have been met and the neighborhood meeting was conducted within the guidelines of applicable Idaho Code and City Ordinances.

K. Decision by the Planning and Zoning Commission:

Note: This proposed motion is for approval or denial of this request. However, if the Commission wishes to approve or deny specific parts of the request as detailed in this report, they must be specified.

On May 13, 2014, the Planning and Zoning Commission voted 3-0 to recommend approval for Case No.s 14-03-AN, 14-02-DA and 14-01-CP based on the facts outlined in staff's report and the public testimony at the public hearing. The Planning and Zoning Commission of Kuna, Idaho, hereby recommends *approval* of Case No.s 14-03-AN, 14-02-DA and 14-01-CP, annexation, development agreement and combination plat, with the following conditions of approval:

Recommended Conditions of Approval to City Council:

- *Applicant shall be granted an R-2 zoning designation for the properties.*
 - *Follow all staff and agency recommendations as appropriate.*
1. The applicant and/or owner shall obtain written approval on letterhead or may be written/stamped on the approved plans of the construction plans from the agencies noted below. All submittals are required to include the lighting, landscaping, drainage, and development plans. All site improvements are prohibited prior to approval of the following agencies:
 - a. The City Engineer shall approve the sewer hook-ups.
 - b. The City Engineer shall approve the drainage and grading plans. Central District Health Department recommends the plan be designed and constructed in conformance with standards contained in, "Catalog for Best Management Practices for Idaho Cities and Counties". No construction, grading, filling, clearing or excavation of any kind shall be initiated until the applicant has received approval of the drainage plan.
 - c. The Kuna Fire District shall approve fire flow requirements and/or building plans. Installation of fire protection facilities as required by Kuna Fire District is required.
 - d. The *Nampa & Meridian* Irrigation District shall approval any modifications to the existing irrigation system.

- e. Approval from Ada County Highway District shall be obtained and Impact Fees must be paid prior to issuance of any building permit.
2. All public rights-of-way shall be dedicated and constructed to standards of the City, Ada County Highway District and Idaho Transportation Department. No public street construction may be commenced without the approval and permit from Ada County Highway District and/or Idaho Transportation Department.
 - 2.1- With future development and as necessary, dedicate right-of-way in sufficient amounts to follow City and ACHD standards and widths.
3. Installation of service facilities shall comply with the requirements of the public utility or irrigation district providing the services. All utilities shall be installed underground, see **KCC 6-4-2-W**.
4. Compliance with Idaho Code, Section §31-3805 pertaining to irrigation waters is required. Irrigation/drainage waters shall not be impeded by any construction on site. Compliance with the requirements of the Boise Project Board of Control is required.
5. Future lighting within the site shall comply with Kuna City Code as stated in KCC 5-9-5-B.
6. Future parking within the site shall comply with Kuna City Code. (Unless specifically approved otherwise).
7. Fencing within and around the site shall comply with Kuna City Code (Unless specifically approved otherwise).
8. Future signage within the site shall comply with Kuna City Code (A sign permit is required prior to sign construction).
9. All required landscaping shall be permanently maintained in a healthy growing condition. The property owner shall remove and replace unhealthy or dead plant material within 3 days or as the planting season permits as required to meet the standards of these requirements. Maintenance and planting within public rights-of-way shall be with approval from the public entities owning the property.
10. Submit a petition to the City (if necessary and confirmed with the City engineer) consenting to the pooling of irrigation surface water rights for delivery purposes and requesting to annex the irrigation surface water rights appurtenant to the property to the Kuna Municipal Pressure Irrigation system of the City (KMID).
11. The land owner/applicant/developer, and any future assigns having an interest in the subject property, shall fully comply with all conditions of development as approved by the Commission, or seek amending them through public hearing processes.
12. The applicant's future landscape plan shall be considered a binding site plan, or as modified by the Commission through DRC.
13. Any future development is subject to landscaping design review, among other land use applications as applicable, at time of development. The entire site will also be subject to the same.
14. Applicant shall follow all staff, City engineer and other agency recommended requirements as applicable.
15. Developer shall comply with all local, state and federal laws.

DATED: This 27th day of May, 2014.

Lee Young, Chairman
Kuna Planning and Zoning Commission

ATTEST:

Troy Behunin, Senior Planner
Kuna Planning and Zoning Department