

**CITY OF KUNA
REGULAR PLANNING & ZONING COMMISSION**

**MEETING MINUTES
Tuesday, April 26 2016**

PZ COMMISSION MEMBER	PRESENT	CITY STAFF PRESENT:	PRESENT
Chairman Lee Young	X	Wendy Howell, Planning Director	X
Vice-Chairman Stephanie Wierschem	Absent	Troy Behunin, Senior Planner	Absent
Commissioner Dana Hennis	X	Trevor Kesner, Planner II	X
Commissioner Cathy Gealy	X		
Commissioner Ron Herther	X		

6:00 pm – COMMISSION MEETING & PUBLIC HEARING

Call to Order and Roll Call

Chairman Young called the meeting to order at **6:01 pm**.

1. CONSENT AGENDA

- a. Planning and Zoning Commission meeting minutes for **March 8, 2016**

*Commissioner Hennis motions to approve the consent agenda at **6:02 pm**; Commissioner Herther Seconds, all aye and motion carried 4-0.*

2. NEW BUSINESS:

- a. Fair Housing Practices Presentation – Richard Roats, City Attorney

Richard Roats submitted a printed version of a power point presentation into the record for the Commission. Mr. Roats traced the historical roots of the Fair Housing Act and exactly what it does. It is unlawful to make a dwelling unavailable to any person because of race, color, religion, sex, familial status, national origin or handicap. It is also unlawful to discriminate against any person in a real estate related transaction, terms or conditions because they are a member of a protected class. Land use applications are that congress intended that municipal land use as well as health and safety regulations comply with the provisions of the Fair Housing Act stating: *“the act is intended to prohibit the application of special requirements to land use regulations restrictive covenants and conditions or special use permits that have the effect of limiting the ability of such individuals to live in the residence of their choice in the community”*. There is one of three ways to bring a cause of action: 1) disparate treatment – which is discriminatory intent 2) disparate impact –which is a discriminatory effect and 3) discriminatory accommodations instead of reasonable accommodations. Most litigation revolves around disparate impact because the standard is a bit less. A member of a protected class applies for a permit that they would normally qualify to receive, but the permit is denied despite being qualified. Mr. Roats provided examples of case law where disparate treatment or discriminatory effect has occurred. Disparate impact would show no prima fascia discriminatory intent; however, the effect creates a disproportionate

CITY OF KUNA REGULAR PLANNING & ZONING COMMISSION

MEETING MINUTES

Tuesday, April 26 2016

discriminatory effect against a protected class. The courts look for these 4 factors: 1) strength of the showing of the effect 2) if there is evidence of intent 3) the cities professed interest in taking the action and 4) whether the party that is injured seeks to compel the defendant (or city) to affirmatively provide housing or if someone wants to provide it and they don't seek interference from the city. These would be procedural and substantive departures from the norm shown in the legislative and administrative history of the decision.

Cathy Gealy: When you talk about a handicap; could we substitute in the word 'a person with disabilities'? Would you say...?

Richard Roats: Well, definitions of a disability have been expanded. There are a couple of cases where it shows that an alcohol addiction is now considered a disability. It's quite broad; meaning it isn't just the person in the wheelchair that you have to consider.

Cathy Gealy: Any sort of disability?

Richard Roats: It is, yes. "An outwardly neutral practice actually or predictably has significant adverse or disproportionate impact on minorities or perpetuates segregation" ...and so by minorities, that is anyone in the protected classes. Our policies and actions must be legitimate, a bona fide governmental interest and there is no alternative that would serve an interest that is less discriminatory.

Last fall, the Supreme Court came out with a decision that showed disparate effects -even though the intent was not discriminatory on the face of it.

Even if our city has a neutral-based policy, but in application, it discriminates against a certain protected class, that forces us to look at the effect of such applications.

Mr. Roats referred to the Supreme Court's ruling that reaffirmed the 5th Circuit Court's decision in *Texas Department of Housing and Community Affairs v. The Inclusive Communities Project, Inc.*

A lot of times, the halls are stacked with opponents to certain proposed developments and citizens are screaming and yelling "not in my back yard!" and that type of thing. We've got to remove that and focus on 'what am I really doing here'...'how am I analyzing this'? Because they typically don't come forward with a legal analysis of the Fair Housing issues; what they come forward with is "I don't want it in my back yard, because it will economically depress my neighborhood" and all of these other things that for the most part are unfounded in the studies that have been done. So, you need to remove these types of pleas from your decision making process and decide based upon 'what is the goal of the city' and 'how do I meet that goal'?

Group homes are also subject the same ways in which action could be brought: 1) disparate treatment/discriminatory intent 2) disparate impact -which is a discriminatory effect and 3) discriminatory accommodations instead of reasonable accommodations. You may have a 'half-way house' type of thing that wants to move in and if you are a family, you can have unlimited amounts of people living in the home, but then you say 'no' on the numbers in this group home and limit it to five (5) or you don't allow it in that zone or neighborhood'. Essentially, we need to look at those things

CITY OF KUNA REGULAR PLANNING & ZONING COMMISSION

MEETING MINUTES Tuesday, April 26 2016

differently; we can't just base it on the familial status. So, if we get an application, we are going to have to go through some additional steps, because we can't just say...' you can have 20 kids in your house because you are all a connected family, but you can only have 5 if you are a group home' –if we intend to look at those, then it is better to look at the overall picture. If we are concerned about occupancy limits or the provision of the number of bathrooms in the home for health and sanitary reasons, then that is legitimate. But if we look the number of people under one roof, whether they are related or not or whatever, that could be a violation.

Mr. Roats referenced *City of Edmonds v. Oxford House, Inc.* (1995)

If conditions are imposed on group homes that haven't been imposed on other types of residences, courts rarely uphold denials of such permits or the imposition of the burden of those conditions. So if you impose special use permit conditions, you want to make sure that on every single one, that you are doing it across the board regardless of whether it is a group home or a single-family residence. So, caution on those.

When it comes to neighborhood responses and neighborhood opposition to a proposed location of group homes or any land use action for that matter; there is always a record, and it is always recorded, so if somebody wants to obtain a transcription, that is going to come up. Meetings and hearings can be marked with many bigoted remarks, so we need to make sure that testimonies being given are appropriate and that they apply only to the merits of the applications under consideration.

Zoning or multi-family codes that limit density can also be a sticky point.

Mr. Roats referenced *City of Huntington, N.Y. v. Huntington Branch, NAACP.* (1988)

Mr. Roats also referenced *Home Builders Association of Austin v. City of Kyle, TX.* (2009)

The challenge in considering these, 'is what we are considering a legitimate, bona fide governmental interest?' 'Is it discriminatory or is it legitimate?' and 'If we make that decision, is there then something that we could do that has a less discriminatory effect?' That is really the important thing.

If you walk away from one thing on this today, it is 'what is my job as a Planning and Zoning Commissioner to do during these hearings?' ...well it's to consider the legitimate bona fide government interest and then weight it with any alternative that has any less discriminatory effect. -Any questions?

Dana Hennis: This is probably a vague one, but more or less, how we can deal with it type of question. But legitimately, we are going to have some opposition due to perceived safety concerns with certain ...like group homes, let's say for instance; how do we as commission balance safety concerns versus possible prejudices. I mean, there are some of these homes that could be perceived as a safety issue for the public around them, but yet, how do we establish whether they are or not?

Richard Roats: For any case really, what could the city do if it were just an individual that wanted to apply for a specific or special use? We couldn't just say 'Move out'. Now, there are some exceptions like sex offender homes that can be regulated. That's a big one, but a lot of the drug or alcohol treatment facilities are protected. It is difficult to say 'no' and that is where you need to be careful. Keep it in the back of your mind, that if I am applying this condition on this case, would I evenly apply it to any standard single family residence? If you are going to impose them, they need to be evenly applied.

CITY OF KUNA
REGULAR PLANNING & ZONING COMMISSION

MEETING MINUTES
Tuesday, April 26 2016

Dana Hennis: Now, does it get into something where you can regulate... because a lot of these subdivisions have ...you know, you have limited space and whereas you have a family with a bunch of children...well I guess I was thinking more about a bunch of teenagers and parking situations where you have twelve individuals in a recovery home, you would conceivably have twelve cars, where you may not have the same with a single family, it could create more of a traffic hazard. I mean, is that something that we can even consider?

Richard Roats: You can certainly consider it if there is off-street parking available. That would fall under the reasonable accommodations ok. If you've made a decision that this group home can go here, but you are raising a concern because there is too many cars.

Dana Hennis: Like, if it is on a cul-de-sac in an older part of town on a narrow street or something, then that would be a legitimate concern to regulate that.

Richard Roats: Yes. So then we would move to 'what reasonable accommodations can we make? Is there off-street parking? If there is only space in the driveway for two cars, then what options are available for the developer to come forward to say 'here is how I will deal with that'... 'Maybe I will buy the lot next door or across the street or whatever'. That's the part that is reasonable accommodations that we would have to consider. If you reach a conclusion that there is no option, it has nothing to do with the protected class, it's because of a standard that would apply across the board to everyone regardless.

Lee Young: So, just some high level kinds of things for us to watch out for is to be consistent in our conditions across the board with those types of applications and I guess that's the biggest thing is just to make sure we are consistent.

Richard Roats: Yeah, consistent considering those factors, but yeah, you don't want to get into those situations where you are putting all these onerous conditions on this particular application, but you didn't do it on this one. Or you put these owners conditions on that probably wouldn't have been on otherwise because it's possible that is going to cause it to be unbuildable or unpermitted.

Dana Hennis: Well then we will have to put every condition possible on everyone. Just kidding! Thank you. This was really helpful. There is a lot of good information available there and that we would rather have it ahead of time rather than defending ourselves in court down the road.

Cathy Gealy: Are we reviewing our special use permit requirements then? Are we looking at special use permits in Kuna just to make sure that we aren't imposing undue burdens with that potentially discriminatory effect?

CITY OF KUNA
REGULAR PLANNING & ZONING COMMISSION

MEETING MINUTES
Tuesday, April 26 2016

Richard Roats: Yes, we are looking through special use permit codes and requirements to ensure that they are not discriminatory in fact.

Wendy Howell: It's not. We're good.

Richard Roats: Ok. Wendy says they couldn't get any better.

Cathy Gealy: Oh good. Thank you very much. This was very helpful.

3. PUBLIC HEARING:

- a. **16-02-AN** (Annexation) –Gerald & Evelyn Butler (Jayme Butler): Applicant is requesting approval to annex an approximately 1.145 acres parcel located at 7945 S. Linder Road into the City of Kuna with a 'C' (Commercial) zoning designation.

Jayme Butler: My name is Jayme Butler and I am representing the owners. They are in attendance. My address is 7945 S. Linder Road. Same address as the location. I intend to run my heating company out of there, which is pretty much a dispatch center. I really don't do any work there. I have a secretary there most of the time. Trucks come in the morning. I have three trucks. We have on install truck that stays there all the time. My service techs come by and get their tickets and I don't see them for the rest of the day, I don't see them until the next day. So, that is pretty much it in a nutshell.

Lee Young: Ok, any questions for the applicant? None? Ok, I will ask; have you had a chance to read a copy of the staff report and seen the conditions that are inside that?

Jayme Butler: No, I have seen the staff report on it, no. I don't believe so. I don't know if my gal gave it to me, or if it wasn't.

Planning Staff provided Mr. Butler with a copy of the staff report contained in the hearing packet.

Jayme Butler: ***reading*** Yeah, that's all fine. I mean we aren't doing anything with the property other than just cleaning it up. So, we're using the existing house and like I said, I only have two trucks park there typically. Unless somebody loses a job and then there might be another truck parked there.

Lee Young: Ok, any questions for the applicant? None? Ok, thank you. Ok, we will have Trevor come forward.

Trevor Kesner: Good evening Commissioners, for the record Trevor Kesner, Kuna city planner; 763 W. Avalon. The application before you is an annexation request from Jayme Butler whose parents Gerald and Evelyn Butler are here tonight. They are the owners of the property so the owner and applicant come as one and the same. This annexation application was given proper notice; they applicants held a neighborhood meeting on March 12th and there were no attendees. Agencies were notified on March 30th, 2016 providing plenty of time for them to respond. I did get a response from Central District Health Department (CDHD), Idaho Transportation Department (ITD) and the Boise Project Board of Control (BPBOC) and none of them

**CITY OF KUNA
REGULAR PLANNING & ZONING COMMISSION**

**MEETING MINUTES
Tuesday, April 26 2016**

indicated that they had any issues. CDHD originally said that they wanted a conditional use application based on a misunderstanding that the applicant was going to start his business after this application was approved, but once they understood that this was an existing business running on the septic system, they had no issues and no further requirements. Property owners within 300 feet of the subject site were sent letters on April 1st, 2016 about this hearing and that included maybe six or seven folks because there is quite a large parcel that surrounds it which is also owned the owners/applicant. The site was posted on April 15th, 2016 and all of these notices were included as exhibits with the case file. Within the staff report, the applicant has stated that he wants a commercial zoning designation. Whether that would be a C-1 or C-2, the applicant has indicated a C-1 but we haven't arrived at that yet so... we will get something from the applicant in writing stating what his desired zoning designation would be whether it be C-1 or C-2. The use within both the C-1 and C-2 are allowable as far as what the applicant intends to continue doing. As you can see, the recommended conditions are basically subject to any future improvements or expansion of the existing use that would in effect trigger quite a few requirements to bring that up to code. But as stated, the applicant has no intention of doing anything with the site further, other than continue to run his business dispatch center and as long as that continues. Staff believes this application is in substantial conformance with the comprehensive plan. This site was designated as 'Commercial' in our future land use map and so we would forward a recommendation of approval to the Commission. I will stand for any additional questions you might have.

Oh, I'm getting an indication from the Director that we need to designate that zone right now, so ... the applicant.

Jayme Butler: I don't know the difference between a C-1 or C-2 I guess is the issue. C-2 probably?

Trevor Kesner: C-2? C-1? Either is appropriate.

Jayme Butler: Ok, C-1.

Trevor Kesner: I mean you could continue your business in both C-1 or C-2.

Jayme Butler: Ok. C-1 it is.

Lee Young: Is C-1 being a neighborhood business designation?

Trevor Kesner: Yes, it is.

Dana Hennis: I don't have any questions.

Ron Herther: I don't have any questions either.

Trevor Kesner: Ok, thank you.

Lee Young: Ok, then I will open the public hearing at 6:53 pm, and seeing no one is signed up to testify, I will go ahead and close it at 6:53 pm.

Dana Hennis: Long meeting already.

CITY OF KUNA
REGULAR PLANNING & ZONING COMMISSION

MEETING MINUTES
Tuesday, April 26 2016

Lee Young: No wonder I am so tired. That brings up our discussion. The application itself seems pretty straight forward, the only thing that I would say is ...you know, if they are coming in and they are already running a business there, so maybe just condition that as long as the staff on site doesn't expand past what they have for any possible ADA (Americans with Disabilities Act) modifications that may come up, because they are a commercial business; as long as those levels are maintained, but if it changes there could be something that maybe they have to deal with the building department for any ADA issues... or to work with them at that point.

Dana Hennis: Yeah, good point.

Lee Young: And I guess the only other thing that would be just looking at some of the photos is just that the property owners work with the city code enforcement on any issues that may arise on the properties that they own out there. Those are my only thoughts but otherwise it seems pretty straight forward. Any other thoughts?

Dana Hennis: I don't have any right now.

Lee Young: Ok. Then, I will stand for a motion if there is one. Would you like to venture into that?

Dana Hennis: I'm trying to figure out how to address that. Any ideas? ****laughter****

*Commissioner Hennis motions to approve 16-02-AN, Annexation request by Gerald and Evelyn Butler as represented by Jayme Butler with the **proposed conditions as stated in the staff report** with an additional condition that **the applicant's business staff remains at current levels or at such time that any future expansions warrant, that the applicant meet current ADA requirements for a commercial use; also that this site will have a designated C-1 Commercial zone as requested by the applicant; and that any site issues will be addressed and enforced by the Planning and Zoning and/or Building Department, Commissioner Herther Seconds, all aye and motion carried 4-0.***

- b. **16-02-ZOA** (Subdivision Ordinance Amendment) – An amendment of the Subdivision Ordinance of the City Council for Kuna, Idaho amending KCC 5-1-6-2 "Commencement of Construction" to include the prepayment of prepaid sewer hook ups or LID EDU's; amending KCC 6-2-3 entitled "Preliminary Plat" to clarify certain sections regarding the approval period for a preliminary plat, removing language regarding construction phasing and the requirement that the developer provide a time schedule with start and completion dates, adding language to require sixty (60) days' notice prior to a plat expiring, adding language that a developer may receive a preliminary plat reinstatement if there has been commencement of construction, setting forth conditions for making application for a preliminary plat extension application including payment of past due fees, requiring preliminary plats that have been extended where the developer also request a change in phasing to receive City Council approval if the phasing has a requirement such as a swimming pool or other amenity; amending KCC 6-2-4 entitled "Final Plat" to make certain changes to clarifying the approval process, adding a requirement that all easements be shown on all lot lines, and adding to the plat notes that HOA common lots irrigation assessments are fractionally assessed to the individual improved lots; and providing an effective date.

CITY OF KUNA
REGULAR PLANNING & ZONING COMMISSION

MEETING MINUTES

Tuesday, April 26 2016

Wendy Howell: Wendy Howell, Planning & Zoning Director. What I have done is provided you with a very brief staff report for the purpose of this amendment to the ordinance. I really don't have anything additional to add so I will stand for questions or recommendations.

Dana Hennis: Is this technically a public hearing?

Cathy Gealy: Yes, it is.

Dana Hennis: I don't really have any questions.

Cathy Gealy: I don't have any questions.

Wendy Howell: No corrections? Did you read the actual ordinance?

Cathy Gealy: I just read this.

Dana Hennis: The ordinance wasn't attached. We have the Parks and Rec one.

Wendy Howell: Apparently staff ... missed that.

Dana Hennis: We assumed it was just contained within that.

Wendy Howell: I wish someone would have said something. Apparently staff made an error.

Lee Young: I think it's in here. The staff report for the ordinance, yeah.

Wendy Howell: But is the actual ordinance in there?

Dana Hennis: No. I don't have that.

Wendy Howell: We can do this one of two ways; we can postpone this and I will go make copies for you, or table this until the next meeting.

Cathy Gealy: Is it different than what is here?

Wendy Howell: Well, no it is the correct staff report for the proposed ordinance, but the redlines for the current ordinance are helpful.

Cathy Gealy: Oh, Ok.

Wendy Howell: Or we could table it.

Lee Young: Is there a timeline for trying to put it in front of City Council?

Wendy Howell: Yeah, our attorney wanted to get it done as soon as possible.

CITY OF KUNA
REGULAR PLANNING & ZONING COMMISSION

MEETING MINUTES
Tuesday, April 26 2016

Cathy Gealy: Well, we're meeting Thursday.

Wendy Howell: We could certainly table it to Thursday. That would work.

Dana Hennis: Is that something that you could... could you pass that around while he is giving his presentation?

Wendy Howell: I can go make copies while he is doing his presentation.

Dana Hennis: Why don't we do that?

Cathy Gealy: So we can just move it on the agenda?

Wendy Howell: Yeah, I would just need a motion to do that then.

Cathy Gealy: Do you want to move it to Thursday?

Lee Young: No, if it is just the redline then I think we could probably hash through I pretty quick after that.

Cathy Gealy: So how about we just move it on the agenda to after the Parks and Rec presentation?

Commissioner Hennis motions to move item 16-02-ZOA public hearing to after the review of the parks development impact fee presentation on the agenda; Commissioner Gealy Seconds, all aye and motion carried 4-0.

c. Review of Development Impact Fee/Park Impact Fee Draft Ordinance and Standards

Bobby Withrow: Good evening Commissioners, Bobby Withrow; City of Kuna Parks Director. Before you are the Park Standards and Requirements we are trying to get passed. We are open for comments, suggestions or anything that you guys can help out with.

Dana Hennis: Is this an original draft or has there been anything in the current ordinances of this nature?

Bobby Withrow: No.

Dana Hennis: I didn't think there had been.

Bobby Withrow: The purpose of this is get away from smaller parks and trying to set actual standards so when developers come in and they want to donate parks to the city, we will have standards as to what we will accept and what we won't.

Dana Hennis: What will be included and what won't be included?

CITY OF KUNA REGULAR PLANNING & ZONING COMMISSION

MEETING MINUTES

Tuesday, April 26 2016

Bobby Withrow: Right. Correct. And then things like amenities that we will accept and the specifications for such amenities; pathways and all of that. We are trying to make it so we can get away from smaller tot lots to bigger parks with more amenities.

Cathy Gealy: Well, I have some comments, of course. But it's not... I love parks so I think this is great, so it's not like that at all. It's more like the structure of this, so don't take it personally. ***laughter***

But before I say that, the Commissioner discussion says review of Development Impact Fee/Park Impact Fee Draft Ordinance and Standards so we aren't really discussing impact fees tonight, we are discussing standards and requirements for parks, is that right? Ok, I just want to make sure.

Bobby Withrow: So I will expand a little bit more on this. We are working on a park impact fee for new developments that come in and this is also going to set the parameters for that as well. So anything new that we do with park impact fees, this is going to be the guidelines. So this all kind of mixes together and relates to each other.

Dana Hennis: Where do we establish where the park impact fees would be required?

Bobby Withrow: We are drafting up the ordinance now. It is all of the new development that is coming in so after it is passed, when someone comes in to obtain a building permit, the park impact fee will be applied there as well. It will be kept in an account that just keeps revolving.

Dana Hennis: Ok.

Cathy Gealy: Can I talk about my structural stuff or do you just want my mark-ups?

Bobby Withrow: Whatever you wish Commissioner Gealy.

Cathy Gealy: So I'm going to start at the back, because I think that..well right away you are talking about specifications, so I figured out there, that you had everything in their alphabetical; Baseball fields, basketball courts, benches, bike racks and I think that is great. But what was not included in that list was 'splash pad' so you might want to include splash pad.

Bobby Withrow: Ok. Splash Pad and then I also didn't include Bocce ball courts. There were a few things that after I sent it out..

Cathy Gealy: Right and that is just going to happen. Ok, next; sometimes you talk about soccer fields and then sometimes you talk about multi-purpose fields so you'll probably want to have both. And I kind of considered this specification more as the standard delimitations. Good catch on the Bocce ball. Oh, and because there is a difference between multi-purpose and soccer fields. And then specifically in that section, I didn't really have much except 1.08.06 –on page 7, is pet waste disposal station and I think that is probably another paragraph under 'dog parks'. I don't think you really want that as a separate numbered section. And then I wondered...

Bobby Withrow: Well, we do have those like along the greenbelt as well.

CITY OF KUNA
REGULAR PLANNING & ZONING COMMISSION

MEETING MINUTES

Tuesday, April 26 2016

Cathy Gealy: Ok, well then you'll probably want to move it to where it is alphabetical. And then just in that sentence right above that: 'drinking fountains with dual pet fountains shall be provided at a frequency of one per Dog park'? And I wondered if you just wanted to say 'one per acre of Dog Park'? I don't know, maybe you don't want one per acre, but maybe you want to consider the size of the Dog park?

Bobby Withrow: Right, no that is a very good catch.

Dana Hennis: Well, and if you're under the 1.08.06 and you're moving that to something like the greenbelt area, then that has the one acre of Dog Park in that section too, so you just need to clarify that.

Cathy Gealy: Right, so you want to maybe take out or include something about the other parks or whatever.

Bobby Withrow: So in the pet waste disposal, we should make it under another...? Ok.

Lee Young: I guess maybe with the waste disposal, as far as those, we say one station. But has the parks department or anybody picked specific stations so that they are consistent throughout the city parks or is that...?

Bobby Withrow: We are kind of getting there. Last year, I think we were at one per every park and then I had two or three on the greenbelt, but right now, I think we have four on the old section and two on the new section. So we are adding more as we see them being used more frequently, so I can correlate that with what we've got going on right now because there are a couple of parks that dogs go more than others.

Lee Young: I just wasn't sure if we ... do we want the same stations so when the ordinance is passed or when specifications are approved, here is XYZ model and this is the city standard type process as we go on with those, then if the developer is paying for those, he knows well, I can get those from this company and I know what my costs would be on that.

Bobby Withrow: Actually, we just make all of those in-house so...

Cathy Gealy: And on page 8, where you have the chart there with your parking guidelines? And actually I would say with all of the charts, I would suggest that you think about making that alphabetical as well, so that if you see skate park one place then you can always find skate park; and then I think it would be easier to check your parking guidelines and your grading requirements and your other charts against the list of types of facilities and then we can be sure that we are addressing everything. I mean, you can group it or however you think, but if you just use the same format throughout the whole thing, then I think it is easier to cross-reference and check. On page 9 where you talk about pathways, under primary, it says 'provide major circulation routes for pedestrian traffic' ... is there any time when we're talking about bike paths?

Bobby Withrow: Well, we don't address it specifically; I think we bunch it up with the primary. We kind of bunch it up and put it under the primary.

Cathy Gealy: So maybe you would want to say pedestrian and bicycle traffic? Because when I read pathways, I thought it was pedestrian and that was my question; is it pedestrian only or is it pedestrian and bicycle? So maybe you want to say that under the main pathways part that it is for both.

CITY OF KUNA
REGULAR PLANNING & ZONING COMMISSION

MEETING MINUTES

Tuesday, April 26 2016

On page 10; and this was a question I had. Under planting beds, it says planting beds 'shall not impede sight triangles'? What is a sight triangle?

Bobby Withrow: The easiest way to explain it is, when you come up to an intersection, there is actually places where you cannot plant anything within a certain distance of the road because you cannot see oncoming traffic.

Cathy Gealy: So, should it be sight like 'line of sight' instead of site like...?

Bobby Withrow: Yes.

Cathy Gealy: Ok, good because I didn't know what a site triangle was, sorry.

Lee Young: They aren't necessarily zones that you can't plant, but you can't

Cathy Gealy: Right, because you want to be able to see. And then, down at the very bottom, it says minimum equipment on a playground; 'shall include swings, jungle-gym and sides'... there is all kinds of playground equipment now, so are we limiting ourselves to swings, jungle-gyms and slides or are we just suggesting that it include these, but are not limited to these?

Dana Hennis: I think it is just a minimum.

Bobby Withrow: Yes, that is just a minimum set of amenities, so I don't know... kind of like when I think of the jungle-gyms, I don't think of the old fashioned ones, I think of the new stuff that is coming out with climbing equipment.

Cathy Gealy: Like the climbing structures.

Bobby Withrow: Right, so I might need to change jungle-gym to climbing structures. That might help out.

Wendy Howell: Look for a code reference and see what is cited in that ordinance.

Cathy Gealy: I hope someone else will jump in.

Dana Hennis: Oh, I think you've got it covered. ***laughter***

Cathy Gealy: On page 13 at the very bottom underneath trash receptacles...I mean I think you have it covered, but I just wondered if ...I would like to suggest that we have trash receptacles at the parking areas because sometimes people will come back to their car or clean out their car, so I don't know how you want to put that in there, but I would just suggest that.

Lee Young: Well, and on that one as well, we specify the poly trash can but if the developers pay for them, do we have to specify an anchoring system so the trash cans don't walk away? Or is there ...just all those things that if we tell Mr. Developer 'you have to provide this' he knows.

CITY OF KUNA
REGULAR PLANNING & ZONING COMMISSION

MEETING MINUTES

Tuesday, April 26 2016

Dana Hennis: I mean we could probably easily put it in there as 'anchor the trash receptacles down in a fashion in a manner that prevents their unauthorized removal'.

Lee Young: And on those, maybe we can find a producer for those and then make that a city standard.

Dana Hennis: More than that, just to establishing a consistency throughout the city. I know that is what you were going for with the dog waste stations was just to provide a consistency. Whether it be something that you have designated and built already, if we are trying to establish an ordinance here, then we want to establish that consistency is what we're suggesting.

Cathy Gealy: And on the last page, it says 'no evergreen trees are allowed' ...I was just curious as to why?

Bobby Withrow: Hmm, that is a very good question.

Cathy Gealy: Because we have got deciduous shade trees, ornamental trees and NO evergreen trees.

Dana Hennis: And like Gordon says, in the winter time, we kind of want something out there.

Bobby Withrow: Yeah, that needs to be taken out.

Cathy Gealy: So you might want to include ...if you're going to have evergreen trees then you might want to include them in your minimum planting size. That was kind of discriminatory.

Dana Hennis: Now, you can't be that way. ***laughter***

Cathy Gealy: I know, and we just learned how important it is not to be that way. Ok, so that is all I had for the back part –which was just ...what was that called?

Dana Hennis: The specifications, yes.

Cathy Gealy: Yes, so just a couple of comments and it seemed like it would be easier to start back there. On page 2; it's curious that ...on the bottom of the first paragraph, it says there are drinking fountains and then trees... do you see the two bulleted items that I am talking about?

Bobby Withrow: Ok, yeah.

Cathy Gealy: So there are drinking fountains and it talks about drinking fountains and then it says trees, grass, mow strips and ...blah, blah drinking fountains. So I would just scratch drinking fountains there because you've made them their own topic and heading; which I think you should, but then you go into community parks and you have a lot of the same stuff, except in community parks we have stuck in... this is going to be difficult for me to talk about ...so drinking fountains and...

Bobby Withrow: I've got the horse shoe pits, the ball field, the basketball courts and stuff like that ...

CITY OF KUNA
REGULAR PLANNING & ZONING COMMISSION

MEETING MINUTES

Tuesday, April 26 2016

Cathy Gealy: Right, but before we do that, so the very last one, you have drinking fountains and trees and then drinking fountains again. So right before drinking fountains is bike rack and I thought you might want to have bike rack in your neighborhood park as well, so I would put that bike rack in there.

Lee Young: Right, and I guess if we are putting one in a neighborhood park given the size of a community park being larger and it would want to specify more than one, you know because you are going to have the restroom area and then you will have the covered areas where people are going to congregate so...

Cathy Gealy: And here you have like... a minimum of one bike rack located near the parking lot, but maybe you want to say near each parking lot. And then you've got multiple opportunities for bike racks. Think about how you could provide for more bike racks. And then I kind of thought the same thing about the drinking fountains there... a minimum of a two with one being located at the restroom facility but in a community park you are going to have more than one restroom facility so maybe a drinking fountain at each facility instead of the restroom facility. Do you see where I am?

Bobby Withrow: Yes. Ok.

Lee Young: As well as on the neighborhood parks... I saw it in the community parks but I did not see beltway station listed in the neighborhood parks?

Cathy Gealy: I don't know, maybe you want pet waste station with grass, trees, mow strips, planting beds, lighting and trash receptacles... you know, put it in... it would fit better in there than in ...but then where was pet waste stations?

Dana Hennis: I didn't see in the neighborhood parks or the community parks.

Lee Young: I think it was in the community parks.

Cathy Gealy: But I think it would fit in with trees and trash receptacles. I didn't have anything substantive, just some structural stuff. But then I had a question and that is; under community parks you have basketball courts, baseball or softball fields and horse shoe pits, but then you say in addition for the following amenities should be included and I wondered why those three weren't included with the amenities? You know? Why would you require... because my kids played soccer so... why would you require a baseball field and not soccer? So my question is ... would you put basket ball, baseball and horseshoe pits down here with these other amenities like tennis courts, volley ball and soccer and then ask them to provide five of them or ...something. Or is there a reason?

Bobby Withrow: Probably the biggest reason is because soccer fields, you can probably put a soccer field in a bigger open space and that is why it is listed down there...

Cathy Gealy: I don't mean to pick on baseball and soccer, I was just saying as an example.

Bobby Withrow: No, that's perfect, because that is the stuff that I need.

Cathy Gealy: Yeah, so like you specify horseshoe pit but Frisbee golf is optional, so...

CITY OF KUNA
REGULAR PLANNING & ZONING COMMISSION

MEETING MINUTES
Tuesday, April 26 2016

Lee Young: Not necessarily optional... it says 'this is what you provide in a community park and then down below, in addition you pick from the menu of amenities.

Cathy Gealy: Well, right... pick four and so why not include basket ball, baseball and horseshoe pits in the menu so basically, you have a neighborhood park and a community park has all the amenities of a neighborhood park plus ...pick these.

Dana Hennis: Well, the one problem that I could see with that is in most communities I have ever talked to, there is always a shortage of baseball fields. That there is never enough of them for little league, softball, etc. and they are also one of the more costly ones to put together. So if you make a choice of a horseshoe pit or a baseball field, they're going to pick the horseshoe pit every time so I can see the point on making it more of a mandatory one so that we can get more put in, whereas like you say, a soccer field can also be an open area that can be...

Cathy Gealy: Right, it can be a multi-use field then.

Dana Hennis: Exactly. So I see the point on that one, I think it is probably ok to leave it there just because if we don't we will never get them built.

Cathy Gealy: But then what about tennis courts and volley ball courts and skate parks and Frisbee golf courses and dog parks and pickle ball and Bocce ball and splash pads...

Dana Hennis: Quite frankly, there is never enough baseball fields out there for kids and there is not a lot of them playing tennis. I coached little league for a number of years and it was always very, very hard to find a field because during the season, it's every night of the week ... you've got games two nights a week and generally practice a couple of nights a week so that one is going to legitimately probably have a lot more use than some of the others so that would be something that we would specify or require.

Lee Young: I think too that as far as tennis courts go, between the middle school and the high school, I see people using those all the time, but I never see them beyond capacity. So through the school system and what the school provides, I think if someone wanted to put an additional one in a park that would be great.

Cathy Gealy: Well it's an option, but do you think that what we are doing here is suggesting to developers that they could pick the cheapest of the alternatives then?

Dana Hennis: I think ultimately that is what they are going to do. But that is why I think the more expensive ones, the more readily used like a basketball court is always used, baseball fields are always used, but you don't see a lot of people in horseshoe pits all the time or like you said, the capacity for tennis courts –from that point, they can take these others and they can pick either the cheaper route or if they have a particular interest in mind, but none of those are all that drastic if we don't necessarily get one in; whereas, if you were trying to put in a baseball field or a basketball court, it's a very well-used amenity.

CITY OF KUNA
REGULAR PLANNING & ZONING COMMISSION

MEETING MINUTES

Tuesday, April 26 2016

Cathy Gealy: I guess really the question I have is how do we really make sure ... I like this so that is not what I am saying at all, but how do we make sure that we get a variety of amenities in all of these great parks that we are going to have?

Bobby Withrow: There is a sentence underneath the additional four, that the selected amenities shall be approved by the city based on existing facilities.

Cathy Gealy: Oh, perfect! That is exactly how we take care of that. Awesome.

Bobby Withrow: Well, one of the questions I had for Wendy was in the neighborhood parks, do you think we should include maybe a baseball field or other things seeing how they are going to be five to ten acres?

Cathy Gealy: I think that is a great idea. I mean, maybe you could put the same wording there. Maybe ...'one additional amenity shall be included or approved by the city based on existing facilities and then you have all of these. And I would include basketball courts, baseball fields, and horseshoe pits in this list of amenities in a neighborhood park and then they could pick the one that they want to do by working with you.

Bobby Withrow: Ok. So do we want just one or do we want two?

Dana Hennis: Yeah, I would say probably one.

Cathy Gealy: And the neighborhood park, what is that? Five to ten acres?

Bobby Withrow: Yes.

Lee Young: Which sounds like a lot, but...

Cathy Gealy: But I have twenty acres and I know that ten isn't very much. So, I think one.

Bobby Withrow: To put it in perspective, if we do a baseball field, it takes roughly two and a half to three acres so...

Cathy Gealy: Right. That would be big.

Dana Hennis: And then three acres of parking once the parents show up.

Cathy Gealy: And I wonder if we wanted to add 'other' because what if somebody had another idea? What if there is something that we don't have on our list or that we didn't think of or next week, there is some new great activity or sport that explodes in popularity?

Dana Hennis: Well you could put in here, these amenities or others as approved by the Parks Director?

Cathy Gealy: Right. What if someone wanted to come in and put in a pool?

Bobby Withrow: I wouldn't say no.

CITY OF KUNA
REGULAR PLANNING & ZONING COMMISSION

MEETING MINUTES

Tuesday, April 26 2016

adding a requirement that all easements be shown on all lot lines, and adding to the plat notes that HOA common lots irrigation assessments are fractionally assessed to the individual improved lots; and providing an effective date.

Wendy Howell: Again for the record, Wendy Howell, Planning & Zoning Director. There is really nothing more that I have other than the ordinance and the staff report.

Lee Young: Ok, then do we have any questions for staff?

Cathy Gealy: I have a few things. Shall I?

Wendy Howell: Would you like to open the public hearing first?

Lee Young: Ok, then I will open the public hearing at **7:42 pm**. Seeing that no one has signed up to testify, I will close the public hearing at **7:43 pm**. Ok, questions?

Cathy Gealy: Yes, not very much though. There is some questions and maybe just one typo. Let's see; page numbers I don't have but on the third page; 6B –'Sub divider shall pay... required fees or past due balances'; I think that should probably be 'owed to the city'.

Lee Young: So I kind of circled a little something on that too. So if a plat goes away and there is still monies owed by whatever fees were there; if a new plat comes in for that, is it saying that a new developer has to pick up the tab for anything the old LLC left behind?

Wendy Howell: Typically, the preliminary plat application is going to be taken care of because we get the monies before it is ever processed. City engineering fees sometimes those get left behind and are not paid. In that case, those would have to be paid if they are using the same plat. If they don't make any changes and they are just picking it up where it was left off, then yes, they would have to pay those fees. Irrigation fees; a lot of times if they are going belly-up, those will go by the wayside and then yes, those will have get paid. One way or the other, those need to be shored up before we will issue any building permits. And we actually process them that way now; however, this way it is in the ordinance and it puts some teeth behind it.

Lee Young: Just a general question, but on page five...page six I am sorry; item B1: Final Plat checkoff list and if 'landscaping has not been completed, the final guarantee may be provided pursuant to'... so the final, if they haven't completed landscaping, then ...

Wendy Howell: It should be 'shall be provided'

Lee Young: Then it means that they have to either bond for an amount or something until that is finished?

Wendy Howell: Exactly. And I think we probably want to change the 'may' to 'shall'. Because if it is not done, then it needs to be. It is not an option.

Dana Hennis: I just had a quick one on the previous page? Under Final Plat: 'the city engineer shall not sign the final plat mylar'... are you guys still using mylar or has it not gone to a digital format?

CITY OF KUNA
REGULAR PLANNING & ZONING COMMISSION

MEETING MINUTES
Tuesday, April 26 2016

Wendy Howell: Oh, yeah. It is still mylar. The Ada County recorder's office requires mylar.

Dana Hennis: Wow that is old school. That is before me. Ok, I just wanted to make sure. I'm not in that part of the industry, but everything we do is now on digital format anymore, so I just... wow. Because down on number A3, you are talking about digital copies of the final plat so I was just making sure.

Wendy Howell: Right and that is for our office files. Once it gets to final plat and the signature page, it has to be mylar. Any more questions Cathy?

Cathy Gealy: Well, a couple but I don't know that they are really important. I am still back on page three, but I really don't have anything else, but back on page 3; 6H; I'm just not sure about the wording: 'the Planning and Zoning staff or Director or Department ...may require additional conditions of approval for the extension including changes or amendments to the Kuna City Code or other requirements of any regulatory body'. So, we're not requiring changes or amendments, we are requiring that the conditions would bring the plat into compliance with?

Wendy Howell: Yes and then again, no. The reason why is if the plat has expired or fallen down and for whatever reason let's say they completed a substantial amount of construction on-site; therefore we have deemed it substantially 'commenced' so that they can start building. If they do that, and then someone else picks it up say... five years down the road and the ordinance has changed within those five years, and some additional requirements would be needed, the purpose of that is so those additional regulatory requirements will be adhered to and we don't have the old standards, whatever those may be, for that plat. And we have that option of doing that, so maybe just a rewording to get there?

Dana Hennis: Because right now, it sounds like you are talking about ...'may require any additional conditions of approval for the extension, including changes'... so maybe 'based on any changes or amendments to the city code'...

Lee Young: 'subsequent to the original plat approval'?

Dana Hennis: Yeah. That is my thought, thank you for iterating what I was reaching for there.

Cathy Gealy: Because I was looking at like E on the same page, it said 'if there was an ordinance ...since it was approved and it would require significant alteration, the city engineer may recommend the regulatory provision be set aside' right? But that is for ... so those two are sort of related because on D 'the resubmitted plat shall be subject to all rules and regulations that have been adopted since the preliminary plat' ... but if it is significant then the City Council could put it aside.

Wendy Howell: Ok. So the other part, you said the engineer and where is the one with engineer in it?

Cathy Gealy: The engineer statement is on E on that same page, but on D which is right above, it says 'be subject to all the rules and regulations since the plat was initially approved.

**CITY OF KUNA
REGULAR PLANNING & ZONING COMMISSION**

MEETING MINUTES

Tuesday, April 26 2016

Wendy Howell: Ok, so I will just put a note here: D, E, and H are similar. Ok, we'll take a look at that and I will talk to the attorney about it because there are certain things that he wanted in here specifically and sometimes it is redundant.

Dana Hennis: Well, and really, all you need to do is add on H something that is talking about the things that have been adopted since.

Wendy Howell: Right, and that is what I was writing; I had that verbiage so, yes. Thank you.

Cathy Gealy: And then, this is just a comment, and I don't know if you care or not, but sometimes you talk about Planning and Zoning Director and sometimes it talks about the staff and sometimes it talks about the department.

Wendy Howell: Ok, so consistency.

Cathy Gealy: Maybe the department? Think about it, but I wouldn't go through and change everything, but I would be consistent in the changes that you are making. Make senses? Because I wouldn't go back and change any of the black, but I would be consistent in the red.

Lee Young: Probably the Director because she will make those decisions. I mean she has the authority and staff is pretty broad.

Cathy Gealy: She is probably the one. Or something ...as long as it... and maybe there is good reason why sometimes it is different. That is all I had. I didn't know what a mylar was anyway. But I like this being on the Homeowners Association. Yay. That's all I had.

Lee Young: That's all I had too.

Wendy Howell: Ron, did you have anything?

Ron Herther: No.

Wendy Howell: Ok, thank you.

Commissioner Hennis motions to recommend approval of item 16-02-ZOA (Zoning Ordinance Amendment) to City Council of the Subdivision Ordinance with the corrections as presented and with the corrections as discussed with regard to item 6H, 6B and B1 on page 6; Commissioner Gealy Seconds, all aye and motion carried 4-0.

Wendy Howell informed the Commission that Vice Chair Wierschem had been in an auto accident and will keep them informed of any further information that comes in.

4. ADJOURNMENT:

*Commissioner Hennis motions to adjourn at **8:08 pm**; Commissioner Gealy Seconds, all aye and motion carried 4-0.*

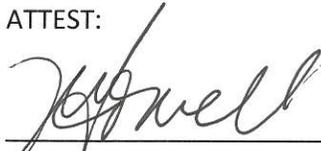
**CITY OF KUNA
REGULAR PLANNING & ZONING COMMISSION**

**MEETING MINUTES
Tuesday, April 26 2016**



Lee Young, Chairman
Kuna Planning and Zoning Commission

ATTEST:



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