

OFFICIALS

Dana Hennis, Chairman
Bryan Clark, Vice Chairman
Ginny Greger, Commissioner
Jim Main, Commissioner
Bobby Rossadillo, Commissioner

CITY OF KUNA
City Hall Council Chambers
751 W 4th Street, Kuna, ID 83634



Planning & Zoning Commission
REGULAR MEETING AGENDA
Tuesday, April 23, 2024, at 6:00 PM

For questions, please call Planning and Zoning at (208) 922-5274.
ALL AGENDA ITEMS ARE ACTION ITEMS UNLESS OTHERWISE NOTED.

1. CALL TO ORDER & ROLL CALL:

2. CONSENT AGENDA:

All items listed are routine and acted on with one (1) Motion by the Commission; there will be no separate discussion unless the Chairman, Commissioner, or Staff requests it be removed. Removed items will be placed under Business unless otherwise instructed.

A. Regular Commission Meeting Minutes Dated April 9, 2024

Potential Motion:

- *Motion to Approve Consent agenda.*
- *Motion to Approve Consent agenda with amendments (i.e., correction to previous meeting minutes, etc.)*

3. PUBLIC HEARINGS:

4. BUSINESS ITEMS:

A. Recent Idaho Supreme Court decisions on land use applications and their impact on decision making by the Commission – Doug Hanson, P&Z Director *Non-Action Item*

5. UPDATES & REPORTS:

6. ADJOURNMENT:

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I. CALL TO ORDER & ROLL CALL:

(Timestamp 00:00:11)

Chairman Dana Hennis Okay, with that, I'll bring to order the regular scheduled Planning and Zoning mission... Commission meeting, sorry, for Tuesday, April 9th, 2024. First up is roll call.

Planning and Zoning Director Doug Hanson Chairman Dana Hennis.

Chairman Dana Hennis Present.

Planning and Zoning Director Doug Hanson Commissioner Brian Clark.

Vice Chair Brian Clark Present.

Planning and Zoning Director Doug Hanson Commissioner Jenny Gregor.

Commissioner Jenny Gregor Present.

Planning and Zoning Director Doug Hanson Commissioner Jim Main.

Commissioner Jim Main Present.

Planning and Zoning Director Doug Hanson Commissioner Bobby Rosadillo.

Commissioner Bobby Rosadillo Present.

COMMISSIONERS PRESENT

Chairman Dana Hennis - Present
Vice Chairman Bryan Clark - Present
Commissioner Ginny Greger - Present
Commissioner Jim Main -Present
Commissioner Bobby Rossadillo - Present

CITY STAFF PRESENT

Doug Hanson, Planning and Zoning Director
Troy Behunin, Senior Planner
Kelsey Briggs, City Attorney

2. CONSENT AGENDA:

All items listed are routine and acted on with one (1) Motion by the Commission; there will be no separate discussion unless the Chairman, Commissioner, or Staff requests it be removed. Removed items will be placed under Business unless otherwise instructed.

(Timestamp 00:00:38)

A. Regular Commission Meeting Minutes Dated March 26, 2024

B. Findings of Fact & Conclusions of Law

I. Case No. 23-04-AN (Annexation), 23-04-S (Preliminary Plat) & 23-17-DR (Design Review) for Aermotor Cove

Potential Motion:

- *Motion to Approve Consent agenda.*
- *Motion to Approve Consent agenda with amendments (i.e., correction to previous meeting minutes, etc.)*

Chairman Dana Hennis Thank you, and next up is the consent agenda.

Vice Chair Bryan Clark Mr. Chairman, I'd like to move that we approve the consent agenda.

Commissioner Jim Main Second.

Chairman Dana Hennis All in favor?

All Commissioners Aye.

Chairman Dana Hennis Thank you.

(Timestamp 00:00:42)

Motion To: Approve the Consent Agenda

Motion By: Commissioner Bryan Clark

Motion Seconded By: Commissioner Jim Main

Further Discussion: None

Voting Aye: Commissioners Hennis, Clark, Main, Greger, Rossadillo

Voting Nay: None

Absent: None

5-0-0

3. PUBLIC HEARINGS:

(Timestamp 00:00:51)

A. Meridian Road Corridor Extension Study – Doug Hanson, Planning & Zoning Director

Potential Motion:

- *Motion to Recommend Adoption/Denial of the Meridian Road Corridor Extension Study.*

Chairman Dana Hennis First up tonight in the public hearings is the Meridian Rd. Corridor Extension Study.

Commissioner Jim Main Mr. Chairman.

Chairman Dana Hennis Yes?

Commissioner Jim Main I need to recuse myself so I can testify.

Chairman Dana Hennis Thank You...Doug.

Planning and Zoning Director Doug Hanson Alright. Good evening, Commissioners. For the record, Doug Hanson, Kuna Planning and Zoning staff, 751 W 4th St. Kuna This evening I will be presenting the Meridian Rd. Corridor extension study including the project background, timeline, and alternatives, and concepts. The community's long held interest in a Meridian road extension that crosses over the Union Pacific Railroad tracks and Indian Creek prompted the initiation of this Meridian Rd. Corridor Extension study. Past studies have evaluated multiple Union Pacific Railroad crossing locations where this study focuses specifically on alignment alternatives for the extension of Meridian Rd. from Kuna Rd. to King Rd.

Through a two-year public outreach process, the Meridian Rd. extension to King Rd. rose to the top as the priority location; with a potential long-term future extension one mile south from King Rd. to Kuna Mora Rd. While this report presents a King Rd. terminus, A prospective extension to Kuna Mora Rd. would provide an alternative route to I-84 to the east. The Meridian Rd. corridor should best meet the goals of Idaho Transportation Departments, 2040 Corridor Vision and 2050 update, State Hwy. 69 Corridor study, Ada County Highway District Master Street map and Capital Improvement plan, the Kuna crossing feasibility and implementation plan, and COMPASS 'Communities In Motion' 2050 long range plan.

The city has long contemplated an overpass of the Union Pacific Railroad tracks and Indian Creek. Efforts were undertaken in the 1995 Kuna Railroad Crossing study conducted by Ada County Highway District. The 2006 extension of Meridian Rd. proposal conducted by ACHD, ITD, Swan Falls Development, LLC and the City of Kuna. The findings of the 1995 and 2006 studies were not adopted or programmed for long-term implementation. Finally, that would take us to the 2014 Kuna crossing feasibility and implementation plan. Through this plan, 17 crossing options were identified, utilizing the evaluation criteria of mobility, safety, sustainability, economic development, feasibility, and constructability. The study provided 4 promising options to carry forward, one being the extension of Meridian Rd.

The city went out for RFP in September of 2021 for the Kuna Railroad overpass and Planning and Environmental Linkages Study or PEL, And through that process have retained JUB engineering and Kittleson Associates to help us with the project. Throughout 2022, the City of Kuna initiated the PEL study that would set the stage for future design and construction for a railroad overpass and bridge over Indian Creek. Through initial public outreach efforts, the Meridian Road Extension to King Rd. rose to the top of the priority location for a railroad overpass. City staff and JUB engineers spent significant time going through revisions of the purpose and need statement for the PEL, with the with it being a requirement of the FHWA to move into the next phase of the study, which led to a much longer project completion timeline than initially anticipated. In June of 2003, the City Council chose to transition from the PEL to the Meridian Rd. Corridor Extension study first with no project milestones required for the corridor study, a reasonable timeframe for completion became more realistic. Second, all traffic engineering and environmental data gathered for the PEL has been utilized for analysis of the corridor, providing several alignment alternatives for both Idaho Transportation Department and Ada County Highway District standards. Lastly, the study required little to no additional funding to complete as up to this point. The City has committed a total of \$362,046 dollars and with a significant cost and not interested in a 'No Build' alternative which could have resulted from the PEL. A completed study is crucial in the pursuit of funding for design, engineering, and construction of the extension and overpass.

Throughout the project timeline, the project team has been heavily engaged with partner agencies, had multiple steering committee meetings, and conducted significant public outreach through agency and

property owner consultation, steering Committee input utilization of a project website and public and holding public open houses a series of project goals were identified through the public outreach processes that outline the priorities of the community. These goals are improving safety while enhancing Community identity, minimizing environmental impacts, and extending Meridian Rd. to create a reliable multimodal north-south community connection. Individual property owner and stakeholder consultations were held throughout the process. The preliminary online comment map was launched in June 2022 through August 2022 as a result of the city decision to change from the PEL to the corridor study. The project website was update and refined and was made available for online public comment through December 14th, 2023. A total of 3 public open houses were held at were held here at Kenna City Hall.

In February, the draft plan was presented to both the COMPASS Board of Directors and ACHD Commission. Alternatives were developed for the overall alignment of the Meridian Rd. extension to King Rd. as well for the intersection of King Rd. and Meridian Rd. for a roundabout and signalized intersection. A multi-use pathway is included in both alternatives. The preliminary planning level cost estimates alternative one at \$68 million and alternative two at \$60 million for design right of way acquisition and construction. Each alternative is shown at the stricter of the two standards between ADHD and ITD and at maximum build out potential. In its current configuration, the unsignalized intersection at Kuna Rd. and Meridian Rd. has seventeen reported crashes between 2019 and August of 2023, including one fatality and two type A crashes which indicate serious injury, unconsciousness, and/or emergency service transport. A new intersection configuration is proposed for this location as a four-legged signalized intersection for both alternatives. A signalized intersection will eliminate the curve from Meridian Rd. to Avalon St. near the existing intersection of Kuna Rd. This intersection configuration was determined through our traffic analysis. A signalized intersection at Kuna Rd. would improve safety, move traffic more efficiently, and reduce the number of crashes or crash severity. The King Rd. intersection is currently stock controlled on the North and South legs of the intersection. Concepts were considered for this intersection for both a roundabout having the highest right of way impact and the signalized intersection, which would have less impact. The alternative and design is entirely dependent on the traffic agency that takes jurisdiction over the future roadway extension. Both configurations should facilitate traffic flow and accommodate future traffic volumes.

A formally adopted study is highly important in aiding the future jurisdictional determination of the roadway extension, right of way preservation through the corridor, and future funding opportunities. State Statute and city code does not provide a process for the formal adoption of this study. Therefore, a public hearing before the Commission this evening is not a requirement. However, staff chose to bring this before the Commission via public hearing as the city will utilize the study and the analysis of future land use applications, and we wanted to allow the public another opportunity to provide comments. Kuna police... Kuna Chief of Police Mike Fratusco, was also available to join this evening to help address any questions that may be related to emergency response to the south side of Union Pacific Railroad tracks, with the current 'at grade' crossings, should there be any. With that, I request that you recommend adoption of the Meridian Rd. corridor extension study this evening, and I will stand by for any questions.

Chairman Dana Hennis Thank you, Doug. Are there any questions at this time from the Commission?

Commissioner Bobby Rosadillo I just have questions about the public input. Is there any way that we could get a little bit more information on? I guess the overall feeling of that, I know. You know this is open for public hearing, but you know the especially the people that are there. It looks like there's two different neighborhoods, one on the east side, you know, north of the train tracks. And then another one on the south side on the west side. And then there's the property that's right between the two. You know, what was the overall feeling from the people in that area?

Planning and Zoning Director Doug Hanson For the record, Doug Hanson Kuna Planning and Zoning. So, as far as the individual property owner consultations that we had along this specific corridor, we didn't get any... there was no resounding negative feedback, necessarily, for the most part, what we received was that they wanted to be kept apprised of the process and involved in the design, the future design; also included in the plan in the appendix, there's a full public involvement section that can be reviewed.

Commissioner Bobby Rosadillo Okay, thank you.

Vice Chairman Byran Clark I think the only thing I want to.... I think this is more for my own edification. Is A.C.O.E. going to get involved in this at any point? Army Corps? Concerning the water body.

Planning and Zoning Director Doug Hanson For the record, Doug Hanson, Kuna of Planning and Zoning. Most likely not, at this point in time, because this... at this stage this is just a study, it's not a plan. We're not really seeking approval for any type of design or construction. This is just one step to help lead us into the process... the next step of the process which we hope to be ACHD or ITD taking over the study and then implementing a plan.

Chairman Dana Hennis Thank you. With that I will open up the public testimony at 6:11 and I have listed, I'll start with 'in favor' of Roddy... Robbie Reno, Sorry. I should know you by now.

Robbie Reno, Kuna School District Robbie Reno, Kuna School District, 711 E Porter St. Kuna, ID 83634. No, as our district is in support of this plan; because we own 100 acres just east of the curve and to in order to build a school on that for our buses to go through there, that's just a dangerous spot for our buses to get on and off that highway, so we're in full support of a of a better intersection, a more safe intersection so that we can potentially put a school on there as soon as possible, as soon as this is done. So, we are in support of this plan and hope it goes to fruition and does soon. I'll stand for any questions.

Chairman Dana Hennis Thank you. Any questions? Okay, next up and I'll remind everybody that's going to be testifying tonight. Please state your name and address for the record when you get up there and you have 3 minutes to present your testimony, and then we'll move on to the next. So the next one up in the neutral category is Dave Szplett.

Dave Szplett Good evening, commissioners. My name is Dave Szplett. I live at 970...

Planning and Zoning Director Doug Hanson You hit, hit the mic until it turns green.

Chairman Dana Hennis Oh, I thought it was already on.

Dave Szplett My name is Dave Szplett. I live at 970 Ashwood Ct. in Kuna, obviously. A sparkling jewel and a park-like setting. I wrote neutral on there because I think this whole exercise is silly and have a long history with this project. Briefly, ACHD did... this is their 5th corridor study. I managed the first two and Greg Nelson hired me to review the Ten Mile Crossing alternative. ACHD has a very poor history with this, having not built anything. If you remember, ACHD won't even admit to the second one. The second study was also in '95. That was an addendum to the main study to give us, Kuna, a quick low cost 'at grade' crossing plan. Because they knew they wouldn't have the funding and they never built that either. Of course they haven't built any of the four alternatives, and now we have a 5th alternative. Do you think they're going to build the you're going to build the fifth one when they build didn't build the other four? Also, why is this one? This is so good. Why wasn't this one of the first four? Doesn't make any sense. But I know why, because I was the project manager at ACHD and I was told what the results are going to be and the what the study should lead how to get there.

Also, ACHD is it's this is goofy, like the traffic accident data. Yes, there's the accidents there. Every intersection, there's one a day at Eagle and Fairview. Tells ACHD to do a comparative analysis of the accident rate at their goofy traffic circle. The curve has higher speed and higher volumes than that 4th St. traffic Circle or Main Street traffic circle, and that has lower speeds and lower volumes. And if we have a policeman here, he can tell you every time it snows and it's slippery, and they close the dang thing and then we're on traffic down 2nd St. Anyway, also the last thing is ITD has no plan, no funding to widen Meridian, the road, and if any of you have driven on Meridian or Ten Mile Rd. You know there's half mile queues to get on the freeway in the morning, half mile. So, what are you going to do? This is going to add to it is not going to take that away. And the last thing is the downtown businesses, I'm surprised they're not here screaming. When ACHD *doinked* up that downtown sidewalk plan. It took them five almost five months to do 3 three blocks of traffic. ITD rebuilt 8 miles of Highway 45 in 15 working days and poor Jacksons lost 200 customers a day because ACHD mismanaged that program. I mean, poor Jacksons paid \$4000 a day. I mean that paid for the project. Jacksons essentially bought it. Anyway, so I have a long history of that project, but I don't want to use up my 3 minutes. But I wrote negative... I wrote neutral because I don't think that's going to happen. Thank you.

Chairman Dana Hennis Thank you. Any questions for Dave?

Vice Chairman Bryan Clark No.

Dave Szplett I didn't think so.

[Laughter]

Dave Szplett This is like when I was ACHD. This is what the results *gunna* say.

Commissioner Bobby Rosadillo So, was this ever when you were with ACHD was Meridian Rd. ever like the first option for having this crossing, or, you said it was Ten Mile?

Dave Szplett No, I said. The first one was the Avalon to Avalon.

Commissioner Bobby Rosadillo Okay.

Dave Szplett Okay. The second one was the at grade crossing on the same alignment, which is the consultant ACHD, gave it to ACHD as the easy, quick one to get started because you had to buy the land. Anyway, they use it for both time, the third one. It was... The third one was I wasn't. I didn't work on that one. I worked the 4th one I worked on with Doctor Nelson, which was Ten Mile Crossing. But the problem there is you can go over the train tracks and should get down to 4th St. so you'd have to carry the traffic all the way through or past 4th St. Okay. And this current one is the fifth one. Anyway, I wouldn't trust anything that's ACHD.

Chairman Dana Hennis Well, that's why it's a study at this point, thank you.

Dave Szplett I know, but it's like me. I can study all kinds of stuff. It didn't happen.

Chairman Dana Hennis Okay. Thank you.

Dave Szplett Thank you for your time.

Chairman Dana Hennis Thank you. Next up is Jim Main.

Jim Main Jim Main, 414 S Sailor place Kuna ID. Thank you, Mr. Chairman, members of the Commission. I like what Dave has to say. Hopefully, nothing will happen for the next 30 years. When I

moved to Kuna 35 years ago, there was talk about an extension of Meridian Rd. over Indian Creek and the tracks. At that time it concerned me a bit, but time passed with no progress, as is apparent, and now we're here and it's in my backyard. I understand the need for the crossing to get emergency services to the south side of town and I'm in favor of that. However, to be honest, I would have preferred a different location. I'm not happy that it's going to be right, right outside of my kitchen window, but we've attended the open houses, we've spoken with the City Staff and JUB engineers. They've come to our property, we've walked the property and we understand there will be efforts made to mitigate sight and sound issues, utilizing natural elements such as berms and trees. And this will be extremely important where the roadway will run parallel with the north-south leg of Indian Creek. You know, my concerns are mostly related to the environmental impact that the project will have on the wildlife. On our property alone, we have 3 pairs of nesting great horned owls. We feed hundreds of birds daily through the winter consisting of dove, quail, black birds, woodpeckers, finches. And we also see evidence of Beavers, fox coyotes, raccoon, raccoons and prior to the development south of Indian Creek, we had occasional deer on our property.

Figure 4.1 and the Environmental resources page that was in the study. It indicates in proposed trails. Along the north side of Indian Creek, Crossing 3 properties and one of those properties is mine and during our meeting with City Staff and JUB engineers. There was discussion regarding the alternate routes for a future green belt that did not include the north side of Indian Creek. And I did not see anything in this document that addressed those previous discussions. For me and the other residents that are impacted by this. You know, we would appreciate if during the study that efforts be made to protect the environmental aspects associated with Indian Creek and that impacted property owners adjacent to the project be included in the conversations regarding the design elements and methods. You know, when it comes right down to it Indian Creek as it comes through, Kuna is a blessing, you know, not every town has a natural waterway that goes through the town and surrounding area. And I understand the need for the crossing, but I'd like to see extra effort be made to protect that natural environment that we have there. And I'd be glad to answer any questions if you have any.

Commissioner Bobby Rosadillo I mean, it's so in the study it did say that that was a big concern and that's, you know, it as one of the main concerns with the wildlife. So I mean, you being right there, I mean, how much of your land would it impact where these animals that you're seeing on a daily basis are, are you, I'm assuming you're the one that. Right in between the two neighborhoods, in between the tracks and the...?

Jim Main No...

Commissioner Bobby Rosadillo No?

Jim Main We're where Indian Creek is going east to west and it turns and there's a north-south leg of Indian Creek that that runs back to the south. Our property is on the on the west side of Indian Creek. We have 800 feet of frontage on Indian Creek.

Commissioner Bobby Rosadillo Okay.

Jim Main And so my concern is that, you know, 100 feet on the other side of Indian Creek is going to be a Five lane highway

Commissioner Bobby Rosadillo Right.

Jim Main and I want to be able to basically protect Indian Creek, in its natural state during for that portion of it. And I've also had the Sheriff's Office over there on numerous occasions. Because when they,

the tubers float Indian Creek. I had a detective that did that. And they came over and they said their detective thought that he's spotted some marijuana growing along there. So they wanted to see if they could take a walk down through there so. I don't. I don't think they found anything. Thank you.

Chairman Dana Hennis Thank you, next up on the sign in sheet is Michael Schlag, is that it?

Michael Schlag Good afternoon, My name is Michael Schlag, 390 S Sailor Place is the address. I happen to be Jim's next-door neighbor and I will simply second what Jim said. We are actually to the north of Jim's property, but we do have Indian Creek frontage on our part, too. So the highway and the bridge would go right past our property and the environmental factor is a big one for us. Also the noise which I know there's not a whole lot we can do about that other than trees and burns and things of that nature, so. I'm happy to answer any questions as well, but really just second everything that Jim already stated.

Commissioner Bobby Rosadillo So I have a question for you know, I guess you know the property owners and then also Doug, maybe you as well, but when they did this study, I mean was there any consideration done to like the impact whether negative or positive on the homeowners that would be affected by the extension?

Planning and Zoning Director Doug Hanson For the record, Doug Hanson, Kuna Planning and Zoning, all of those conversations were held in those property owner consultations. Is there a specific level of detail you want me to get into at this point in time?

Commissioner Bobby Rosadillo I Just in general? Like, I mean, what is your thought like, is there a concern with that? I mean, obviously the environmental impact is huge too, but there's, you know, other considerations as far as just. You know the value of your home. You know, Have a, you know, like you said, a highway going right by your house. So you know, I mean, my question is, is it has that been considered? Is it something that has been brought up that you guys have discussed, is it a concern?

Michael Schlag Yeah, definitely. Yeah, I'll be honest. I don't know if it's in the report that was sent out. I haven't looked through it to that detail. We have had on-site meetings. We have had some, some of those discussions, definitely the resale value is important to us. We've only been there for going on 5 years. Jim is plus 20 Years. So we're relatively new to the area, but we did make a large investment in the property and the home that sits on it, so. It's definitely a key factor for us.

Chairman Dana Hennis Thank you. Any other questions? That's all I have on the list. Is there anybody that's come in late that would like to sign up to testify that hadn't had a chance to yet? Okay, if you would come up and sign in, please.

Chairman Dana Hennis Danny, if you'd like to...

Dan Gannuscio Dan Gannuscio, 1001 S Meridian Rd. We're probably the biggest impact of this thing coming through because it would literally cut the use of my shop off because we're that close. And that swings out into Perrys it'd help us out. If it does happen. But this has been going on for ever since we bought the House or joined into this property, 2000. And we've been to these meetings before and to jump across Indian Creek and the tracks at the same time on Swan Falls was the cheapest way to go at that time it was like \$14 million and it never happened then. Anyways, yeah, our property value is going to take a dive. We're going to have five lane highway 20 feet away from my shop and 100 feet away from our house. You know that's...So. I thought they wanted to direct due Swan Falls so the local businesses, you know, would still have that traffic coming in, and remember, Jackson's lost all that money. I don't know that they would lose any money this time, but there is a wildlife concern. We've been feeding the hawks with our chickens for years. You know, they definitely dip in, you know, but we put up with that and the

coyotes and we do have fox and they're eating the neighbor's geese. And but everybody loves them. You know, they're even though they're a little bit of an expense and anyways, yeah, I'm kind of neutral to, you know, see what goes on here if the I think it's one where that swings out into Perrys to pull further away from our house. Then to go with two. Is that right, Alyssa? Yeah. So. You want me to point out where? We're at? can you see it?

Chairman Dana Hennis Yeah, that would be nice.

Dan Gannuscio This is our property right here.

Commissioner Bobby Rosadillo Okay, that's what I was thinking.

Dan Gannuscio So here's our driveway right here goes across our house.

Planning and Zoning Director Doug Hanson Could you come in and speak into the mic if you're going to talk to so that we have this on the record?

Dan Gannuscio Well, you saw one in '20.

Planning and Zoning Director Doug Hanson Yes.

Dan Gannuscio Yeah, it's right in our front yard, actually where that's at. So yeah, it's going to be really devastating for us. But you know, there needs to be a crossing across the tracks. But I thought. Swamp Falls was the choice because it's cheaper. You can do both. In one job, instead of taking two one across Indian Creek and then one across the tracks. Anyways, that's it.

Chairman Dana Hennis Thank you... David Stucker.

Dave Stucker Dave Stucker, 101 S Meridian Rd. And we own this place jointly with them and not. I guess I want... You know there's pros and cons that just go all over the place. One pro about taking it down our Rd. is a lot less people are impacted than anywhere else you put it. I think if it's swung out into Perry's field, that would certainly be good for us and it would be a more direct line for the creek and for the railroad crossing, it squares up with those a little bit better, and I think it would serve your guys' purposes a little bit if they swung it out. But mostly I'm neutral, I think it needs to be done. Here's what I want to go record on record as and I just saw the opportunity, so I signed up.

Our neighbor Marlena Blue to the south. She's at the northeast corner of Meridian Rd. and King Rd. I was up working on her roof. The shingles were taking, the wind was taking some shingles off and I was up there working on it and the train was coming through, which is not uncommon, as you know, in Kuna I liked them and worked every kind of an opinion on that too. But it just the train just came to a screech. It was a screeching stop. It was a long one. An airline had broke and it blocked it, blocked our crossing. We have a private crossing. It blocks Strobel and it blocks Swan Falls. That's the same day that the fellow was South of us. And I don't even know his name. But it was working a horse in that arena South of us across King Rd. And the horse landed on. And from the roof I watched an ambulance show up and try to cross at one and it was blocked and they sat there a little bit and then they turned and went over to the other one and tried to cross and it was blocked. And then they left and after a while life flight came and took him out by life flight, but it wasn't quick enough and that he died. And so I just want to go on record as saying. I don't really care where you put it. I'd like to have better access to the South side of the tracks. I think it's a safety deal. I think it's an important deal and I think it's way long overdue and some people are going to have to be happy with you. I worked for the City of Portland Parks and Rec for six years and one of the things that you could seem like you could count on is whatever we wanted to do, half the people wanted to sue us if we did it, and the other half wanted to sue us if we didn't do it. And it was amazing we ever

got anything done. And I see some head shaking. Yes. And I know you know what I'm talking about. So I just want to take a second and thank you for all you do for the City of Kuna lived and worked in eight states, and I love Kuna. Kuna is my home. You know, and I could just go off about stuff. I'd like to change and I could go off about stuff I'd love, but I really would love to see a better access to the south side of the tracks that's not dependent on the trains and what's going on that day. Thank you for your time. Thank you for all you do for this community.

Chairman Dana Hennis Thank you. And with that, there's nobody else on the sign in sheet, so I will go ahead and close the public testimony at 6:33. And that brings up our discussion. And I think, yeah, I agree with David, there's never a perfect solution we're trying to find the best solution and that's hence the reason for the study. It's not going to happen. They're going to start construction tomorrow. God forbid that this probably 10 to 20 years out, I would imagine, but realistically, you know, getting a plan in place is what we're trying to look at. Because we do need some better access across the tracks so you know. I think a lot of work has gone into this study. You know, I see the other alternatives at Ten Mile and Swan falls and they do have a lot more. Issues that they have to withstand, you know, especially Swan falls, maybe the cheapest, but it's. Just you can't. You can't get with just two lanes across there and there's really no way to expand. It will impact far more people. And I think the same at Ten Mile. So, you know, looking at these alternatives, I think as long as the study goes on and we work with the neighbors to try to find the best alignment possible, I think this presents them a good, viable solution to pursue.

Commissioner Bobby Rosadillo Yeah, I mean, the thing that I found interesting is even though you have people that are obviously affected. By this greatly. It nobody signed up as against you know, so I there's definitely a need for this. And like you said, I think that this study is good and the information that it provided. That it's looking out towards 2050. So it's looking out a long period of time. You know, I guess the question is just how do you do it while? You know, looking out for the environment, you know the environmental issues obviously for private homeowners, making sure that they're not, you know, intruded on, you know, unnecessarily, you know, obviously, you know, there's people there that understand that it's needed, and they're willing to work with the city. So, you know, I think that's probably the number one, You know, the priority of this is just making sure that everybody's working together and involved. But you know, as far as the study goes, I mean the information that's in there is, you know, it's very thorough. So I mean it's needed at like you said that if we lose one person because we can't have access south of the tracks, it's one too many and obviously it's happened, so...

Chairman Dana Hennis Mhm, I agree.

Commissioner Ginny Greger Well, having lived south side of the tracks for 27 years. I don't really complain about the tracks going across them, but. I'm. I'm really most impressed with getting rid of the curve, honestly. we do need access to the South and I've been around long enough. I was on the. The study for Swan Falls. I was on the study for Avalon to Avalon, So it's... yeah. This this study, some of these studies are probably older than Robbie Reno, so. I like this. I do understand the property owners because I'm actually in a mile off of King and Meridian Rd. I'm pretty sure I won't be driving by the time this is done or living there, but I think it's something that we do need to do; does need to be seriously considered, and hopefully Dave Szplett's wrong that it finally comes to fruition. Because it has been going on a long time. I don't see anything that I really don't care for. You know, if they can swing it a little bit so there's people keep their shop, you know, and just continue to work with the homeowners and let's get let's get started again for the 5th time.

Vice Chair Bryan Clark Yeah, and on the same note. One of the first conversations I had with somebody in my neighborhood, I made a friend with a local fire department, Boise PD or Boise Fire. I'm

sorry. And also talking to Boise PD and I don't want to put any my words into our police chief's mouth, but the fact is response times south of the tracks. Anytime there's a train involved. Absolutely horrible. So I know that there are multiple deaths accounted to. Just bad timing, even with like four or five crossings to the city, the fact that a single train easily covers all those crossings is...

Commissioner Bobby Rosadillo Yeah, they're not very. They're not very spread out, you know, I mean, people try to back up and, you know, go to other crossings and then they just get stuck.

Vice Chair Bryan Clark Yeah. Swan falls is fun.

Commissioner Bobby Rosadillo Yeah.

Chairman Dana Hennis Well, and I think to kind of go back to a couple of concerns, protecting the environment and the wetland area and the animals to the best that we can and to include the landowners in a lot of these conversations. Furthermore, I think that's kind of already addressed as part of the study itself, so I'm not sure if we have to add that per say to any recommendations that we want to see on there? I think it is included I just would expect the city as well as ITD or ACHD. Whoever might take over the study if it keeps going to continue that conversation.

Vice Chair Bryan Clark So I think the only recommendations that we really, I think would make sense to make would be to potentially swing as far as reasonably possible east of the existing center line alignment of Hwy. 69 going South of Kuna Rd.

Planning and Zoning Director Doug Hanson Commissioners, if I if I can just step in real quick for the record, Doug Hanson, Kuna, Planning and zoning, we don't necessarily need any recommendations for the specific alignments because at this point, they're alternatives and concepts. This is really just showing us what could be there at a maximum build out potential of ITD standards. So it is it is like it is probable that it will look different than this at some point in time.

Chairman Dana Hennis And that's kind of what I figured. So that's I just wanted to kind of reiterate to our public that it's here tonight that those are active pieces of concern throughout the study and...

Commissioner Ginny Greger Well, and I think if we you know move this along and it and future landowners that are looking at someplace along that corridor know that this is coming whether it's 10 years or 20 years depending upon their how long they plan on staying, where they're at and they're how you know the value. Then saying you know it's always homeowners beware, but they will have something to be aware of instead of us trying to figure out where we're going to put the crossing.

Chairman Dana Hennis Right. Thank you, and I guess if you don't have any further comments then I would stand for a motion

Commissioner Ginny Greger I'll move that we recommend adoption of the Meridian Rd. Corridor Extension study.

Vice Chair Bryan Clark Seconded.

Chairman Dana Hennis All in favor?

All Commissioners Aye.

Chairman Dana Hennis Thank you. And thank you for all that coming. And your opinions and advice. Thank you.

(Timestamp 00:41:37)

Motion To: Recommend Adoption of the Meridian Road Corridor Study

Motion By: Commissioner Ginny Greger

Motion Seconded By: Commissioner Bryan Clark

Further Discussion: None

Voting Aye: Commissioners Hennis, Clark, Greger, Rossadillo

Voting Nay: None

Absent: None

Recused: Commissioner Jim Main

4-0-0

B. Case No. 24-01-SUP (Special Use Permit) Giraffe Laugh Daycare – Doug Hanson, Planning & Zoning Director

Applicant requests Special Use Permit approval to operate a childcare facility within the Boys & Girls Club located at 470 W Mendi Place inside the Boys & Girls Club; Section 23, Township 2 North, Range 1 West. *Staff requests this item be tabled to a date uncertain due to a site posting error.*

(Timestamp 00:41:57)

Chairman Dana Hennis With that, I don't see any other business items. Is there any other reports from staff?

Commissioner Bobby Rosadillo Do we need to...

Chairman Dana Hennis Oh yeah, so, I guess I retract that. Let's go back to item B in public hearings for case #24-01-SUP. Excuse me, the Giraffe Laugh Daycare and I see here staff requests to have that item tabled. Is that still to a date uncertain?

Planning and Zoning Director Doug Hanson For the record, Doug Hanson zoning that is correct. Staff request the item be tabled to a date uncertain due to a site posting error.

Vice Chair Bryan Clark I move that we table case #24-01-SUP to a date uncertain.

Commissioner Ginny Greger I'll second that.

Chairman Dana Hennis Thank you, all in favor?

All Commissioners Aye.

(Timestamp 00:42:34)

Motion To: Table Case #24-01-SUP to a Date Uncertain

Motion By: Commissioner Bryan Clark

Motion Seconded By: Commissioner Ginny Greger

Further Discussion: None

Voting Aye: Commissioners Hennis, Clark, Main, Greger, Rossadillo

Voting Nay: None

Absent: None

5-0-0

5. BUSINESS ITEMS:

6. UPDATES & REPORTS:

(Timestamp 00:42:46)

Chairman Dana Hennis Thank you. And now I go back to there's no other items. Is there anything more from the staff?

Planning and Zoning Director Doug Hanson No.

Chairman Dana Hennis No items. Thank you.

7. ADJOURNMENT:

(Timestamp 00:42:54)

Commissioner Ginny Greger Well then, I'll motion we adjourn.

Commissioner Bobby Rosadillo I'll second it.

Chairman Dana Hennis Thank you, all in favor?

All Commissioners Aye.

Chairman Dana Hennis Thank you.

(Timestamp 00:42:54)

Motion To: Adjourn

Motion By: Commissioner Ginny Greger

Motion Seconded By: Commissioner Bobby Rossadillo

Further Discussion: None

Voting Aye: Commissioners Hennis, Clark, Main, Greger, Rossadillo

Voting Nay: None

Absent: None

5-0-0

Dana Hennis, Chairman

ATTEST:

Doug Hanson, Director

Minutes prepared by Garrett Michaelson, Deputy City Clerk.



CITY OF KUNA
P.O. BOX 13
KUNA, ID 83634
www.kunacity.id.gov

MEMO

Date: April 23, 2024
From: Doug Hanson, Planning & Zoning Director
To: Kuna Planning & Zoning Commission
RE: Recent Idaho Supreme Court decisions on land use applications and their impact on decision making by the Commission.

Commissioners,

Background:

The Idaho Supreme Court has recently decided on two land use matters:

1. *Renaissance v. Twin Falls County*: “Twin Falls County Planning and Zoning Commission denied Renaissance’s preliminary plat application because the subdivision posed a traffic burden on the Hankins Road/Falls Avenue Intersection, and also because of health and safety concerns related to the subdivision’s lack of a second egress point and the ability for homeowners to safely evacuate the subdivision in an emergency situation. Renaissance appealed that decision to the Twin Falls County Board of County Commissioners (“the County”). The County upheld PZC’s decision to deny the Preliminary Plat application. Renaissance then sought judicial review of the decision made by the County, and the district court dismissed the Petition for Judicial Review. Renaissance appealed. The Idaho Supreme Court affirmed the decision of the district court.”¹
2. *Northwest Neighborhood Association (NWN) v. City of Boise*: “Boise Planning and Zoning Commission denied PUD and recommended denial of the rezone and preliminary plat applications. The City Council, after multiple hearings, reversed the denial and approved all three applications with specific conditions. NWN submitted a request for reconsideration, which the City Council denied. NWN then filed a timely petition for review with the district court, which affirmed the City Council’s decision. NWN appealed. The Idaho Supreme Court reversed the decision of the district court in part and remanded with instructions to invalidate the actions of the City Council and remand for adoption of a reasoned statement.”²

¹ SUMMARY STATEMENT North West Neighborhood Association v. City of Boise and Trilogy Development, INC.; Viper Investments LLC; Fastwater LLC; and Corey Barton Docket No. 49179

² SUMMARY STATEMENT Renaissance Project Development, LLC v. Twin Falls County Docket No. 50197

Idaho Statutes Relevant to the ISC Decisions:

I.C. § 67-6519(5): Whenever a governing board or zoning or planning and zoning commission grants or denies an application, it shall specify:

- (a) The ordinance and standards used in evaluating the application;
- (b) The reasons for approval or denial; and
- (c) The actions, if any, that the applicant could take to obtain approval.

I.C. § 67-6535(2): The approval or denial of any application required or authorized pursuant to this chapter shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record.

Summary:

In the case of *Renaissance v. Twin Falls*, the inclusion of a reasoned statement in the written decision resulted in the Idaho Supreme Court affirming the decision of the Twin Falls County Planning and Zoning Commission. Whereas the lack of a reasoned statement in the decision of the Boise City Council gave cause for the Idaho Supreme Court to reverse the Boise City Council decision in *NWNA v. City of Boise*.

Considering the recent Idaho Supreme Court decisions above you will see some changes to the format of staff reports and written decisions (historically called FCO's) to ensure that the rendered land use recommendations and decisions by this Commission comply with LLUPA and the recent Idaho cases by including reasoned statement. Further, the phrase "reasoned statement" means more than just a name change for the decision documents you will review and approve. The two cited cases explain what a reviewing court will consider to be an adequate "reasoned statement," with particular attention paid to the need of the Commission to make factual determinations when there are factual contests related to an application.

In order to assist the Commission in developing an adequate reasoned statement, it is likely that staff will interject in Commission deliberations to identify factual disputes and encourage the Commission to make a decision on such matters. For example, ACHD may submit written submission that identifies the traffic flows and patterns on roads adjacent to a project that suggests the roads are performing at safe standards and can support the development. In the same case, you may receive public comment refuting this ACHD opinion. The report and public comment would constitute a "factual dispute." Staff will endeavor to draw your attention to these types of factual disputes and encourage the Commission to make a decision on such disputes. In regards to the above example, you would be deciding whether you are persuaded by the ACHD opinion on road performance and safety or public testimony on the same subject, and ultimately deciding whether the road can support the growth.

Thank you,



Doug Hanson
Planning & Zoning Director
dhanson@kunaaid.gov
208-287-1771

SUMMARY STATEMENT

Renaissance Project Development, LLC v. Twin Falls County
Docket No. 50197

This appeal arises out of a denial of Renaissance Project Development, LLC's ("Renaissance") application for a preliminary plat for phases two through five of the Shoshone Heights Subdivision, comprised of an additional thirty-six homes located on acre lots. Shoshone Heights is located in Twin Falls County and in the City of Twin Falls Area of Impact, off Hankins Road near the Evel Knievel jump site at the Snake River canyon rim. Phase one was completed after both Twin Falls City and Twin Falls County approved the final plat of that phase, around 2014. Development halted on the additional phases and, due to the passage of time, Renaissance was required to resubmit an application to develop Phases two through five of Shoshone Heights.

Renaissance filed a Subdivision Preliminary Plat for Shoshone Heights phases two through five in May of 2021. Neighboring residents opposed the project, voicing safety concerns about wildfires, the increased traffic burden posed by the development, and the ability to safely evacuate the area in an emergency, among others. Twin Falls County Planning and Zoning Commission ("PZC") denied Renaissance's preliminary plat application because the subdivision posed a traffic burden on the Hankins Road/Falls Avenue Intersection, and also because of health and safety concerns related to the subdivision's lack of a second egress point and the ability for homeowners to safely evacuate the subdivision in an emergency situation. Renaissance appealed that decision to the Twin Falls County Board of County Commissioners ("the County"). The County upheld PZC's decision to deny the Preliminary Plat application. Renaissance then sought judicial review of the decision made by the County, and the district court dismissed the Petition for Judicial Review. Renaissance appealed.

The Idaho Supreme Court affirmed the decision of the district court. The Court held that there were no grounds to invalidate the County's decision under the procedural requirements of the Local Land Use Planning Act because: (1) the County's reasoned statement identified the health and safety decision criteria contained in the Twin Falls City Code (T.F.C.C. § 10-12-3(H)(2)(e)) as the basis for its decision; (2) although PZC's Written Decision failed to resolve a factual dispute concerning the traffic burden on the Hankins Road/Falls Avenue Intersection, the County properly affirmed PZC's decision based on the health and safety concerns related to the subdivision's lack of a second egress; and (3) although PZC's failure to address the proposed development's compliance with the Twin Falls Comprehensive Plan was erroneous under the express requirements of the Twin Falls City Code, the error did not prejudice a substantial right of Renaissance. The Court further held that the County's decision was not: (1) reflective of a lack of practical considerations and fundamentally unfair, or (2) arbitrary, capricious, or an abuse of discretion.

******This summary constitutes no part of the opinion of the Court but has been prepared by court staff for the convenience of the public.******

SUMMARY STATEMENT

North West Neighborhood Association v. City of Boise and Trilogy Development, INC.; Viper Investments LLC; Fastwater LLC; and Corey Barton
Docket No. 49179

This appeal concerns judicial review of the Boise City Council's decision to approve three interrelated land use applications. In 2018, Trilogy Development, Inc., Viper Investments LLC, Fastwater LLC, and Corey Barton applied for a rezone, a preliminary plat, and a planned unit development (PUD) with a land exception to build a new multi-use residential area on 38 acres of land in an area affectionately referred to as "Old Hill Road." North West Neighborhood Association (NWNNA), a group of residents, property owners, and business licensees within the neighborhood, actively opposed this project, voicing concerns about adequate fire protection, among others. The Planning and Zoning Commission denied the PUD and recommended denial of the rezone and preliminary plat applications. The City Council, after multiple hearings, reversed the denial and approved all three applications with specific conditions. NWNNA submitted a request for reconsideration, which the City Council denied. NWNNA then filed a timely petition for review with the district court, which affirmed the City Council's decision. NWNNA appealed.

The Idaho Supreme Court reversed the decision of the district court in part and remanded with instructions to invalidate the actions of the City Council and remand for adoption of a reasoned statement. The Court held: (1) the Boise City Council failed to satisfy the requirements of the Local Land Use Planning Act in providing a reasoned statement explaining the criteria and rationale for its decision; (2) NWNNA failed to preserve its procedural challenge regarding the City Council's lack of referral of the applications to the Eagle Fire Protection District; (3) any other procedural defects in the City Council's actions did not affect NWNNA's substantial rights; and (4) no party is entitled to attorney fees. The Court further explained that, on remand, while the City Council is required to adopt a reasoned statement that comports with the requirements of the Local Land Use Planning Act, I.C. § 67-6535(2), the City Council may, but is not required to, conduct additional public hearings or receive testimony on the matter.

***** This summary constitutes no part of the opinion of the Court but has been prepared by court staff for the convenience of the public. *****