

**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 4<sup>th</sup> Street, Kuna, ID 83634**  
**Planning & Zoning Commission**  
**REGULAR MEETING MINUTES**  
**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.*

**I. CALL TO ORDER & ROLL CALL:**

*(Timestamp 00:00:32)*

**Chairman Dana Hennis** Well, I guess we can go ahead and call to order the regular planning and zoning Commission meeting for Tuesday, April 23rd, 2024. We'll start with roll call.

**Planning and Zoning Director Doug Hanson** Chairman Dana Hennis

**Chairman Dana Hennis** Present.

**Planning and Zoning Director Doug Hanson** Vice Chairman Bryan Clark... Commissioner Ginny Greger.

**Commissioner Ginny Greger** 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 - Absent  
Commissioner Ginny Greger - Present  
Commissioner Jim Main - Present  
Commissioner Bobby Rosadillo - 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 00:00:57)

### **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.)*

**Chairman Dana Hennis** First up on the agenda is the consent agenda.

**Commissioner Jim Main** Mr. Chairman, I move that we approve the consent agenda.

**Commissioner Bobby Rosadillo** I'll second it.

**Chairman Dana Hennis** Thank you, all in favor?

**All Commissioners** Aye.

(Timestamp 00:01:01)

**Motion To:** Approve the Consent Agenda

**Motion By:** Commissioner Jim Main

**Motion Seconded By:** Commissioner Bobby Rossadillo

**Further Discussion:** None

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

**Voting Nay:** None

**Absent:** None

**4-0-0**

## **3. PUBLIC HEARINGS:**

(Timestamp 00:01:10)

**Chairman Dana Hennis** Thank you. And with that, we have no items under public hearings tonight.

## **4. BUSINESS ITEMS:**

(Timestamp 00:01:12)

### **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***

**Chairman Dana Hennis** First item under business items is the recent Idaho Supreme Court decisions on land use applications and their impact on decision making by the Commission, Mr. Doug.

**Planning and Zoning Director Doug Hanson** Thank you, Commission, for the record, Doug Hanson, Kuna Planning and Zoning, 751 W 4th St. Kuna. The Idaho Supreme Court has recently decided on 2 land use matters, those being Renaissance vs. Twin Falls County and the Northwest Neighborhood Association vs. The City of Boise.

In the case of Renaissance vs. Twin Falls, the inclusion of a reasoned statement in the written decision resulted in the Idaho Supreme Court affirming the decision of Twin Falls County Planning and Zoning Commission, whereas the lack of a recent statement in the decision of the Boise City Council gave cause for the Idaho Supreme Court to revert... reverse the Boise City Council decision in the Northwest Neighborhood Association vs. City of Boise.

Considering the recent Idaho Supreme Court decisions above, you will see some changes coming forward to the format of staff reports and written decisions historically called FCO's. As you've come to know them, to ensure that the rendered land use recommendations and decisions by this Commission comply with the Local Land Use Planning Act and recent Idaho cases by including the reason statement. Further, the phrase 'Reasoned Statement' means more than just a name change for the decision documents you will review and approve. The two-sided 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 where there are factual contests related to an application. In order to assist the Commission in developing an adequate reason 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 a 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 support the development. In the same case, you may receive public comment refuting this ACHD opinion of 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 will 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. So, that's the summation of how things are going to be moving forward. I just wanted you to be clued in on the changes that are coming down the pipe. So with that, I will stand by for any questions.

**Chairman Dana Hennis** Is there any questions?

**Commissioner Bobby Rosadillo** Not at this time.

**Commissioner Jim Main** No questions.

**Planning and Zoning Director Doug Hanson** And for the record, Doug Hanson, Kuna Planning and Zoning. And if you have additional time to, sort of, comb through these cases more in depth,

I highly recommend doing so. Pretty brief agenda item this evening, but it'll be super important moving forward.

**Chairman Dana Hennis** Right. A couple of things I'd like to say, too. This is kind of what we've talked about in the past. You know, I've been on the Commission quite a while where we had the lawyer, it kind of go through with us, something like this a while back before most pretty much all of you, so.

*[Laughter]*

**Chairman Dana Hennis** So there, and that's something that we fought with, not fought with, but that's one of the things that we tried to understand is when you do a denial or you push something to where you want to kick it to the City Council but we're not for recommendation. The one thing that is kind of... we really strive for is a reason, and that's the thing that legally we have to abide by. We can't, unfortunately... city... or citizen opinion and some of the what they, you know, their testimony, what they bring forth, what the items that they're bringing up.

We need to translate into something that's more of a legal standard. So much like Doug just said is, you know, we'll have input from the citizens that are saying "there's a lot of traffic here. It's obnoxious, you know, between certain hours" and yet ACHD rights report says "No, it works fine" but those that factual dispute, as he's calling it, is what gives us the ability to either get more information, to table it until we get resolution, to investigate it further, or just plain deny something that we may not feel is right.

Along with the one that we saw in the past, we denied one because it didn't have the services nearby to support the type of project that it had. But it would... and we gave it more specific reasons. I just don't want to, you know, talk about that particular one. But we based it on those particular problems that we saw, that were factual. So that one was one that we were legally, kind of, abiding by or whatever you want to call it. You know we had legal grounds and we stated those legal grounds, whatever it came back, you know, and it was appealed. Then not only is the appeal easier to understand why you know what we were looking at when we denied it, but it also gives us the legal reason behind it and a couple of things that I read on these cases, you know, one specifically stated some of those reasons like I'm talking about the other one really didn't it just kind of that didn't it's not good for the area. Well unfortunately that's not a... legally bound, and if somebody really wants to pursue a project, they can appeal it. They can take it to the courts and everything else.

So as we make our decisions for both recommendation as well as denial, but more specifically the denial aspect of it, as long as we have reasons and they go on record, they're in our decision making, that's what we need to establish and kind of put on the record. And that's really what I think came out of those two as I saw it. So a lot of the time we may feel that it's not right, but we need to know because we've been up here doing it long enough. And you'll get there. Yeah, yeah, that we translate that into the legal. "Hey, it isn't right for the services over here" or "we have too much traffic over here, we need to investigate that stuff further." So, that's what we just need to do is be more specific and get it on record.

**Commissioner Bobby Rosadillo** Well and you've had the conversation. I mean, we've kind of had the conversations like when I came on. You know, and Doug and Morgan, you guys have had the conversations with me too about, you know, kind of the legal side of things. You know, to me it seems like, you know, our job when we have the public hearings, you know, is to be able to bridge those concerns and be able to, you know, take that, and put it into like a legal matter. Like, okay, well, these concerns and it doesn't meet this or it does meet this need, you know, and then to be able to, you know, situated where we protect you know, the city, the citizens, You know from legal or from, you know, just inappropriate projects, so.

**Chairman Dana Hennis** And that's part of the problem that, you know, we hear the citizens' concerns. Sometimes we can do something with them, sometimes we can't, you know, land use and what you're able to do with your own private land in Idaho is very specific. We can't really... I mean, we have to have good reason to stop anything. Because as the property owner you got the right to do what you want with the most reasoning and so it's exactly that we're trying to take the input, translate it with what we know to get the project either where it should be or somewhere else where it should be. So, but no, I'm. I'm glad you brought that up. So it's something that we've been talking about. These are two specific incidents. I know the ones that we've talked about the past were a lot worse for the cities involved and they were out of Phoenix. I think there was two out of Phoenix and one out of Minnesota or something. And they had quite the financial repercussions against them, too. So, it's something we need to be concerned about. Any other questions for Doug?

**Commissioner Jim Main** No.

#### **5. UPDATES & REPORTS:**

*(Timestamp 00:09:51)*

**Chairman Dana Hennis** Is there any other items from staff for tonight?

**Planning and Zoning Director Doug Hanson** For the record, Doug Hanson, Kuna Planning and Zoning. That is it for the evening.

**Chairman Dana Hennis** Quick one.

#### **6. ADJOURNMENT:**

*(Timestamp 00:10:01)*

**Commissioner Ginny Greger** I'll make a motion we adjourn.

**Commissioner Jim Main** I'll second that.

**Chairman Dana Hennis** Thank you, all in favor?

**All Commissioners** Aye.

**Chairman Dana Hennis** Thanks for coming. It was a short one.

*(Timestamp 00:10:01)*

**Motion To:** Adjourn

**Motion By:** Commissioner Ginny Greger

**Motion Seconded By:** Commissioner Jim Main

**Further Discussion:** None

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

**Voting Nay:** None

**Absent:** None

**4-0-0**



Dana Hennis, Chairman

ATTEST:



Doug Hanson, Director

*Minutes prepared by Garrett Michaelson, Deputy City Clerk.*