

**CITY OF KUNA  
SPECIAL CITY COUNCIL MEETING  
MINUTES  
BEST BATH EXPANSION  
JULY 25, 2006**

**KUNA CITY HALL COUNCIL CHAMBER, 763 W. AVALON**

**NOTE: These minutes are an unofficial record of this City Council meeting until reviewed; corrected if deemed appropriate and formally approved by the Kuna City Council at a subsequent Council meeting.**

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Mayor Dean Obray called the Special City Council Meeting to order at 5:33 p.m. for discussion of the proposed expansion of the Best Bath facility.

**Present:** Mayor Dean Obray; Council President Lang, Council Members Scott Dowdy and Richard Cardoza. Councilwoman Stroebel was absent.

Also present were: City Attorney Randy Grove, City Engineer Keven Shreeve, City Clerk Lynda Burgess and Interim Planning & Zoning Director Diana Sanders.

Diana Sanders, Interim Planning & Zoning Director, stated that the purpose of the meeting was to present a chronological look at what took place in the development process of the Best Bath business and the Wild Meadows Subdivision:

- 1) In 1999, the Planning and Zoning Department received the preliminary plat for the Swan Falls Business Park, which was previously zoned M1 – Light Industrial.
- 2) In 2000, the Planning and Zoning Department received a Design Review Application for a 94,225 sq. ft. building in Swan Falls Business Park
- 3) In 2004, the Planning and Zoning Department issued a building permit for a 22,000 square foot building.
- 4) The 2003 Comprehensive Plan identifies that area as industrial growth.
- 5) In 2001, an annexation and preliminary plat were received for Pieroni's/Wild Meadow Subdivision.
- 6) In 2002, the first building permits are issued.
- 7) The building currently has an area of 22,000 sq. ft. and Best Bath is allowed, according to the Design Review issued in 2000, to go up to 94,225 sq. ft.
- 8) The City has not yet issued a building permit for the additional square footage.

Mrs. Sanders reported that the homeowners in Wild Meadows Subdivision had copies of all the plats and informed them that the information may be accessed through the Ada County Assessors' website.

Bobbi Sailer, 1183 E. Kuna Rd., asked if the language on the recorded plat for Pieroni's was included in the annexation ordinance.

Ms. Sanders responded that annexation ordinances are specifically just for the annexation, not what is going to be placed on the final plat for a note. It only discusses the annexation and the zoning being given to the property. The plat map directs the developer to notify potential home buyers that an industrial park is located nearby.

Mrs. Sailer wondered if the developer was questioned by the City if he had disclosed to home buyers that their property was located close to a business park area. Can the City follow-up on those types of disclosures?

Ms. Sanders responded that the City doesn't have any mechanism for involvement in an earnest money agreement between two people that are purchasing property.

Mayor Obray stated that the time that this information would have been disclosed was at the time of sale of the lot. When homeowners bought their lots and received their title report, they received a copy of the plat map and on that plat map was the language just referred to.

James Henrickson, 554 E. Wild Jasmine asked whether the business park is zoned heavy or light industrial.

Ms. Sanders responded that it is zoned M-1 which is light industrial.

Mr. Henrickson stated that the M-1 zone doesn't include air pollutants according to the definitions. He stated that Best Bath is the #1 rated polluter in Ada County. He asked who followed up on the decision to zone the property M-1 and stated that he felt it was the City's responsibility to make sure that the use of the property was in the correct zone. He felt that Best Bath's type of business met the standards of an M-1 zone.

William Eddie, attorney representing property owners in Wild Meadows as well as Tim Gordon, Mic Ashby, Matt Shultz., etc. asked what the City's role is today. Any industry that creates pollution, odor and emissions should be required by the City to obtain a special use permit. The City should direct Best Bath to apply for special use permit and hold hearing to notify the public of the impacts.

Mic Ashby, 1472 Melinda Ln., suggested that the City delay issuing a building permit until the process is resolved.

Ms. Sanders responded that there is no active building permit and none has been applied for at this time.

Mike Sailer, 1185 Kuna Rd., questioned the criteria of the light manufacturing definition and asked Planning and Zoning to review all the criteria of light manufacturing and make sure Best Bath's operations fall under that definition.

Carol Ann Hofhines, 630 S. Red Oak stated that the definition of an M-1 zone does not seem very clear on the parameters of a light manufacturing zone. Does Kuna have on record an environmental study on the effects of the styrene and other elements that are being released into the air and how it affects human beings within a radius of the business?

Mayor Obray responded that the DEQ would have the records on environmental studies such as this.

Ms. Hofhines requested that an environmental study be conducted by DEQ for emissions on this business.

James Henrickson, 554 E. Wild Jasmine, reported that residents have addendums added to property sales documents stating that hazardous materials are in the area.

- 1) Are chemicals stored on-site at Best Bath that may cause cancer and affect people's allergies?
- 2) Why didn't Planning and Zoning have follow-up with the developer about disclosure?
- 3) Who on the previous Council and in Planning and Zoning benefited from approval of the Best Bath business being approved to operate in the business park?
- 4) Who owned the property, who built the subdivision, who were the realtors for Wild Meadows?
- 5) What would be the appeal process?

He declared that if his house becomes labeled as dangerous, he will begin a class action lawsuit against the City, Best Bath and against anyone involved with approval of the business so close to Wild Meadows Subdivision.

Trevor Cook, 753 Huckleberry Ct., stated that the facility is ½ mile from downtown Kuna and has a radius of 2 miles of possible pollution so this is not just a Wild Meadows issue; it will also affect Schoolhouse, Ryan's Meadow, etc. Real estate brokers have been advertising to their buyers that the plant is very close to the subdivision.

Mayor Obray stated that he had called HUD for some help with this matter. HUD had contacted the Association of Realtors Executive Director but the City did not receive a reasonable answer. He assured the audience that the Mayor and Council are not against the Wild Meadows residents and that they want to resolve the issue affecting the whole City of Kuna.

Heather Conrad, 480 E. Huckleberry Ct., stated that she did not start rumors about Best Bath.

Kevin Uhrich, 492 E. Wild Jasmine, stated that he has a child with serious medical problems and asked Council to support removing the business pollution.

David Meehan, 681 E. Wild Lilac, stated the plat language is not the same as provided in the business park timeline. He asked what the City's obligation is to Best Bath's business if it exceeds the scope of the M-1 zone. He did not want to see the business expanded beyond the M-1 zone.

Mr. Grove explained that the City's obligation is to assure that uses and operations within a particular zone comply with the requirements of the zone. If Best Bath is operating outside of what the approved zoning is for that area, then the City will have to explore how to proceed.

Mr. Meehan stated that it appears that the City has had no past experience in dealing with a zoning violation.

Mr. Grove responded to Mr. Meehan by stating that what you are essentially asking the City to do is put this company out of business in the City of Kuna.

Tim Gordon, 1206 Black Cat Road, stated he owns property adjacent to this property. In addition to what was just said, Section 5-32 of the City's Zoning Ordinance, Official District Regulations, if the business is a zoning violation with their manufacturing, it is up to the City government to correct the situation.

The next meeting is scheduled for Monday, July 31, 2006 at 7:00 p.m.

James Henrickson, 554 E. Wild Jasmine, read the definition of M-1 zone. Mr. Henrickson urged neighbors to file a formal written complaint with the City.

Kelly King, 727 Huckleberry Ct., stated that Best Bath is not storing anything inside the building but does have items stored outside. Please start an investigation.

Carol Ann Hofhines, 630 S. Red Oak, asked Best Bath to sell the property and move the facility to another area that would have less impact on neighbors.

Josh McFadden, 496 S. Sailer Pl., asked if the business was granted occupancy in September 2001.

Ms. Sanders corrected that it was September of 1999 when they submitted the preliminary plat for Shortline Business Park.

Mr. McFadden reported that when he purchased his home, his realtor stated that there would be a bath retail store going in at the Shortline Business Park. He wanted to know whether the Council would support the homeowners or the business.

Bill Roulo, 625 S. Red Oak Ave., stated that he was never given fair disclosure that such a chemical processing facility would exist so close to his home. One of the primary reasons they moved to Idaho was the reputation for pure clean air. The article in the Statesman quoted that 175 lbs per hour of styrene is going to go into the air. Mr. Roulo read the addendum of disclosure on RE-11 for selling property in Wild Meadows.

Stephanie Kimball, 516 E. Red Bud St, read a statement about not knowing what City officials were thinking when they allowed Best Bath to move to their nice bedroom community and so close to potential subdivisions with the emissions they would create.

Carl Abrahamson, 644 E. Wild Lilac, attended a DEQ hearing about primary chemicals that were under review for air quality for expanding three smoke stacks instead of one. Acetone and the other products listed in Best Bath's air dispersal are highly flammable. Does the City have an evacuation plan in the event that there is an explosion or fire in Best Bath's facility?

There being no further business to conduct, the meeting was adjourned at 6:55 p.m.

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O. Dean Obray, Mayor

ATTEST:

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Lynda Burgess, City Clerk

DATE APPROVED: August 15, 2006