

OFFICIALS

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

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



Planning & Zoning Commission
REGULAR MEETING AGENDA
Tuesday January 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 January 9, 2024

B. Findings of Fact & Conclusions of Law

I. Case No. 23-02-CPM 5700 W Kuna Mora Road

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:

Public Hearing Process: Items begin with staff presentation of project for up to 15 minutes. The Applicant or their Representative is then allowed 10 minutes to make their presentation. Members of the public are then allowed 3 minutes each to address the Commission with testimony restricted to the matter at hand. After all public testimony, the Applicant/Representative is allowed 5 minutes for rebuttal.

A. Tabled from January 9, 2024, Case No. 23-06-AN (Annexation), 23-05-S (Preliminary Plat, & 23-14-DR (Design Review) for Bristle Creek Subdivision – Troy Behunin, Senior Planner

Applicant requests to annex approximately 12.49 acres into Kuna City Limits with R-6 (Medium Density Residential) & R-12 (High Density Residential) zones, as well as Preliminary Plat approval to subdivide the site into 21 single-family lots, one (1) multi-family (13 four-plex buildings), and 12 common lots. The site is located near the Northeast corner of the N Ten Mile Road and W Hubbard Road intersection (APN: S131133670); Section 11, Township 2 North, Range 1 West.

Potential Motions:

- *Motion to recommend Approval/Conditional Approval/Denial to City Council of Case Nos. 23-06-AN & 23-05-S with Conditions as listed in staff report (and additional Conditions imposed by Commission, if applicable).*
- *Motion to Approve/Conditionally Approve/Deny Case No. 23-14-DR with Conditions as listed in staff report (and additional Conditions imposed by Commission if applicable).*

B. Case No. 23-08-AN (Annexation) for Lot 3, Block 3 of Avalon Orchard Tracts Amended – Jessica Hall, Associate Planner

Applicant requests to annex approximately 4.89 acres (APN: R0615250430) into Kuna City Limits with an R-4 (Medium Density Residential) zone; Section 30, Township 2 North, Range 1 East.

Potential Motions:

- *Motion to recommend Approval/Conditional Approval/Denial to City Council of Case No. 23-08-AN with Conditions as listed in the staff report (and additional Conditions imposed by Commission, if applicable).*
- C. Case Nos. 23-05-ZC (Rezone), 23-06-S (Preliminary Plat), & 23-13-DR (Design Review) for Falcon Crest East Subdivision – Troy Behunin, Senior Planner

Applicant requests rezone of approximately 47.20 acres from R-12 (High Density Residential) to the R-6 (Medium Density Residential) zone. Applicant also requests Preliminary Plat approval to subdivide subject site (APNs: S1422131510, S1422244700, S1422314975 & a portion of S1422417365, S1422110300, S1422427800, & S1422346600) into 655 lots (606 single-family, 36 common, 7 shared driveway, 3 private roads, 3 golf course). The site is located North of the W Kuna Road and S Conchos Avenue intersection; Section 22, Township 2 North, Range 1 East.

Potential Motions:

- *Motion to recommend Approval/Conditional Approval/Denial to City Council of Case Nos. 23-05-ZC & 23-06-S with Conditions as listed in the staff report (and additional Conditions imposed by the Commission, if applicable).*
- *Motion to Approve/Conditionally Approve/Deny Case No. 23-13-DR with Conditions as listed in staff report (and additional Conditions imposed by the Commission, if applicable).*

5. BUSINESS ITEMS:

None

6. UPDATES & REPORTS: Non-Action Items

None

7. ADJOURNMENT:

BEFORE THE PLANNING AND ZONING COMMISSION OF THE CITY OF KUNA

IN THE MATTER OF THE APPLICATION OF) **Case No. 23-02-CPM**
)
FREDERICK LONG) **FINDINGS OF FACT, CONCLUSIONS OF**
) **LAW & ORDER OF DECISION FOR**
) **COMPREHENSIVE PLAN MAP**
For 5700 W Kuna Mora Road.) **AMENDMENT.**

THESE MATTERS came before the Planning and Zoning Commission for public hearing on January 9, 2024, for receipt and consideration by the Planning and Zoning Commission of these Findings of Fact, Conclusions of Law, and Order of Decision for the above referenced application. The Commission does now hereby make and set forth this Record of Proceedings, and these Findings of Fact, Conclusions of Law, and Order of Decision.

**I
EXHIBIT LIST**

The exhibits of the above-referenced matter consist of the following, to-wit:

1.1 Exhibits:

<i>DESCRIPTION OF EVIDENCE</i>	Withdrawn	Refused	Admitted
1.2 FCO'S COMMISSION			X
1.2 COMMISSION MINUTES 01.09.2024.pdf			X
1.1 STAFF REPORT.pdf			X
2.1 P&Z APPLICATION COVERSHEET.pdf			X
2.2 COMP PLAN MAP AMENDMENT APPLICATION.pdf			X
2.3 NARRATIVE.pdf			X
2.4 VICINITY MAP.pdf			X
2.5 AERIAL MAP.pdf			X
2.6 DEED.pdf			X
2.7 LEGAL DESCRIPTION.pdf			X
2.8 NEIGHBORHOOD MEETING CERTIFICATION.pdf			X
2.9 ACHD DRIVEWAY APPROACH PERMIT REQUEST.pdf			X
2.10 PROPOSED FUTURE SITE PLAN.pdf			X
2.11 PROPOSED FUTURE FENCING OPTIONS.pdf			X
2.12 AGENCY TRANSMITTAL.pdf			X
2.13 ADA COUNTY DEVELOPMENT SERVICES INITIAL CONTACT.pdf			X
2.14 ADA COUNTY DEVELOPMENT SERVICES RESPONSE TO P&Z DIRECTORS COMMENTS.pdf			X
2.15 IDAHO TRANSPORTATION DEPARTMENT.pdf			X
2.16 DEPARTMENT OF ENVIRONMENTAL QUALITY.pdf			X
2.17 ADA COUNTY DEVELOPMENT SERVICES.pdf			X
2.18 ADA COUNTY HIGHWAY DISTRICT.pdf			X

2.19 WEBSITE NOTICE.pdf			X
2.20 MKP PUBLICATION PROOF.pdf			X
2.21 300 FT PROPERTY OWNERS NOTICE.pdf			X
2.22 PROOF OF PROPERTY POSTING.pdf			X

1.2 Hearings: The Commission heard this January 9,2024. The FCO’s have been requested to go before the Commission January 23, 2024.

1.3 Witness Testimony: Those who testified at the Commission’s January 9, 2024, public hearing are as follows, to-wit:

- A. City Staff:
Jessica Hall, Associate Planner
- B. Appearing for the Applicant:
Frederick Long, 274 S Mobley Lane, Boise, Idaho - Testified
- C. Appearing in Favor:
None
- D. Appearing Neutral:
Cindy Giesen, 1363 S Ash Avenue, Kuna, Idaho, 83634 – Testified
- E. Appearing in Opposition:
None

II DECISION

WHEREUPON THE COMMISSION being duly informed upon the premises and having reviewed the record, evidence, and testimony received, and being fully advised in the premises, DO HEREBY MAKE THE FOLLOWING RECOMMENDED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER, to-wit:

III FINDINGS OF FACT

- 3.1** Has the Applicant submitted a complete application?
 - A. The Applicant has submitted the required materials and upon review, the application was considered complete by staff on October 16, 2023. (+)
- 3.2** Was a Neighborhood Meeting conducted and were public noticing requirements met in accordance with applicable Idaho Code and City Ordinances?
 - A. The Applicant held a Neighborhood Meeting September 20, 2023; there were no attendees. (+)
 - B. Legal notice was posted to the city website and in the Meridian-Kuna Press, and notices were mailed to all known and affected residents within 300 FT of the subject site on December 20, 2023. (+)
 - C. The Applicant posted a sign on the property December 12, 2023. (+)
- 3.3** Based on the evidence presented, does the application generally comply with KCC 5-15?

A. Upon review, staff finds the submitted application to be compliant with Kuna City Code. (+)

3.4 Based on the evidence presented, does the application generally comply with the Comprehensive Plan?

A. Though the Comprehensive Plan Future Land Use Map (FLUM) designates the subject site as Agriculture, the FLUM is to serve as a guide and does not indicate the actual zone. Additionally, Kuna City Code provides the ability to request an amendment to the FLUM and staff is in support of the Applicants request due to its proximity to existing Industrially designated and/or zoned properties within our Area of City Impact. (+)

3.5 Can the availability of existing and proposed public services accommodate the proposed development?

A. As the subject site is not currently part of Kuna City Limits and has no pathway for annexation and is to be developed after application to Ada County Development Services, no city infrastructure shall be affected. (+)

B. The Ada County Highway District has provided considerations that will be taken into account once application has been submitted to Ada County Development Services. (+)

3.6 Does the public have the financial capability to provide supporting services to the proposed development?

A. Through development of the project, impact fees (Ada County Highway District) and property taxes will be collected. (+)

3.7 Does the proposed project consider health and safety of the public and the surrounding area's environment?

A. Based on the Applicant proposed use for the site and any improvements that will be required by Ada County Development Services or other affected agencies; as the development does not require water or sewer services; and the fact that the site does not remove an active or viable agriculture use from the area, it appears the public health and safety has been considered. (+)

B. No major wildlife habitats will be impacted by the proposed development. (+)

IV

CONCLUSIONS OF LAW

RE: POWERS AND DUTIES OF THE COMMISSION

4.1 The City of Kuna is a duly formed Municipal Corporation organized and existing by virtue of the laws of the State of Idaho and is organized, existing and functioning pursuant to [Idaho Code §50-1](#).

V

CONCLUSIONS OF LAW

RE: APPLICATION FOR COMPREHENSIVE PLAN MAP AMENDMENT

5.2 Kuna City Code 1-14-3 states that Comprehensive Plan Map Amendments are designated as public hearing, with the Commission as a recommending body and Council as the decision-making body.

VI
COMMISSION'S PROPOSED RECOMMENDATION

Then Commission, having reviewed the above-entitled record, having listened to the arguments and presentations at the hearing, and being fully informed in the premises and further based upon the Findings of Fact and Conclusions of Law hereinabove set forth, DO HEREBY ORDER AND THIS DOES ORDER:

6.1 The Comprehensive Plan Map Amendment (Case No. 23-02-CPM) is recommended Approval.

BY ACTION OF THE COMMISSION of the City of Kuna at its regular meeting held the 23rd day of January 2024.

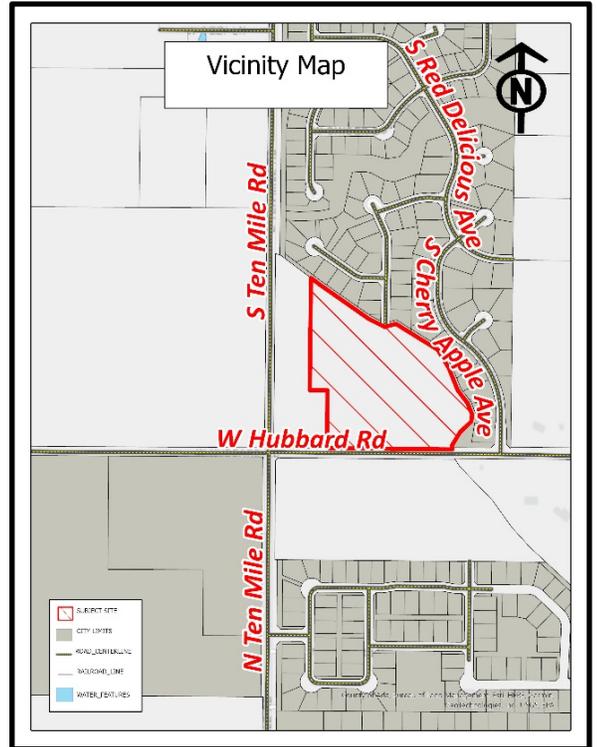
Dana Hennis, Vice Chairman

BEFORE THE COMMISSION OF THE CITY OF KUNA

IN THE MATTER OF THE APPLICATIONS OF) Case Nos. 23-06-AN (Annexation), 23-05-S
) (Preliminary Plat) & 23-14-DR (Design
 ENDURANCE HOLDINGS, LLC) Review).
)
 For Property Near the NEC Corner of Ten) **STAFF REPORT FOR BRISTLE
 Mile and Hubbard Roads.) CREEK SUBDIVISION.**

TABLE OF CONTENTS

1. Exhibit List
2. Project Summary
3. Applicants Request
4. Process and Noticing
5. General Project Facts
6. Staff Analysis
7. Proposed Findings of Fact
8. Proposed Commissions' Recommendation



**I
EXHIBIT LIST**

The exhibits of the above-referenced matter consist of the following, to-wit:

1.1 Exhibits:

<i>DESCRIPTION OF EVIDENCE</i>	Withdrawn	Refused	Admitted
1.5 Staff's Report			X

2.1 P&Z APPLICATION COVERSHEET.pdf			X
2.2 ANNEXATION & ZONING APPLICATION.pdf			X
2.3 SUBDIVISION LANDSCAPING DESIGN REVIEW.pdf			X
2.4 NARRATIVE.pdf			X
2.5 VICINITY MAP.pdf			X
2.6 QUITE CLAIM DEED - HILL.PDF			X
2.7 WARRANTY DEED - ENDURANCE HOLDINGS.pdf			X
2.8 AFFIDAVIT OF LEGAL INTEREST.pdf			X
2.9 R-6 LEGAL DESCRIPTION.pdf			X
2.10 R-12 LEGAL DESCRIPTION.pdf			X
2.11 OVERALL LEGAL DESCRIPTION.pdf			X
2.12 PRELIMINARY PLAT.pdf			X
2.13 LANDSCAPE PLAN & RENDERING.pdf			X
2.14 NEIGHBORHOOD MEETING CERTIFICATION.pdf			X
2.15 COMMITMENT TO PROPERTY POSTING.pdf			X
2.16 PRELIMINARY ENGINEERING REPORT.pdf			X
2.17 LIGHTING CUTSHEETS.pdf			X
2.18 SUBDIVISION NAME RESERVATION.pdf			X
2.19 AGENCY REQUEST FOR COMMENTS.pdf			X
2.20 CITY ENGINEER.pdf			X
2.21 ADA COUNTY HIGHWAY DIST.pdf			X
2.22 ADA COUNTY DEVELOPMENT SERVICES.pdf			X
2.23 BOISE PROJECT BOARD OF CONTROL.pdf			X
2.24 KUNA POILICE DEPTARTMENT.pdf			X
2.25 IDAHO TRANSPORTATION DEPT.pdf			X
2.26 DEPARTMENT OF ENVIRONMENTAL QUALITY.pdf			X
2.27 CENTRAL DISTRICT HEALTH DEPT.pdf			X
2.28 BOISE KUNA IRRIGATION DIST.pdf			X
2.29 PROOF OF LEGAL NOTICE MAILER.pdf			X
2.30 PROOF OF PUBLISH MKP.pdf			X
2.31 PROOF OF PROPERTY POSTING.pdf			X
2.32 WEBSITE POSTING.pdf			X

II PROJECT SUMMARY

2.1

Description	Details
Acreage	12.49 Ac.
Existing Land Use(s)	Agriculture
Future Land Use Designation	Mixed- Use

Proposed Land Use(s)	R-6 and R-12
Lots (No. and Type)	21 Single Family, 1 Multi-family Residential lots.
Number of Residential Units	73
Number of Other Lots	4 Common Lots
Number of Phases	1
Gross Density (Dwelling Units per Acre)	5.84 DUA

III APPLICANTS REQUEST

- 3.1** Applicant requests approval for Annexation of approx. 12.49 acres and to zone the property R-6 and R-12; and requests Preliminary Plat approval in order to subdivide the site into 21 single-family lots, one (1) multi-family lot and 12 common lots. The Applicant also requests Design Review for the Common Spaces for the Subdivision. The site is located near the northeast corner of Ten Mile and Hubbard Roads (APN; S1311336700).

IV PROCESS AND NOTICING

- 4.1** Kuna City Code (KCC), [1-14-3](#) states Annexation and Preliminary Plats are designated as Public Hearings with the Commission as a recommending body and Council as the decision-making body, while Design Review application are designated as Public Meetings with the Commission as the decision-making body. These land use applications were given public notice following Idaho Code [\(I.C.\) § 67-65](#).

- | | |
|-----------------------------------------|-----------------------------|
| A. Neighborhood Meeting: | June 27, 2023 (6 Attendees) |
| B. Pre-Application Meeting: | August 8, 2023 |
| C. Agency Comments Request: | November 1, 2023 |
| D. 300 FT Legal Mailer Notice: | December 15, 2023 |
| E. Meridian Kuna News Newspaper: | December 22, 2023 |
| F. Site Posted: | December 21, 2023 |
| G. Website Posting | December 15, 2023 |

V GENERAL PROJECT FACTS

5.1 Site Features

- A.** The subject site is located in unincorporated Ada County and touches Kuna City limits on the north and east sides and is currently zoned Rural Residential and has historically been used for Agriculture purposes.
- B.** The proposed project site currently has vegetation consistent with that of Agriculture fields. The site has an estimated average slope of 1.0 - 5.9%. According to the USDA Soil Survey for Ada County, bedrock depth is estimated to be between 20 and 40 inches.

- C. Staff is not aware of any environmental issues, health or safety conflicts, beyond being within the Nitrate Priority Area Boundary. Idaho Department of Environmental Quality (DEQ) provides recommendations for surface and groundwater protection practices and requirements for development of the site.

5.2 Surrounding Land Uses

North	R-6	Medium Density Residential – Kuna City
South	RR	Rural Residential – Ada County
East	R-6	Medium Density Residential – Kuna City
West	RR	Rural Residential – Ada County

**VI
STAFF ANALYSIS**

6.1 Ada County Highway District

- A. See the Ada County Highway District Reports by [CLICKING HERE](#).
- B. Applicant shall follow all standards and requirements in accordance with [KCC 5-17-13](#) and [6-4-2-B.3](#). Sidewalks along Collector roadways shall be eight (8) foot wide detached with 4 - 8 foot wide irrigated planter strip, and concrete vertical curb and gutter.
- C. Staff agrees with ACHD recommending that two (2) direct north/south private drives be added as a measure to promote better accessibility and following [KCC 5-2A-5](#) as shown in section C. 9 of the [ACHD report](#).

6.2 Idaho Transportation

- A. See the ITD Comments by [CLICKING HERE](#).

6.3 COMPASS

- A. COMPASS did not submit comments.

6.4 Pathways and Trails Master Plan

- A. The Pathways Master Plan Map indicates a future Trails route adjacent to the site on the north side.

6.5 Site Layout and Dimensional Standards

- A. The Applicant proposes public local streets within the project.
- B. Staff notes the proposed preliminary plat appears to be in compliance with [KCC 5-3-3](#).

- C. Staff notes the developer is responsible for ensuring all housing products fit on all proposed home lots.

6.6 Parking

- A. The Applicant has provided at least two (2) off street parking spots for each single-family residence and sufficient parking for the multi-family residential units in accordance with [KCC 5-9](#).

6.7 Open Space

- A. The Applicant proposes 1.97 acres of open space which is 15.77% of the site. This does not include required landscape buffers. [KCC 5-17-12](#) requires that a minimum 7.50% of the developments gross land area shall be used for open space purposes and excluding required residential buffers. All proposed landscaping, buffers and common space shall comply with [KCC 5-17](#).
- B. If this project is approved, at the time of civil plan development, landscaping cannot be placed within ten (10) feet of any meter pits, pressurized irrigation valves, or ACHD underground facilities in accordance with [KCC 6-4-2-B.11](#). In the event that locations of landscaping elements are within the locations listed above, those trees must be moved to an alternate location, and an updated landscape plan *must* be provided to staff prior to scheduling a landscape inspection. Any elements that must be moved to another spot within the site may not simply be removed.

6.8 Fencing

- A. The Applicant shall and install “see-through” fencing along all residential buildable lot property lines abutting pathways, greenbelts and common areas. All fencing shall comply with [KCC 5-5-5](#).

6.9 Public Works

- A. According to [Exhibit 2.20](#), Sewer capacity equivalent dwelling units (EDU’s) are available from the 18” Danskin sewer force main project and will be distributed on a first come first serve basis in accordance with resolution R90-2022. Public Works staff can support approval of this application since the 18” Danskin sewer force main construction has been completed. A QLPE/will-serve (up to 40 EDU’s) may become available for the Bristle Creek Subdivision. Planning and Zoning staff agrees with Public Works assessment.
- B. The Applicant shall be required to work with staff to install streetlights a maximum spacing of 250-feet.; the final location of streetlights will be approved at the time of construction document review. Staff notes that these streetlights must be designed and installed according to “Dark Sky” standards and are required to be LED lights. All street light installation shall comply with [KCC 6-4-2](#).

6.10 Comprehensive Plan

- A. Goal Area 3: Kuna’s land uses will support a desirable, distinctive and well-designed community.
 - 1. Goal 3.D.: Encourage development of housing options and strong neighborhoods.
 - o Objective 3.D.1.: Encourage development of housing options for all citizens.

- Policy 3.D.1.a: Encourage preservation and development of housing that meets demand for household sizes, lifestyles and settings.
 - Objective 3.D.2.: Create strong neighborhoods through preservation, new development, connectivity and programming.
 - Policy 3.D.2.d: Work to ensure all neighborhoods in Kuna benefit from good connectivity through sidewalk, pathway and trail, on-street and transit infrastructure.
- 2. Goal 3.G.: Respect and protect private property rights.
 - Objective 3.G.1.: Ensure land use policies, restrictions, and fees do not violate private property rights.
 - Policy 3.G.1.b: Encourage preservation and development of housing that meets demand for household sizes, lifestyles and settings.
 - Policy 3.G.1.c: Ensure land use actions, decisions and regulations do not prevent a private property Owner from taking advantage of a fundamental property right. Ensure city actions do not impose a substantial and significant limitation on the use of the property.

Analysis: The development of additional housing types and sizes complies with the City Goals of diverse and adequate housing options for residents.

- B.** Goal Area 4: Kuna will be a connected community through strong transportation and infrastructure systems.
1. Goal 4.B.: Increase sidewalk coverage and connectivity and invest in pedestrian facilities to increase walkability.
 - Objective 4.B.2.: Maintain/expand sidewalks/pedestrian facilities within the community.
 - Policy 4.B.2.b: Install detached sidewalks and/or protected pedestrian routes/facilities along high trafficked roads as development occurs.
 - Policy 4.B.2.c: Promote the installation of off-system pedestrian pathways to create neighborhood connections and reduce the length of non-motorized transportation routes.
 - Policy 4.B.2.g: Coordinate with developers to connect and/or enhance pedestrian facilities, including on and off-system pathways, footbridges (across canals, etc.), road bridges, sidewalks, pedestrian crossings and wayfinding signage.
 2. Goal 4.C.: Increase pathway, trail and on-street bicycle facilities.
 - Objective 4.C.1.: Maintain/enhance existing pathways/trails/on-street bicycle facilities.
 - Policy 4.C.1.a: Expand the bicycle network as identified in the Kuna Pathways Master Plan and ACHD Roadways to Bikeways Plans through land use developments and capital improvement projects.
 - Policy 4.C.1.e: Coordinate with developers to connect to and/or enhance bicycle facility connections, including pathways, non-motorized canal crossings, road bridges and wayfinding signage.
 - Objective 4.C.2.: Ensure expansion of pathways, trails and on-street bicycle routes.
 - Policy 4.C.2.b: Promote the installation of off-system bicycle pathways to create neighborhood connections and reduce non-motorized transportation route lengths.
 3. Goal 4.D.: Promote a connected street network that incorporates mid-mile collectors and crossings for improved neighborhood connectivity.

- Objective 4.D.2.: Ensure the continued expansion/development of a classified roads system throughout the community.
 - Policy 4.D.2.a: Extend and expand Mid-Mile Roads as growth occurs.
 - Policy 4.D.2.b: Preserve adequate Rights-Of-Way along all classified roads or other approved alternative locations to align roads.

Analysis: Adding roads, sidewalks, pathways, and pedestrian corridors together with stubs to adjacent properties promotes future connections by other developments offers multiple ways for connectivity and access for all residents.

6.11 Conclusion:

Upon review, staff finds the request for Annexation, Preliminary Plat and Design Review to be in compliance with [KCC Title 5](#) and [Title 6; \(I.C.\) § 67-65, § 50-222, §50-13](#) and the Kuna Comprehensive Plan; and if the Commission recommends approval for Case Nos. 23-06-AN and 23-05-S and approves 23-14-DR, the Applicant shall be subject to the Conditions of Approval listed in Sections “XIII” (8) of this Report.

VII PROPOSED FINDINGS OF FACT

If the Commission wishes to approve, deny or modify specific parts of the Findings of Fact and Conclusions of Law as detailed below, those changes must be specified.

- 7.1** Have the public notice requirements been met and was the Neighborhood Meeting conducted within the guidelines of applicable Idaho Code and City Ordinances?
- A.** The Applicant held a Neighborhood Meeting June 27, 2023, (6) attended the meeting in accordance with I.C. and KCC. (+)
- B.** Legal Mailer Notices were mailed out to residents within 300-feet of the proposed project site on December 15, 2023, and a legal notice was published in the Meridian Kuna Press on December 22, 2023, in accordance with I.C. and KCC. (+)
- C.** The Applicant posted a sign on the property on December 21, 2023. (+)
- 7.2** Based on the evidence presented does the application generally comply with Kuna City Code (KCC)?
- A.** The Applicant has submitted a complete application, and following staff review for technical compliance, the application appears to be in general compliance with the design requirements AND public improvement requirements, objectives and considerations listed in Kuna City Code Title 5 and Title 6, if the sewer infrastructure improvements recommended by the Public Works Department are completed. (+)

- 7.3** Based on the evidence presented, does the application generally comply with the Comprehensive Plan?
- A.** The Comprehensive Plan designates the property as Mixed-Uses, and the proposed zoning districts of R-6 (MDR) and R-12 (HDR). (+)
 - B.** The development includes additional housing types and sizes promotes variety for all income levels and promotes desirable and well-designed neighborhoods. (+)
 - C.** Adding roads, sidewalks, pathways, and pedestrian corridors together with stubs to adjacent properties promotes future connections by other developments offers connectivity and access for all residents. (+)
- 7.4** Can the availability of existing and proposed public services accommodate the proposed development?
- A.** ACHD can support the development with all Site-Specific Conditions of approval being satisfied. (+)
 - B.** ITD requires no mitigation improvements to serve the development. (+)
 - C.** Sewer has become available with the completion of the Danskin Sewer Force Main (+)
 - D.** Potable water connection is available for the subject site. (+)
 - E.** Pressurized irrigation connection is available for the subject site. (+)
 - F.** Kuna School District did not provide written comments.
- 7.5** Does the public have the financial capability to provide supporting services to the proposed development?
- A.** Through development of the project and beyond, connection fees, impact fees (Fire, Police, Park and Ada County Highway District), and property taxes will be collected. (+)
- 7.6** Does the proposed project consider health and safety of the public and the surrounding area's environment?
- A.** Connection to City services, as well as other public improvements such as streetlights, fire hydrants, sidewalks, etc. will be implemented as a part of this project. (+)
 - B.** No major wildlife habitats will be impacted by the proposed development. (+)
There are no designated wildlife habitats within or adjacent to the proposed project.
- 7.7** Does the site landscaping meet the intent of the landscape Ordinance?

- A. A six- foot (6') vinyl fence is proposed around the perimeter of the subdivision where permitted. (+)
 - B. Residential lots will be required to provide see-through fencing adjacent to all common lots and shall follow all requirements listed in [KCC 5-17](#). (+)
 - C. A Landscape buffer comprised of sod, trees and other plantings will be provided along N Linder and W Ardell Roads. (+)
 - D. Applicant proposes 1.97 acres (15.77%) qualified open space exceeding the 7.50% minimum. (+)
 - E. Internal sidewalks and stub streets are provided for connectivity within the development. (+)
- 7.8** Does the proposed application constitute orderly development?
- A. The proposed subject site is located adjacent to the Kuna City Limits and touches the city limits on the north and east sides. (+)
 - B. Subdivisions are under active construction to the south, west and southeast of the subject site. (+)
 - C. Streets are proposed to connect to stubs provided by previous development. (+)
- 7.9** The Applicant and/or Owner of the property have the right to request a written regulatory taking analysis.
- A. Pursuant to [Idaho Code 67-8003](#), the Owner of private property that is subject of such action may submit a written request for a regulatory taking analysis with the City Clerk, not more that twenty-eight (28) days after the final decision concerning the matter at issue. The City shall prepare a written taking analysis concerning the action if requested.

VIII PROPOSED COMMISSION'S RECCOMENDATION

*Note: These proposed motions are for recommendations of **Approval, Conditional Approval or Denial** of the Annexation, and Preliminary Plat to Council and for **Approval, Conditional Approval or Denial** of the Design Review Application. However, if the Commission wishes to Approve or Deny specific parts of these requests as detailed in the Memo, those changes must be specified.*

Based upon the record contained in Case Nos. 23-06-AN, 23-05-S and 23-14-DR including the Comprehensive Plan, Kuna City Code, Staff's analysis, including the exhibits, and the testimony during the Public Hearing the Commission hereby recommends **Approval / Conditional Approval / Denial** for the Annexation and Preliminary Plat, and hereby **Approves/Conditionally Approves/Denies** the Design Review, subject to the following Conditions of Approval:

8.1 Transportation

- A.** Buffers, curb, gutter and sidewalk (attached and detached) shall be installed in accordance with [KCC 5-17-14](#) and [6-4-2](#).
- B.** Developer/Owner/Applicant shall work with Ada County Highway District and the City of Kuna to complete all required traffic improvements to the surrounding roadways and intersections as detailed in the Ada County Highway District staff report.
- D.** Developer/Owner/Applicant shall install a sign at the terminus of the proposed stub street stating; “this road will continue in the future”. Developer/Owner/Applicant shall obtain proper language from Ada County Highway District.

8.2 Site Layout, Dimensional Standards and Parking

- A.** Developer/Owner/Applicant shall measure all front building setbacks from back of sidewalk on all internal local roads.
- B.** Applicant shall ensure the proper easement widths on all lots in accordance with [KCC 6-3-8](#).
- C.** It is the responsibility of the Developer to ensure any anticipated buildings fit any given buildable lot in accordance with [KCC 5-3-3](#).

8.3 Landscape, Open Space and Fencing

- A.** Fencing within and around the site shall comply with [KCC 5-5-5](#) (unless specifically approved otherwise and permitted).
- B.** All required landscaping shall be permanently maintained in a healthy growing condition. The property Owner shall remove and replace unhealthy or dead plant material within 3 days or as the planting season permits as required to meet the standards of these requirements. Maintenance and planting in public Rights-of-Way shall be with approval from ACHD.
- C.** Landscaping shall not be placed within ten (10) feet of any meter pits, pressurized irrigation valves and/or ACHD underground facilities and must honor all vision triangles.
- D.** The Landscape Plan and Preliminary Plat [(LSP) dated 8.1.2023 and (PP) 6.25.23] will be considered binding site plans as amended and/or approved.
- E.** All signage within/for the project shall comply with Kuna City Code, and shall be approved through the applicable sign approval process listed in [KCC 5-10](#).
- F.** If any revisions are made, the Applicant shall provide the Planning and Zoning Staff with

a revised copy of the Preliminary Plat. Any revisions of the Plat are subject to Administrative Determination to rule if the revision is substantial.

- G. Develop/Owner/Applicant is hereby notified that this project is subject to Design Review inspection fees. Required inspections (post construction), are to verify building and landscaping compliance prior to requesting signature on the final plat.

8.4 Public Works

- A. Installation of service facilities shall comply with the requirements of the public utility or irrigation district providing the services. All utilities shall be installed underground, see [KCC 6-4-2](#).
- B. Compliance with [I.C. §31-3805](#) is required. Delivery of water shall not be impeded by any construction on site. Compliance with the requirements of the Boise Project Board of Control is required.
- C. When required, submit a petition to the City (as necessary, confirmed with the City Engineer) consenting to the pooling of irrigation surface water rights for delivery purposes and request to annex the irrigation surface water rights appurtenant to the property over to the Kuna Municipal Pressure Irrigation System of the City (KMIS).
- D. Connection to City Services (Sewer, Water, Pressurized Irrigation) is required. The Applicant shall conform to all corresponding City of Kuna Master Plans.
- E. The Developer/Owner/Applicant shall be required to participate, as determined by the City Engineer, in the development of additional Lift Station capacity, and or a Water Booster Station as necessary.
- F. The Developer/Owner/Applicant shall not submit an application for Final Plat until the City's Public Works Director issues a Will-Serve Letter stating the City's appurtenance has capacity to service the proposed development with domestic water, and accept the wastewater discharged from the proposed development.
- G. In the event a Will-Serve Letter is not issued within the time the Applicant is required to record a Final Plat, the Applicant shall have good cause and be eligible to receive, pursuant to [KCC 6-2-3-J](#), a Time Extension to file a Final Plat up to and until a Will-Serve Letter has been issued.
- H. Developer/Owner/Applicant shall work with staff in order to provide final locations of streetlights as required by Kuna City Code. Streetlights for the site shall be LED lighting and must comply with Kuna City Code and established Dark Sky practices.
- I. In accordance with R90-2022, once the Danskin Sewer Force Main is completed, 40 Equivalent Dwelling Units (EDU's) may be issued on a Phase-by-Phase basis.

8.5 General

- A.** The Developer/Owner/Applicant shall obtain written approval on letterhead or may be written/stamped on the approved plans of the construction plans from the agencies noted below. All submittals are required to include the lighting, landscaping, drainage, and development plans. All site improvements are prohibited prior to approval of the following agencies:
1. The City Engineer shall approve all sewer connections.
 2. The City Engineer shall approve all civil plans. No construction, grading, filling, clearing or excavation of any kind shall be initiated until the Applicant has received an approved drainage plan.
 3. Central District Health Department recommends the plan be designed and constructed in conformance with standards contained in, "Catalog for Best Management Practices for Idaho Cities and Counties".
 4. The Kuna Rural Fire District shall approve fire flow requirements and/or building plans. Installation of fire protection facilities as required by the Fire District are required.
 5. The Kuna Municipal Irrigation System and Boise Project Board of Control shall approve any modifications to the existing irrigation system.
 6. Approval from Ada County Highway District (ACHD) shall be obtained, and Impact Fees must be paid prior to issuance of any building permit(s).
 7. All public rights-of-way shall be dedicated and constructed to the standards of the City and Ada County Highway District. No public street construction may commence without the approval and permit from Ada County Highway District.
- B.** The Developer/Owner/Applicant, and any future assigns having an interest in the subject property, shall fully comply with all conditions of development as approved by the City Council, or seek amending them through Public Hearing processes.
- C.** Developer/Owner/Applicant/Contractors are hereby notified of Kuna's working hours. Construction of any kind shall only be conducted within hours specified in [KCC 10-6-3](#). Noises and other public nuisances/distractions outside of this time frame are subject to lawful penalties.
- D.** Developer/Owner/Applicant is hereby notified of Kuna's weed control policies and requirements [KCC 8-1-3](#). Weeds, grasses, vines or other growth which endanger property or are over twelve (12) inches in height shall be continuously cut down, weeded out, sprayed, burned, removed or destroyed throughout all seasons.
- E.** Applicant is conditioned to work with the City Engineer for proper easement widths for the project as a whole.

- F.** Developer/Owner/Applicant and all successors shall comply with all Local, State and Federal Laws.

DATED this 23rd day of January 2024.



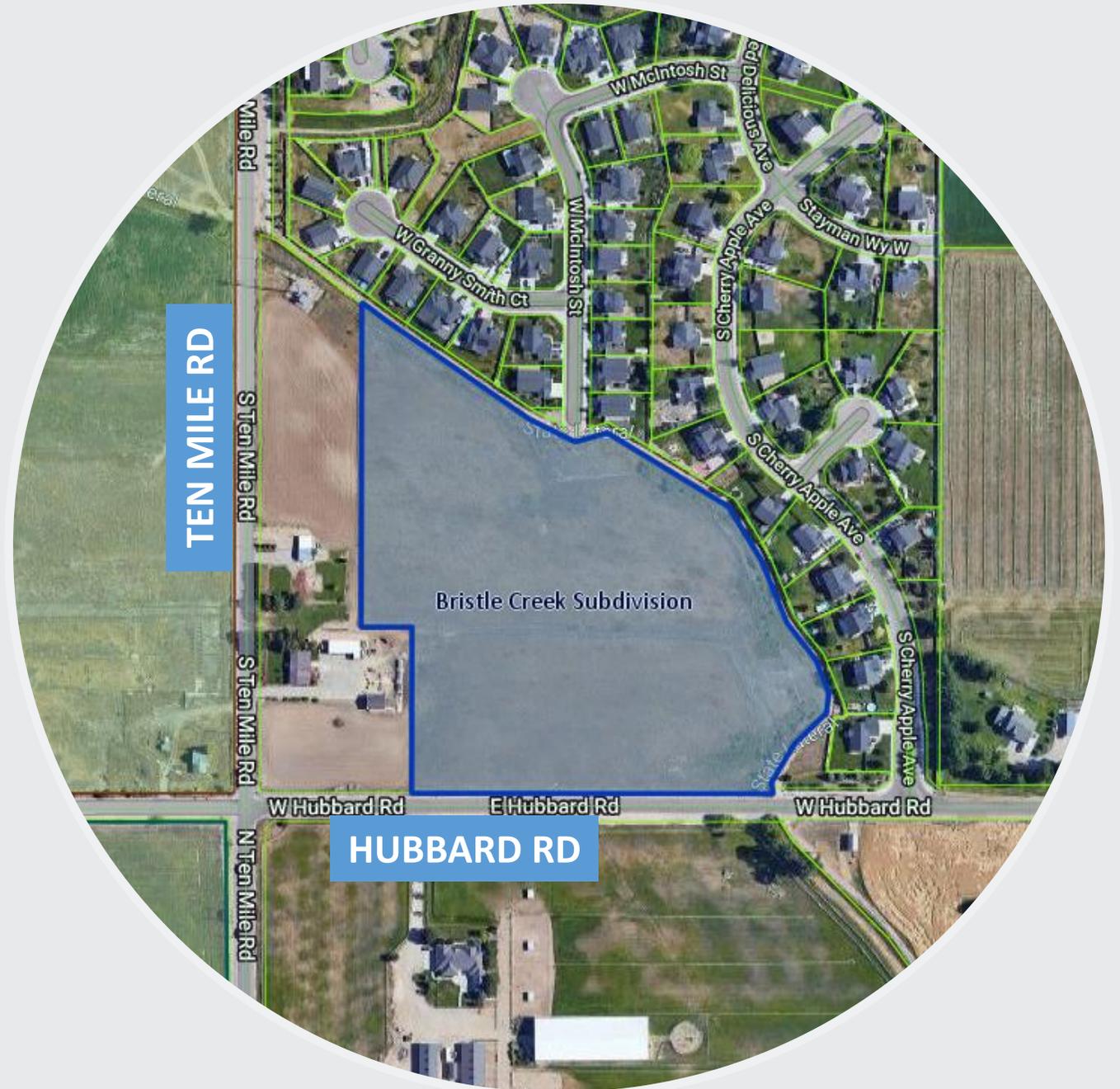
BRISTLE CREEK

Annexation, Zoning and Preliminary Plat Request

PROPERTY DETAILS

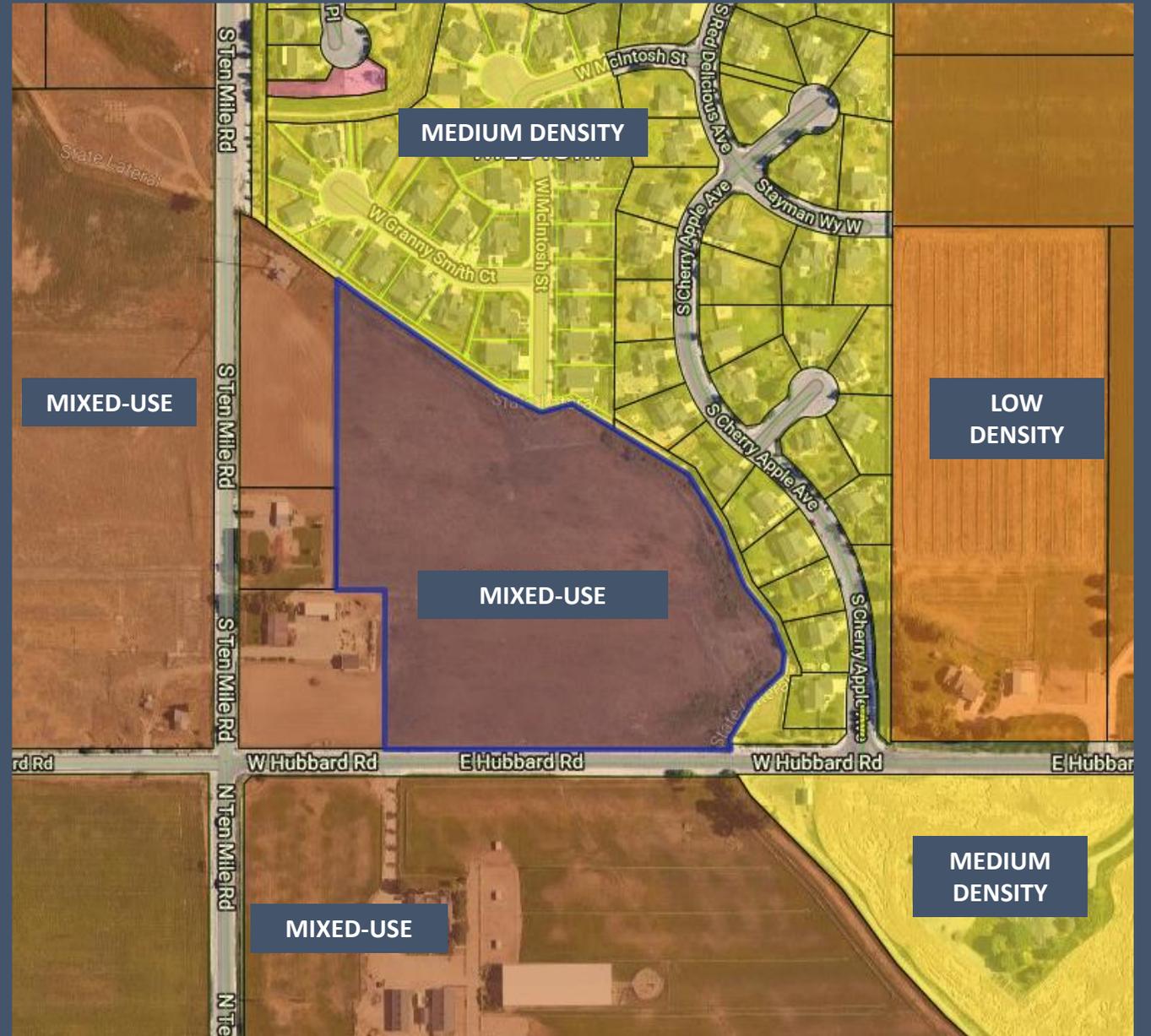
12.49 ACRES

NORTH OF HUBBARD RD
EAST OF TEN MILE RD



FLUM

PROPERTY DESIGNATION:
MIXED-USE



ZONING

PROPOSED ZONING:
R-6 & R-12



COMP PLAN ALIGNMENT



MEETS OBJECTIVE 3.A.1

Encourage complementary and compatible uses



MEETS OBJECTIVE 3.D.1

Encourage diverse housing options for all citizens



MEETS OBJECTIVE 3.D.2

Create strong neighborhoods



MEETS OBJECTIVE 4.B.2

Maintain and expand sidewalks and pedestrian facilities

PATHWAYS

Pedestrian connectivity is provided throughout the development.

15.7%

OPEN SPACE



ACCESS

- 1 ACCESS ON THE SOUTH
- 2 UTILITIES AVAILABLE
- 3 SEWER AVAILABLE (40 EDU'S PER PHASE)





ELEVATIONS









SUMMARY

We agree with the conditions of approval.

We are requesting of Annexation, Zoning and Preliminary Plat Approval of Bristle Creek .

BEFORE THE PLANNING AND ZONING COMMISSION OF THE CITY OF KUNA

IN THE MATTER OF THE APPLICATION OF) **Case No. 23-08-AN**
)
Sid Anderson)
)
 For Lot 3, Block 3 of Avalon Orchard Tracts) **STAFF REPORT FOR ANNEXATION**
 Amended.) **APPLICATION.**

TABLE OF CONTENTS

1. Exhibit List
2. Project Summary
3. Applicants Request
4. Process & Noticing
5. General Project Facts
6. Staff Analysis
7. Proposed Findings of Fact
8. Commission’s Proposed Recommendation



**I
EXHIBIT LIST**

The exhibits of the above-referenced matter consist of the following, to-wit:

1.1 Exhibits:

<i>DESCRIPTION OF EVIDENCE</i>	Withdrawn	Refused	Admitted
1.1 STAFF REPORT			X
2.1 P&Z APPLICATION COVERSHEET.pdf			X
2.2 ANNEXATION & ZONING APPLICATION.pdf			X
2.4 VICINITY MAP.pdf			X
2.5 NARRATIVE.pdf			X
2.6 WARRANTY DEED.pdf			X
2.7 AFFIDAVIT OF LEGAL INTEREST.pdf			X
2.8 ANNEXATION AREA LEGAL DESCRIPTION.pdf			X
2.10 NEIGHBORHOOD MEETING CERTIFICATION.pdf			X
2.11 COMMITMENT TO PROPERTY POSTING.pdf			X
2.12 AGENCY TRANSMITTAL.pdf			X

2.13 IDAHO TRANSPORTATION DEPARTMENT.pdf			X
2.14 ADA COUNTY DEVELOPMENT SERVICES.pdf			X
2.15 BOISE PROJECT BOARD OF CONTROL.pdf			X
2.16 DEPARTMENT OF ENVIRONMENTAL QUALITY.pdf			X
2.17 CENTRAL DISTRICT HEALTH DEPARTMENT.pdf			X
2.22 ADA COUNTY HIGHWAY DISTRICT.pdf			X
2.23 PUBLIC WORKS.pdf			X
2.18 WEBSITE NOTICE COMMISSION.pdf			X
2.19 300 FT PROPERTY OWNERS NOTICE COMMISSION.pdf			X
2.20 IDAHO PRESS PUBLICATION PROOF COMMISSION.pdf			X
2.21 PROOF OF PROPERTY POSTING.pdf			X

II PROJECT SUMMARY

2.1 Subject Site & General Project Details

Description	Details
Acreage	4.89
Existing Land Use	RR (Rural Residential)
Future Land Use Designation	Medium Density Residential
Proposed Land Use	R-4 (Medium Density Residential)
Lots (No. & Type)	N/A
Number of Residential Units	N/A
Number of Phases	N/A
Gross Density (Dwelling Units per Acre)	N/A

2.2 Surrounding Land Uses

Direction	Current Zone	Future Land Use Map Designation	Development	Jurisdiction
North	R-2 (Low Density Residential)	Medium Density Residential	Single family home, outbuildings, agriculture fields	Kuna
	R-4 (Medium Density Residential)	Mixed Use	Single family home, undeveloped land	Kuna
South	RR (Rural Residential)	Medium Density Residential	Agriculture fields	Ada County
East	RR (Rural Residential)	Medium Density Residential	Agriculture fields	Ada County
West	RR (Rural Residential)	Medium Density Residential	Single family home with outbuildings, agriculture field	Ada County

III APPLICANTS REQUEST

3.1 Applicant requests to annex 4.89 acres into Kuna City Limits with an R-4 (Medium Density Residential) zone, located at the terminus of E Rock Falls Lane (APN: R0615250430); Section 30, Township 2 North, Range 1 East.

IV PROCESS AND NOTICING

- 4.1** In accordance with Kuna City Code [\(KCC\) 1-14-3](#), Annexations are designated as Public Hearings, with the Commission as a recommending body and Council as the decision-making body. This land use application was given proper public notice and followed the requirements set forth in [Idaho Code §67-65](#) Local Planning Act.
- A.** Neighborhood Meeting: October 30, 2023 (4 Attendees)
 - B.** Agency Transmittal: November 29, 2023
 - C.** City Website: December 20, 2023
 - D.** Idaho Press: January 3, 2024
 - E.** 300 FT Property Owners Notice: December 28, 2023
 - F.** Site Posted: January 11, 2024

V GENERAL PROJECT FACTS

5.1 Site History & Features

- A.** The subject site is zoned RR (Rural Residential) within unincorporated Ada County and has historically served as an agriculture field.
- B.** The Comprehensive Plan Future Land Use Map (FLUM) serves as a guide and is not the actual zone; the subject site is designated as Medium Density Residential.
- C.** The subject site has an estimated slope of 0 – 2%, and according to the USDA Soil Survey for Ada County, bedrock depth is estimated to be greater than 60 inches.
- D.** Staff is not aware of any environmental, health or safety issues beyond the subject site being within the Nitrate Priority Area. The Idaho Department of Environmental Quality (DEQ) provides recommendations for surface and groundwater protection practices and requirements for development of the site.

VI STAFF ANALYSIS

6.1 Idaho Transportation Department (ITD)

- A.** ITD has no comments at this time; however, requested staff reach out if a development application is received in the future.

6.2 Ada County Highway District (ACHD)

- A.** Upon review, ACHD has determined that there are no improvements required as part of this application.

6.3 Dimensional Standards & Site Layout

- A.** The Applicant proposes one (1) parcel to be Annexed with an R-4 (Medium Density Residential) zone and intends to split the site into three (3) total parcels. As the Commission is neither a recommending nor decision-making body for a Lot Split application, that portion of the application will be reviewed by the Council.
- B.** If the Lot Split is approved by Council, all parcels shall comply with Kuna City Code [\(KCC\) 5-3-3](#).

6.4 Open Space & Pathways Master Plan

- A. There are no trails or pathways indicated on the subject site nor is any open space required with this type of application.

6.5 Landscaping: N/A

6.6 Fencing: N/A

6.7 Department of Environmental Quality (DEQ)

- A. DEQ has provided general guidelines for future development of the subject site.

6.8 Ada County Development Services (ACDS)

- A. ACDS provides support of this annexation request due to its compliance with the city's Comprehensive Plan Future Land Use Map, as adopted by the county, and the Comprehensive Plan goals regarding development within the Area of City Impact.

6.9 Central District Health Department (CDHD)

- A. CDHD has provided support for the proposed project and noted certain requirements if city sewer service are/are not available.
- B. As city services are not available and future development of the site will be dependent upon private septic systems, CDHD notes fees, test holes & engineering reports are required, as well as groundwater monitoring for each lot February – October.

6.10 Boise Project Board of Control (BPBC)

- A. There are no BPBC or Boise-Kuna Irrigation District facilities located on the subject site.
- B. The subject site possesses a valid water right.
- C. Future development of the subject site shall not obstruct any ditches which may serve neighboring properties per [Idaho Code §42](#).

6.11 Public Works

- A. Public Works staff can support approval of this application.
- B. This proposed project makes no changes to existing infrastructure as the future lots will be served by on site well and septic.

6.12 Comprehensive Plan

- A. Goal Area 1: Kuna will be economically diverse and vibrant.
 - 1. Goal Area 1.A.: Ensure land use in Kuna will support economic development.
 - Objective 1.A.4.: Administer land use standards and permitting processes in an equitable, cost-effective, and timely manner.
 - Policy 1.A.4.b.: Encourage pre-application meetings with developers and builders to clarify expectations and increase understanding of relevant plans, policies, codes, and development requirements.
 - Policy 1.A.4.c.: Continue to circulate land use applications...to internal city departments.

Analysis: *As land use designations have a direct impact on the type of development & growth that occurs throughout the city, ensuring uses align with the identity of the area is crucial. Staff strives to provide effective guidance through the application process by directing Applicants to standards applicable to their application type, as well as including other affected departments and agencies in the initial project discussions via Pre-application Meetings and Agency Transmittals.*

- B.** Goal Area 3: Kuna’s land uses will support a desirable, distinctive, and well-designed community.
1. Goal 3.D: Encourage development of housing options and strong neighborhoods.
 2. Goal 3.G.: Respect and protect private property rights.

Analysis: *This Annexation application requests an R-4 (Medium Density Residential Zone) which is compliant with the sites Medium Density Residential designation on the Future Land Use Map (FLUM); based on nearby zoning, the requested zone would be appropriate. By providing guidance on local and state development requirements and appropriate application processes, property owners are provided the necessary information to pursue the desired use of their property.*

6.10 Conclusion: Upon review, staff finds this Annexation and Zoning request to be compliant with [KCC 5](#), the Comprehensive Plan, and Idaho Code [§50-222](#) and [§67-65](#).

VII PROPOSED FINDINGS OF FACT

Based upon the record contained in Case No. 23-08-AN, including the Comprehensive Plan, Kuna City Code, Staff’s Memorandum, the exhibits, and testimony during the public hearing, the Commission hereby recommends *Approval/Conditional Approval/Denial* to Council of Case No. 23-08-AN, a request for Annexation and Zoning of 4.89 acres with an R-4 zone.

If the Commission wishes to Approve, Conditionally Approve, Deny, or modify specific parts of the Findings of Fact and Conclusions of Law as detailed below, those changes must be specified.

- 7.1** Does the Annexation and Zoning application contain the necessary requirements listed in [Title 5](#) of Kuna City Code and [Idaho Code §50-222](#)?
- A.** The Applicant has submitted a complete application and following staff review of technical compliance, the request is compliant with KCC [Title 5](#), as well as [Idaho Code §50-222](#) as it is a Category A Annexation. (+)
- 7.2** Does this proposal comply with the Comprehensive Plan Future Land Use Map (FLUM), and is the site selection appropriate for the proposed project?
- A.** The FLUM is intended to serve as a guide for future development and designates the subject site as Medium Density Residential; based on the Applicants request for an R-4 (Medium Density Residential) zone, the request is compliant with the city’s FLUM. (+)
- B.** Based on the surrounding R-2 (Low Density Residential) and R-4 (Medium Density Residential) zones, the requested R-4 zone is appropriate for the subject site. (+)
- 7.3** Was the Neighborhood Meeting conducted in and were the public noticing requirements met in accordance with city Ordinances and Idaho Code?
- A.** The Applicant held a Neighborhood Meeting October 30, 2023; there were four (4) attendees.

- B. Staff published public notice on the city website December 20, 2023, as well as notice being published in the Idaho Press on January 3, 2024.
 - C. Notices were mailed to all known and affected property owners within 300 FT on December 28, 2023.
 - D. The Applicant posted a sign on the subject site January 11, 2024, and a Proof of Property Posting form was provided to staff January 12, 2024.
- 7.4 Does the availability of existing and proposed public services and infrastructure accommodate the proposed development?
- A. The subject site is outside of the 300 FT distance in which to gain city services, as such, there will be no changes to existing infrastructure and any future development will be served by private septic and well. (+)
 - B. After ACHD, it was determined no roadway improvements were required and the existing roadway can serve the future lots. (+)
- 7.5 Does the proposed Annexation have a contiguous touch to Kuna City Limits and does it constitute orderly development?
- A. The subject site has a contiguous touch to Kuna City Limits on the North, and constitutes orderly development based on the city's FLUM, other surrounding development and/or zoning. (+)
- 7.6 The Applicant and/or Owner of the property have the right to request a written regulatory taking analysis.
- A. Pursuant to [Idaho Code §67-8003](#), the owner of private property that is subject of such action may submit a written request for a regulatory taking analysis with the City Clerk. Not more than twenty-eight (28) days after the final decision concerning the matter at issue, the City shall prepare a written taking analysis concerning the action if requested.

VIII COMMISSIONS PROPOSED ORDER OF DECISION

Based on the facts outlined in staff's report, documentation contained in the case file, and the public testimony as presented at the hearing, the Commission hereby recommends *Approval/Conditional Approval/Denial* of Case No. 23-08-AN to Council, subject to the following Conditions:

- 8.1 **Staff Recommended Conditions:** None
- 8.2 **Site Layout & Dimensional Standards:** None
- 8.3 **Pathways & Trails Master Plan:** None
- 8.4 **Open Space & Pathways Master Plan:** None
- 8.5 **Landscaping:** N/A
- 8.6 **Fencing:** N/A
- 8.7 **Ada County Highway District:** None
- 8.8 **Boise Project Board of Control**

- A. Future development of the subject site shall not obstruct any ditches which may serve neighboring properties per [Idaho Code §42](#).

8.9 Public Works

- A. Compliance with [Idaho Code §31-3805](#) is required. Delivery of water shall not be impeded by any construction on site. Compliance with the requirements of the Boise Project Board of Control is required.

8.10 General

- A. The Developer/Owner/Applicant shall obtain written approval on letterhead or may be written/stamped on the approved plans of the construction plans from the agencies noted below. All submittals are required to include the lighting, landscaping, drainage, and development plans. All site improvements are prohibited prior to approval of the following agencies:
 1. The City Engineer shall approve the sewer connections.
 2. The City Engineer shall approve all civil plans. No construction, grading, filling, clearing or excavation of any kind shall be initiated until the applicant has received approval of the drainage plan.
 3. Central District Health Department recommends the plan be designed and constructed in conformance with standards contained in, “Catalog for Best Management Practices for Idaho Cities and Counties.”
 4. The Kuna Rural Fire District shall approve fire flow requirements and/or building plans. Installation of fire protection facilities as required by Kuna Rural Fire District are required.
 5. The Kuna Municipal Irrigation System (KMIS) and Boise Project Board of Control shall approve any modifications to the existing irrigation system.
 6. Approval from Ada County Highway District (ACHD) shall be obtained, and Impact Fees must be paid prior to issuance of any building permit(s).
 7. All public rights-of-way shall be dedicated and constructed to the standards of the City and Ada County Highway District. No public street construction may commence without the approval and permit from Ada County Highway District.
- B. Installation of service facilities shall comply with the requirements of the public utility or irrigation district providing the services. All utilities shall be installed underground, see KCC 6-4-2.
- C. Compliance with Idaho Code, Section §31-3805 pertaining to irrigation waters is required. Irrigation/drainage waters shall not be impeded by any construction on site. Compliance with the requirements of the Boise Project Board of Control is required.
- D. When required, submit a petition to the City (as necessary, confirmed with the City engineer) consenting to the pooling of irrigation surface water rights for delivery purposes and request to annex the irrigation surface water rights appurtenant to the property over to the Kuna Municipal Pressure Irrigation System of the City (KMIS).
- E. It is the responsibility of the Developer or his Engineer to coordinate and design for the stricter requirement between agencies and the City of Kuna standards for the entire development

- F.** The Developer/Owner/Applicant, and/or any future assigns having an interest in the subject property, shall fully comply with all Conditions of development as approved by the City Council, or seek amending them through Public Hearing processes.
- G.** Developer/Owner/Applicant shall follow staff, City Engineers and other agency recommended requirements as applicable.
- H.** Developer/Owner/Applicant shall comply with all local, state, and federal laws.

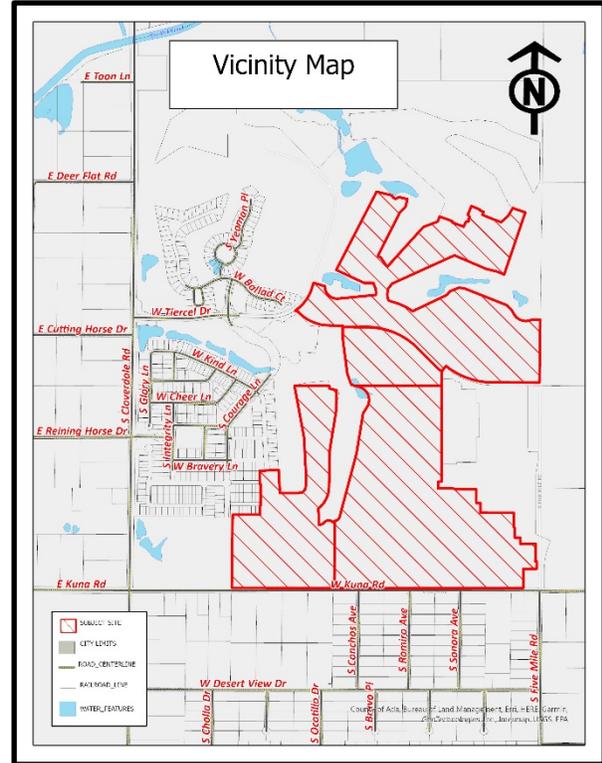
DATED this 24th day of January 2024.

BEFORE THE CITY COUNCIL OF THE CITY OF KUNA

IN THE MATTER OF THE APPLICATION OF) **Case Nos. 23-06-S (PRELIMINARY**
) **PLAT), 23-05-ZC (REZONE)**
FALCON CREST, LLC AND) **& 23-13-DR (DESIGN REVIEW).**
M3 COMPANIES, LLC)
)
)
) **STAFF REPORT FOR FALCON**
For a Subdivision request at 10600 W Kuna) **CREST EAST SUBDIVISION.**
Road.)

TABLE OF CONTENTS

1. Exhibit List
2. Project Summary
3. Applicants Request
4. Process and Noticing
5. General Project Facts
6. Staff Analysis
7. Proposed Findings of Fact
8. Proposed Commission Order of Decision



**I
EXHIBIT LIST**

The exhibits of the above-referenced matter consist of the following, to-wit:

1.1 Exhibits:

<i>DESCRIPTION OF EVIDENCE</i>	Withdrawn	Refused	Admitted
1.5 Staff's Report			X
2.1 P&Z APPLICATION COVERSHEET.pdf			X
2.2 REZONE APPLICATION.pdf			X

2.3 DESIGN REVIEW APPLICATION.pdf			X
2.4 PRELIMINARY PLAT APPLICATION.pdf			X
2.5 NARRATIVE.pdf			X
2.6 VICINITY MAP.pdf			X
2.7 AFFIDAVIT OF LEGAL INTEREST - FALCON CREST CLUB PARTNERS.pdf			X
2.8 AFFIDAVIT OF LEGAL INTEREST - M3 ID FALCON CREST LLC.pdf			X
2.9 AFFIDAVIT OF LEGAL INTEREST - M3 ID FALCON CREST WEST.pdf			X
2.10 AFFIDAVIT OF LEGAL INTEREST - M3 ID VALLOR GOLF VILLAS.pdf			X
2.11 DEED - M3 ID VALOR GOLF VILLAS, LLC.pdf			X
2.12 DEED - M3 ID VALOR GOLF VILLAS, LLC.pdf			X
2.13 DEED - M3 ID VALOR GOLF VILLAS LLC.pdf			X
2.14 DEED - M3 ID VALOR GOLF VILLAS, LLC.pdf			X
2.15 ILLUSTRATED SITE PLAN.pdf			X
2.16 PRELIMINARY PLAT.pdf			X
2.17 LANDSCAPE PLAN reduced.pdf			X
2.18 SUBDIVISION NAME RESERVATION.pdf			X
2.19 CC&R'S.pdf			X
2.20 M3 ID VALOR GOLF VILLAS PROOF OF ENTITY.pdf			X
2.21 LEGAL DESCRIPTION - REZONE AREA.pdf			X
2.22 LEGAL DESCRIPTION - SUBDIVISION BOUNDARY.pdf			X
2.23 NEIGHBORHOOD MEETING CERTIFICATION.pdf			X
2.24 REQUEST FOR AGENCY COMMENTS.pdf			X
2.25 CITY ENGINEERS MEMO.pdf			X
2.26 ADA COUNTY HIGHWAY DIST..pdf			X
2.27 ADA COUNTY DEVELOPMENT SERVICES.pdf			X
2.28 DEPARTMENT OF ENVIRONMENTAL QUALITY.pdf			X
2.29 BOISE KUNA IRRIGATION DIST..pdf			X
2.30 IDAHO TRANSPORTATION DEPT..pdf			X
2.31 CENTRAL DISTRICT HEALTH DEPT..pdf			X
2.32 COMPASS.pdf			X
2.35 PROOF OF LEGAL NOTICE MAILER.pdf			X
2.36 MKP PROOF OF PUBLISHING.pdf			X
2.37 PROOF OF SIGN POSTING.pdf			X
2.38 PROOF OF WEBSITE POSTING.pdf			X

**II
PROJECT SUMMARY**

2.1

Description	Details
Acreage	179.82 Ac. (Approx.)
Existing Land Use(s)	Golf Course, and Ag. fields
Future Land Use Designation	Medium and High Density Residential
Proposed Land Use(s)	R-6
Lots (No. and Type)	606 Residential, 36 Common & 7 Common Driveways, 3 Private Roads, 3 golf Course Lots
Number of Residential Units	606
Number of Other Lots	36
Number of Phases	11
Net Density (Dwelling Units per Acre)	6.27 DUA

**III
APPLICANTS REQUEST**

3.1 Applicant requests Rezone, Preliminary Plat and Design Review approval near the NEC of Kuna and Cloverdale Roads in Section 22, Township 2 North, Range 1 East.

**IV
PROCESS AND NOTICING**

4.1 Kuna City Code (KCC), [1-14-3](#) states that Preliminary Plats are designated as Public Hearings with the Commission as a recommending body and Council as the decision-making body. These land use applications were given public notice following Idaho Code ([I.C.](#)) § [67-65](#).

- A. Neighborhood Meeting: July 6, 2023 (7 Attendees)
- B. Agency Comments Request: November 26, 2023
- C. 300 FT Legal Mailer Notice: December 22, 2023
- D. Kuna Melba News Newspaper: December 29, 2023
- E. Site Posted: January 12, 2024
- F. Website Posting: January 16, 2024

**V
GENERAL PROJECT FACTS**

5.1 Site Features

- A. The subject site (APN'S: S1422131510, S1422244700, S1422314975, S1422417365, S1422427800 & S1422346660) is located within City Limits and within an approved Master Planned Community and is currently zoned R-6 (Medium Density Residential) and R-12 (High Density Residential) and has historically been used for Golf Course and Agriculture purposes.
- B. The proposed project site currently has vegetation consistent with that of a Golf Course and Agriculture fields. The site has an estimated average slope of 1.5 – 5.9%. According to the USDA Soil Survey for Ada County, bedrock depth is estimated to be between 20” to greater than 60”.

- C. Staff is not aware of any environmental issues, health or safety conflicts and the subject site is outside the boundary of the Nitrate Priority Area. Idaho Department of Environmental Quality (DEQ) has provided recommendations for surface and groundwater protection practices and requirements for development of the site.

5.2 Surrounding Land Uses

North	R-6	Medium Density Residential – Kuna City
South	RR	Rural Residential – Ada County
East	R-6	Medium Density Residential – Kuna City
West	R-6 R-12	Medium Density Residential – Kuna City High Density Residential – Kuna City

**VI
STAFF ANALYSIS**

6.1 Ada County Highway District

- A. See the Ada County Highway District Reports by [clicking here](#).
- B. Applicant shall follow all standards and requirements in accordance with [KCC 5-17-13](#) and [6-4-2-B.3](#). Sidewalks along arterials roadways shall be eight (8) foot wide detached.
- C. Applicant shall follow all standards and requirements in accordance with [KCC 5-17-13](#) and [6-4-2-B.3](#). Sidewalks along *Collector* roadways shall be eight (8) foot wide detached with 4 - 8 foot wide irrigated planter strip, and concrete vertical curb and gutter.
- D. Applicant shall follow all standards and requirements in accordance with [KCC 5-17-13](#) and [6-4-2-B.3](#). Sidewalks along *Arterials* shall be eight (8) foot wide detached.
- E. All stub streets shall be installed in accordance with [KCC 6-3-3-C](#). Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall be such that said streets extend to the boundary line of the tract to make provisions for the future extension of said streets into adjacent areas. The terminus of all stub streets shall have a sign that reads “Road to be extended in future”.

6.2 Idaho Transportation Department

[Click Here](#), for ITD comments about this project.

6.3 COMPASS:

[Click Here](#), for COMPASS comments about this project.

6.4 Pathways and Trails Master Plan

- A. The Pathways Master Plan Map does not indicate a future trail or pathway within the site. However, it does indicate a future Bike route through a portion of the Site. Internal pathways throughout the

proposed subdivision provide pedestrian and biking connectivity and lead to golf courses, greenspaces / parks.

6.5 Site Layout and Dimensional Standards

- A.** The Applicant requests to Rezone part of the site from R-12 (High Density Residential) to R-6 (Medium Density Residential), which is a down zoning request.
- B.** The Applicant requests Preliminary Plat approval to subdivide the approximate 179.82 acres into 655 total lots; 606 single family lots, 36 common lots, and seven (7) common driveway lots, three (3) private road lots, and three (3) golf course lots. Private driveways shall be designed in accordance with [KCC 6-4-2-B.8](#).
- C.** All dimensional standards appear to be in compliance with [KCC 5-3-3](#) and the Recorded Development Agreement (Inst. 2019-111089).

6.6 Parking

- A.** The Applicant shall provide at least two (2) off-street parking spots for each single-family residential unit in accordance with [KCC 5-9-3](#).

6.7 Open Space

- A.** The Applicant proposes 51.05 acres, or 28.40% of the total project as qualified open space with 16.65 ac. for Residential Common Lots; this area does not include required landscape buffers. [KCC 5-17-12](#) requires that a minimum 12.50% of the developments gross land area shall be used for open space purposes and mutually exclusive of required residential buffers. Staff views the proposal to be compliant with KCC.
- B.** Staff notes the Applicant, and their engineer shall insure there is a sufficient Right-Of-Way (ROW) and a minimum 20 foot landscape buffer between the ROW and buildable lots with an eight (8) foot detached sidewalk along E Kuna Road and E Tiercel Drive. Portions of E Kuna Road appear to have undersized landscape buffers, and all of E Tiercel Dr. appears to have undersized landscape buffers. Kuna Road is classified as an Arterial Road while E Tiercel Drive will serve as an east/west Collector. Staff recommends the Pre-Plat and street sections be corrected and resubmitted reflecting these changes prior to Final Plat submittal reflecting [KCC 6-3-4](#), and [5-17-13](#).
- C.** The installation of streetlights is a required public improvement listed under KCC 6-4-2. The Applicant shall be required to work with staff to comply with KCC and install streetlights a maximum spacing of 250-ft.; the final location of streetlights will be approved at the time of construction document review. Staff notes that these streetlights must be designed and installed according to “Dark Sky” standards and are required to be LED streetlights.
- D.** The Applicant proposes seven (7) private driveways for a cluster of three (3) lots within the project, Staff recommends the Applicant be conditioned to work with the City Engineer for proper easement widths for the project, and in particular the clustered homes near the private driveways. Staff highlights if this project is approved, it is the responsibility of the Developer to ensure any anticipated buildings fit all buildable lots.

E. All proposed landscaping, buffers and common space shall comply with [KCC 5-17](#).

6.8 Fencing

A. The Applicant shall comply with “see-through” fencing as described in [KCC 5-5-5](#), for all residential lots, pathways, greenbelts and common areas. Fences and Hedges for the project as a whole shall comply with [KCC 5-5-5](#), unless otherwise specifically approved through alternate compliance.

6.9 Public Works

A. According to [Exhibit 2.25](#), Public Works can support approval of this application contingent that the approximately 990 acres of the Greater Falcon Crest Subdivision will not exceed 2,322 residential lots per the development agreement.

B. Comments may be expanded or refined in connection with any future land-use actions.

C. The Applicant shall be required to work with staff to install streetlights a maximum spacing of 250-feet.; the final location of streetlights will be approved at the time of construction document review. Staff notes that these streetlights must be designed and installed according to “Dark Sky” standards and are required to be LED lights. All street light installation shall comply with [KCC 6-4-2](#).

6.10 Comprehensive Plan

A. Goal Area 1: Kuna will be economically diverse and vibrant.

1. Goal 1.A.: Ensure Land Use in Kuna will support economic development.

2. Goal 1.C.: Attract and Encourage new and existing businesses.

o Objective 1.C.2.: Create an environment that is friendly to business creation, expansion and relocation.

▪ Policy 1.C.2.d: Ensure infrastructure and public facilities are in place and parcels identified for commercial or industrial are shovel-ready.

B. Goal Area 3: Kuna’s land uses will support a desirable, distinctive and well-designed community.

1. Goal 3.D.: Encourage development of housing options and strong neighborhoods.

o Objective 3.D.1.: Encourage development of housing options for all citizens.

▪ Policy 3.D.1.a: Encourage preservation and development of housing that meets demand for household sizes, lifestyles and settings.

o Objective 3.D.2.: Create strong neighborhoods through preservation, new development, connectivity and programming.

▪ Policy 3.D.2.d: Work to ensure all neighborhoods in Kuna benefit from good connectivity through sidewalk, pathway and trail, on-street and transit infrastructure.

2. Goal 3.G.: Respect and protect private property rights.

o Objective 3.G.1.: Ensure land use policies, restrictions, and fees do not violate private property rights.

▪ Policy 3.G.1.b: Encourage preservation and development of housing that meets demand for household sizes, lifestyles and settings.

▪ Policy 3.G.1.c: Ensure land use actions, decisions and regulations do not prevent a private property Owner from taking advantage of a fundamental property right. Ensure

city actions do not impose a substantial and significant limitation on the use of the property.

Analysis: The development includes additional housing types and sizes promotes variety for all income levels and with Staff recommended changes, will promote desirable and well-designed neighborhoods.

C. Goal Area 4: Kuna will be a connected community through strong transportation and infrastructure systems.

- 1. Goal 4.B.: Increase sidewalk coverage and connectivity and invest in pedestrian facilities to increase walkability.**
 - Objective 4.B.2.: Maintain/expand sidewalks/pedestrian facilities within the community.
 - Policy 4.B.2.b: Install detached sidewalks and/or protected pedestrian routes/facilities along high trafficked roads as development occurs.
 - Policy 4.B.2.c: Promote the installation of off-system pedestrian pathways to create neighborhood connections and reduce the length of non-motorized transportation routes.
 - Policy 4.B.2.g: Coordinate with developers to connect and/or enhance pedestrian facilities, including on and off-system pathways, footbridges (across canals, etc.), road bridges, sidewalks, pedestrian crossings and wayfinding signage.
- 2. Goal 4.C.: Increase pathway, trail and on-street bicycle facilities.**
 - Objective 4.C.1.: Maintain/enhance existing pathways/trails/on-street bicycle facilities.
 - Policy 4.C.1.a: Expand the bicycle network as identified in the Kuna Pathways Master Plan and ACHD Roadways to Bikeways Plans through land use developments and capital improvement projects.
 - Policy 4.C.1.e: Coordinate with developers to connect to and/or enhance bicycle facility connections, including pathways, non-motorized canal crossings, road bridges and wayfinding signage.
 - Objective 4.C.2.: Ensure expansion of pathways, trails and on-street bicycle routes.
 - Policy 4.C.2.b: Promote the installation of off-system bicycle pathways to create neighborhood connections and reduce non-motorized transportation route lengths.
- 3. Goal 4.D.: Promote a connected street network that incorporates mid-mile collectors and crossing for improved neighborhood connectivity.**
 - Objective 4.D.2.: Ensure the continued expansion/development of a classified roads system throughout the community.
 - Policy 4.D.2.a: Extend and expand Mid-Mile Roads as growth occurs.
 - Policy 4.D.2.b: Preserve adequate Rights-Of-Way along all classified roads or other approved alternative locations to align roads.

Analysis: Adding roads, sidewalks, pathways, and pedestrian corridors together with stubs to adjacent properties promotes future connections by other developments offers connectivity and access for all residents.

6.11 Conclusion:

Upon review, coupled with Staff recommended changes, staff finds the request for Rezone and Preliminary Plat to be in compliance with [KCC Title 5](#) and [Title 6; \(I.C.\) § 67-65, §50-13](#) and the Kuna Comprehensive Plan; and staff recommends the Council Approve Case Nos. 23-05-ZC and

23-06-S, and approves Case No. 23-13-DR, with the Applicant being subject to the Staff recommended changes and the Conditions of Approval listed in Section “VIII” (8) of this report.

VII PROPOSED FINDINGS OF FACT

If the Commission wishes to recommend approval, denial or modify specific parts of the Findings of Fact and Conclusions of Law as detailed below, those changes must be specified.

- 7.1** Have the public notice requirements been met and the Neighborhood Meeting was conducted within the guidelines of applicable Idaho Code and City Ordinances?
- A.** The Applicant held a Neighborhood Meeting July 6, 2023 (7 Attendees) attended the meeting in accordance with I.C. and KCC. (+)
- B.** Neighborhood Notices were mailed out to residents within 300-feet of the proposed project site on December 22, 2023, and a legal notice was published in the Meridian Kuna Press on December 29, 2023, in accordance with I.C. and KCC. (+)
- C.** The Applicant posted a sign on the property on January 12, 2024. (+)
- 7.2** Based on the evidence presented does the application generally comply with Kuna City Code (KCC)?
- A.** The Applicant has submitted a complete application, and following staff review for technical compliance, the application appears to be in general compliance with the design requirements, public improvement requirements, objectives and considerations listed in Kuna City Code Title 5 and Title 6, if the sewer infrastructure improvements recommended by the Public Works Department are completed. (+)
- 7.3** Based on the evidence presented, does the application generally comply with the Comprehensive Plan?
- A.** The Comp Plan designates the property as Medium Density and High Density Residential, the existing zoning districts are R-6 and R-12. (+)
- B.** The development includes additional housing types and sizes promotes variety for all income levels and promotes desirable and well-designed neighborhoods. (+)
- C.** Adding roads, sidewalks, pathways, and pedestrian corridors together with connections to existing stubs to adjacent project streets promotes connectivity and access for all residents. (+)
- 7.4** Can the availability of existing and proposed public services accommodate the proposed development?
- A.** ACHD can support the development with all Site-Specific Conditions of approval being satisfied. (+)

- B.** ITD requires no mitigation improvements to serve the development. (+)
- C.** Sewer is available to serve this application contingent that the approximately 990 acres of the Falcon Crest Subdivision will not exceed 2,322 residential lots per the development agreement (+)
- D.** Potable water connection is available for the subject site. (+)
- E.** Pressurized irrigation connection is available for the subject site. (+)
- 7.5** Does the public have the financial capability to provide supporting services to the proposed development?
 - A.** Through development of the project and beyond, connection fees, impact fees (Fire, Police, Park and Ada County Highway District), and property taxes will be collected. (+)
- 7.6** Does the proposed project consider health and safety of the public and the surrounding area's environment?
 - A.** Connection to City services, as well as other public improvements such as streetlights, fire hydrants, sidewalks, etc. will be implemented as a part of this project. (+)
 - B.** No major wildlife habitats will be impacted by the proposed development. (+)
- 7.7** Does the site landscaping meet the intent of the landscape Ordinance?
 - A.** A six- foot (6') vinyl fence is proposed around the perimeter of the subdivision where permitted. (+)
 - B.** Residential lots will be required to provide see-through fencing adjacent to all common lots and shall follow all requirements listed in [KCC 5-17](#). (+)
 - C.** A Landscape buffer comprised of sod, trees and other plantings will be provided along E Kuna Road and E Tiercel Drive. (+)
 - D.** 51.05% qualified open space is proposed exceeding the 12.50% minimum. (+)
 - E.** Internal pathways are provided for pedestrian connectivity within the development. (+)
- 7.8** Does the proposed application constitute orderly development?
 - A.** The proposed subject site is located within Kuna City Limits and touches city limits on the south side. (+)
 - B.** Subdivisions are under active construction to the west and southwest of the subject site. (+)

- C. Connection to existing stub streets are provided for connection and provided for future development. (+)
- 7.9 The Applicant and/or Owner of the property have the right to request a written regulatory taking analysis.

Pursuant to [Idaho Code 67-8003](#), the Owner of private property that is subject of such action may submit a written request for a regulatory taking analysis with the City Clerk, not more that twenty-eight (28) days after the final decision concerning the matter at issue. The City shall prepare a written taking analysis concerning the action if requested.

VIII PROPOSED COMMISSIONS' RECOMMENDATION TO COUNCIL

*Note: These motions are for the recommendation of **Approval, Conditional Approval or Denial** of the Rezone and Preliminary Plat and for the **Approval, Conditional Approval or Denial** of the Design Review. However, if the Commission wishes to Approve or Deny specific parts of these requests as detailed in the report, those changes must be specified.*

Based upon the record contained in Case Nos. 23-06-S, 23-05-ZC & 23-13-DR, including the Comprehensive Plan, Kuna City Code, Staff's analysis, including the exhibits, and the testimony during the Public Hearing the Commission hereby recommends **Approval/Conditional Approval/Denial** of the Rezone and Pre-Plat, and **Approves or Denies** the Design Review subject to the following Conditions of Approval:

8.1 Staff Recommended Conditions:

- A. Applicant and their engineer shall insure there is a sufficient Right-Of-Way (ROW) and a minimum 20 foot landscape buffer between the ROW and buildable lots with an eight (8) foot detached sidewalk along E Kuna and E Tiercel Roads.
- B. Applicant shall resubmit the Pre-Plat to Staff reflecting any approved changes prior to Final Plat submittal.

8.2 Transportation

- A. Buffers, curb, gutter and sidewalk (attached and detached) shall be installed in accordance with [KCC 5-17-14](#) and [6-4-2](#).
- B. Developer/Owner/Applicant shall work with ACHD and the City of Kuna to complete all required traffic improvements to the surrounding roadways and intersections as detailed in the ACHD staff report.
- C. Developer/Owner/Applicant shall install a sign at the terminus of every proposed stub street stating; "these roads will continue in the future". Developer/Owner/Applicant shall obtain proper language from Ada County Highway District.

8.3 Site Layout, Dimensional Standards and Parking

- A. Developer/Owner/Applicant shall measure all front building setbacks from back of sidewalk on all internal local roads.
- B. Applicant shall ensure the proper easement widths on all lots in accordance with [KCC 6-3-8](#).
- C. It is the responsibility of the Developer to ensure any anticipated buildings fit any given buildable lot in accordance with [KCC 5-3-3](#).

8.4 Landscape, Open Space and Fencing

- A. Fencing within and around the site shall comply with [KCC 5-5-5](#) (unless specifically approved otherwise and permitted).
- B. All required landscaping shall be permanently maintained in a healthy growing condition. The property Owner shall remove and replace unhealthy or dead plant material within 3 days or as the planting season permits as required to meet the standards of these requirements. Maintenance and planting in public Rights-of-Way shall be with approval from ACHD.
- C. Landscaping shall not be placed within ten (10) feet of any meter pits, pressurized irrigation valves and/or ACHD underground facilities and must honor all vision triangles.
- D. The Landscape Plan (After resubmittal) and Preliminary Plat (After resubmittal) will be considered binding site plans as amended and/or approved.
- E. All signage within/for the project shall comply with Kuna City Code, and shall be approved through the applicable sign approval process listed in [KCC 5-10](#).
- F. If any revisions are made, the Applicant shall provide the Planning and Zoning Staff with a revised copy of the Preliminary Plat. Any revisions of the plat are subject to Administrative Determination to rule if the revision is substantial.
- G. Develop/Owner/Applicant is hereby notified that this project is subject to Design Review inspection fees. Required inspections (post construction), are to verify building and landscaping compliance prior to requesting signature on the final plat.

8.5 Public Works

- A. Installation of service facilities shall comply with the requirements of the public utility or irrigation district providing the services. All utilities shall be installed underground, see [KCC 6-4-2](#).
- B. Compliance with [I.C. §31-3805](#) is required. Delivery of water shall not be impeded by any construction on site. Compliance with the requirements of the Boise Project Board of Control is required.
- C. When required, submit a petition to the City (as necessary, confirmed with the City Engineer) consenting to the pooling of irrigation surface water rights for delivery purposes and request to annex the irrigation surface water rights appurtenant to the property over to the Kuna Municipal

Pressure Irrigation System of the City (KMIS).

- D. Connection to City Services (Sewer, Water, Pressurized Irrigation) is required as necessary. The Applicant shall conform to all corresponding City of Kuna Master Plans.
- E. The Developer/Owner/Applicant shall be required to participate, as determined by the City Engineer, in the development of additional Lift Station capacity, and or Water Booster Station as required by the City Engineer.
- F. The Developer/Owner/Applicant shall not submit an application for Final Plat until the City's Public Works Director issues a Will-Serve Letter stating the City's appurtenance has capacity to service the proposed development with domestic water, and accept the wastewater discharged from the proposed development.
- G. In the event a Will-Serve Letter is not issued within the time the Applicant is required to record a Final Plat, the Applicant shall have good cause and be eligible to receive, pursuant to [KCC 6-2-3-J](#), a Time Extension to file a Final Plat up to and until a Will-Serve Letter has been issued.
- H. Developer/Owner/Applicant shall work with staff in order to provide final locations of streetlights as required by Kuna City Code. Streetlights for the site shall be LED lighting and must comply with Kuna City Code and established Dark Sky practices.
- I. Equivalent Dwelling Units (EDU's) will be issued on a Phase-by-Phase basis (per Final Plat).

8.6 General

- A. The Developer/Owner/Applicant shall obtain written approval on letterhead or may be written/stamped on the approved plans of the construction plans from the agencies noted below. All submittals are required to include the lighting, landscaping, drainage, and development plans. All site improvements are prohibited prior to approval of the following agencies:
 - 1. The City Engineer shall approve all sewer connections.
 - 2. The City Engineer shall approve all civil plans. No construction, grading, filling, clearing or excavation of any kind shall be initiated until the Applicant has received an approved drainage plan.
 - 3. Central District Health Department recommends the plan be designed and constructed in conformance with standards contained in, "Catalog for Best Management Practices for Idaho Cities and Counties".
 - 4. The Kuna Rural Fire District shall approve fire flow requirements and/or building plans. Installation of fire protection facilities as required by the Fire District are required.
 - 5. The Kuna Municipal Irrigation System and Boise Project Board of Control shall approve any modifications to the existing irrigation system.
 - 6. Approval from Ada County Highway District (ACHD) shall be obtained and Impact Fees must be paid prior to issuance of any building permit(s).
 - 7. All public Rights-Of-Way shall be dedicated and constructed to the standards of the City and Ada

County Highway District. No public street construction may commence without the approval and permit from Ada County Highway District.

- B.** The Developer/Owner/Applicant, and any future assigns having an interest in the subject property, shall fully comply with all conditions of development as approved by the City Council, or seek amending them through Public Hearing processes.
- C.** Developer/Owner/Applicant/Contractors are hereby notified of Kuna's working hours. Construction of any kind shall only be conducted within the hours specified in [KCC 10-6-3](#). Noises and other public nuisances/distractions outside of this time frame are subject to lawful penalties.
- D.** Developer/Owner/Applicant is hereby notified of Kuna's weed control policies and requirements [KCC 8-1-3](#). Weeds, grasses, vines or other growth which endanger property or are over twelve (12) inches in height shall be continuously cut down, weeded out, sprayed, burned, removed or destroyed throughout all seasons.
- E.** Developer/Owner/Applicant and all successors shall comply with all Local, State and Federal Laws.

DATED this 23rd day of January 2024.

Falcon Crest East

Valor: A Master-Planned Community
Kuna, ID

(Rezone, Preliminary Plat and Design Review)

Kuna Planning and Zoning Commission

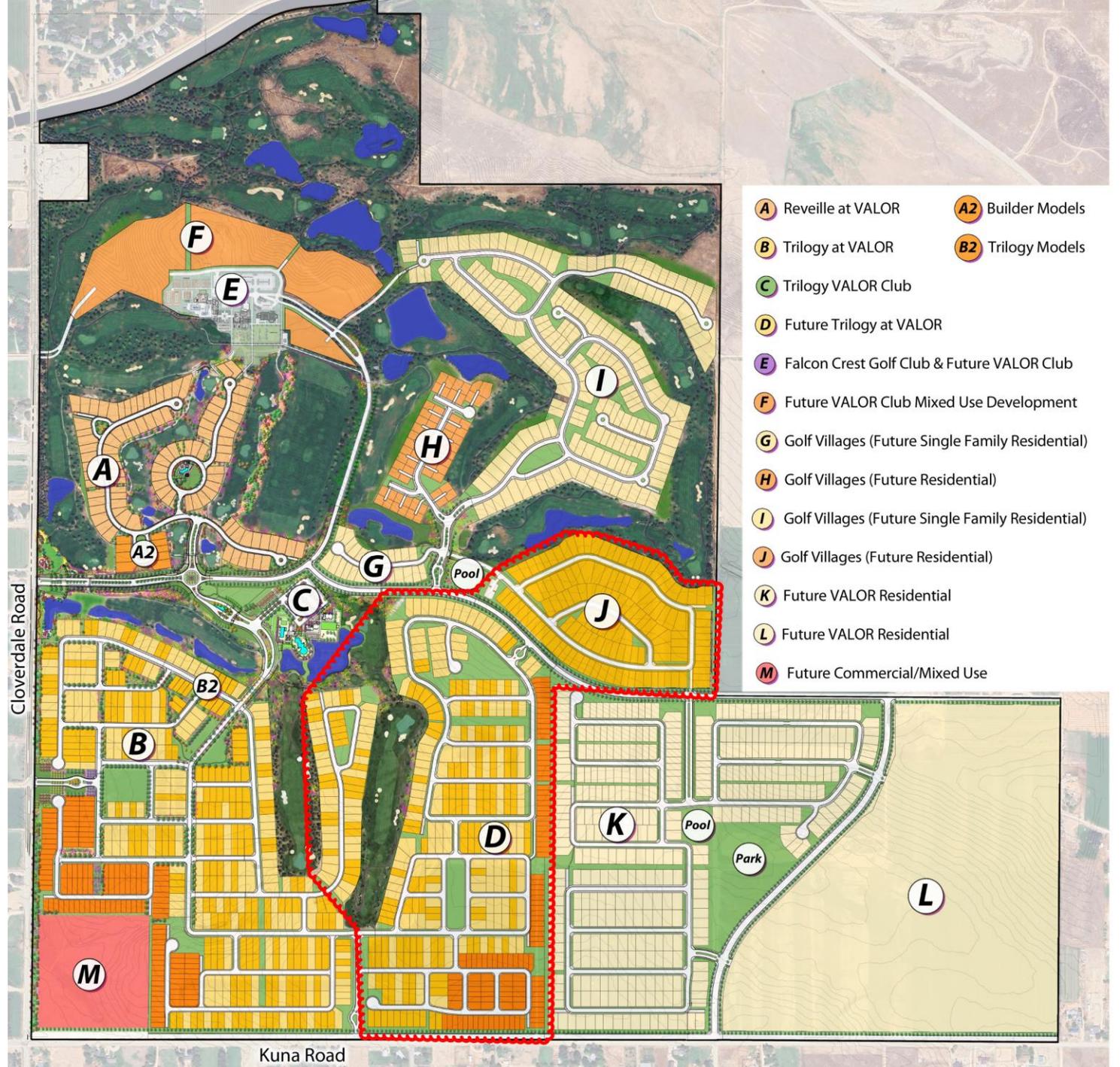
January 23, 2024



Falcon Crest Entitlement Summary

-Development Agreement / PUD
 - Effective 11/2019

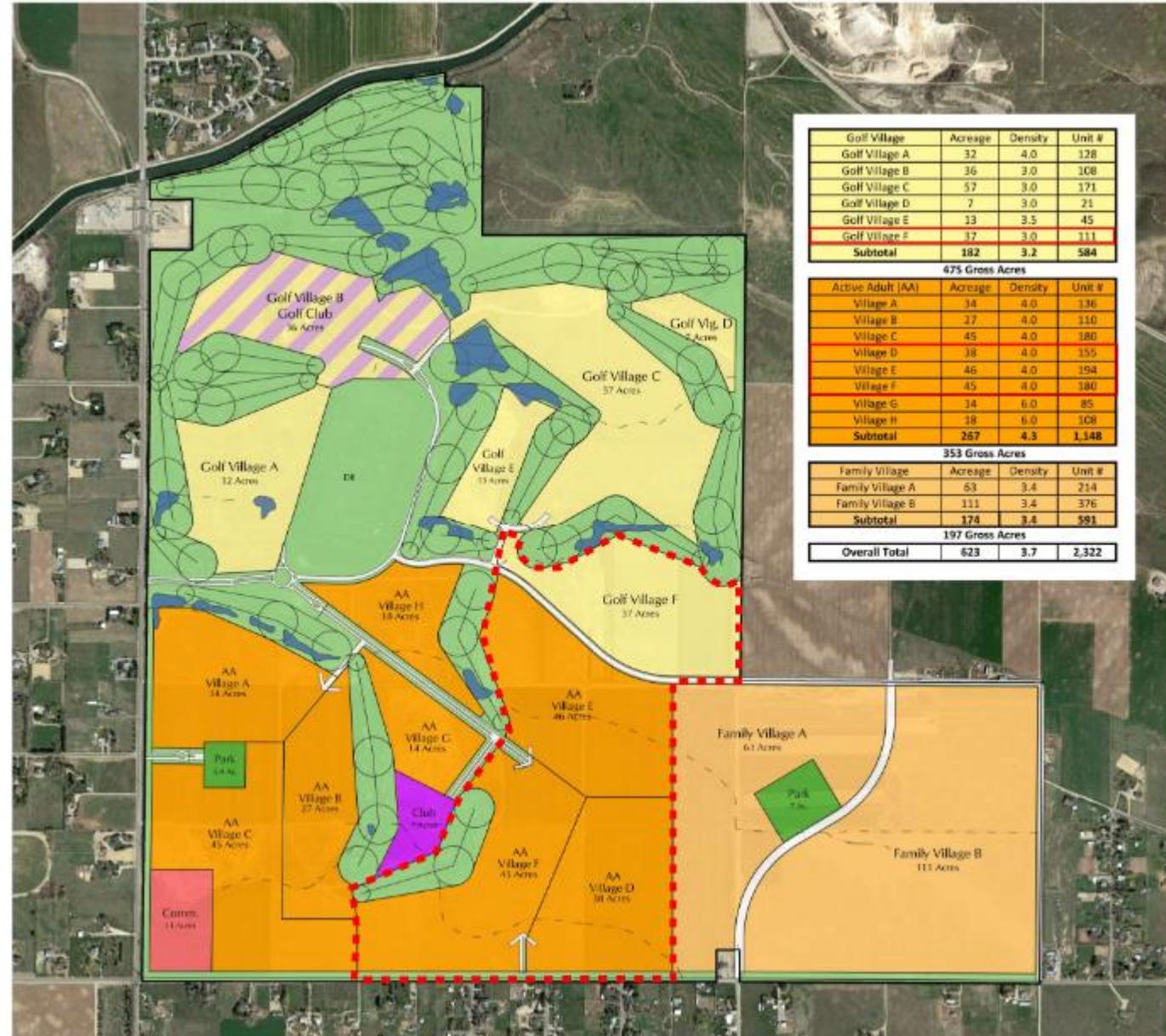
-4 Approved Preliminary Plats



Falcon Crest Entitlement Summary

Approved Master Plan
& Density

Golf Village F and AA
Villages E, F and D
(DA Master Plan Total = of 640 Lots
This Preliminary Plat is for 605 SF
Lots)



PRELIMINARY DEVELOPMENT PLAN

March 5, 2018



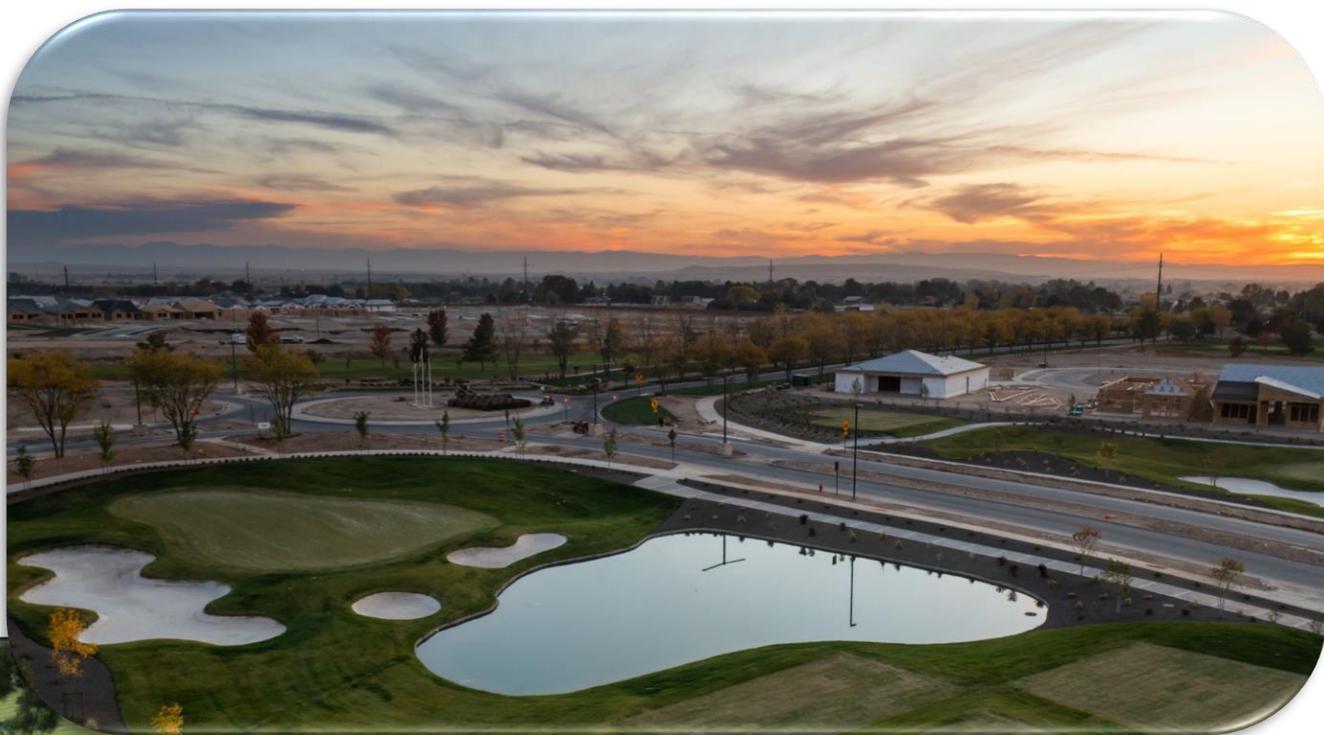


Valor Project Update

Reveille
Neighborhood
& Cadet Golf
Course



Entry RAB & Model Homes





Trilogy Valor Social Club Progress



Trilogy Valor Social Club Progress



Falcon Crest East Landscape & Site Plan – Design Review

- Community Resort-style
Park/Pool/Playground

- Community Parks and Trails
(16.5 Acres of Open Space outside of Golf)

- 3 new holes of Golf Open now! (~34
Acres of Golf Open Space)



Falcon Crest
East – Trilogy
Valor
Northern
Entry



Villages Community Amenity





Villages Community Amenity

Staff Report Condition & Comment Clarification

- **Condition 8.5.E** – “The Developer/Owner/Applicant shall be required to participate, as determined by the City Engineer, in the development of additional Lift Station capacity, and or Water Booster Station as required by the City Engineer.”
- Condition was not included in the Engineer’s Memo dated 1/16/24 and is inconsistent with the approved DA.
- We’re requesting removal of this condition as our DA is clear on our responsibilities and we've constructed a lift station, water reservoir and booster station to serve the development and all studies show there is sufficient capacity in those facilities for this portion of the project.
- **Condition 8.2.F** – “Developer/Owner/Applicant shall work with ACHD and the City of Kuna to complete all required traffic improvements to the surrounding roadways and intersections as detailed in the ACHD staff
- City Staff Report did not put ACHD conditions in the Kuna Staff Report. We did receive an update from ACHD that cleared up a minor technical error and that will be included in this approval.
- ACHD changed the threshold and will not require the turn lane as part of this development. ACHD will likely require the turn lane analysis with any future development.



Thank You