



# City of Kuna

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## Findings of Fact & Conclusions of Law

**To:** Planning and Zoning Commission

**Case Number(s):** 15-01-AN (Annex) Falcon Crest Golf Course Annexation

**Location:** Near the intersection of Cloverdale & Kuna Roads  
Kuna, Idaho 83634

**Planner:** Troy Behunin, Senior Planner

**Hearing Date:** July 28, 2015  
**Findings of Fact:** August 11, 2015

**Applicant:** **A-Team Land Consultants - Steve Arnold**  
1785 Whisper Cove Avenue  
Boise, ID 83709  
208.321.0525  
[Steve@ateamboise.com](mailto:Steve@ateamboise.com)

**Owner:** **Falcon Crest Golf Course - Terry Cook**  
2528 N. Cloverdale Rd.  
Boise, ID 83709

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### A. Course of Proceedings

1. Kuna City Code (KCC), Title 1, Chapter 14, Section 3, states annexations are designated as public hearings, with the City Council as the decision making body. This land use was given proper public notice and followed the requirements set forth in Idaho Code, Chapter 65 Local Planning Act.

#### a. Notifications

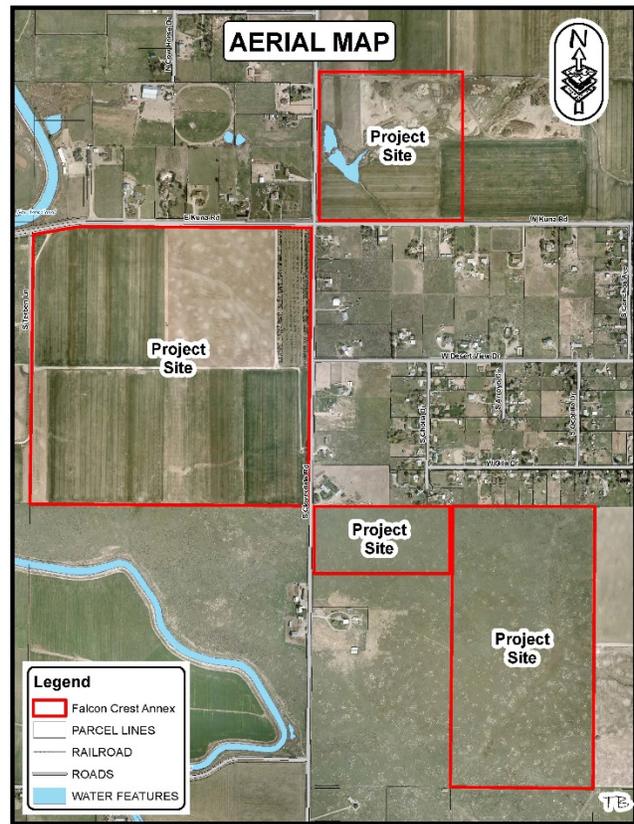
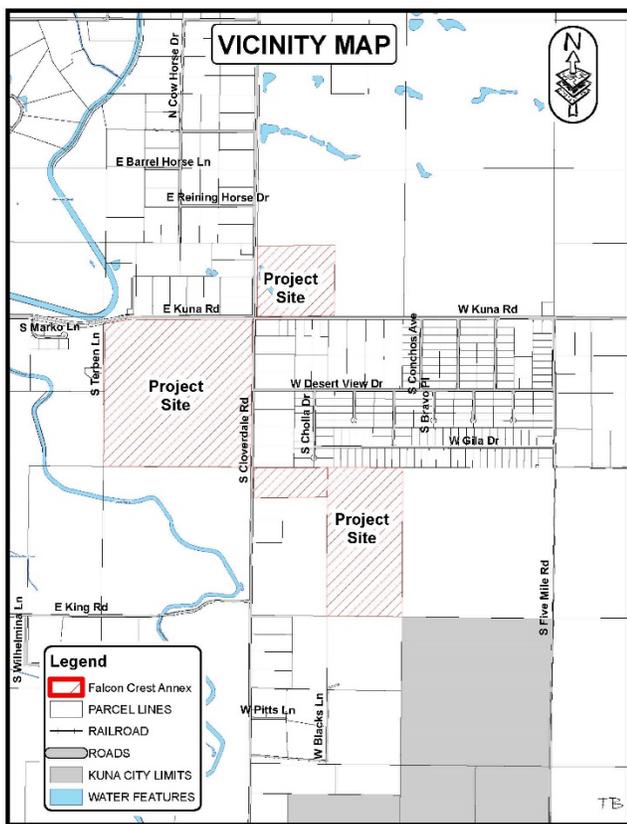
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|---------------------------|---------------|
| i. Neighborhood Meeting   | March 9, 2015 |
| ii. Agencies              | June 10, 2015 |
| iii. 300' Property Owners | July 16, 2015 |
| iv. Kuna, Melba Newspaper | July 8, 2015  |
| v. Site Posted            | July 16, 2015 |

### B. Applicants Request:

**1. Request:**

Applicant requests approval to annex approximately 294.31 acres into the City limits. Applicant is working to get Central City services to the Golf Course for future development(s). At this time the applicant and other property owners are requesting the Agriculture (AG) zone for all parcels. This is designed to set the stage for the future of the Golf Course. At an unknown time in the future, it is anticipated the remainder of the Golf Course will annex into the City, when a specific development plan for the area is known and will go through the application review process at that time.

**C. Vicinity and Aerial Maps:**



**D. History:** The subject parcels are all in Ada County, currently zoned RR (Rural Residential), and are adjacent to Kuna City limits, or will touch if this request is granted. The southeastern parcel is owned by Idaho State Department of Lands and the State has submitted a letter consenting to the annexation of their property.

**E. General Projects Facts:**

1. **Comprehensive Plan Designation:** The Future Land Use Map (FLU) identifies these parcels as Agriculture, and Low Density. Generally speaking, staff views this land use request to be consistent with the approved FLU map.

2. **Surrounding Land Uses (Generally):**

<b>North</b>	RR	Rural Residential – Ada County
<b>South</b>	RR	Rural Residential – Ada County
<b>East</b>	RR	Rural Residential – Ada County
<b>West</b>	RR	Rural Residential – Ada County

3. **Parcel Sizes, Current Zoning, Parcel Numbers:**

- Approx. 294.31 total acres
- All parcels are Rural Residential (RR)
- S1427314800 (ID Dept. of Lands) - Parcel #1
- S1427325400 (Blevins) - Parcel #2
- S1428111000 (Heimbuch) - Parcel #3
- S1422314800 (Falcon Crest LLC – APPLICANT) - Parcel #4

4. **Services:**

Sanitary Sewer– City of Kuna (*Future*)  
Potable Water – City of Kuna (*Future*)  
Irrigation District – Boise-Kuna Irrigation District (*Future*)  
Pressurized Irrigation – City of Kuna (KMID – *Future*)  
Fire Protection – Kuna Rural Fire District  
Police Protection – Kuna City Police (Ada County Sheriff’s office)  
Sanitation Services – J&M Sanitation

5. **Existing Structures, Vegetation and Natural Features:** Currently the lands are used for agricultural purposes and it is anticipated that all four will continue their historic uses on the remaining lands until development occurs. The site’s topography is generally flat.

6. **Transportation / Connectivity:** The four parcels have sufficient access frontage to classified roads and staff will work with the applicant in the future when development occurs, to establish access points and other site-specific development considerations.

7. **Environmental Issues:** Staff is not aware of any environmental issues, health or safety conflicts.

8. **Agency Responses:** The following agencies returned comments: City Engineer (Gordon Law, P.E.), Central District Health Department (CDHD), Department of Environmental Quality (DEQ) and the Idaho Transportation Department (ITD). The responding agency comments are included as exhibits with this case file. The following agencies did not send in comments; ACHD, Boise Project Board of Control, Kuna Fire District, Boise-Kuna Irrigation District, Kuna Police Department, Kuna School District, Ada County Planning and Zoning, Idaho Power, J&M Sanitation, or the US Post Office.

**F. Staff Analysis:**

The four parcels in this application are located near the intersection of Cloverdale & Kuna Roads. The applicant proposes to annex 294.31 acres into the City as Agriculture zone. Public services are not currently near the properties. However, the applicant is preparing the Golf Course for development in the future and working towards getting City services to the Golf Course. The applicant does not have any specific plans or designs at this time and is not proposing any development at this time. Once services are closer, at that time, a specific plan will be developed and submitted to the City for application review and approval.

In order for a parcel to annex into the City, a willing land owner’s parcel must touch existing City limits and submit a request for annexation. The Golf Courses parcel does not currently touch the City limits and so the applicant needed to secure a pathway back to a property currently touching current City limits. The applicant was successful in working with two private property owners and the Idaho State Department of Lands to secure its pathway.

Applicant (*parcel #4*) is annexing only a part of parcel 1422314800 (Falcon Crest Golf Course) into the City at this time. The applicant has worked with Ada County for a One-Time-Division (O.T.D.) in order to create the smaller parcel, which is approximately 40 acres in size. This action has received approval from the County.

All 74 acres (+/-) of parcel #2 are not being annexed at this time. Instead, the land owner (Blevins) has worked with Ada County for a O.T.D. in order to create an approximately ten (10) acre parcel which will bridge the gap between the State lands, and the Heimbuch property, thus providing the needed touch. This action has received approval from the County, subject to conditions of approval.

Staff has determined this application complies with Title 5 of the Kuna City Code; Idaho Statute §50-222; and the Kuna Comprehensive Plan; and forwards a recommendation of approval for Case No. 15-01-AN, subject to the recommended conditions of approval.

#### **G. Applicable Standards:**

1. City of Kuna Zoning Ordinance No. 230, 546 and 570,
2. City of Kuna Subdivision Ordinance No. 2012-18, Title 5 Zoning Regulations,
3. City of Kuna Comprehensive Plan and Future Land Use Map,
4. City of Kuna Landscape Regulations, Title 5, Chapter 17, Section 1 thru 26,
5. Idaho Code, Title 67, Chapter 65, Local Land Use Planning Act.

#### **H. Comprehensive Plan Analysis:**

The Kuna Planning and Zoning Commission accepts the Comprehensive Plan components as described below.

1. The proposed applications for this site are consistent with the following Comprehensive Plan components:

##### ***GOALS AND POLICY – Property Rights***

***Goal 1: Ensure that the City of Kuna land use policies, restrictions, conditions and fees do not violate private property rights. Establish an orderly, consistent review process for the City of Kuna to evaluate whether proposed actions may result in private property “takings”.***

Policy 1: As part of a land use action review, the staff shall evaluate with guidance from the City’s attorney; The Idaho Attorney General’s six criterion established to determine the potential for property taking.

##### ***GOALS AND POLICY – Economic Development***

***Goal 1: Promote and support a diverse and sustainable economy that will allow more Kuna residents to work in their community.***

Policy 1.3: The City will develop a policy to provide incentives and/or assistance in order to competitively attract firms.

##### ***GOALS AND POLICY – Land Use***

***Goal 2: Encourage a balance of land uses to ensure that Kuna remains a desirable, stable, and self-sufficient community.***

Objective 2.2: Plan for areas designed to accommodate a diverse range of businesses and commercial activity – within both the community-scale and neighborhood-scale centers – to strengthen the local economy and to provide more opportunities for social interaction.

Policy 2.3: Retail and residential land uses should be appropriately mixed and balanced with professional offices and service facilities to provide residents with a broader mix of services within walking distance from their homes.

**I. Findings of Fact:**

1. This request appears to be consistent and in compliance with all Kuna City Code (KCC).
2. The use appears to meet the general objectives of Kuna's Comprehensive Plan.
3. The site is physically suitable for a subdivision.
4. The annexation and subdivision uses are not likely to cause substantial environmental damage or avoidable injury to wildlife or their habitat.
5. The annexation application is not likely to cause adverse public health problems.
6. The application appears to avoid detriment to the present and potential surrounding uses; to the health, safety, and general welfare of the public taking into account the physical features of the site, public facilities and existing adjacent uses.
7. The existing and proposed street and utility services in proximity to the site are suitable and adequate for residential purposes.
8. The Kuna Planning and Zoning Commission accepts the facts as outlined in the staff report, any public testimony and the supporting evidence list as presented.
9. Based on the evidence contained in Case No.s 14-05-AN, 14-04-DA, 14-03-Sub and 14-06-DRC, this proposal appears to comply with the Comprehensive Plan and the Kuna Comprehensive Future Land Use Map (FLU).
10. The Planning and Zoning Commission has the authority to recommend approval or denial for these applications.
11. The public notice requirements were met and the public hearing was conducted within the guidelines of applicable Idaho Code and City Ordinances.

**J. Conclusions of Law:**

1. Based on the evidence contained in Case No. 15-01-AN, the Kuna Planning and Zoning Commission finds Case No. 15-01-AN, comply with Kuna City Code.
2. Based on the evidence contained in Case No. 15-01-AN, the Kuna Planning and Zoning Commission finds Case No. 15-01-AN, is consistent with Kuna's Comprehensive Plan.
3. The public notice requirements have been met and the neighborhood meeting was conducted within the guidelines of applicable Idaho Code and City Ordinances.

**K. Decision by the Commission:**

**15-01-AN, Note:** *This proposed motion is to recommend approval, conditional approval, or denial for this request to City Council. If the Commission wishes to approve or deny specific parts of the requests as detailed in this report, those changes must be specified.*

On July 28, 2015, the Commission voted 4-0 to *recommend approval* for Case No. 15-01-AN, based on the facts outlined in staff's report and the public testimony at the public hearing. The Planning and Zoning Commission of Kuna, Idaho, hereby recommends *approval* of Case No. 15-01-AN, a request for annexation into the City of Kuna by Steve Arnold (A-Team Consulting) and Terry Cook (Falcon Crest Golf Course) *with* the following conditions of approval when appropriate in the future as development occurs:

- Follow all staff and appropriate Government Agency comments,
  - Applicant shall work with Idaho Department of Lands until the access easement for the Idaho Department of Lands property is finalized.
1. The applicant and/or owner 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:

- a. The City Engineer shall approve the sewer hook-ups.
  - b. The City Engineer shall approve the drainage and grading plans. 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". No construction, grading, filling, clearing or excavation of any kind shall be initiated until the applicant has received approval of the drainage plan.
  - c. The Kuna Fire District shall approve fire flow requirements and/or building plans. Installation of fire protection facilities as required by Kuna Fire District is required.
  - d. The *Boise Project and Board of Control* shall approval any modifications to the existing irrigation system.
  - e. Approval from Ada County Highway District shall be obtained and Impact Fees must be paid prior to issuance of any building permit.
2. All public rights-of-way shall be dedicated and constructed to standards of the City, Ada County Highway District, and Idaho Transportation Department. No public street construction may be commenced without the approval and permit from Ada County Highway District and/or Idaho Transportation Department.
    - 2.1- With future development and as necessary, dedicate right-of-way in sufficient amounts to follow Kuna City and ACHD standards and widths.
  3. 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-W**.
  4. 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.
  5. Future street lighting shall be LED lights and meet the approval of the City.
  6. Future parking shall comply with Kuna City Code, unless specifically approved otherwise.
  7. Future fencing within and around the site shall comply with Kuna City Code unless specifically approved otherwise).
  8. Future signage within the site shall comply with Kuna City Code (A sign permit is required prior to sign construction).
  9. At time of development, 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 within public rights-of-way shall be with approval from the public entities owning the property.
  10. Prior to requesting final plat approval in the future, submit a petition to the City (if necessary and confirmed with the City engineer) consenting to the pooling of irrigation surface water rights for delivery purposes and requesting to annex the irrigation surface water rights appurtenant to the property to the Kuna Municipal Pressure Irrigation system of the City (KMID).
  11. The land owner/applicant/developer, and any future assigns having an interest in the subject property, shall fully comply with all conditions of development as approved by the Commission, or seek amending them through public hearing processes.
  12. Applicant shall follow all staff, city engineer and other agency recommended requirements as applicable.
  13. Applicant shall comply with all local, state and federal laws.

**DATED:** This \_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Lee Young, Chairman  
Kuna Planning and Zoning Commission

ATTEST: \_\_\_\_\_

Troy Behunin, Senior Planner  
Kuna Planning and Zoning Department