

**ORDINANCE NO. 2020-34  
CITY OF KUNA, IDAHO**

**CHALLENGER DEVELOPMENT INC.  
MUNICIPAL REZONE**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KUNA:**

- **MAKING CERTAIN FINDINGS; AND**
- **REZONING CERTAIN REAL PROPERTY, TO WIT: ADA COUNTY PARCEL NOS. R5445760020, R5445760040, R5445760060, R5445760080, R5445760100, R5445760120, R5445760140, R5445760160, R5445760180, R5445760200, R5445760220, R5445760240, R5445760260, R5445760280, R5445760300, R5445760320, R5445760340, R5445760360, R5445760380, R5445760400, R5445760420, R5445760440, R5445760460, R5445760480, R5445760500, R5445760520, R5445760540, R5445760560, R5445760580, R5445760600, R5445760620, R5445760640, R5445760680, R5445760700, R5445760720, R5445760740, R5445760760, R5445760780, R5445760800, R5445760820, R5445760840, R5445760860, R5445760880, R5445760900, R5445760920, R5445760940, R5445760960, R5445760980, R5445761000, R5445761020, R5445761040, R5445761060, R5445761080, R5445461100, R5445761120, R5445761140, R5445761160, R5445761180, R5445761200, R5445761220, R5445761240, R5445761260, R5445761280, R5445761280, R5445761300, R5445761320 AND R5445761340 OWNED BY Challenger Development Inc., SITUATED WITHIN THE CORPORATE LIMITS OF THE CITY OF KUNA, ADA COUNTY, IDAHO; AND**
- **AMENDING THE ZONING MAP; AND**
- **DIRECTING THE CITY ENGINEER AND THE CITY CLERK; AND**
- **PROVIDING AN EFFECTIVE DATE.**

**Section 1: The City Council Finds:**

- 1.1 **WHEREAS**, City of Kuna, Idaho is a municipal corporation organized and operating under the laws of the State of Idaho and is authorized under the provisions of 67-6511, Idaho Code, to establish within its jurisdiction one or more zones or zoning districts where appropriate which zoning districts are established in Kuna City Code § 5-2-2; and
- 1.2 **WHEREAS**, CHALLENGER DEVELOPMENT INC. (the “Owner”) is the current owner of the certain real property which has been designated by the Ada County Assessor’s office as Parcel Nos. **R5445760020, R5445760040, R5445760060, R5445760080, R5445760100, R5445760120, R5445760140, R5445760160, R5445760180,**

R5445760200, R5445760220, R5445760240, R5445760260, R5445760280,  
R5445760300, R5445760320, R5445760340, R5445760360, R5445760380,  
R5445760400, R5445760420, R5445760440, R5445760460, R5445760480,  
R5445760500, R5445760520, R5445760540, R5445760560, R5445760580,  
R5445760600, R5445760620, R5445760640, R5445760680, R5445760700,  
R5445760720, R5445760740, R5445760760, R5445760780, R5445760800,  
R5445760820, R5445760840, R5445760860, R5445760880, R5445760900,  
R5445760920, R5445760940, R5445760960, R5445760980, R5445761000,  
R5445761020, R5445761040, R5445761060, R5445761080, R5445761100,  
R5445761120, R5445761140, R5445761160, R5445761180, R5445761200,  
R5445761220, R5445761240, R5445761260, R5445761280, R5445761280,  
R5445761300, R5445761320 AND R5445761340 and which is more particularly  
described in “Exhibit A” – Legal Description and “Exhibit B” – Location Map, attached to  
this Ordinance and incorporated herein by reference (the “Subject Real Property”) and has  
requested that the Subject Real Property be rezoned from the City’s **A – AGRICULTURE  
ZONING DISTRICT TO R-4 – MEDIUM DENSITY RESIDENTIAL** (the  
“**Rezone**”); and

- 1.3 **WHEREAS**, the original owner of the Subject Real Property, which was one parcel of 34.48 acres more or less, Idaho Livestock Company, LLC together with Ted Mason of Signature Homes filed an application for the rezone of the Subject Real Property from an Agricultural Zone to a R-4 Residential Zone which was processed as Case No. 07-09-ZC (Rezone), a Preliminary Plat which was processed as Case No. 07-13-S and a Development Agreement which was processed as Case No. 07-11-DA; ( the “ Subject Permit Applications”) and
- 1.4 **WHEREAS**, Planning and Zoning Commission of the City, pursuant to public notice as required by law, held a public hearing regarding the Subject Permit Applications on August 14, 2007 as required by Section 67-6525, Idaho Code, made findings of fact, conclusions of law and recommendations to the City Council (approved by the Commission on August 28, 2007) where it was recommended to the Mayor and Council that the rezoning for the lands described in Exhibit A from Agriculture (A) to Medium Density Residential (R-4) be approved together with the approval of the preliminary plat, subject to conditions, and a development agreement; and
- 1.5 **WHEREAS**, the Kuna City Council, pursuant to public notice as required by law, held a public hearing regarding the Subject Permit Applications on September 18, 2007, as required by Section 67-6525, Idaho Code, and in accordance with the provisions of Kuna City Code Section 5-1A-7 made Findings of Fact, Conclusions of Law and Decision approving the Subject Permit Applications (October 2, 2007) ( the “Council Decision”) and determined that the requested rezone should be granted with a zoning classification R-4 (Medium Density Residential); and

- 1.6 **WHEREAS**, the approved Development Agreement was recorded in the Ada County Recorder's office on November 5, 2007 as instrument no. 107150317; and
- 1.7 **WHEREAS**, due to the economic circumstances that followed the Council Decision, there was delay in completing the conditions of the approved Preliminary Plat and the Development Agreement; and
- 1.8 **WHEREAS**, On September 23, 2019 the City of Kuna Planning and Zoning Director, pursuant to the Director's authority under Kuna City Code § 6-2-3 J.9 , upon the application of the Conger Management Group, Inc. as agent for the Owner, issued an Order of Decision Reinstatement of Preliminary Plat Case No. 07-13-S; and
- 1.9 **WHEREAS**, the Owner complied with the conditions of the approved Preliminary Plat as reinstated and resultantly the City Council approved the Final Plat of the Subject Real Property as Malaspina Ranch Subdivision No. 1, which is recorded in Book 119 pf Plats at Page 18420-18423, records of Ada County, Idaho; and
- 1.10 **WHEREAS**, the Council Decision still stands and has not been modified or repealed; and
- 1.11 **WHEREAS**, the provisions of Kuna City Code § 5-2-2, which is currently designated as Medium Density Residential District (R-4), are still residential with the same density as it was at the time the City Council issued the Council Decision; and
- 1.12 **WHEREAS**, the Owner is complying with the Development Agreement and has requested that the City Council approve this Ordinance rezoning the Subject Real Property as was authorized by the Council Decision; and
- 1.13 **WHEREAS**, based upon the above stated findings there is good cause and it is necessary that the City Council adopt this Ordinance, as required by Section 67-6511 (2) Idaho Code and Kuna City Code § 5-1A-7 G, to complete the process of implementing the decision of the Kuna City Council to Rezone the Subject Real Property.

**Section 2:** Action:

- 2.1 The Subject Real Property is rezoned from **A – AGRICULTURE TO R-4 – MEDIUM DENSITY RESIDENTIAL (the “Rezone”)**;
- 2.2 The Zoning Map of the City of Kuna is hereby amended to comply with this Rezone.

**Section 3:** Directing the City Engineer and City Clerk:

- 3.1 The City Engineer is directed to change the zoning district depictions of the Subject Real Property on the Zoning Map of the City in accordance with this Rezone Ordinance; and
- 3.2 The City Clerk is directed to file, this Ordinance in the official records of the City and to provide a conformed copy to the City Engineer, Planning and Zoning Director and Owner.

**Section 4: Effective Date**

- 4.1 This Ordinance shall take effect and be in force from and after its passage, approval, and publication as required by law and at the discretion of the City Clerk and In lieu of publication of the entire Ordinance, a summary thereof in compliance with Section 50-901A, Idaho Code, may be published.

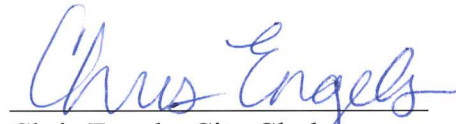
DATED this 15<sup>th</sup> day of December, 2020.

CITY OF KUNA



Joe Stear, Mayor

ATTEST:

  
Chris Engels, City Clerk

**EXHIBIT A**

ENDURANCE HOLDINGS, LLC  
REZONE TO R-4

Legal Descriptions

Malaspina Ranch Subdivision No. 1

A parcel being a portion of the NW ¼ of Section 14, Township 2 North, Range 1 West, Boise Meridian, City of Kuna, Ada County, Idaho, more particularly describes as follows:

All of lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18 Block 1 of Malaspina Ranch Subdivision No. 1, as same is recorded in Book 119 pf Plats at Page 18420-18423, records of Ada County, Idaho along with;

All of lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 16 Block 2 of Malaspina Ranch Subdivision No. 1, as same is recorded in Book 119 pf Plats at Page 18420-18423, records of Ada County, Idaho along with;

All of lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13 Block 3 of Malaspina Ranch Subdivision No. 1, as same is recorded in Book 119 pf Plats at Page 18420-18423, records of Ada County, Idaho along with;

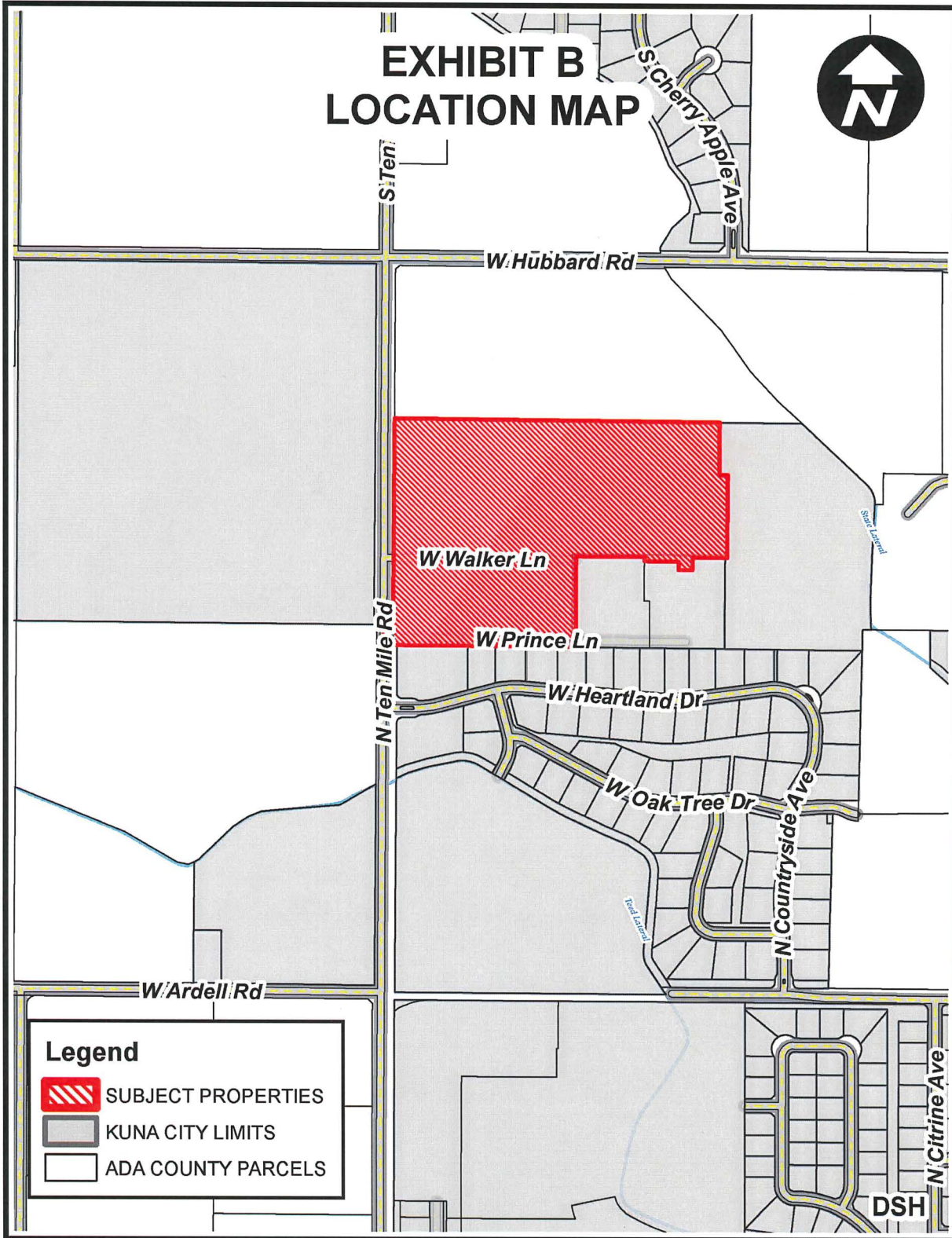
All of lots, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13 Block 4 of Malaspina Ranch Subdivision No. 1, as same is recorded in Book 119 pf Plats at Page 18420-18423, records of Ada County, Idaho along with;

All of lots, 1, 2, 3, 4, and 5 Block 5 of Malaspina Ranch Subdivision No. 1, as same is recorded in Book 119 pf Plats at Page 18420-18423, records of Ada County, Idaho along with;




All of lots, 1 and 2 Block 6 of Malaspina Ranch Subdivision No. 1, as same is recorded in Book 119 pf Plats at Page 18420-18423, records of Ada County, Idaho.

Said parcels containing 20.64 acres, more or less.

# EXHIBIT B LOCATION MAP



## Legend

-  SUBJECT PROPERTIES
-  KUNA CITY LIMITS
-  ADA COUNTY PARCELS