

**CITY COUNCIL SPECIAL MEETING AGENDA**

City Hall - 10769 W State Street, Star, Idaho  
Tuesday, January 11, 2022 at 6:30 PM

**PUBLIC NOTICE: THIS MEETING IS RECORDED AND PLACED IN AN ONLINE FORMAT. PERSONS MAY EITHER VIEW OR LISTEN TO VIDEO / AUDIO OF THIS MEETING UNTIL SUCH TIME THE RECORDING IS DESTROYED UNDER THE CITY'S RETENTION POLICY.**

1. **INVOCATION** – Brian Howard – The Cause Church
2. **ROLL CALL**
3. **CALL TO ORDER** – Welcome/Pledge of Allegiance
4. **CONSENT AGENDA (ACTION ITEM)** *\*All matters listed within the Consent Agenda have been distributed to each member of the Star City Council for reading and study, they are considered to be routine and will be enacted by one motion of the Consent Agenda or placed on the Regular Agenda by request.*

A. Final Plats: **Greiner Hope Springs Phase 4 (FP-21-30)**

5. **PUBLIC HEARINGS with ACTION ITEMS:**

A. **PUBLIC HEARING on the Inspirado Subdivision Annexation:** The City Council of the City of Star will hear comments from the public concerning the proposed Annexation. The Applicant is seeking approval of an Annexation and Zoning (R-3-PUD-DA/C-1-DA/MU-DA), a Development Agreement, a Planned Unit Development, and a Preliminary Plat for a proposed mixed-use development and subdivision consisting of 195 single family residential lots, 2 high density residential lots, 1 commercial lot, 5 mixed use lots and 24 common lots. The property is located on the northeast corner of N. Star Road and W. Chinden Blvd in Star, Idaho. Oral testimony may be offered at the hearing. Written testimony may be submitted up to the time of or at the hearing.

B. **PUBLIC HEARING on the Oaklawn Crossing Subdivision Annexation:** The City Council of the City of Star will hear comments from the public concerning the proposed Annexation. The Applicant is seeking approval of an Annexation and Zoning (R-4), a Development Agreement, and Preliminary Plat for a proposed residential subdivision consisting of 65 residential lots, 1 commercial lot and 5 common lots. The property is located at 8005 W. Joplin Road in Star, Idaho, and consists of 25.87 acres with a proposed density of 3.09 dwelling units per acre. Oral testimony may be offered at the hearing. Written testimony may be submitted up to the time of or at the hearing.

C. **PUBLIC HEARING on the Starpointe Subdivision Annexation:** The City Council of the City of Star will hear comments from the public concerning the proposed Annexation. The Applicant is seeking approval of an Annexation and Zoning (R-3-DA), a Development Agreement, and Preliminary Plat for a proposed residential subdivision consisting of 71 residential lots and 13 common lots. The property is located at 6825 N. Star Rd, 8405 W. Joplin Rd and 8755 W. Joplin Rd in Star, Idaho, and consists of 29.24 acres with a proposed density of 2.43 dwelling units per acre. Oral testimony may be offered at the hearing. Written testimony may be submitted up to the time of or at the hearing.

D. **PUBLIC HEARING on the Star River Meadows Annexation:** The City Council of the City of Star will hear comments from the public concerning the proposed Annexation. The Applicant is seeking approval of an Annexation and Zoning (R-3) for the annexation of the existing Star River Meadows Subdivision into the City of Star. The annexation of the subdivision includes a total of 13 existing residential lots and associated common lots. The properties included in this annexation are located on River Ranch Lane in Star, Canyon County, Idaho, and consists of approximately 4.8 acres. Oral testimony may be offered at the hearing. Written testimony may be submitted up to the time of or at the hearing.

E. **PUBLIC HEARING on the Unified Development Code Updates & Additions:** The City Council of the City of Star will hear comments from the public concerning the proposed Amendments to the Unified Development Code, Updating Title 8, Chapter 1 through Chapter 8: Updates to include Administrative and Regulatory Processes, Application Criteria, Implementation, Purposes, Definitions, Applicability, Zoning District Standards and Regulations, Specific Use Standards, Subdivision Regulations, Planned Unit Developments, Design and Development Standards for Signs, Bicycle Parking, Landscape and Buffer Area Standards, Lighting and Street Light Standards, Sidewalk Standards Update; and Establishment of Design Review and Development Standards of a Horizontal Apartment / Build to Rent Ordinance; Establishment of City Impact Ordinance. Oral testimony may be offered at the hearing. Written testimony may be submitted up to the time of or at the hearing.  
**(PREVIOUSLY CONTINUED FROM DECEMBER 21, 2021)**

6. **ADJOURNMENT**

*Any person needing special accommodation to participate in the above noticed meeting should contact the City Clerk's Office at 208-286-7247, at least 24 hours in advance of the meeting date.*



CITY OF STAR, IDAHO  
**CITY COUNCIL SPECIAL MEETING AGENDA**

City Hall - 10769 W State Street, Star, Idaho  
Tuesday, January 11, 2022 at 6:30 PM

The meeting may be viewed via a link posted to the City of Star website at [staridaho.org](http://staridaho.org). Information on how to participate in a public hearing remotely will be posted to [staridaho.org](http://staridaho.org) under the meeting information. The public is always welcomed to submit comments in writing.

**Land Use Public Hearing Process**

Public signs up to speak at the public hearing

Mayor Opens the Public Hearing (Time noted in minutes)

Mayor asks council if there is any Ex Parte Contact

Applicant has up to **20 minutes** to present their project

Council can ask the applicant questions and staff questions

Public Testimony (**3 minutes per person**)

1. Those for the project speak
2. Those against the project speak
3. Those who are neither for or against but wish to speak to the project
4. Council may ask the individual speaking follow-up questions that does not count towards their 3 minutes

Applicant rebuttal (**10 minutes**)

Council can ask the applicant and staff questions

Mayor closes the public hearing (Time noted in minutes)

Council deliberates

Motion is made to approve, approve with conditions, deny or table the application to a date certain in the future.

Thank you for coming to the Star City Council meeting, public involvement is fantastic and helps in shaping our city for the future. As this is a public hearing, there will be no cheering, clapping, jeering or speaking out during the hearing. Only the person at the podium has the floor to speak during their allotted time. If someone does speak out, cheer, claps, etc. they will be asked to leave the hearing and or escorted out of the hearing. We want to keep these hearings civil so everyone can be heard.

Thank you for your participation.

Mayor Trevor Chadwick

**FUTURE PUBLIC HEARINGS – FOR INFORMATIONAL PURPOSES ONLY MAY BE FOUND ON OUR WEBSITE AT [WWW.STARIDAHO.ORG](http://WWW.STARIDAHO.ORG)**



HISTORY

- On April 18, 2006, the City Council approved an annexation and zoning (AZ-06-06) for parcel no. R7626790405 containing 11.17-acres with a zoning designation of R-3.
- On August 20, 2019, the City Council approved annexation and zoning, development agreement and preliminary plat for Greiner’s Hope Springs Subdivision (AZ-19-05/DA-19-06/PP-19-03).
- On June 2, 2020, the Council approved the Final Plat for Phase 1 of Greiner’s New Hope Subdivision with 38 residential lots and 8 common lots on 11.41 acres.
- On October 6, 2020, the Council approved the Final Plat for Phase 2 of Greiner’s New Hope Subdivision with 44 residential lots and 3 common lots on 9.79 acres. (FP-20-16)
- On July 6, 2021, the Council approved the Final Plat for Phase 3 of Greiner’s New Hope Subdivision with 37 residential lot and 6 common lots on 10.27 acres. (FP-21-14)

GENERAL DISCUSSION

The Applicant is requesting approval of the Final Plat for Phase 4 of Greiner’s Hope Springs Subdivision consisting of 38 residential lots and 6 common lots.

The approved Preliminary Plat consists of 252 single family residential lots and 18 common lots. There are two existing dwellings that will remain and be platted as individual lots. The residential lots range in size from 5,000 square feet to 29,345 square feet (existing dwelling lot), with an average lots size of 6,885 square feet. The applicant has indicated that the development will contain a total of 11.62 acres (18.5%) open space. Although the application was submitted prior to the adoption of Ordinance 290 requiring a minimum of 15% open space, 10% usable, the applicant has provided 13.5% (8.49 acres) more open space than the required 5% in the Code that was relevant at the time of submittal of the application. Staff has interpreted and calculated the total usable open space provided as 7.4 acres, or 11.8% usable. This amount excludes drainage areas\*, although the drainage areas are designed as grassed areas with minimal slope. Staff calculations do include the planting strips along the roadways for the proposed detached sidewalks. \*Adding the drainage areas would increase the usable open space to 8.97 acres (14.3%).

The Unified Development Code in affect at the time of approval required one site amenity for each 20-acres of development area (total of 3 amenities required). Proposed amenities within the development include the following:

- Quality of Life Amenities – Proposed pathway system, seasonal stream and ponds with waterfalls, benches, community gardens, hanging flower baskets
- Clubhouse for gatherings and private events and with Parking Lot
- Additional Open Space in excess of 5% (as required by Code in affect at time of submittal)

- Detached 5’ sidewalks with 8’ landscape strips
- Usable landscaped storm water detention areas

Irrigation to the property will be provided by the Middleton Mill Irrigation District. The applicant has been working with the district.

The ingress/egress will be taken from W. New Hope Road. The design shows several future street connections to adjacent properties, including connection to the currently developing Sailing Hawks and Fallbrook Subdivisions.

The development received Specific Setbacks as Requested:

**Greiner Hope Springs**

**Front Setbacks - 15’ for living area, 26’ to garage door (measured from property line)**  
**Interior Side Setback – 5 feet (for one and two story)**  
**Street Side Setback – 15 feet for dwelling**  
**26 feet for garage**

Locations for decorative streetlights are reflected on the submitted lighting plan. Streetlight design has also been submitted and meets the intent of the City’s “Dark sky lighting” standards.

If a pump house is proposed, a location needs to be called out on the site plans and identified in the “Notes”.

Fencing is being proposed to be solid cedar or vinyl fencing along the boundary and within the subdivision with potential open fencing proposed between the residential lots and the central open space/common lots containing the streams. Any fencing shall reflect the Clear Vision Triangle regulations.

All internal roads are proposed as public streets and shall be 36’ from back of curb to back of curb.

The Applicant received a waiver from Council for exceeding the 750’ block lengths for two blocks within this subdivision. The blocks that would be affected would be Block 1 and Block 7.

The applicant indicated that the subdivision would develop in four to five phases. The applicant has requested flexibility in phasing in order to adjust the number of lots and combination of lots to reflect changing market conditions.

Landscaping as required by the Unified Development Code, Street Trees; the minimum density of one (1) tree per thirty-five (35) linear feet is required. The landscaping plan does meet this requirement as submitted. (Please see “Treasure Valley Tree Selection Guide”, as adopted by the Unified Development Code.)

The submitted final plat meets the conditions of approval for the approved preliminary plat application.

**Staff analysis of Final Plat Submittal:**

Lot Layout – The gross density of Phase 4 phase is 3.84 du/acre, with lots ranging in size consistent with the approved preliminary plat. Phase 4 contains 38 residential lots. The total lots between phases 1 and 4 is 157. **That leaves 95 residential lots for future phases.**

Setbacks – The development was approved with special setbacks.

**Front Setbacks - 15’ for living area, 26’ to garage door (measured from property line)**

**Interior Side Setback – 5 feet (for one and two story)**

**Street Side Setback – 15 feet for dwelling  
26 feet for garage**

Common/Open Space and Amenities – Amenities have been installed in previous phases of the development. The sidewalks will be detached with a landscape strip. The submitted landscape plan meets the standards of the current zoning ordinance, including street trees. The applicant shall use “Tree Selection Guide for Streets and Landscapes throughout Idaho”, as adopted by the Unified Development Code.

Streetlights – Streetlight plan/design specifications have been submitted with the final plat application. The streetlight design meets the dark sky standards consistent with the intent of the city. Streetlights shall be consistent throughout the remaining phases of the subdivision.

Mailbox Cluster – Location has been approved for previous phases and will be the same location for all phases. Letter of approval was included in the application packet.

Street Names - Applicant has provided documentation from Ada County that the proposed street names have been approved. Correct street names are reflected on the final plat.

Landscape – Landscaping as required by the Unified Development Code, Street Trees; the minimum density of one (1) tree per thirty-five (35) linear feet is required. The landscaping plan, as submitted appears to satisfy this requirement. Common Area landscape requirements call for one deciduous shade tree per 4,000 square feet. The plan as submitted meets these requirements.

Sidewalks - Sidewalks are proposed at five-foot (5') widths and will be detached throughout the overall subdivision with 8-foot landscape strips.

SITE SPECIFIC DISCUSSION

In review of the application, staff finds that per the Unified Development Code, the Greiner’s Hope Springs Subdivision Final Plat, Phase 4, is in substantial compliance.

Applicant shall continue to advise all contractors of the City preferred transportation routes to and from the subdivision. This includes a route that avoids New Hope Road from the east as a primary travel pattern.

The Unified Development Code states that the final plat shall be in substantial compliance with the approved or conditionally approved preliminary plat, notwithstanding the following changes:

- 1- The number of buildable lots is the same or fewer;
- 2- The amount of common open space is increased;
- 3- The amount of open space is relocated with no reduction in the total amount;
- 4- The number of open space lots has been increased; or
- 5- The transportation authority has required minor changes.

AGENCY NOTIFICATIONS

Notification of this application was sent to agencies having jurisdiction on December 16, 2021. The following agencies responded:

June 24, 2021	Keller and Associates	Checklist
August 4, 2021	Central District Health	Approval Letter

FINDINGS

The Council may **approve**, **conditionally approve**, **deny** or **table** this request. In order to approve this Final Plat, the Unified Development Code requires that Council must find the following:

- A. The Plat is in conformance with the Comprehensive Plan.  
*Staff finds that this subdivision upon Preliminary Plat approval was in conformance with the Comprehensive Plan; no changes have been made to change this status.*
- B. Public services are available or can be made available and are adequate to accommodate the proposed development.  
*Staff finds that all public services are available and able to accommodate this development.*
- C. There is public financial capability of supporting services for the proposed development.  
*Staff has not received information from agencies having jurisdiction reflecting any financial*

*hardships that would prevent services from being provided.*

- D. The development will not be detrimental to the public health, safety or general welfare; and,  
*Staff has not received facts to support that this subdivision phase will be detrimental to the public health, safety or general welfare.*
- E. The development preserves significant natural, scenic or historic features.  
*Staff finds that existing conditions have not changed from the approved Preliminary Plat of this subdivision.*

#### CONDITIONS OF APPROVAL

1. Applicant/Owner/Developer shall comply with all statutory requirements of all applicable agencies and Districts having jurisdiction in the City of Star, including the City Engineer.
2. The Final Plat shall comply with all received comments from the City Engineer prior to signature of the plat by the City.
3. The property shall be satisfactorily weed abated at all times, including future phases, preventing a public nuisance, per Star City Code Chapter 3, Section 3-1-1 through 3-1-7.
4. Mylar's/final plats must include the statement supporting the "Right to Farm Act" as per Idaho Code Title 22, Chapter 45.
5. Development standards for single family residential units shall comply with effective building and zoning requirements at time of building permit issuance, unless otherwise approved.
6. The Mylar of this final plat shall be signed by the owner, Surveyor, Central District Health, ACHD and City Engineer, prior to being delivered to the City of Star for City Clerk's signature.
7. All common area lots shall be owned and maintained by the Homeowner's Association.
8. Streetlights shall be continuous throughout the subdivision and shall be maintained by the Home-Owners Association. Streetlights shall be installed prior to any building occupancy.
9. The Applicant/Owner shall comply with the City of Star Unified Development Code regarding landscaping, both internal buffers and frontages (See Section 8-4 B Landscaping Requirements).
10. The applicant shall provide the City with a written Certificate of Completion that all landscaping and amenities have been installed in substantial compliance with the City approved landscape plan. The certification shall be prepared by the licensed landscape architect responsible for the landscape plan. **This certification shall be submitted prior to issuance of first certificate of occupancy for this phase.**
11. A letter from the US Postal Service shall be given to the City prior to final Mylar signature stating the subdivision is in compliance with the Postal Service.
12. A form signed by the Star Sewer & Water District shall be submitted to the City prior to final mylar signature stating that all conditions have been met.
13. A sign application shall be submitted to the City for any internal or subdivision signs.
14. The applicant shall maintain, during all construction (including home construction), the installed construction sign, located at all construction entrances, indicating the



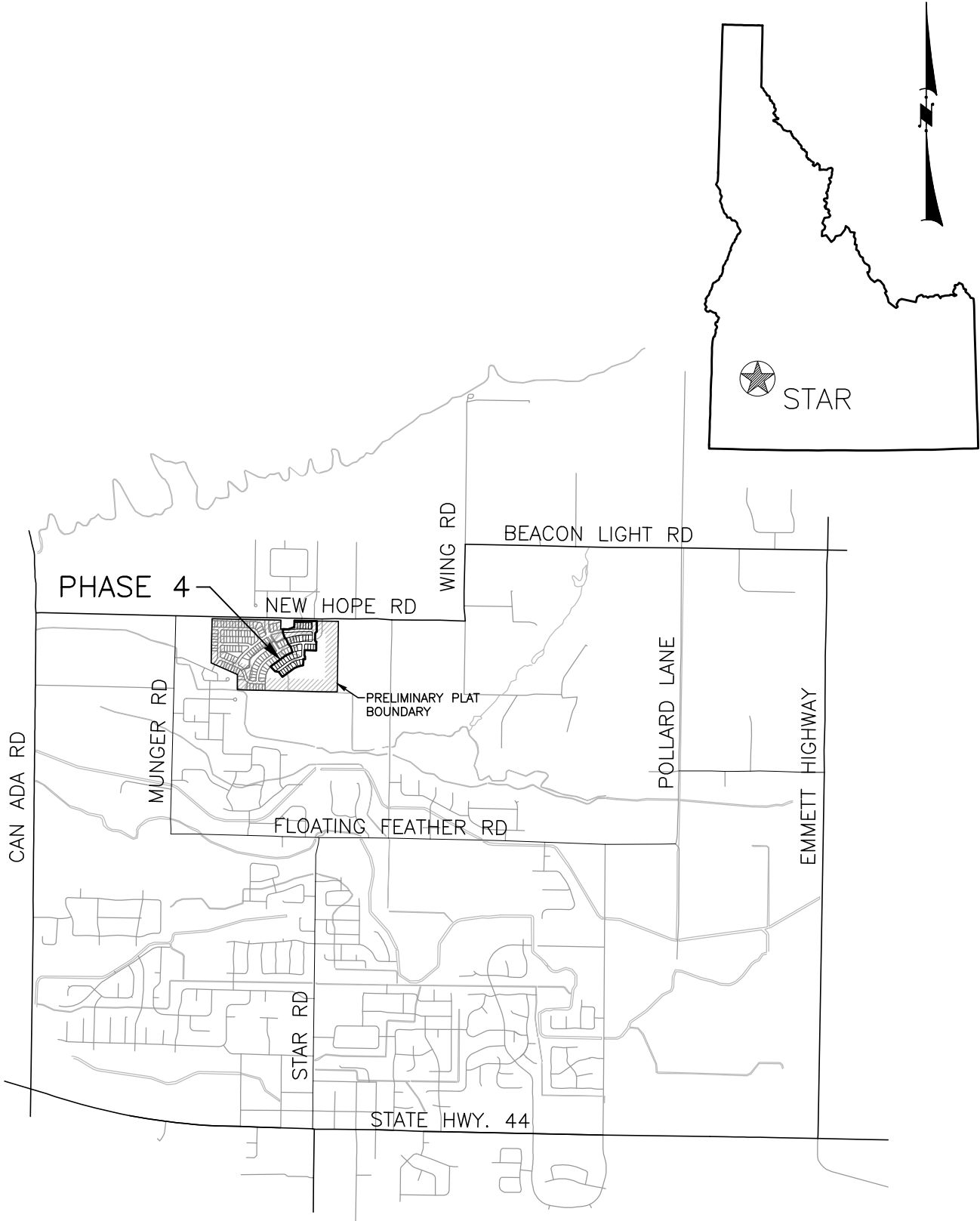
rules for all contractors that will be working on the property starting at grading and running through home sales that addresses items including but not limited to dust, music, dogs, starting/stopping hours for contractors (7a.m. start time).

- 15. Applicant shall provide the City with one (1) full size copy, one (1) 11"x17" copy and an electronic pdf copy of the as-built irrigation plans, **prior to any building permits being issued.**
- 16. Applicant shall provide the City with two (2) full size copies, one (1) 11"x17" copy and an electronic pdf copy of the **signed recorded final plat** with all signatures, **prior to any building permits being issued.**
- 17. Applicant shall provide the City with one (1) copy and an electronic pdf copy of the recorded CC&R's, **prior to any building permits being issued.**
- 18. Applicant shall provide the City with one (1) full size copy and an electronic pdf copy of the final, approved construction drawings, **prior to any building permits being issued.**

COUNCIL DECISION

The Star City Council \_\_\_\_\_ File #FP-21-30 Greiner's Hope Springs Subdivision, Final Plat-Phase 4 on \_\_\_\_\_, 2022.

VICINITY MAP  
GREINERS HOPE SPRINGS SUBDIVISION No. 4



PREPARED BY  
CIVIL SURVEY CONSULTANTS, INC  
2893 S. MERIDIAN ROAD  
MERIDIAN, ID 83642  
(208)888-4312

SCALE: 1"=1/2 MIL



City  
P.O. Box 130  
Star, Idaho 83669  
P: 208-286-7247

## FINAL PLAT APPLICATION

\*\*\*All information must be filled out to be processed.

FILE NO.: \_\_\_\_\_  
Date Application Received: \_\_\_\_\_ Fee Paid: \_\_\_\_\_  
Processed by: City: \_\_\_\_\_

### Applicant Information:

PRIMARY CONTACT IS: Applicant \_\_\_\_\_ Owner ☒ Representative \_\_\_\_\_

Applicant Name: GREEN VILLAGE 2 DEVELOPMENT INC  
Applicant Address: 372 S. Eagle Rd Ste 328 Eagle Zip: 83616  
Phone: 208-377-4104 Email: eye.skylineid.com

Owner Name: \_\_\_\_\_  
Owner Address: same Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Representative (e.g., architect, engineer, developer):  
Contact: TUCKER JOHNSON Firm Name: Green Village  
Address: same Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ Email: \_\_\_\_\_

### Property Information:

Subdivision Name: GREENDERS HARBOR SPRINGS No. 4 Phase: 4

Parcel Number(s): R7626800034

Approved Zoning: R4DA Units per acre: 3.84 this phase

Total acreage of phase: 9.886 Total number of lots: 44

Residential: 38 Commercial: 0 Industrial: 0

Common lots: 6 Total acreage of common lots: 1.54 Percentage: 15.6% in this phase

Percent of common space to be used for drainage: 0\* Acres: \_\_\_\_\_

Special Flood Hazard Area: total acreage 0 number of homes 0

Changes from approved preliminary plat pertaining to this phase:

	Preliminary Plat	Final Plat
Number of Residential Lots:	_____	_____
Number of Common Lots:	<u>6</u>	<u>6</u>
Number of Commercial Lots:	<u>0</u>	<u>0</u>
Roads:	<u>5</u>	<u>5 same alignments</u>

\*all drainage is subsurface

Amenities: stream park

**Flood Zone Data: (This Info Must Be Filled Out Completely Prior to Acceptance):**

Subdivision Name: GROWNDERS HOPE SPRINGS Phase: 4

Special Flood Hazard Area: total acreage 0 number of homes 0

- a. A note must be provided on the final plat documenting the current flood zone in which the property or properties are located. The boundary line must be drawn on the plat in situations where two or more flood zones intersect over the property or properties being surveyed.
- b. FEMA FIRM panel(s): #160xxxxxxC, 160xxxxxxE, etc.: N/A  
 FIRM effective date(s): mm/dd/year \_\_\_\_\_  
 Flood Zone(s): Zone X, Zone A, Zone AE, Zone AH, etc.: \_\_\_\_\_  
 Base Flood Elevation(s): AE \_\_\_\_ .0 ft., etc.: \_\_\_\_\_
- c. Flood Zones are subject to change by FEMA and all land within a floodplain is regulated by Chapter 10 of the Star City Code.

**Application Requirements:**

(Applications are required to contain one copy of the following unless otherwise noted.)


Applicant (v)	Description	Staff (v)
1 ✓	Completed and signed copy of Final Plat Application	
2 ✓	Fee: Please contact the City for current fee. Fees may be paid in person with check or electronically with credit card. Please call City for electronic payment. Additional service fee will apply to all electronic payments. <u>91,242</u>	
3 ✓	Electronic copy of letter of intent and statement of compliance (or substantial compliance) with the approved Preliminary Plat and Conditions of Approval. The letter of intent shall include the following: <ul style="list-style-type: none"> <li>Gross density of the phase of the Final Plat submitted</li> <li>Lot range and average lot size of phase</li> <li>Description of approved open space being provided in the submitted phase including percentage of overall open space, number and type of approved amenities</li> <li>List any specific approved building setbacks previously approved by Council.</li> </ul>	
4 ✓	Electronic copy of legal description of the property (word.doc and pdf version with engineer's seal and closure sheet)	
5 ✓	Electronic copy of current recorded warranty deed for the subject property	
6 N/A	If the signature on this application is not the owner of the property, an <b>original</b> notarized statement (affidavit of legal interest) from the owner stating the applicant and/or representative is authorized to submit this application.	
7 ✓	Electronic copy of subdivision name approval from Ada County Surveyor's office.	
8 ✓	Copy of the "final" street name evaluation/approval or proof of submittal request from Ada County Street Naming	
9 ✓	Electronic copy of vicinity map showing the location of the subject property	
10 ✓	One (1) 24" X 36" paper copy of the Final Plat & Electronic Copy**	
11 ✓	One (1) 11" X 17" paper copy of the Final Plat	
12 ✓	Electronic copy of the Final landscape plan**	



13	✓	One (1) 11" X 17" copy of the Final landscape plan	
14	✓	Electronic copy of site grading & drainage plans**	
15	✓	Electronic copy of originally approved Preliminary Plat**	
16	✓	Electronic copy of a Plat with all phases marked with changes, if applicable**	
17	✓	Electronic copy of final engineering construction drawings, stamped and signed by a registered engineer**	
18	N/A	Storm drainage calculations must be submitted for <u>private</u> streets/drives and parking areas within subdivisions**	
19	✓	Electronic copy of streetlight <b>design</b> and <b>location</b> information	
20	N/A	Special Flood Information – Must be included on Preliminary/Final Plat and Application form.	
21	✓	Electronic copy of all easement agreements submitted to the irrigation companies	
22	✓	Electronic copy of the proposed Covenants, Conditions, & Restrictions (CC&R's)	
23	✓	One (1) copy of Electronic versions of submitted applications, including signed Final Plat Application, legal description, recorded warranty deed, vicinity map, final plat, landscape plan, site grading & drainage plans, copy of original Preliminary Plat, plat with phases marked, engineering construction drawings, storm drainage calculations, streetlight design and location, and signed irrigation agreements, CC&R's shall be submitted in original pdf format (no scans for preliminary plat, landscape plans or grading and drainage plans) on a thumb drive only (no discs) with the files named with project name and plan type.	
		<b>Upon Recording of Final Plat, the applicant shall submit the following to the Planning Department prior to building permit issuance:</b> <ul style="list-style-type: none"> <li>• One (1) 11" X 17" and (1) 18" X 24" <b>recorded</b> copy of Final Plat</li> <li>• Electronic copy of final, approved construction drawings</li> <li>• Electronic copy of as-built irrigation plans</li> <li>• Electronic copy of recorded CC&amp;R's</li> <li>• Proof of required Construction Sign installation at entrance to development (as conditioned in Preliminary Plat approval) – Picture of installed sign</li> <li>• Electronic copies shall be submitted in pdf format on a thumb drive with the files named with project name and plan type. **Original pdf's are required for all plans – No Scanned PDF's please.</li> </ul>	
		<b>**NOTE:</b> No building permits will be issued until property is annexed into the Star Sewer & Water District and all sewer hookup fees are paid.	

### FEE REQUIREMENT:

*\*\* I have read and understand the above requirements. I further understand fees are due at the time of filing. I understand that there may be other fees associated with this application incurred by the City in obtaining reviews or referrals by architect, engineering, or other professionals necessary to enable the City to expedite this application. I understand that I, as the applicant, am responsible for all payments to the City of Star.*

  
 Applicant/Representative Signature

11/18/21  
 Date



NO.	REVISIONS		DATE	PROJECT NO.
	ITEM	18045/Pilot		
1.	Revisions per City of Star comments	DESIGNED	7/25/19	18045/Pilot
				JRM
				DRAWN
				JRM/KK
				CHECKED
				APPROVED

**CIVIL SURVEY CONSULTANTS, INC.**  
**CONSULTING ENGINEERS AND LAND SURVEYORS**

2893 S. MERIDIAN ROAD  
MERIDIAN, IDAHO 83642  
(208)888-4312  
Fax 888-0323

PRELIMINARY PLAT

GREINERS HOPE SPRINGS SUBDIVISION

LOCATED IN THE SW 1/4 OF THE NW 1/4 OF SECTION 5 AND  
THE S 1/2 OF THE NE 1/4 OF SECTION 6, TOWNSHIP 4 NORTH,  
RANGE 1 WEST, BOISE MERIDIAN, ADA COUNTY, IDAHO

DATE:	8/8/2019
DRAWING:	Preplat-NH
JOB NO:	18048/Preplat

SHEET 2 OF 2

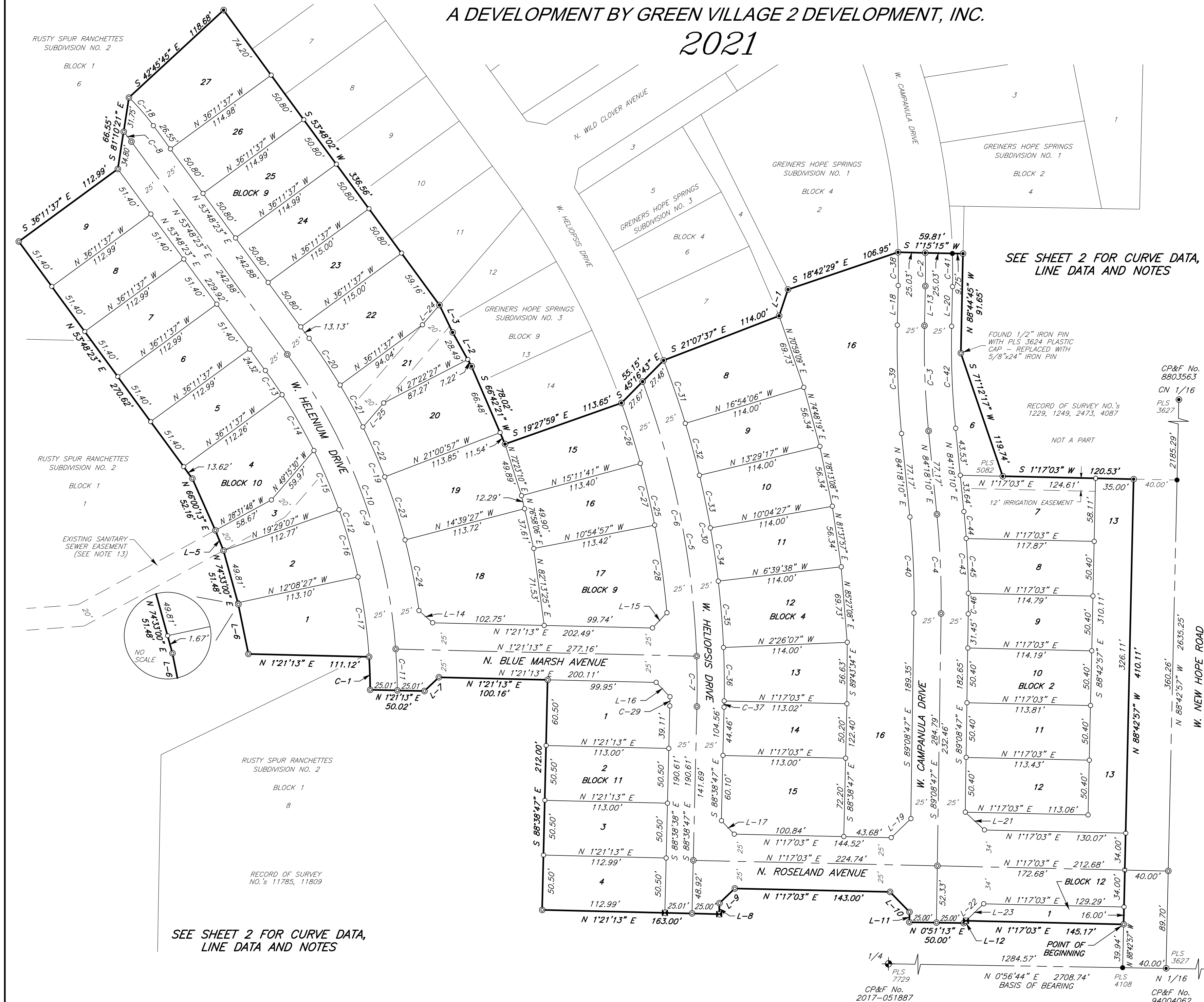


# GREINERS HOPE SPRINGS SUBDIVISION NO. 4

LOCATED IN THE SE 1/4 OF THE NE 1/4 OF SECTION 6, TOWNSHIP 4 NORTH, RANGE 1 WEST, BOISE MERIDIAN, CITY OF STAR, ADA COUNTY, IDAHO, AND BEING A REPLAT OF A PART OF LOTS 5 - 9 OF BLOCK 1 OF RUSTY SPUR RANCHETTES SUBDIVISION NO. 2

A DEVELOPMENT BY GREEN VILLAGE 2 DEVELOPMENT, INC.

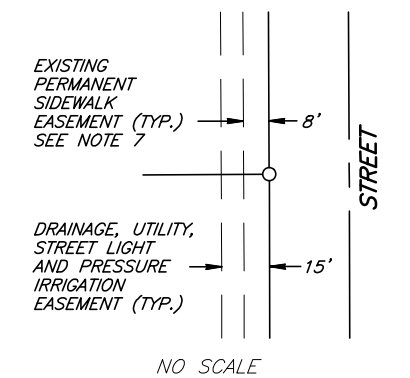
2021



## LEGEND

- SUBDIVISION BOUNDARY
- SET 5/8"x24" IRON PIN WITH PLS 18780 PLASTIC CAP
- SET 1/2"x24" IRON PIN WITH PLS 18780 PLASTIC CAP
- SET 1.2" BRASS MONUMENT WITH PLS 18780 WITH MAGNET
- FOUND ALUMINUM CAP MONUMENT
- FOUND 5/8" IRON PIN WITH PLS 18780 PLASTIC CAP OR AS NOTED
- FOUND 1/2" IRON PIN WITH PLS 18780 PLASTIC CAP OR AS NOTED
- CALCULATED POINT, NOTHING SET
- SECTION LINE
- STREET CENTERLINE
- LOT LINE
- EXISTING LOT LINE
- EASEMENT LINE
- TIE LINE

## STREET EASEMENT DETAIL



CIVIL SURVEY CONSULTANTS, INC.

2893 SOUTH MERIDIAN ROAD  
MERIDIAN, IDAHO 83642  
(208) 888-4312

CP&F No.  
2017-051886

SHEET 1 OF 4

GREINERS HOPE SPRINGS SUBDIVISION NO. 4

LINE DATA		
LINE	BEARING	DISTANCE
L-1	S 71°15'17" E	25.58'
L-2	S 60°51'03" W	35.71'
L-3	S 64°17'24" W	28.01'
L-4	N 53°48'23" E	12.96'
L-5	N 68°20'40" E	20.07'
L-6	N 78°34'04" E	46.52'
L-7	N 43°38'47" W	18.38'
L-8	N 88°41'32" W	10.06'
L-9	N 43°51'58" W	19.59'
L-10	N 45°55'57" E	25.72'
L-11	S 89°08'37" E	9.44'
L-12	N 43°55'50" W	3.01'
L-13	S 88°44'45" E	36.52'
L-14	N 41°48'19" E	16.87'
L-15	S 46°46'57" E	19.30'
L-16	N 46°03'45" E	18.29'
L-17	N 46°10'47" E	17.14'
L-18	S 88°44'45" E	36.52'
L-19	N 44°04'13" W	25.19'
L-20	S 88°44'45" E	36.52'
L-21	N 42°56'23" E	24.07'
L-22	N 43°55'50" W	25.55'
L-23	N 43°55'50" W	22.54'
L-24	N 49°14'13" W	24.00'
L-25	N 49°15'30" W	29.21'

NOTES

1. THE DEVELOPMENT OF THIS PROPERTY SHALL BE IN COMPLIANCE WITH THE ZONING ORDINANCE OR AS SPECIFICALLY APPROVED BY FILE NO. AZ-19-05/DA-19-06/PP-19-03.
2. ALL LOTS HAVE A 15 FOOT WIDE EASEMENT FOR PUBLIC UTILITIES, LOT DRAINAGE, PRESSURE IRRIGATION AND STREET LIGHT PURPOSES CONTIGUOUS TO ALL PUBLIC STREETS. ALL SIDE LOT LINES HAVE A 5 FOOT WIDE EASEMENT ON EACH SIDE FOR PUBLIC UTILITIES, LOT DRAINAGE AND PRESSURE IRRIGATION PURPOSES. ALL REAR LOT LINES HAVE A 10 FOOT WIDE EASEMENT FOR PUBLIC UTILITIES, LOT DRAINAGE AND PRESSURIZED IRRIGATION PURPOSES. THE PRESSURE IRRIGATION EASEMENT IS RESERVED FOR THE HOPE SPRINGS OWNERS ASSOCIATION, INC.. ALL OTHER EASEMENTS ARE AS SHOWN.
3. MINIMUM BUILDING SETBACKS SHALL BE IN ACCORDANCE WITH THE CITY OF STAR APPLICABLE ZONING AND SUBDIVISION REGULATIONS AT THE TIME OF ISSUANCE OF INDIVIDUAL BUILDING PERMITS OR AS SPECIFICALLY APPROVED AND/OR REQUIRED, OR AS SHOWN ON THIS PLAT.
4. BUILDING AND OCCUPANCY SHALL CONFORM TO THE COVENANTS, CONDITIONS, AND RESTRICTIONS (CC&R's) RECORDED AS INSTRUMENT NO. 2020-107706, OFFICIAL RECORDS OF ADA COUNTY, AS WELL AS ANY FUTURE AMENDMENTS.
5. ANY RE-SUBDIVISION OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE ZONING REGULATIONS IN EFFECT AT THE TIME OF THE RE-SUBDIVISION.
6. THIS DEVELOPMENT RECOGNIZES SECTION 22-4503 OF THE IDAHO CODE, RIGHT TO FARM ACT, WHICH STATES: "NO AGRICULTURAL OPERATION, AGRICULTURAL FACILITY OR EXPANSION THEREOF SHALL BE OR BECOME A NUISANCE, PRIVATE OR PUBLIC, BY ANY CHANGED CONDITIONS IN OR ABOUT THE SURROUNDING NONAGRICULTURAL ACTIVITIES AFTER IT HAS HAS BEEN IN OPERATION FOR MORE THAN ONE (1) YEAR, WHEN THE OPERATION, FACILITY OR EXPANSION WAS NOT A NUISANCE AT THE TIME IT BEGAN OR WAS CONSTRUCTED. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY WHEN A NUISANCE RESULTS FROM THE IMPROPER OR NEGLIGENT OPERATION OF AN AGRICULTURAL OPERATION, AGRICULTURAL FACILITY OR EXPANSION THEREOF."
7. LOTS ABUTTING PUBLIC RIGHT-OF-WAY ARE SUBJECT TO AN EXISTING PERMANENT EASEMENT CONTIGUOUS TO ALL STREETS AS DESCRIBED IN INST. NO. -----.
8. LOTS 6 AND 13 OF BLOCK 2, LOT 16 OF BLOCK 4, LOT 21 OF BLOCK 9, LOT 9 OF BLOCK 10, AND LOT 1 OF BLOCK 15 ARE LANDSCAPE COMMON LOTS WHICH SHALL BE OWNED AND MAINTAINED BY THE HOPE SPRINGS OWNERS ASSOCIATION, INC.. SAID LOTS ARE SUBJECT TO A BLANKET EASEMENT FOR PUBLIC UTILITIES, DRAINAGE AND PRESSURIZED IRRIGATION PURPOSES. THE PRESSURE IRRIGATION EASEMENT IS RESERVED FOR THE HOPE SPRINGS OWNERS ASSOCIATION, INC.
9. GREINERS HOPE SPRINGS SUBDIVISION NO. 4 IS SUBJECT TO A LICENSE AGREEMENT WITH ACHD FOR LANDSCAPING AS DESCRIBED IN INSTRUMENT NO. -----.
10. DIRECT LOT ACCESS TO W. NEW HOPE ROAD, N. BLUE MARSH AVENUE AND N. ROSELAND WAY IS PROHIBITED.
11. LOT 16 OF BLOCK 4 IS SERVIENT TO AND CONTAINS THE ACHD STORM WATER DRAINAGE SYSTEM. THIS LOT IS ENCUMBERED BY THE FIRST AMENDED MASTER PERPETUAL STORM WATER DRAINAGE EASEMENT RECORDED ON NOVEMBER 10, 2015 AS INSTRUMENT NO. 2015-103256, OFFICIAL RECORDS OF ADA COUNTY AND INCORPORATED HEREIN BY THIS REFERENCE AS IF SET FORTH IN FULL (THE "MASTER EASEMENT"). THE MASTER EASEMENT AND THE STORM WATER DRAINAGE SYSTEM IS DEDICATED TO ACHD PURSUANT TO SECTION 40-2302 IDAHO CODE. THE MASTER EASEMENT IS FOR THE OPERATION AND MAINTENANCE OF THE STORM WATER DRAINAGE SYSTEM. SAID LOT IS A COMMON LOT AND WILL BE OWNED AND MAINTAINED BY THE HOPE SPRINGS OWNERS ASSOCIATION, INC.
12. EASEMENTS AS PLATTED BY RUSTY SPUR RANCHETTES THAT AFFECT THIS SUBDIVISION HAVE BEEN VACATED BY BOTH THE CITY OF STAR AND BY THE RELEVANT UTILITY COMPANIES FOR WHICH THE EASEMENTS BENEFITED. SEE STAR VACATION FILE NO. VAC-20-01.
13. LOT 21 OF BLOCK 9 AND LOT 9 OF BLOCK 10 ARE SUBJECT TO AN EXISTING SANITARY SEWER EASEMENT PER INSTRUMENT NO. 108059388.

REFERENCES

REFERENCE RECORD OF SURVEY NUMBERS:  
1229, 1249, 2473, 4087, 7793, 11785, 11809

REFERENCE PLATS OF:  
RUSTY SPUR RANCHETTES  
RUSTY SPUR RANCHETTES NO. 2  
SAILING HAWKS SUBDIVISION  
GREINERS HOPE SPRINGS NO. 1  
GREINERS HOPE SPRINGS NO. 3  
FALLBROOK SUBDIVISION NO. 3

SURVEYOR NARRATIVE

THE PLAT OF GREINERS HOPE SPRINGS SUBDIVISION NO. 4 IS A CONTINUATION OF THE MASTER PLAN FOR THE GREINERS HOPE SPRINGS SUBDIVISION. THIS SUBDIVISION IS A RE-PLAT OF A PART OF LOTS 5 - 9 OF BLOCK 1 OF RUSTY SPUR RANCHETTES NO. 2 AS SHOWN IN BOOK 64 OF PLATS AT PAGE 6556 IN THE OFFICE OF THE RECORDER, ADA COUNTY, IDAHO.

GREINERS HOPE SPRINGS SUBDIVISION NO. 4 IS BOUNDED TO THE SOUTH AND EAST BY RUSTY SPUR RANCHETTES NO. 2, BOUNDED ON THE WEST BY GREINERS HOPE SPRINGS SUBDIVISION NO. 1 AND BY GREINERS HOPE SPRINGS SUBDIVISION NO. 3, AND ABUTS THE RIGHT-OF-WAY OF W. NEW HOPE ROAD TO THE NORTH.

THE MONUMENTS ALONG THE BOUNDARY OF GREINERS HOPE SPRINGS SUBDIVISION NO. 1 AND GREINERS HOPE SPRINGS SUBDIVISION NO. 3 WERE FOUND IN PLACE AND UNDISTURBED UNLESS OTHERWISE SHOWN. THE REMAINING PROPERTY LINES WERE DEVELOPED AS PER THE OWNER AS SHOWN HEREON.

THE MONUMENT MARKING THE BOUNDARY OF THIS SUBDIVISION FOUND AS A 1/2" DIAMETER IRON PIN WAS REPLACED AS SHOWN HEREON TO COMPLY WITH IDAHO CODE 50-1303.

EASEMENTS AS PLATTED BY RUSTY SPUR RANCHETTES NO. 2 THAT ARE WITHIN THE BOUNDS OF GREINERS HOPE SPRINGS SUBDIVISION NO. 4 HAVE BEEN VACATED BY THE CITY OF STAR AND BY THE RELEVANT UTILITY COMPANIES, SEE STAR VACATION FILE NO. VAC-20-01. ANY OTHER EXISTING EASEMENTS ARE AS SHOWN OR NOTED HEREON.

CURVE DATA					
CURVE	DELTA	RADIUS	ARC	TANGENT	CHORD
C-1	3°28'43"	500.00	30.36	15.18	30.35
C-2	2°55'18"	600.00	30.60	15.30	30.59
C-3	6°57'05"	800.00	97.06	48.59	97.00
C-4	6°33'03"	800.00	91.47	45.78	91.42
C-5	21°40'55"	806.72	305.28	154.49	303.46
C-6	18°23'07"	806.72	258.86	130.55	257.75
C-7	3°17'48"	806.72	46.42	23.22	46.41
C-8	3°48'38"	175.00	11.64	5.82	11.64
C-9	36°07'38"	525.00	331.03	171.23	325.58
C-10	31°58'17"	525.00	292.95	150.40	289.17
C-11	4°09'21"	525.00	38.08	19.05	38.07
C-12	36°22'18"	500.00	317.40	164.25	312.10
C-13	3°06'19"	500.00	27.10	13.55	27.09
C-14	6°47'36"	500.00	59.28	29.68	59.25
C-15	6°47'03"	500.00	59.20	29.64	59.17
C-16	7°22'13"	500.00	64.32	32.20	64.27
C-17	8°31'28"	500.00	74.39	37.26	74.32
C-18	9°48'36"	200.00	34.24	17.16	34.20
C-19	28°44'41"	550.00	275.93	140.93	273.05
C-20	5°22'00"	550.00	51.52	25.78	51.50
C-21	4°35'13"	550.00	44.03	22.03	44.02
C-22	5°13'26"	550.00	50.15	25.09	50.13
C-23	6°21'30"	550.00	61.04	30.55	61.00
C-24	6°54'52"	550.00	66.37	33.23	66.33
C-25	14°31'39"	781.72	198.21	99.64	197.68
C-26	4°16'41"	781.72	58.37	29.20	58.35
C-27	4°16'44"	781.72	58.38	29.20	58.36
C-28	5°58'14"	781.72	81.46	40.77	81.42
C-29	0°37'28"	781.72	8.52	4.26	8.52
C-30	22°28'50"	831.72	326.33	165.29	324.24
C-31	4°13'31"	831.72	61.33	30.68	61.32
C-32	3°24'49"	831.72	49.55	24.78	49.55
C-33	3°24'49"	831.72	49.55	24.78	49.55
C-34	3°24'49"	831.72	49.55	24.78	49.55
C-35	4°13'31"	831.72	61.33	30.68	61.32
C-36	3°23'36"	831.72	49.26	24.64	49.25
C-37	0°23'44"	831.72	5.74	2.87	5.74
C-38	3°02'56"	575.00	30.60	15.30	30.59
C-39	6°57'05"	825.00	100.09	50.11	100.03
C-40	6°33'03"	775.00	88.61	44.35	88.56
C-41	2°48'17"	625.00	30.59	15.30	30.59
C-42	6°57'05"	775.00	94.03	47.07	93.97
C-43	6°33'03"	825.00	94.32	47.21	94.27
C-44	1°43'36"	825.00	24.86	12.43	24.86
C-45	3°30'26"	825.00	50.50	25.26	50.49
C-46	1°19'00"	825.00	18.96	9.48	18.96



CIVIL SURVEY CONSULTANTS, INC.

2893 SOUTH MERIDIAN ROAD  
MERIDIAN, IDAHO 83642  
(208) 888-4312



GREINERS HOPE SPRINGS SUBDIVISION NO. 4

CERTIFICATE OF OWNERS

KNOW ALL MEN BY THESE PRESENTS: That we, the undersigned, are the Owners of the real property described below in City of Star, Ada County, Idaho, and that we intend to include the following described property in this GREINERS HOPE SPRINGS SUBDIVISION NO. 4:

A parcel located in the SE 1/4 of the NE 1/4 of Section 6, Township 4 North, Range 1 West, Boise Meridian, City of Star, and being a re-plat of a part of Lots 5 - 9 of Block 1 of RUSTY SPUR RANCHETTES SUBDIVISION NO. 2 as shown in Book 64 of Plats at Pages 6556 - 6557, in the office of the Recorder, Ada County, Idaho, more particularly described as follows:

Commencing at an aluminum cap monument marking the southeasterly corner of said SE 1/4 of the NE 1/4, from which an aluminum cap monument marking the northeasterly corner of said Section 6 bears N 0°56'44"E a distance of 2708.74 feet;

Thence N 0°56'44"E along the easterly boundary of said SE 1/4 of the NE 1/4 a distance of 1284.57 feet to a 1/2 inch diameter iron pin on the southerly right-of-way of W. New Hope Road;

Thence leaving said easterly boundary N 88°42'57"W along said southerly right-of-way a distance of 39.94 feet to a 5/8 inch diameter iron pin being the POINT OF BEGINNING;

Thence continuing N 88°42'57"W a distance of 410.11 feet to a 5/8 inch diameter iron pin;

Thence leaving said southerly right-of-way S 1°17'03"W a distance of 120.53 feet to a 5/8 inch diameter iron pin;

Thence S 71°12'17"W a distance of 119.74 feet to a 5/8 inch diameter iron pin;

Thence N 88°44'45"W a distance of 91.65 feet to a 5/8 inch diameter iron pin on the easterly boundary of GREINERS HOPE SPRINGS SUBDIVISION NO. 1 as shown in Book 118 of Plats at Pages 18271 - 18274 in said office of the Recorder;

Thence along said easterly boundary the following described courses:

Thence S 1°15'15"W a distance of 59.81 feet to a 5/8 inch diameter iron pin;

Thence S 18°42'29"E a distance of 106.95 feet to a 5/8 inch diameter iron pin marking the easterly corner of said GREINERS HOPE SPRINGS SUBDIVISION NO. 1, said point being the northerly corner of GREINERS HOPE SPRINGS SUBDIVISION NO. 3 as shown in Book 121 of Plats at Pages 19050 - 19053 in said office of the Recorder;

Thence along the easterly boundary of said GREINERS HOPE SPRINGS SUBDIVISION NO. 3 the following described courses:

Thence S 71°15'17"E a distance of 25.58 feet to a 5/8 inch diameter iron pin;

Thence S 21°07'37"E a distance of 114.00 feet to a 5/8 inch diameter iron pin;

Thence S 45°16'43"E a distance of 55.15 feet to a 5/8 inch diameter iron pin;

Thence S 19°27'59"E a distance of 113.65 feet to a 5/8 inch diameter iron pin;

Thence S 66°42'21"W a distance of 78.02 feet to a 5/8 inch diameter iron pin;

Thence S 60°51'03"W a distance of 35.71 feet to a 5/8 inch diameter iron pin;

Thence S 64°17'24"W a distance of 28.01 feet to a 5/8 inch diameter iron pin;

Thence S 53°48'02"W a distance of 336.56 feet to a 5/8 inch diameter iron pin;

Thence leaving said easterly boundary S 42°45'45"E a distance of 118.68 feet to a 5/8 inch diameter iron pin;

Thence S 81°10'21"E a distance of 66.55 feet to a 5/8 inch diameter iron pin;

Thence S 36°11'37"E a distance of 112.99 feet to a 5/8 inch diameter iron pin;

Thence N 53°48'23"E a distance of 270.62 feet to a 5/8 inch diameter iron pin;

Thence N 66°00'13"E a distance of 52.16 feet to a 5/8 inch diameter iron pin;

Thence N 68°20'40"E a distance of 20.07 feet to a 5/8 inch diameter iron pin;

Thence N 74°33'00"E a distance of 51.48 feet to a 5/8 inch diameter iron pin;

Thence N 78°34'04"E a distance of 46.52 feet to a 5/8 inch diameter iron pin;

Thence N 1°21'13"E a distance of 111.12 feet to a 5/8 inch diameter iron pin;

Thence a distance of 30.36 feet along the arc of a 500.00 foot radius non-tangent curve right, said curve having a radius point bearing of S 3°36'59"E, a central angle of 3°28'43" and a long chord bearing N 88°07'23"E a distance of 30.35 feet to a 5/8 inch diameter iron pin;

Thence N 1°21'13"E a distance of 50.02 feet to a 5/8 inch diameter iron pin;

Thence N 43°38'47"W a distance of 18.38 feet to a 5/8 inch diameter iron pin;

Thence N 1°21'13"E a distance of 100.16 feet to a 5/8 inch diameter iron pin;

Thence S 88°38'47"E a distance of 212.00 feet to a 5/8 inch diameter iron pin;

Thence N 1°21'13"E a distance of 163.00 feet to a 5/8 inch diameter iron pin;

Thence N 88°41'32"W a distance of 10.06 feet to a 5/8 inch diameter iron pin;

Thence N 43°51'58"W a distance of 19.59 feet to a 5/8 inch diameter iron pin;

Thence N 1°17'03"E a distance of 143.00 feet to a 5/8 inch diameter iron pin;

Thence N 45°55'57"E a distance of 25.72 feet to a 5/8 inch diameter iron pin;

Thence S 89°08'37"E a distance of 9.44 feet to a 5/8 inch diameter iron pin;

Thence N 0°51'13"E a distance of 50.00 feet to a 5/8 inch diameter iron pin;

Thence N 43°55'50"W a distance of 3.01 feet to a 5/8 inch diameter iron pin;

Thence N 1°17'03"E a distance of 145.17 feet to the POINT OF BEGINNING.

This parcel contains 9.886 acres, more or less.

CERTIFICATE OF OWNERS (CONT'D)

All the lots in this subdivision will be eligible to receive irrigation water as provided under Idaho Code 31-3805(1)(b) and lies within the Middleton Irrigation Association and Middleton Mill Ditch and are subject to assessments for said water.

All the lots in this subdivision will be eligible to receive water and sewer service from the Star Sewer and Water District. The Star Sewer and Water District has agreed in writing to serve all the lots in this subdivision.

The public streets shown on this plat are hereby dedicated to the public. Public utility, irrigation and drainage easements on this plat are not dedicated to the public, but the right of access to, and use of, these easements is hereby reserved for public utilities, irrigation and drainage and any other purposes as may be designated hereon and no permanent structures other than for said uses are to be erected within the limits of said easements.

IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HAND THIS 11<sup>TH</sup> DAY OF October, 2021

GREEN VILLAGE 2 DEVELOPMENT, INC.

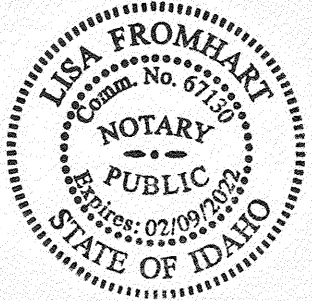
Tucker M. Johnson  
By Tucker M. Johnson, President

ACKNOWLEDGMENT

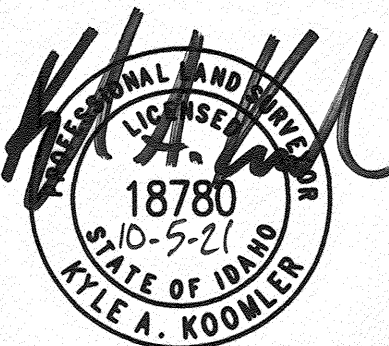
STATE OF IDAHO } S.S.  
COUNTY OF ADA }

ON THIS 11<sup>TH</sup> DAY OF October, 2021, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE PERSONALLY APPEARED TUCKER M. JOHNSON, KNOWN TO ME TO BE THE PRESIDENT OF GREEN VILLAGE 2 DEVELOPMENT, INC THE PERSON WHO EXECUTED THE INSTRUMENT AND ACKNOWLEDGED TO ME THAT SAID CORPORATION EXECUTED THE SAME.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.



MY COMMISSION EXPIRES 2/09/22  
RESIDING AT Boise  
Lisa Fromhart  
NOTARY PUBLIC FOR THE STATE OF IDAHO



CIVIL SURVEY CONSULTANTS, INC.  
2893 SOUTH MERIDIAN ROAD  
MERIDIAN, IDAHO 83642  
(208) 888-4312

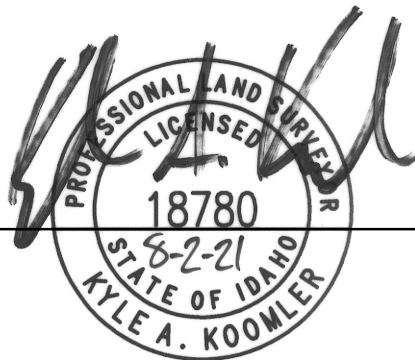


GREINERS HOPE SPRINGS SUBDIVISION NO. 4

CERTIFICATE OF SURVEYOR

I, KYLE A. KOOMLER DO HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR LICENSED IN THE STATE OF IDAHO, AND THAT THIS PLAT AS DESCRIBED IN THE "CERTIFICATE OF OWNERS" WAS DRAWN FROM THE FIELD NOTES OF A SURVEY MADE ON THE GROUND UNDER MY DIRECT SUPERVISION AND ACCURATELY REPRESENTS THE POINTS PLATTED THEREON, AND IS IN CONFORMITY WITH THE STATE OF IDAHO CODE RELATING TO PLATS AND SURVEYS.

KYLE A. KOOMLER  
IDAHO NO. 18780



APPROVAL OF THE CITY ENGINEER

I, THE UNDERSIGNED CITY ENGINEER IN AND FOR THE CITY OF STAR, ADA COUNTY, IDAHO, ON THIS DAY, \_\_\_\_\_, HEREBY APPROVE THIS PLAT OF GREINERS HOPE SPRINGS SUBDIVISION NO. 4.

\_\_\_\_\_  
CITY ENGINEER ~ STAR, IDAHO

CERTIFICATE OF THE COUNTY SURVEYOR

I, THE UNDERSIGNED, PROFESSIONAL LAND SURVEYOR IN AND FOR ADA COUNTY, IDAHO, DO HEREBY CERTIFY THAT I HAVE CHECKED THIS PLAT AND THAT IT COMPLIES WITH THE STATE OF IDAHO CODE RELATING TO PLATS AND SURVEYS.

DATE \_\_\_\_\_  
\_\_\_\_\_  
ADA COUNTY SURVEYOR

CERTIFICATE OF COUNTY RECORDER

STATE OF IDAHO }  
COUNTY OF ADA } S.S.

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD AT THE REQUEST OF \_\_\_\_\_, AT \_\_\_\_\_ MINUTES PAST \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M. ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
DEPUTY EX-OFFICIO RECORDER

BOOK \_\_\_\_\_ PAGES \_\_\_\_\_ INSTRUMENT NO. \_\_\_\_\_

HEALTH CERTIFICATE

SANITARY RESTRICTIONS AS REQUIRED BY IDAHO CODE, TITLE 50, CHAPTER 13 HAVE BEEN SATISFIED ACCORDING TO THE LETTER TO BE READ ON FILE WITH THE COUNTY RECORDER OR HIS AGENT LISTING THE CONDITIONS OF APPROVAL. SANITARY RESTRICTIONS MAY BE RE-IMPOSED IN ACCORDANCE WITH SECTION 50-1326, IDAHO CODE, BY THE ISSUANCE OF DISAPPROVAL.

DATE \_\_\_\_\_  
\_\_\_\_\_  
CENTRAL DISTRICT HEALTH

ADA COUNTY HIGHWAY DISTRICT COMMISSIONERS ACCEPTANCE

THE FOREGOING PLAT WAS ACCEPTED AND APPROVED BY THE BOARD OF ADA COUNTY HIGHWAY DISTRICT COMMISSIONERS ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
ADA COUNTY HIGHWAY DISTRICT

APPROVAL OF CITY COUNCIL

I, THE UNDERSIGNED, CITY CLERK IN AND FOR THE CITY OF STAR, ADA COUNTY, IDAHO DO HEREBY CERTIFY THAT AT A REGULAR MEETING OF THE CITY COUNCIL HELD ON \_\_\_\_\_ THIS FINAL PLAT WAS APPROVED AND ACCEPTED.

\_\_\_\_\_  
CHAIRMAN

CERTIFICATE OF THE COUNTY TREASURER

I, THE UNDERSIGNED, COUNTY TREASURER IN AND FOR THE COUNTY OF ADA, STATE OF IDAHO, PER THE REQUIREMENTS OF I.C. 50-1308, DO HEREBY CERTIFY THAT ANY AND ALL CURRENT AND OR DELINQUENT COUNTY PROPERTY TAXES FOR THE PROPERTY INCLUDED IN THIS SUBDIVISION HAVE BEEN PAID IN FULL. THIS CERTIFICATION IS VALID FOR THE NEXT THIRTY (30) DAYS ONLY.

DATE \_\_\_\_\_  
\_\_\_\_\_  
COUNTY TREASURER



File Number: 5616

August 4, 2021

Ada County Recorder  
Attn: Phil McGrane  
200 West Front Street  
Boise, ID 83702

RE: Greiners Hope Springs Subdivision No. 4

Dear Mr. McGrane:

Central District Health has reviewed and does approve the final plat for this subdivision for central water and central sewer facilities. Final approval was given August 4, 2021.

Sanitary restrictions as required by Idaho Code, Title 50, Chapter 13 have been satisfied based on a review by a Qualified Licensed Professional Engineer (QLPE) representing the Star Sewer and Water District and the QLPE approval of the design plans and specifications and the conditions imposed on the developer for continued satisfaction of the sanitary restrictions. Buyer is cautioned that at the time of this approval, no drinking water extensions or sewer extensions were constructed. Building construction can be allowed with appropriate building permits if drinking water extensions or sewer extensions have since been constructed or if the developer is simultaneously constructing those facilities. If the developer fails to construct facilities then sanitary restrictions may be reimposed, in accordance with Section 50-1326, Idaho Code, by the issuance of a certificate of disapproval, and no construction of any building or shelter requiring drinking water or sewer/septic facilities shall be allowed.

If you have any questions, please call 208-327-8517.

Sincerely,



Lori Badigian, R.E.H.S.  
Senior Environmental Health Specialist

cc: Green Village 3 Development, LLC  
Civil Survey Consultants, Inc.  
City of Star

LB:bk



June 24, 2021

Mayor Trevor Chadwick  
City of Star  
P.O. Box 130  
Star, Idaho 83669

**Re: Greiners Hope Springs Subdivision Phase 4 – Final Plat Application**

Dear Mayor:

Keller Associates, Inc. has reviewed the Final Plat and Construction Drawings for the Greiners Hopes Springs Subdivision Phase 4 dated June 11, 2021. We reviewed this package to check conformance with the City Subdivision Ordinance and coordinated our review with Shawn L. Nickel. There are a few outstanding items that need to be addressed prior to the City Engineer signing the final plat as indicated on the attached Final Plat and Construction Drawing Review Checklist.

We recommend that the construction drawings and final plat be **APPROVED**. The City Engineer's signature on the final plat will be withheld until the requirements identified on the attached checklist are satisfactorily addressed. The attached checklist was reviewed with the applicant's engineer, and it was agreed that the additional items needed for approval would be addressed.

By stamping and signing the Final Plat and Construction Drawings, the Registered Professional Land Surveyor and Professional Engineer, respectively, are responsible for ensuring that said plat and construction drawings conform to all City standards, ordinances, and policies (and State laws and statutes). Any variances or waivers to these standards, ordinances, or policies must be specifically and previously approved in writing by the City. Acceptance of the above referenced Final Plat and Construction Drawings does not relieve the Registered Professional Land Surveyor or the Registered Professional Engineer of those responsibilities.

If you have any questions, please do not hesitate to call Keller Associates at (208) 288-1992.

Sincerely,

**KELLER ASSOCIATES, INC.**

A handwritten signature in blue ink, appearing to read 'Ryan V. Morgan'.

Ryan V. Morgan, P.E.  
City Engineer

Enclosure(s)

cc: File



## CITY OF STAR FINAL PLAT AND CONSTRUCTION DRAWING REVIEW CHECKLIST

Subdivision: Greiner Hope Springs No. 4 Phase: 4 Date: 06/23/2021

Developable Lots: 38 Review No: 2

Developer: Green Village 3 Development LLC, Tucker Johnson

Tel: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

Engineer: Civil Survey Consultants, Jim Money

Tel: 208.888.4312 Fax: \_\_\_\_\_ Email: \_\_\_\_\_

Property Address: New Hope Rd and Munger Rd

Reviewed By: Kelsie Styrlund, E.I., Keller Associates

Review Check By: Ryan Morgan, P.E., Keller Associates

### FINAL PLAT REVIEW

ITEM	OK	NEED	N/A	FINAL PLAT APPLICATION REQUIREMENTS
1	X			Submit two (2) copies of final engineering construction drawings showing streets, sidewalk, water, sewer, pressure irrigation, street lighting, landscaping, and other public improvements.
2			X	Submit one (1) 8½ x 11 map showing property in relation to floodplain and/or floodway. Provide Floodplain Development Permit Application as required.
3	X			Provide (1) copy of the "Preliminary Plat Findings of Fact and Conclusions of Law".
4		X		Landscape plan provided. Confirm consistent with approved preliminary plat.
5	X			Verified written legal description.
6		X		Letter of credit for outstanding pressure irrigation and landscaping improvements <b>only</b> when weather conditions precludes construction of improvements prior to signature of mylar.
ITEM	OK	NEED	N/A	FINAL PLAT REVIEW
7		X		Public and private easements are shown on plat for open spaces, access drives, drainage facilities, floodway maintenance boundaries, offsite storage areas and connecting piping for detached flood water storage impoundments, existing irrigation ditches, new irrigation ditches or pipelines, bicycle / pedestrian pathways (connectivity to adjacent developments), and irrigation piping. <b>Pg 25</b> <b>Please update instrument numbers before final plat</b>

				<b>signatures are obtained.</b>
8	X			Right to Farm Act Note on face of plat.
9			X	Note on face of plat: "This subdivision is located within zone AE as shown on the firm panel 125 of 875, Ada County, Idaho and Incorporated Areas. A building permit shall not be issued for any lot that is located within the mapped floodplain until a Flood Plain Development Permit is obtained for the individual lot. Each lot within the mapped floodplain shall require an individual Flood Plain Development Permit."
10	X			10-foot utility and irrigation easements are shown, or noted, along the front lot lines, rear lot lines, and side lot lines as required.
11	X			Note is shown on the final plat: <b>"Minimum building setbacks shall be in accordance with the City of Star applicable zoning and subdivision regulations at the time of issuance of individual building permits or as specifically approved and / or required, or as shown on the this plat."</b>
12	X			Seal of Professional Land Surveyor is displayed, dated, and signed on face of plat.
13	X			Water and sewer easements shown on face of plat. (Note to Plan Reviewer: Provide plat to Justin Walker for easement water and sewer easement verification.)
14	X			On the signature page of the plat please include the following <b>"I, THE UNDERSIGNED, CITY ENGINEER IN AND FOR THE CITY OF STAR, ADA COUNTY, IDAHO, ON THIS DAY,</b> <b>_____ , HEREBY APPROVE THIS PLAT."</b> underneath the <b><u>APPROVAL OF CITY ENGINEER</u></b> line, and before the signature line.
15	X			"Change of Ownership" document filed with the IDWR to the HOA for all conveyable water rights.

### CONSTRUCTION DRAWING REVIEW

ITEM	OK	NEED	N/A	GENERAL
16	X			Construction drawings are stamped, signed, & dated by a professional engineer licensed in the State of Idaho.
17	X			Natural features map showing all existing site features and 1-foot contour elevations is provided in accordance with the City's code. <b>Pg 5</b>
18	X			Each sheet has north arrow, graphic scale, date, title block and sheet number.
19	X			All profiles are drawn to the same horizontal scale as plan views.

20	X			Street lighting plans are provided showing pole locations and luminary types. All street lighting shall be in accordance with the current edition of the ISPWC and the City of Star Supplemental Specifications. <b>Pg 23</b>
<b>ITEM</b>	<b>OK</b>	<b>NEED</b>	<b>N/A</b>	<b>FLOODPLAIN DEVELOPMENT PERMIT</b>
21			X	Floodplain and floodway boundaries and elevations are shown on the grading plans.
22			X	Building finished floor elevations are greater than or equal to 2-feet above the base flood elevation, or verification is provided of flood proofing.
23			X	Roadway centerline elevations and manhole and other minor structure rim elevations are 0.5-feet above the base flood elevation.
24			X	All buildings are set back a minimum of 50-feet from the floodway boundary line except that when the area of special flood hazard boundary is 50-feet or less from the flood way line, the boundary line shall be the setback line.
25			X	Easements and conveyance provisions have been made for connection between the floodway and any detached floodwater storage impoundment.
26			X	Calculations are provided and show 48-hour max time period for 100% utilization of detached storage impoundment.
<b>ITEM</b>	<b>OK</b>	<b>NEED</b>	<b>N/A</b>	<b>GRADING PLAN</b>
27	X			Grading plans are provided and are stamped, dated, and signed by a professional engineer licensed in the State of Idaho.
28	X			Grading plans show finished, existing, and base flood 1-foot contour elevations.
29	X			Drainage facilities and easements are shown. <b>Pg 5.</b>
30	X			Plan and profile sheets show proposed and existing utilities (rim elevations, pipe invert elevations, etc.), finished centerline roadway grades, existing grade, and base flood elevations.
31	X			Existing irrigation ditches, canals, and easements are shown.
32	X			Cut and fill slopes are no steeper than 2H:1V. (Spot checked by City Engineer)
33	X			Tops and toes of all cut and fill slopes are set back from property boundary at least 3-feet plus 1/5 the height of the cut or fill but need not exceed 10-feet. (Spot checked by City Engineer)
34	X			Tops and toes of cut and fill slopes are set back from structures 6-feet plus 1/5 of the height of the cut or fill but need not exceed 10-feet. (Spot checked by City Engineer)



35	X			Provisions have been made for erosion control at pipe outfalls, along steep earth slopes, and within drainage ditches.
36			X	The vertical datum used for elevations shown on grading and drainage plans is NAVD 88 for all developments that are fully or partially within the floodplain.
37	X			Existing and proposed elevations match at property boundaries.
<b>ITEM</b>	<b>OK</b>	<b>NEED</b>	<b>N/A</b>	<b>DRAINAGE PLAN</b>
38	X			Drainage plans are provided and stamped, dated, and signed by a professional engineer licensed in the State of Idaho. <b>Pg 13.</b>
39	X			Drainage calculations are provided and stamped, dated, and signed by a professional engineer licensed in the State of Idaho.
40	X			Narrative is provided that describes the proposed method of stormwater retention.
41	X			Drainage calculations contain no arithmetic errors. (Spot checked by City Engineer)
42	X			The design storm, percolation rate, or other design criteria are within accepted limits. (ITD Zone A—IDF Curve; Storage designed for 100 year storm; Primary conveyance designed for 25-year storm)
43	X			Peak discharge rate and velocity through sand and grease traps calculated and are less than 0.5 ft/sec.
44	X			Section view of drainage facility provided.
45	X			Able to determine drainage directions from information given.
46	X			Drainage facilities do not conflict with other utilities. (Spot check by City Engineer)
47			X	Provision for conveyance or disposal of roof drainage provided for commercial developments.
48			X	Building finished floor elevation shown is above possible max water surface elevation and 2-feet above base flood elevation.
49	X			Storm water pretreatment provided. BMP facilities are designed in conformance with the “State of Idaho Catalog of Stormwater Best Management Practices”.
50	X			5-foot setback from property line maintained for drainage facilities.
51	X			Drainage basin / pond dimensions listed or noted.
52	X			Drainage facilities drawn to scale on grading and drainage plan.
53	X			Drain rock, ASTM C33 sand, or pond liner specified.
54	X			3-foot separation from bottom of drainage facility to

				maximum seasonal high groundwater elevation shown on detail.
55			X	Vegetative cover shown over biofiltration facilities.
56			X	Appropriate license agreements have been executed and are provided for offsite discharge of storm water.
<b>ITEM</b>	<b>OK</b>	<b>NEED</b>	<b>N/A</b>	<b>GRAVITY IRRIGATION</b>
57	X			Plan approval letter is provided from the appropriate irrigation district.
<b>ITEM</b>	<b>OK</b>	<b>NEED</b>	<b>N/A</b>	<b>PRESSURE IRRIGATION</b>
58	X			Plans for a pressure irrigation system are provided (Required only if development contains more than four lots). <b>Pg 22</b>
59	X			The pressure irrigation system is <i>not</i> connected to the potable water system.
60	X			Design provides a minimum of 15 gpm @ 45 PSI to each destination point.
61	X			Easements are provided for all pressure irrigation piping. (Note on face of plat).
62	X			Main line distribution piping is 3-inches in diameter or greater.
63	X			Provisions are made for diversion and flow measurement from a gravity irrigation source ditch.
64	X			Applicant provided verification with a signed contract indicating written assurance that provisions have been made for ownership, operation, and maintenance of the irrigation system.
65	X			Provide written verification and plan approval from Star Sewer and Water District if potable water is planned to be used as a secondary irrigation source.
66	X			Provided verification that water rights will be transferred to the association managing entity.
67	X			If pressure irrigation will not be available to each lot at all times, provide rotation schedule for irrigation system usage identifying times and days that pressure irrigation will be available to each lot.
<b>ITEM</b>	<b>OK</b>	<b>NEED</b>	<b>N/A</b>	<b>RE-SUBMITTAL REQUIREMENTS*</b>
68	X			Return (1) one revised plan set in pdf format <b>with the redlined set</b> for review and/or approval to Keller Associates. Unbound or un-collated plan sets will not be accepted.
69	X			Provide a response letter, <b>referencing the City of Star</b> , with the revised plan set that highlights what actions were taken to correct any outstanding items.

**\*All re-submittals should be returned to the City of Star for re-review.**

**Notes:**

*Additional Final Plat Comments:*

- 

*Additional Construction Drawing Comments:*

-



CITY OF STAR

**LAND USE STAFF REPORT**

**TO:** Mayor & Council

**FROM:** City of Star, Idaho – Planning & Zoning Department *Shawn T. Mink*

**MEETING DATE:** **January 11, 2022**

**FILE #:** FP-21-30 Greiner’s Hope Springs Subdivision Phase 4

**REQUEST**

The Applicant is seeking approval of a Final Plat for Greiner’s Hope Springs Subdivision Phase 4. The phase is located in the middle of the approved preliminary plat and contains 38 residential and 6 common lots on 9.88 acres.

The subject property is generally located on the south side of W. New Hope Road, approximately 1,600 feet east of N. Munger Road in Star, Idaho. Ada County Parcel Number is R76268000015.

**APPLICANT/OWNER/REPRESENTATIVE**

**Owner/Applicant:**  
Green Village 2 Development  
Tucker Johnson  
372 S. Eagle Road Suite 328  
Eagle, Idaho, 83616

**PROPERTY INFORMATION**

**Land Use Designation:** Residential (R-4)

**Phase 4**

**Acres:** 9.88 Acres

**Residential Lots:** 38

**Common Lots:** 6

**Commercial:** 0

**Total Residential Units** **38 Units**

**HISTORY**

- On April 18, 2006, the City Council approved an annexation and zoning (AZ-06-06) for parcel no. R7626790405 containing 11.17-acres with a zoning designation of R-3.
- On August 20, 2019, the City Council approved annexation and zoning, development agreement and preliminary plat for Greiner’s Hope Springs Subdivision (AZ-19-05/DA-19-06/PP-19-03).
- On June 2, 2020, the Council approved the Final Plat for Phase 1 of Greiner’s New Hope Subdivision with 38 residential lots and 8 common lots on 11.41 acres.
- On October 6, 2020, the Council approved the Final Plat for Phase 2 of Greiner’s New Hope Subdivision with 44 residential lots and 3 common lots on 9.79 acres. (FP-20-16)
- On July 6, 2021, the Council approved the Final Plat for Phase 3 of Greiner’s New Hope Subdivision with 37 residential lot and 6 common lots on 10.27 acres. (FP-21-14)

**GENERAL DISCUSSION**

The Applicant is requesting approval of the Final Plat for Phase 4 of Greiner’s Hope Springs Subdivision consisting of 38 residential lots and 6 common lots.

The approved Preliminary Plat consists of 252 single family residential lots and 18 common lots. There are two existing dwellings that will remain and be platted as individual lots. The residential lots range in size from 5,000 square feet to 29,345 square feet (existing dwelling lot), with an average lots size of 6,885 square feet. The applicant has indicated that the development will contain a total of 11.62 acres (18.5%) open space. Although the application was submitted prior to the adoption of Ordinance 290 requiring a minimum of 15% open space, 10% usable, the applicant has provided 13.5% (8.49 acres) more open space than the required 5% in the Code that was relevant at the time of submittal of the application. Staff has interpreted and calculated the total usable open space provided as 7.4 acres, or 11.8% usable. This amount excludes drainage areas\*, although the drainage areas are designed as grassed areas with minimal slope. Staff calculations do include the planting strips along the roadways for the proposed detached sidewalks. \*Adding the drainage areas would increase the usable open space to 8.97 acres (14.3%).

The Unified Development Code in affect at the time of approval required one site amenity for each 20-acres of development area (total of 3 amenities required). Proposed amenities within the development include the following:

- Quality of Life Amenities – Proposed pathway system, seasonal stream and ponds with waterfalls, benches, community gardens, hanging flower baskets
- Clubhouse for gatherings and private events and with Parking Lot
- Additional Open Space in excess of 5% (as required by Code in affect at time of submittal)

- Detached 5’ sidewalks with 8’ landscape strips
- Usable landscaped storm water detention areas

Irrigation to the property will be provided by the Middleton Mill Irrigation District. The applicant has been working with the district.

The ingress/egress will be taken from W. New Hope Road. The design shows several future street connections to adjacent properties, including connection to the currently developing Sailing Hawks and Fallbrook Subdivisions.

The development received Specific Setbacks as Requested:

**Greiner Hope Springs**

**Front Setbacks - 15’ for living area, 26’ to garage door (measured from property line)**  
**Interior Side Setback – 5 feet (for one and two story)**  
**Street Side Setback – 15 feet for dwelling**  
**26 feet for garage**

Locations for decorative streetlights are reflected on the submitted lighting plan. Streetlight design has also been submitted and meets the intent of the City’s “Dark sky lighting” standards.

If a pump house is proposed, a location needs to be called out on the site plans and identified in the “Notes”.

Fencing is being proposed to be solid cedar or vinyl fencing along the boundary and within the subdivision with potential open fencing proposed between the residential lots and the central open space/common lots containing the streams. Any fencing shall reflect the Clear Vision Triangle regulations.

All internal roads are proposed as public streets and shall be 36’ from back of curb to back of curb.

The Applicant received a waiver from Council for exceeding the 750’ block lengths for two blocks within this subdivision. The blocks that would be affected would be Block 1 and Block 7.

The applicant indicated that the subdivision would develop in four to five phases. The applicant has requested flexibility in phasing in order to adjust the number of lots and combination of lots to reflect changing market conditions.

Landscaping as required by the Unified Development Code, Street Trees; the minimum density of one (1) tree per thirty-five (35) linear feet is required. The landscaping plan does meet this requirement as submitted. (Please see “Treasure Valley Tree Selection Guide”, as adopted by the Unified Development Code.)

The submitted final plat meets the conditions of approval for the approved preliminary plat application.

**Staff analysis of Final Plat Submittal:**

Lot Layout – The gross density of Phase 4 phase is 3.84 du/acre, with lots ranging in size consistent with the approved preliminary plat. Phase 4 contains 38 residential lots. The total lots between phases 1 and 4 is 157. **That leaves 95 residential lots for future phases.**

Setbacks – The development was approved with special setbacks.

**Front Setbacks - 15' for living area, 26' to garage door (measured from property line)**

**Interior Side Setback – 5 feet (for one and two story)**

**Street Side Setback – 15 feet for dwelling  
26 feet for garage**

Common/Open Space and Amenities – Amenities have been installed in previous phases of the development. The sidewalks will be detached with a landscape strip. The submitted landscape plan meets the standards of the current zoning ordinance, including street trees. The applicant shall use "Tree Selection Guide for Streets and Landscapes throughout Idaho", as adopted by the Unified Development Code.

Streetlights – Streetlight plan/design specifications have been submitted with the final plat application. The streetlight design meets the dark sky standards consistent with the intent of the city. Streetlights shall be consistent throughout the remaining phases of the subdivision.

Mailbox Cluster – Location has been approved for previous phases and will be the same location for all phases. Letter of approval was included in the application packet.

Street Names - Applicant has provided documentation from Ada County that the proposed street names have been approved. Correct street names are reflected on the final plat.

Landscape – Landscaping as required by the Unified Development Code, Street Trees; the minimum density of one (1) tree per thirty-five (35) linear feet is required. The landscaping plan, as submitted appears to satisfy this requirement. Common Area landscape requirements call for one deciduous shade tree per 4,000 square feet. The plan as submitted meets these requirements.

Sidewalks - Sidewalks are proposed at five-foot (5') widths and will be detached throughout the overall subdivision with 8-foot landscape strips.



SITE SPECIFIC DISCUSSION

In review of the application, staff finds that per the Unified Development Code, the Greiner’s Hope Springs Subdivision Final Plat, Phase 4, is in substantial compliance.

Applicant shall continue to advise all contractors of the City preferred transportation routes to and from the subdivision. This includes a route that avoids New Hope Road from the east as a primary travel pattern.

The Unified Development Code states that the final plat shall be in substantial compliance with the approved or conditionally approved preliminary plat, notwithstanding the following changes:

- 1- The number of buildable lots is the same or fewer;
- 2- The amount of common open space is increased;
- 3- The amount of open space is relocated with no reduction in the total amount;
- 4- The number of open space lots has been increased; or
- 5- The transportation authority has required minor changes.

AGENCY NOTIFICATIONS

Notification of this application was sent to agencies having jurisdiction on December 16, 2021. The following agencies responded:

June 24, 2021	Keller and Associates	Checklist
August 4, 2021	Central District Health	Approval Letter

FINDINGS

The Council may **approve**, **conditionally approve**, **deny** or **table** this request. In order to approve this Final Plat, the Unified Development Code requires that Council must find the following:

- A. The Plat is in conformance with the Comprehensive Plan.  
*Staff finds that this subdivision upon Preliminary Plat approval was in conformance with the Comprehensive Plan; no changes have been made to change this status.*
- B. Public services are available or can be made available and are adequate to accommodate the proposed development.  
*Staff finds that all public services are available and able to accommodate this development.*
- C. There is public financial capability of supporting services for the proposed development.  
*Staff has not received information from agencies having jurisdiction reflecting any financial*

*hardships that would prevent services from being provided.*

- D. The development will not be detrimental to the public health, safety or general welfare; and,  
*Staff has not received facts to support that this subdivision phase will be detrimental to the public health, safety or general welfare.*
- E. The development preserves significant natural, scenic or historic features.  
*Staff finds that existing conditions have not changed from the approved Preliminary Plat of this subdivision.*

#### CONDITIONS OF APPROVAL

1. Applicant/Owner/Developer shall comply with all statutory requirements of all applicable agencies and Districts having jurisdiction in the City of Star, including the City Engineer.
2. The Final Plat shall comply with all received comments from the City Engineer prior to signature of the plat by the City.
3. The property shall be satisfactorily weed abated at all times, including future phases, preventing a public nuisance, per Star City Code Chapter 3, Section 3-1-1 through 3-1-7.
4. Mylar's/final plats must include the statement supporting the "Right to Farm Act" as per Idaho Code Title 22, Chapter 45.
5. Development standards for single family residential units shall comply with effective building and zoning requirements at time of building permit issuance, unless otherwise approved.
6. The Mylar of this final plat shall be signed by the owner, Surveyor, Central District Health, ACHD and City Engineer, prior to being delivered to the City of Star for City Clerk's signature.
7. All common area lots shall be owned and maintained by the Homeowner's Association.
8. Streetlights shall be continuous throughout the subdivision and shall be maintained by the Home-Owners Association. Streetlights shall be installed prior to any building occupancy.
9. The Applicant/Owner shall comply with the City of Star Unified Development Code regarding landscaping, both internal buffers and frontages (See Section 8-4 B Landscaping Requirements).
10. The applicant shall provide the City with a written Certificate of Completion that all landscaping and amenities have been installed in substantial compliance with the City approved landscape plan. The certification shall be prepared by the licensed landscape architect responsible for the landscape plan. **This certification shall be submitted prior to issuance of first certificate of occupancy for this phase.**
11. A letter from the US Postal Service shall be given to the City prior to final Mylar signature stating the subdivision is in compliance with the Postal Service.
12. A form signed by the Star Sewer & Water District shall be submitted to the City prior to final mylar signature stating that all conditions have been met.
13. A sign application shall be submitted to the City for any internal or subdivision signs.
14. The applicant shall maintain, during all construction (including home construction), the installed construction sign, located at all construction entrances, indicating the

rules for all contractors that will be working on the property starting at grading and running through home sales that addresses items including but not limited to dust, music, dogs, starting/stopping hours for contractors (7a.m. start time).

- 15. Applicant shall provide the City with one (1) full size copy, one (1) 11"x17" copy and an electronic pdf copy of the as-built irrigation plans, **prior to any building permits being issued.**
- 16. Applicant shall provide the City with two (2) full size copies, one (1) 11"x17" copy and an electronic pdf copy of the **signed recorded final plat** with all signatures, **prior to any building permits being issued.**
- 17. Applicant shall provide the City with one (1) copy and an electronic pdf copy of the recorded CC&R's, **prior to any building permits being issued.**
- 18. Applicant shall provide the City with one (1) full size copy and an electronic pdf copy of the final, approved construction drawings, **prior to any building permits being issued.**

COUNCIL DECISION

The Star City Council \_\_\_\_\_ File #FP-21-30 Greiner's Hope Springs Subdivision, Final Plat-Phase 4 on \_\_\_\_\_, 2022.

## LEGAL NOTICE PUBLIC HEARING

Notice is hereby given that the Star City Council will hold a Public Hearing on **August 17, 2021** at the Star City Hall, 10769 W. State Street, Star, Idaho at 7:00 pm, or as soon thereafter as the matter may be heard. **COVID-19 UPDATE:** Please see City Website [www.staridaho.org](http://www.staridaho.org) for **Public Hearing instructions for Virtual Public Hearings if necessary.**

**Application:** Inspirado Subdivision  
Files #'s AZ-21-09 Annexation-Zoning  
DA-21-11 Development Agreement  
PUD-21-01 Planned Unit Development  
PP-21-12 Preliminary Plat

**Applicant/Representative:** Keith Nichter, Kimley-Horn & Associates, 950 W. Bannock St. Suite 1100, Boise, Idaho 83702

**Owners:** Antonov Star Holdings, LLC, 7629 E. Pinnacle Peak Road #110, Scottsdale, AZ 85255; Don Brandt, 203 11<sup>th</sup> Ave, Nampa, ID 83651; Pioneer Irrig Dist, P.O. Box 426, Caldwell, ID 83606

**Action:** The Applicant is seeking approval of an Annexation and Zoning (R-3-PUD-DA/C-1-DA/MU-DA), a Development Agreement, a Planned Unit Development, and a Preliminary Plat for a proposed mixed-use development and subdivision consisting of 195 single family residential lots, 2 high density residential lots, 1 commercial lot, 5 mixed use lots and 24 common lots. The property is located on the northeast corner of N. Star Road and W. Chinden Blvd in Star, Idaho.

**Property Location:** The subject property is generally located between N. Star Road and Hwy 16. Ada County Parcel No's S0420336300; S0420336500; S0420315200; S0420428200; S0420325800; S0420325855; S0420417550; S0421325480 & S0421325570.

**Information/Comments:** A complete copy of the applications are available at City Hall for public review. The City invites all interested parties to attend the meeting and provide public testimony. Written comments will be accepted by the City up to 2 days prior to the date of the public hearing.

Services for persons with disabilities may be made available if notice is received in advance of the meeting by calling Star City Hall at (208) 286-7247.

Shawn L. Nickel  
Planning Director and Zoning Administrator  
[snickel@staridaho.org](mailto:snickel@staridaho.org)



# CITY OF STAR

## LAND USE STAFF REPORT

**TO:** Mayor & Council

**FROM:** Shawn L. Nickel, Planning Director and Zoning Administrator *Shawn L. Nickel*

**MEETING DATE:** **January 11, 2022 – PUBLIC HEARING (originally scheduled 8-17-21)**

**FILE(S) #:** AZ-21-09 Annexation and Zoning  
DA-21-11 Development Agreement  
PUD-21-01 Planned Unit Development  
PP-21-12 Preliminary Plat for Inspirado Subdivision

### OWNER/APPLICANT/REPRESENTATIVE

<b>Property Owner/Applicant</b> (Annexation/Development) Antonov Star Holdings, LLC 7629 E. Pinnacle Peak Road, Ste. 110 Scottsdale, AZ 85255	<b>Representative:</b> Teller Bard Kimley-Horn & Associates 950 W. Bannock St, Ste. 1100 Boise, ID 83702
<b>Property Owner #2</b> (Annexation Only) Pioneer Irrigation District P.O. Box 426 Caldwell, ID 83606	<b>Property Owner #3</b> (Annexation Only) Don Brandt 203 11 <sup>th</sup> Ave Nampa, ID 83651

### REQUEST

**Request:** The Applicant is seeking approval of an Annexation and Zoning (R-3-P-DA, MU-P-DA, C-2-P-DA), a Development Agreement, a Planned Unit Development, and a Preliminary Plat for a proposed mixed-use development and subdivision consisting of 195 single family residential lots, 2 high density/multi-family residential lots, 1 commercial lot, 4 mixed-use lots and 24 common lots. The property is located on the northeast corner of N. Star Road and W. Chinden Blvd in Star, Idaho. The Inspirado Subdivision contains approximately 124 acres. The entire annexation area for this application includes approximately 135 acres. **This application was originally scheduled for Council on August 17, 2021 but was postponed to allow ACHD and ITD additional time to provide review comments. ITD has provided their review and ACHD will have their review completed prior to the Council hearing.**

<b>PROPERTY INFORMATION</b>
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**Property Location:** The subject property is generally located between N. Star Road and Hwy 16. Ada County Parcel No's S0420336300; S0420336500; S0420315200; S0420428200 (Brandt); S0420325800; S0420325855; S0420417550 (Pioneer Irrigation Dist.); S0421325480 (Brandt) & S0421325570 (Pioneer Irrigation Dist.).

**Surrounding Land Use/Designations:**

	<b>Zoning Designation</b>	<b>Comp Plan Designation</b>	<b>Land Use</b>
<b>Existing</b>	RUT (County)	Neighborhood Residential, Commercial, Mixed Use	Agriculture
<b>Proposed</b>	R-3-P-DA MU-DA C-2-DA	Neighborhood Residential, Commercial, Mixed Use	Single Family Residential/Commercial/Mixed Use/Multi-Family Residential
<b>North of site</b>	RUT (County)	CBD (Central Business District); Neighborhood Residential	Single Family Residential/Agriculture/Commercial
<b>South of site</b>	RUT (County)	Medium Density Residential Mixed Use Regional (City of Meridian)	Agriculture
<b>East of site</b>	RUT (County)	Commercial	Star Road/R.C. Bean Saddlery/Pasture
<b>West of site</b>	RUT (County)	Commercial Neighborhood Residential	Single Family Residential/Agriculture

**Existing Site Characteristics:** The property currently is agricultural.

**Irrigation/Drainage District(s):** Nampa-Meridian, Boise-Kuna, Boise Project Board of Control

**Flood Zone:** This property is currently located in Flood Zones X. FEMA FIRM Panel 16001C0140J. Effective Date: 6/19/2020

**Special On-Site Features:**

- ✧ Areas of Critical Environmental Concern – No known areas.
- ✧ Evidence of Erosion – No evidence.
- ✧ Fish Habitat – None.
- ✧ Floodplain – No.
- ✧ Mature Trees – None.
- ✧ Riparian Vegetation – No.
- ✧ Steep Slopes – None.

- ✧ Stream/Creek – Yes.
- ✧ Unique Animal Life – No unique animal life has been identified.
- ✧ Unique Plant Life – No unique plant life has been identified.
- ✧ Unstable Soils – No known issues.
- ✧ Historical Assets – No historical assets have been observed.
- ✧ Wildlife Habitat – No known sensitive wildlife habitat observed.

APPLICATION REQUIREMENTS

Pre-Application Meeting Held	May 20, 2020
Neighborhood Meeting Held	June 3, 2020
Application Submitted & Fees Paid	April 16, 2021
Application Accepted	May 17, 2021
Residents within 300' Notified	August 2, 2021; December 21, 2021
Agencies Notified	May 6, 2021
Legal Notice Published	August 2, 2021; December 22, 2021
Property Posted	August 6, 2021; December 30, 2021

HISTORY

This property does not have any history of land use applications within the City of Star.

CODE DEFINITIONS / COMPREHENSIVE PLAN

UNIFIED DEVELOPMENT CODE:

8-1B-1: ANNEXATION AND ZONING; REZONE:

B. Standards:

1. The subject property shall meet the minimum dimensional standards of the proper district.
2. The city may require a development agreement in conjunction with the annexation and zoning, or rezone, pursuant to Idaho Code section 67-6511A, which may include a concept plan. In addition to other processes permitted by city and state code, exceptions or waivers of standards, other than use, may be permitted through execution of a development agreement. A development agreement and concept plan shall be required for any rezone to a mixed-use zone, high density zone or land which includes steep slope (land over 25%) or floodway.
3. The termination of a development agreement shall result in the reversal of the official zoning map amendment approval and applicable development approval for any undeveloped portion of property subject to the development agreement. The undeveloped property subject to the



development agreement shall be rezoned to the district classification as designated by the development agreement. When no designation is provided, the property shall revert to its original zoning or, if the original designation no longer exists, to the closest current equivalent zoning as determined by the current Comprehensive Plan Land Use Map designation.

4. An amendment or termination of a previously recorded development agreement shall be recorded in the office of the county recorder by the clerk.

5. An approved development agreement must be executed within ninety (90) days of the meeting at which the development agreement is approved by the city council. A one-time administrative extension of maximum thirty (30) days may be granted by the zoning administrator. Additional extensions may be approved by majority vote of the city council. Failure to execute the development agreement within the required timeframe will result in the denial of all related applications.

C. Required Findings: The council shall review the application at the public hearing. In order to grant an annexation and zoning or rezone, the council shall make the following findings:

1. The map amendment complies with the applicable provisions of the comprehensive plan;
2. The map amendment complies with the regulations outlined for the proposed district;
3. The map amendment shall not be materially detrimental to the public health, safety, and welfare; and
4. The map amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city.
5. The annexation (as applicable) is in the best interest of city.

### **8-3A-1: ZONING DISTRICTS AND PURPOSE ESTABLISHED:**

R RESIDENTIAL DISTRICT: To provide regulations and districts for various residential neighborhoods. Gross density in a Residential (R) district shall be determined according to the numeral following the R. The numeral designates the maximum number of dwelling units per acre. In zoning designations of R-1, R-2, R-3, R-4 and R-5, housing shall be single family detached unless approved with a PUD or development agreement. Connection to municipal water and sewer facilities are required for all subdivision and lot split applications submitted after the effective date hereof in all districts exceeding one dwelling unit per acre. Wells and septic systems may be permitted for larger lots in this land use designation that are not adjacent to municipal services, as determined by the Sewer District, and if approved by the applicable Health Department. Private streets may be approved in this district for access to newly subdivided or split property. This district does allow for some non-residential uses as specified in 8-3A-3.

**C-2 GENERAL BUSINESS DISTRICT:** To provide for the establishment of areas for commercial uses allowed in other commercial zones and commercial uses which are more intensive than those permitted in other commercial zones, and typically located adjacent to arterial roadways and not immediately adjacent to residential, including the establishment of areas for travel related services such as hotels, motels, service stations, drive-in restaurants, offices, limited warehousing, commercial services and retail sales.

**MU MIXED USE DISTRICT:** To provide for a mixture of uses which may, at the sole discretion of the Council, include office, commercial, and/or residential depending upon the specific comprehensive plan area designated as Mixed Use. Development within this zone is to proceed through the PUD process unless a development agreement has already been executed for the particular property. Identifying areas for mixed-use development has two objectives. The first objective is to give the city a better tool to manage the type of developments through the planned unit development and/or the Development Agreement process. The second objective is that this zone may allow the development community to be more innovative in design and placement of structures subject to Council review and approval. Rezoning within this land use designation is to be strictly monitored by the city to assure that the Mixed-Use areas are not being used simply to justify high density residential use. Residential uses may be part of an overall mixed-use development that includes a non-residential component and may not exceed 30% of the overall size of the development.

**DA DEVELOPMENT AGREEMENT:** This designation, following any zoning designation noted on the official zoning map of the city (i.e., C-2-DA), indicates that the zoning was approved by the city with a development agreement, with specific conditions of zoning.

**PS PUBLIC/SEMIPUBLIC:** To provide for the development of such uses as golf courses, parks, recreation facilities, greenways, schools, cemeteries, and public service facilities such as government offices and utilities. All development within this land use is encouraged to be designed to accommodate the different needs, interests, and age levels of residents in matters concerning both recreation and civil activities.

### **8-3B-3: ADDITIONAL RESIDENTIAL DISTRICT STANDARDS - RESIDENTIAL DISTRICTS:**

When development is planned with lots that directly abut existing lots within a Rural Residential area, or "Special Transition Overlay Area" as shown on the Comprehensive Plan Land Use map, an appropriate transition shall be provided for the two abutting residential lot types. A transition shall take into consideration site constraints that may exist and may include clustering of the urban lots in order to provide an open space area avoiding urban lots directly abutting rural residential lots, or may include the provision of a buffer strip avoiding urban lots directly abutting rural residential lots, or may include setbacks within the urban lots similar to the rural residential lots directly abutting, or may include the provision of one half to one acre size lots directly abutting the rural residential lots.

**8-3E-1: MU MIXED USE DISTRICT: ADDITIONAL MIXED-USE DISTRICT STANDARDS**

- A. Comply with Section 8-3A-1: ZONING DISTRICTS AND PURPOSE ESTABLISHED
- B. All development applications within a mixed-use district shall be accompanied by a conditional use permit, planned unit development, or development agreement application, which shall include a concept plan of the development.
- C. The administrator shall make a recommendation to the applicant regarding what mix of uses are appropriate for any mixed-use development and shall then make a recommendation to the Council.
- D. The development shall include uses from two (2) or more of the land use categories such as residential, commercial, office, light industrial, public space or agricultural.
- E. Mixed-use areas along state highways, where adequate access can be provided for commercial use, shall be predominantly commercial with a very minor component of residential unless the residential is placed on upper floors as part of a mixed-use building.
- F. For any mixed-use development which includes a residential component, a minimum of two (2) housing types, including but not limited to, single-family detached dwellings, single family attached dwellings and multi-family dwellings, shall be required. This excludes multi-family that is proposed to be placed solely on upper floors as part of a mixed-use building.
- G. The Council may place requirements on a mixed-use development, including a ratio of uses and/or timing of phases, to ensure that the overall development maintains its mixed-use intent.

**8-3A-3: USES WITHIN ZONING DISTRICTS**

The following table lists principal permitted (P), accessory uses (A), conditional (C), or prohibited (N) uses.

<b><u>ZONING DISTRICT USES - RESIDENTIAL</u></b>	<b>A</b>	<b>R-R</b>	<b>C</b>
Accessory structure	A	A	A
Dwelling:			
Multi-family 1	N	N	C
Secondary 1	A	A	A
Single-family attached	N	N	C
Single-family detached	P	P	P

Section 5, Item A.

**ZONING DISTRICT USES**

Section 5, Item A.

<b>USES</b>	<b>C-2</b>	<b>MU</b>
Accessory structure - Residential or Commercial	A	C/P
Adult business/adult entertainment	N	N
Agriculture, forestry, fishing	N	N
Airport	N	N
Animal care facility 1	P	C
Artist studio 1	P	P
Arts, entertainment, recreation facility 1	P	C
Asphalt plant 1	N	N
Auction facility	C	C
Automated Teller Machine (ATM) 1	A	A
Automotive hobby 1	N	A
Automotive mechanical/electrical repair and maintenance	P	C
Bakery- Retail or Manufacturing	P	P/C
Bar/tavern/lounge/drinking establishment	P	C
Barbershop/styling salon	P	P
Bed and breakfast	P	C
Beverage bottling plant	N	N
Boarding house	N	C
Brewery/Distillery	P	C
Brewpub/Wine Tasting	P	C
Building material, garden equipment and supplies	P	C
Campground/RV park 1	N	C
Caretaker Unit 1	A	A
Cement or clay products manufacturing	N	N
Cemetery 1	N	N
Chemical manufacturing plant 1	N	N
Child Care center (more than 12) 1	C	C
Child Care family (6 or fewer) 1	A	A



Child Care group (7-12) 1	C	C
Child Care-Preschool/Early Learning 1	C	C
Church or place of religious worship 1	P	P
Civic, social or fraternal organizations	P	C
Concrete batch plant 1	N	N
Conference/convention center	P	C
Contractor's yard or shop 1	N	N
Convenience store	P	C
Dairy farm	N	N
Drive-through establishment/drive-up service window 1	P	C
Dwelling:		
Multi-family 1	N	C
Secondary 1	N	C
Single-family attached	N	C
Single-family detached	N	C
Two-family duplex	N	C
Live/Work Multi-Use 1	N	C
Educational institution, private	C	C
Educational institution, public	C	C
Equipment rental, sales, and services	P	C
Events Center, public or private (indoor/outdoor)	C	C
Fabrication shop	P	N
Farm	N	N
Farmers' or Saturday market	C	C
Feedlot	N	N
Financial institution	P	C
Fireworks Stands	P	P
Flammable substance storage	N	N
Flex Space	P	C

Food products processing	C	N
Fracking	N	N
Gasoline, Fueling & Charging station with or without convenience store 1	P	C
Golf course	C	C
Government office	P	C
Greenhouse, private	N	A
Greenhouse, commercial	P	C
Guesthouse/granny flat	N	C
Healthcare and social services	P	C
Heliport	N	N
Home occupation 1	N	A
Hospital	P	C
Hotel/motel	P	C
Ice manufacturing plant	N	N
Industry, information	P	C
Institution	P	C
Junkyard	N	N
Kennel	C	C
Laboratory	P	C
Laboratory, medical	P	C
Lagoon	N	N
Laundromat	P	P
Laundry and dry cleaning	P	C
Library	P	N
Manufactured home 1	N	C
Manufactured home park 1	N	N
Manufacturing plant	C	N
Meatpacking plant	N	N

Medical clinic	P	P
Mining, Pit or Quarry (excluding accessory pit) 1	N	N
Mining, Pit or Quarry (for accessory pit) 1	A	A
Mortuary	P	C
Museum	P	P
Nursery, garden center and farm supply	P	C
Nursing or residential care facility 1	P	C
Office security facility	P	C
Parking lot/parking garage (commercial)	C	C
Parks, public and private	P	P
Pawnshop	P	P
Personal and professional services	P	P
Pharmacy	P	P
Photographic studio	P	P
Portable classroom/modular building (for private & public Educational Institutions)	C	C
Power plant	N	N
Processing plant	N	N
Professional offices	P	C
Public infrastructure; Public utility major, minor and yard 1	C	C
Public utility yard	C	N
Recreational vehicle dump station	C	A
Recycling center	C	N
Research activities	P	C
Restaurant	P	C
Retail store/retail services	P	C
Retirement home	N	C
Riding Arena or Stable, Private/ Commercial	N	N
Salvage yard	N	N

Sand and gravel yard	N	N
Service building	P	C
Shooting range ( <u>Indoor/Outdoor</u> )	C/N	C/N
Shopping center	P	C
Short Term Rentals 1	N	A
Solid waste transfer station	N	N
Storage facility, outdoor (commercial)1	P	C
Storage facility, self-service (commercial)1	P	C
Swimming pool, commercial/public	P	P
Television station	C	C
Temporary living quarters 1	N	N
Terminal, freight or truck 1	C	N
Truck stop	C	C
Turf farm	N	N
Vehicle emission testing 1	P	C
Vehicle impound yard 1	N	N
Vehicle repair, major 1	P	C
Vehicle repair, minor 1	P	C
Vehicle sales or rental and service 1	P	C
Vehicle washing facility 1	P	C
Vehicle wrecking, junk or salvage yard1	N	N
Veterinarian office	P	C
Vineyard	N	C
Warehouse and storage	P	C
Wholesale sales	P	C
Winery	C	C
Wireless communication facility 1	C	C
Woodworking shop	P	N

**DIMENSIONAL STANDARDS:**

<b>Zoning District</b>	<b>Maximum Height</b>	<b>Minimum Yard Setbacks</b>			
	<b>Note Conditions</b>	<b>Front (1)</b>	<b>Rear</b>	<b>Interior Side</b>	<b>Street Side</b>
R-3	35'	15' to living area/side load garage 20' to garage face	15'	5' per story (2)	20'
R-12 and higher	35'	15' to living area 20' to garage	15' 4' if alley load	5' for single story 10' feet for multi-story	20'
C-2	35'	20'	5'	0'	20'
PS	35'	20'	10'	0'	20'
MU	35'	For MU and CBD - Unless otherwise approved by the Council as a part of a PUD or development agreement, all residential buildings shall follow the residential setbacks shown in this table based upon the project density and all other buildings shall follow setbacks for the C-2 zone (3).			

**Notes:**

1. Interior side yard setbacks for lots with 50' or less of lot width shall be allowed 5' interior side yard setbacks for one and two-story structures.
2. Front yard setback shall be measured from the face of the garage to the face of the sidewalk, allowing for 20' of parking on the driveway without overhang onto the sidewalk.

**8-4E-2: STANDARDS FOR COMMON OPEN SPACE AND SITE AMENITY REQUIREMENTS:****A. Open Space and Site Amenity Requirement (see also Chapter 8 "Architectural Review"):**

1. The total land area of all common open space shall equal or exceed fifteen percent (15%) of the gross land area of the development. Ten percent (10%) of that area shall be usable open space.

2. Each development is required to have at least one site amenity.
3. One additional site amenity shall be required for each additional twenty (20) acres of development area, plus one additional amenity per 75 residential units.
4. Developments with a density of less than 1 dwelling units per acre may request a reduction in total required open space and amenities to the Council. Developments with a density of less than 2 dwelling units per acre may request a 50% reduction in total required open space to the Council.

#### **8-7-1: PURPOSE - PLANNED UNIT DEVELOPMENTS:**

A. The purpose of the planned unit development (PUD) requirements is to provide an opportunity for exemplary site development that meets the following objectives:

1. Preserves natural, scenic and historic features of major importance;
2. Allows for innovative design that creates visually pleasing and cohesive patterns of development; and
3. Creates functionally integrated development that allows for a more efficient and cost-effective provision of public services.

B. It is not the intent that the PUD process be used solely for the purposes of deviation from the dimensional standards in the district, however deviations from dimensional and other standards within this title, may be approved by the council if the PUD incorporates design features that add to the overall design and quality of the proposed development. By allowing dimensional standard deviations, exceptions in land uses allowed and pre-approvals of specific uses as conditions of approval within the PUD application process, the City expects in return a unique development that provides upgraded open space and amenities, mixed uses, multiple residential styles and superior site design.

#### **8-7-4: STANDARDS – PLANNED UNIT DEVELOPMENTS:**

A. General Use Standards:

1. Deviations from Underlying District Requirements: Deviations from dimensional and other standards within this title, may be approved by the council if the PUD incorporates design features that add to the overall design and quality of the proposed development. The exception is that along the periphery of the planned development, the applicable setbacks as established by the district shall not be reduced.
2. Allowed Uses: Applicant may request that specific conditional use(s) be allowed in the district as principal permitted use(s) and up to twenty-five percent (25%) of non-permitted uses be allowed as permitted uses if the council finds that compatibility within the PUD, compatibility with adjacent planned uses and compliance with the intent of the comprehensive plan is



provided. It is at the sole discretion of the Council to approve non-permitted uses within the development, including the maximum amount of those non-permitted uses.

C. Residential Use Standards:

1. Housing Types: A variety of housing types may be included within a single planned development, such as attached units (townhouses, duplexes), detached units (patio homes), single-family and multi-family units, regardless of the district classification of the site, provided that the overall density limit of the district is maintained. A minimum of two (2) housing types shall be provided for all PUD's.

**COMPREHENSIVE PLAN:**

8.2.3 Land Use Map Designations:

Neighborhood Residential:

Suitable primarily for single family residential use. Densities in the majority of this land use area are to range from 3 units per acre to 5 units per acre. Densities not exceeding 1 to 2 units per acre are to be encouraged in areas of the floodplain, ridgeline developable areas, hillside developable areas, and where new residential lots are proposed adjacent to existing residential lots of one acre and larger where those existing larger lots are not likely to be subdivided in the future.

Commercial

Suitable primarily for the development of a wide range of commercial activities including offices, retail, and service establishments. Rezoning to this designation should not be allowed unless adequate ingress/egress to major transportation corridors are assured. Light industrial uses may be considered at the discretion of the City Council without amending this plan.

Mixed Use

Generally suitable for a mixture of uses which may, at the sole discretion of the Council, include office, commercial, light industrial, and/or residential depending upon the specific area designated as Mixed Use. See Mixed Use Implementation Policies for specific criteria. Development within this land use designation is to proceed through the PUD and/or development agreement process.

Identifying areas for mixed-use development has two objectives. The first objective is to give the city a better tool to manage the type of developments through the planned unit development and/or the Development Agreement process. The second objective is that this land use designation will allow the development community to be more innovative in

design and placement of structures. Development design guidelines should also be established to guide development within mixed-use areas. Rezoning within this land use designation is to be strictly monitored by the city to assure that the Mixed-Use areas are not being used simply to justify high density residential use.

#### 8.4 Objectives:

- Implement the Land Use Map and associated policies as the official guide for development.
- Manage urban sprawl in order to minimize costs of urban services and to protect rural areas.
- Encourage land uses that are in harmony with existing resources, scenic areas, natural wildlife areas, and surrounding land uses.

#### 8.5.3 Policies Related Mostly to the Urban Residential Planning Areas:

A. The Neighborhood Residential Land Use is to encourage urban style development densities to limit urban sprawl.

B. Low densities within the Neighborhood Residential Land Use are to be designed within the floodplain, ridgeline developable areas, hillside developable areas and where new residential lots are proposed adjacent to existing residential lots of one acre and larger where those existing larger lots are not likely to be subdivide in the future.

#### 8.5.6 Policies Related Mostly to The Commercial Planning Areas

- A. Assist in the provision of coordinated, efficient, and cost-effective public facilities and utility services, carefully managing both residential and non-residential development and design, and proactively reinforcing downtown Star's role as the urban core while protecting existing property rights.
- B. Encourage commercial facilities to locate on transportation corridors.
- C. Locate neighborhood services within walking distance to residential development.
- D. Discourage the development of strip commercial areas.
- E. Maintain and develop convenient access and opportunities for shopping and employment activities.
- F. Commercial areas of five acres or less should be encouraged in residential land use designations with appropriate zoning to allow for commercial services for residential neighborhoods and to limit trip lengths. Such commercial areas should be submitted for

approvals with a Conditional Use Permit or Development Agreement to assure that conditions are placed on the use to provide for compatibility with existing or planned residential uses. These areas should be oriented with the front on a collector or arterial street.

- G. Allow for some light industrial uses within the Commercial areas at the sole discretion of the City Council.

#### 8.5.7 Policies Related Mostly to The Mixed-Use Planning Areas

- A. Council, at their sole discretion, shall determine what mix of uses are appropriate for any mixed-use area considering existing property owners rights.
- B. Development within the Mixed-Use Designation is to proceed through the CUP, PUD, and/or Development Agreement process, and a concept plan must be included with any such proposed use.
- C. In general, mixed-use areas along state highways should be predominantly commercial with a very minor component of residential unless the residential is placed on upper floors as part of a mixed-use building.
- D. Mixed use areas along state and U.S. Highways where direct access to the state highway is prohibited, like along State Highway 16 between State Highway 44 and US Highway 20/26, should be predominately residential with a minor component of neighborhood commercial, or light industrial if sufficient roadway access, by means of backage or other roads, to the State Highway is provided.
- E. Mixed use areas located between commercial and residential land use designations are to provide a compatible transition between the higher intensity use of commercial and the lower intensity use of Estate and\_Neighborhood Residential. Uses for these mixed-use areas could include multi-family housing and or office related uses if determined by the Council through the public hearing process, to be appropriate.

#### 8.5.9 Additional Land Use Component Policies:

- Encourage flexibility in site design and innovative land uses.
- Work with Ada County Highway District (ACHD), Canyon Highway District #4 (CHD4), and Idaho Department of Transportation (ITD) for better coordination of roadway and access needs.
- Support well-planned, pedestrian-friendly developments.

- Dark sky provision should be adopted within the code to assure down style lighting in all developments and Star should consider joining the International Dark Sky Association.

18.4 Implementation Policies:

- F. Development Agreements allow the city to enter into a contract with a developer upon rezoning. The Development Agreement may provide the city and the developer with certain assurances regarding the proposed development upon rezoning.

PROJECT OVERVIEW

ANNEXATION & REZONE:

The applicant is requesting approval of an annexation and rezone application to annex a total of approximately 139-acres and change the zoning designation on approximately 124 acres from Rural Urban Transitional (RUT) to Residential (R-3-P-DA), Commercial (C-2-P-DA) and Mixed-Use (MU-P-DA). The remaining area of approximately 15 acres is part of the annexation pathway from the east and north up to the recently annexed Stonebriar Subdivision and will be designated specific zoning designations by the City at the time of annexation. The proposed zoning district designations for Inspirado would allow for the future subdivision of the property with uses ranging from single family residential, multi-family residential, commercial and mixed-use. The property is located in an area that will be serviceable with central sewer and water provided by Star Sewer and Water District in the near future. Star Sewer and Water will be extending services along Star Road from the new sewer lift station at Joplin Road, completing construction on the west side of Star Road. The property will be accessed by existing and future public roadways. The rezone requests include a development agreement that will address future density and development standards along with approved zoning uses for the residential and non-residential uses. Staff calculates the gross density for the single-family residential portion of the development as 61.48 acres (66.80 total residential acres minus 5.32 acres for the multi-family lots) with a density of 3.17 du/acre. This does not include the future multi-family dwelling density within this calculation. Including the future multi-family development area into the calculations would increase the overall density for the entire residential portion of the development of up to 4.5 dwelling units per acre (20 units/acre). If this is a correct calculation, Staff would recommend that an R-4 zoning designation be substituted.

Regarding the three (3) additional parcels that make up the annexation pathway to Stonebriar Subdivision, Staff recommends that the two Pioneer Irrigation District properties be zoned as PS Public/Semipublic zoning district, and the Brandt parcel be designated as R-3. These designations are consistent with the Comprehensive Plan and/or existing uses of the properties.

## PRELIMINARY PLAT:

The Preliminary Plat submitted contains a total of 227 lots, including 195 single family residential lots, 2 future multi-family residential lots, 1 commercial lot, 4 mixed-use lots and 24 common lots. The detached residential lots include a mixture of patio homes, custom homes and luxury homes on lots ranging in size from 5,500 square feet to 16,871 square feet. The lots will have access and frontage from public streets. All roads will be built to ACHD, City of Star and Star Fire District standards. The submitted preliminary plat is showing a 50 ft wide right of way with paved streets measuring 33 feet from back of curb to back of curb for all local streets with 5 feet wide detached sidewalks throughout the development. The UDC requires all streets to have a minimum street width of 36 feet. The Applicant has not provided documentation that street names have been obtained and approved. Applicant shall obtain and provide to the City street name approval documentation from the Ada County Street Naming Committee prior to signature of the final plat.

The application states that proposed overall open space provided is 10.65 acres (15.9%), including 3.5 acres (33%) usable open space. The current Unified Development Code, Section 8-4E-2 requires a development of this size to have a minimum of 9 site amenities. The applicant is proposing two main amenity areas (primary and secondary) including a community pool, 2 pickleball and two bocce ball courts, children's play area with tot lot structure, shade ramada, picnic tables and benches, multiple pathways and connections and passive, open areas. The applicant is also proposing a primary entrance monument with a water feature. with a pocket park with a shade ramada and a pathway along the southern portion of the property along the hillside and wetland area. There will also be three ponds in the development. These amenities satisfy the code requirement for development amenities. Any future multi-family development shall meet additional landscaping and amenity requirements in Section 8-5-20 of the UDC at the time of future approval.

The Commercial and Mixed-Use lots are not planned for specific development at this time. Future review by Council and/or Staff will be necessary once uses are determined. If the applicant intends to request pre-approvals of any additional future Conditional Use permitted uses, not listed below, at this time, they should request so of the Council through the PUD process.

## PLANNED UNIT DEVELOPMENT

The applicant has submitted a Planned Unit Development (PUD) with the application to assist with the multiple uses proposed within the development including residential, commercial and mixed use, and to provide for deviations to dimensional standards (setbacks) for some of the residential product. UDC Section 8-7-1 Planned Unit Developments states that *"By allowing dimensional standard deviations, exceptions in land uses allowed and pre-approvals of specific uses as conditions of approval within the PUD application process, the City expects in return a*

*unique development that provides upgraded open space and amenities, mixed uses, multiple residential styles and superior site design".* The PUD process also allows for the applicant to request approval of the multi-family dwelling component within the R-3 zoning district as part of the overall approval. Section 8-7-1 further states that *"Allowed Uses: Applicant may request that specific conditional use(s) be allowed in the district as principal permitted use(s)".* In addition to the multi-family dwelling approval in the R-3, the applicant has proposed the following Zoning District Use allowances within the PUD as listed below. Staff is concerned with allowing residential within the Commercial District. Staff believes that the Commercial areas should be protected from future non-commercial development. Staff is also concerned with the allowance of Storage Units as principal permitted uses in the C-2 and M-U. Because of the importance of this commercial corridor to the City, the Council should, at the very least, be able to review Storage facilities as Conditional Uses to prevent the entirety of the Commercial and Mixed-Use areas becoming one, large, Storage facility.

Through the PUD process allowances, the applicant is proposing the following use exceptions:

<b><u>ZONING DISTRICT USES</u></b>						
<b>USES</b>	<b>R</b>	<b>C-2</b>				<b>MU</b>
Dwelling:						
Multi-family <sub>1</sub>	<u>P</u> <del>€</del> <sub>2</sub>	<u>C</u> <del>N</del> <sub>3</sub>				C <u>3</u>
Single-family attached	P	<u>C</u> <del>N</del> <sub>3</sub>				C <u>3</u>
Two-family duplex	P	<u>C</u> <del>N</del> <sub>3</sub>				N
Live/work multi-use <sub>1</sub>	N	<u>C</u> <del>N</del> <sub>3</sub>				C <u>3</u>
Storage facility, outdoor (commercial) <sub>1</sub>	N	P				<u>P</u> <del>€</del>
Storage facility, self-storage (commercial) <sub>1</sub>	N	P				<u>P</u> <del>€</del>

- **2. Non-single-family detached residential dwellings will be limited to a maximum of 10% of the subject gross R-3 development parcel.**
- **3. Conditional residential uses will be limited to a maximum of 25% of the subject gross development parcel.**

#### **ADDITIONAL DEVELOPMENT FEATURES:**

##### Sidewalks

Internal sidewalks are proposed at five-foot (5') widths and will be detached throughout the development.

- Streetlights

Streetlights shall reflect the "Dark Sky" criteria with all lighting. The same streetlight design shall continue throughout the entire development. *The applicant has submitted a streetlight plan and cut sheet that DOES NOT meet City of Star*



requirements. **Applicant must provide a streetlight design/cut sheet and location plan for City approval. This will be required at submittal of the final plat.**

- Street Names  
**Applicant has not provided documentation from Ada County that the street names are acceptable and have been approved. This will be required at final plat.**
- Subdivision Name  
Applicant has provided a letter from Ada County that the subdivision name has been approved and reserved for this development.
- Landscaping - As required by the Unified Development Code, Chapter 8, Section 8-8C-2-M (2) Street Trees; A minimum of one street tree shall be planted for every thirty-five (35) linear feet of street frontage. The applicant shall use "Treasure Valley Tree Selection Guide", as adopted by the Unified Development Code. Section 8-8C-2, J5 states that a minimum of one deciduous shade tree per four thousand (4,000) square feet of common area shall be provided. The submitted landscape plan appears to satisfy these requirements. Applicant shall meet all landscaping requirements in the UDC and provide a final landscape plan with the final plat application.
- Setbacks – The applicant is requesting set back waivers with the PUD application for a number of residential lots.
- Block lengths – It appears that blocks lengths proposed meet the 750' block length requirement. The applicant should be prepared to request a waiver of block lengths from Council if the maximum length is exceeded.
- Mailbox Cluster – **Applicant has submitted a mailbox review request to the Meridian Postmaster. To date, staff has not been provided with an approval letter from the Postmaster. The applicant shall provide this information to the City prior to signing the final plat.**
- Phasing – The applicant has provided a phasing plan for this development showing 4 phases.

## DEVELOPMENT AGREEMENT

Through the Development Agreement process, the applicant is proposing to work with the City and/or neighboring property owners to provide further insurances that the development will be built as presented and/or modified by the Council through the review process. Items that should be considered by the applicant and Council include the following:

- Density;
- Pre-approved and allowed Commercial Uses, including Multi-family and Storage Facilities
- ITD Proportionate Share Fees;
- Emergency Access
- Setback Waivers

AGENCY RESPONSES

ITD	December 28, 2021
Star Fire District	August 9, 2021
Ada County Development Services	May 7, 2021
DEQ	May 14, 2021
ACHD	Pending
West Ada School District	July 1, 2021
Keller and Associates	May 28, 2021
Central District Health	May 12, 2021

PUBLIC RESPONSES

No Public Comments Have Been Received.

STAFF RECOMMENDATION

Based upon the information provided to staff in the applications and agency comments received to date, the proposed applications meet the requirements, standards and intent for development as it relates to the Comprehensive Plan and Unified Development Code. Overall, staff is supportive of the proposed diversity in lot sizes, housing sizes and density that the (R-3 or R-4) zoning designation will provide.

The Council should consider the entire record and testimony presented at their scheduled public hearing prior to rendering its decision on the matter. Should the Council vote to approve the applications, either as presented or with added or revised conditions of approval, Council shall direct staff to draft findings of fact and conclusions of law for the Council to consider at a future date. A development agreement will also be brought back to the Council for review of proposed Conditions of Approval for the rezone.

FINDINGS

The Council may **approve**, **conditionally approve**, **deny** or **table** this request. In order to approve these applications, the Unified Development Code requires that Council must find the following:

ANNEXATION/REZONE FINDINGS:

1. The map amendment complies with the applicable provisions of the Comprehensive Plan.  
*The purpose of the Star Comprehensive Plan is to promote the health, safety, and general welfare of the people of the City of Star and its Impact Area. Some of the prime objectives of the Comprehensive Plan include:*
  - ✓ *Protection of property rights.*
  - ✓ *Adequate public facilities and services are provided to the people at reasonable cost.*
  - ✓ *Ensure the local economy is protected.*
  - ✓ *Encourage urban and urban-type development and overcrowding of land.*
  - ✓ *Ensure development is commensurate with the physical characteristics of the land.**The goal of the Comprehensive Plan for Land Use is to encourage the development of a diverse community that provides a mixture of land uses, housing types, and a variety of employment options, social and recreational opportunities, and where possible provides an assortment of amenities within walking distance of a residential development. The Council must find compliance with the Comprehensive Plan.*
2. The map amendment complies with the regulations outlined for the proposed district, specifically, the purposes statement.  
*The City must find that the proposal complies with the proposed district and purpose statement. The purpose of the residential districts is to provide regulations and districts for various residential neighborhoods with gross densities in compliance with the intent of the Comprehensive Plan designation. Housing shall be single family detached unless approved with a PUD or development agreement. Connection to municipal water and sewer facilities are required for all subdivision and lot split applications in all districts exceeding one dwelling unit per acre. Private streets may be approved in this district for access to newly subdivided or split property. The purpose of the commercial district is to provide for the establishment of areas for commercial uses allowed in other commercial zones and commercial uses which are more intensive than those permitted in other commercial zones, and typically located adjacent to arterial roadways and not immediately adjacent to residential, including the establishment of areas for travel related services such as hotels, motels, service stations, drive-in restaurants, offices, limited warehousing, commercial services and retail sales. The purpose of the mixed-use district is to provide for a mixture of uses which may, at the sole discretion of the Council, include office, commercial, and/or residential depending upon the specific*

*comprehensive plan area designated as Mixed Use. Development within this zone is to proceed through the PUD process unless a development agreement has already been executed for the particular property. Identifying areas for mixed-use development has two objectives. The first objective is to give the city a better tool to manage the type of developments through the planned unit development and/or the Development Agreement process. The second objective is that this zone may allow the development community to be more innovative in design and placement of structures subject to Council review and approval. Rezoning within this land use designation is to be strictly monitored by the city to assure that the Mixed-Use areas are not being used simply to justify high density residential use. Residential uses may be part of an overall mixed-use development that includes a non-residential component and may not exceed 30% of the overall size of the development.*

3. The map amendment shall not be materially detrimental to the public health, safety, and welfare; and

*The Council must find that there is no indication from the material submitted by any political agency stating that this annexation and zoning of this property will be materially detrimental to the public health, safety or welfare.*

4. The map amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city including, but not limited to, school districts.

*The Council must find that it has not been presented with any information from agencies having jurisdiction that public services will be adversely impacted other than traffic, which will continue to be impacted as the City grows.*

5. The annexation is in the best interest of the city.

*The Council must find that this annexation is reasonably necessary for the orderly development of the City.*

#### **PRELIMINARY PLAT FINDINGS:**

1. The plat is in compliance with the Comprehensive Plan.

*The City must find that this Plat follows designations, spirit and intent of the Comprehensive Plan regarding residential development and meets several of the objectives of the Comprehensive Plan such as:*

1. *Designing development projects that minimize impacts on existing adjacent properties, and*
2. *Managing urban sprawl to protect outlying rural areas.*

2. Public Services are available or can be made available and are adequate to accommodate the proposed development.

*The City must find that Agencies having jurisdiction on this parcel were notified of this action, and that it has not received notice that public services are not available or cannot be made available for this development.*

3. There is public financial capability of supporting services for the proposed development;  
*The City must find that they have not been notified of any deficiencies in public financial capabilities to support this development.*
4. The development will not be detrimental to the public health, safety or general welfare;  
*The City must find that it has not been presented with any facts stating this Preliminary Plat will be materially detrimental to the public health, safety and welfare. Residential uses are a permitted use.*
5. The development preserves significant natural, scenic or historic features;  
*The City must find that there are no known natural, scenic, or historic features that have been identified within this Preliminary Plat.*

*Upon granting approval or denial of the application, the Council shall specify:*

1. The Ordinance and standards used in evaluating the application;
2. The reasons for recommending approval or denial; and
3. The actions, if any, that the applicant could take to obtain approval.

#### CONDITIONS OF APPROVAL

1. The approved Preliminary Plat for the Inspirado Subdivision shall comply with all statutory requirements of applicable agencies and districts having jurisdiction in the City of Star.
2. **The applicant shall enter into a Development Agreement with the City, agreeing to proportionate share assessment by ITD regarding impacts to the State Highway System. ITD has calculated the fees to be \$TBD. These fees will be collected by the City of Star, by phase, prior to final plat signature. The development agreement shall be signed and recorded as part of the ordinance for annexation and zoning and shall contain the details of the fees to be collected.**
3. Streetlights shall comply with the Star City Code and shall be of the same design throughout the entire subdivision. Streetlights shall be continuous throughout the subdivision and shall be maintained by the Homeowners Association. **Streetlights shall be installed and energized prior to issuing of building permits.** Design shall follow Code with requirements for light trespass and "Dark Skies" lighting. **Applicant/Owner shall submit a streetlight plan and design prior to Final Plat approval. Streetlights shall comply with the Star City Code regarding light trespass and "Dark Sky" initiative.**
4. All street trees shall be installed per Chapter 8, including Section 8-8C-2-M(2) Street Trees.
5. The property with the approved Preliminary Plat shall be satisfactorily weed abated, preventing a public nuisance, per Star City Code.

- 6. All signed Irrigation District Agreements with the Irrigation Districts shall be provided to the City of Star with each subsequent Final Plat application.
- 7. Pressurized irrigation systems shall comply with the Irrigation District(s) and the City of Star Codes. Plans for pressurized irrigation systems shall be submitted to, and approved by the City of Star Engineer, prior to installation.
- 8. A plat note supporting the "Right to Farm Act" as per Idaho Code Title 22, Chapter 45, shall be shown on the Final Plat.
- 9. A copy of the CC&R's shall be submitted to the City of Star at Final Plat.
- 10. A letter from Ada County shall be provided approving the street names in the development and all names shall be reflected correctly on all pages of the final plat, before the mylar will be signed.**
- 11. A letter from the US Postal Service shall be given to the City at Final Plat stating the subdivision is in compliance with the Postal Service.**
- 12. A form signed by the Star Sewer & Water District shall be submitted to the City prior to the signature of the Final Plat stating that all conditions of the District have been met, including annexation into the District.
- 13. A plat note shall state that development standards for residential development shall comply with the effective building and zoning requirements at time of building permit issuance, unless amended in the Development Agreement or CUP conditions.
- 14. Development standards for single family residential units shall comply with effective building and zoning requirements at time of building permit issuance, or as approved through the Development Agreement or as stated herein.
- 15. All common areas shall be owned and maintained by the Homeowners Association.
- 16. The applicant shall provide a sign, to be located at all construction entrances, indicating the rules for all contractors that will be working on the property starting at grading and running through home sales that addresses items including but not limited to dust, music, dogs, starting/stopping hours for contractors (7a.m. start time). **Sign shall be approved by the City prior to start of construction.**
- 17. A sign application is required for any subdivision signs.
- 18. Owner/Developer will agree to install a 2" (High Density Polyethylene) HDPE SDR-11 roll pipe in the shared utility trench to be used for future fiber optic and/or copper telecommunication cables.**
- 19. Any additional Condition of Approval as required by Staff and City Council.**

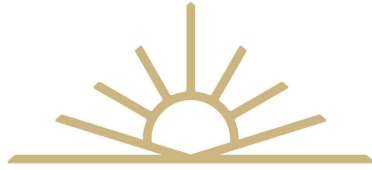
COUNCIL DECISION

The Star City Council \_\_\_\_\_ File Number AZ-21-09/DA-21-11/PUD-21-01/PP-21-12 for Inspirado Subdivision on \_\_\_\_\_, 2022.



T4N, R1W, SEC. 20





# INSPIRADO

April 1, 2021

Shawn Nickel  
City of Star Planning Director and Zoning Administrator  
10769 W. State Street,  
Star, ID 83669

## Re: Inspirado – Annexation, Rezone, Planned Unit Development, Preliminary Plat

Dear Shawn,

On behalf of Antonov Star Holdings, LLC, we are pleased to present you with the complete applications addressing the annexation, preliminary plat and rezone request from RUT to R-3-PUD, MU-PUD and C-2 PUD, associated with Ada County Assessor parcel #'s S0420325855, S0420325800, S0420336300, S0420315200, S0420336500 and S0420428200. This application will be submitted as a Planned Unit Development (PUD) to allow for the development of a unique mixed-use community, referred to as Inspirado, located on approximately 124.07 acres at the northeast corner of Star Road and Chinden Boulevard/US 26. After on-going coordination with City of Star planning staff and local neighbors, considering the City's recent Comprehensive Plan Update and Zoning Code, our planning and development team has thoughtfully designed the Inspirado mixed-use development to include 195 single-family residential lots, 2 high-density residential lots, 24 common lots, 5 mixed-use lots and 1 commercial lot. The single-family residential portion of the development provides roughly 16% of its total area to open space with a large central amenity area and enhanced passive open space areas. The following narrative and supporting documents have been prepared for your review and approval.

It should be noted that this developer is not only looking to create a high-quality community at Inspirado, but is also bringing forward the annexation, rezoning and development plans for the neighboring StarPointe and Oaklawn Crossing communities. This investment within the City of Star is a unique opportunity to take a wholistic approach to the planning of almost 180 acres located within this prime growth area. Having the ability to create compatible developments that take in the consideration of varying topography, access and property sizes all while ensuring a balance of housing types, mixture of uses, and a high-quality character, will be a benefit to the developments themselves and the City of Star.

Thank you for your time and consideration. We believe that Inspirado will be a one-of-a-kind addition to the City of Star that will complement existing growth and provide new opportunities within the surrounding neighborhoods and area. Please feel free to contact us if you have any questions or require additional information.

Sincerely,

Deborah Nelson  
Partner

GIVENS  
PURSLEY<sub>LLP</sub>

Keith Nichter  
Planning Manager

Kimley»Horn

PROJECT OVERVIEW

Inspirado is located on approximately 124.07 acres located, within unincorporated Ada County and the City of Star’s Area of City Impact, at the northeast corner of Star Road and Chinden Boulevard/US 26. The subject Property and the surrounding parcels in this area are zoned Rural-Urban Transition (RUT) within the County. In addition to the coordinated annexation, the project team is requesting a concurrent preliminary plat and zoning of the property to R-3/MU and C-2-PUD to be consistent with the recently approved City initiated Comprehensive Plan update. The residential (R-3 PUD) portion of the property will include 195 single-family detached residential lots on 66.80 acres, allowing for a mix of patio homes, custom homes and luxury homes with varying widths ranging from 50’-90’ and depths ranging from 110’-140’ and 24 common lots to include community open space and amenities to be owned and maintained by a community homeowners association (HOA). The remaining acres include 5 mixed-use (MU) lots, 2 high density residential (R-3) lots and 1 commercial (C-2) lot.

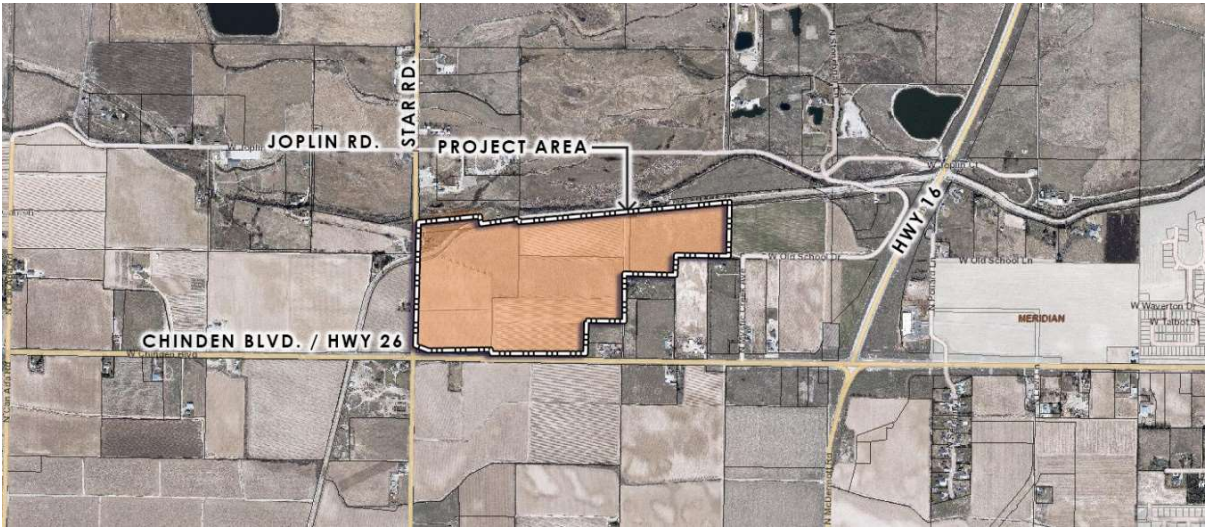


Figure 1. Vicinity Map

CONFORMANCE TO THE COMPREHENSIVE PLAN

The updated City of Star Comprehensive Plan (December 2020) sets the stage for the Inspirado mixed-use development with the future land use designations of Neighborhood Residential, Mixed-Use and Commercial, as seen in *Figure 2. City of Star Comprehensive Plan Future Land Use Map.*

Specifically, the Neighborhood Residential designation is “suitable primarily for single family residential use” with an acceptable density range of 3.01-5 units per acre while Mixed-Use and Commercial are “suitable for a mixture of uses” and a “wide range of commercial activities including offices, retail, and service establishments.”

These land use designations, as defined in the Comprehensive Plan, serve as a planning tool to assist the City in sustaining a reasonable growth and development pattern. Inspirado identifies these land use patterns consistent with the goals of the City of Star. With this direction, Inspirado has taken the following steps to ensure compatibility with the Comprehensive Plan and the following goals.

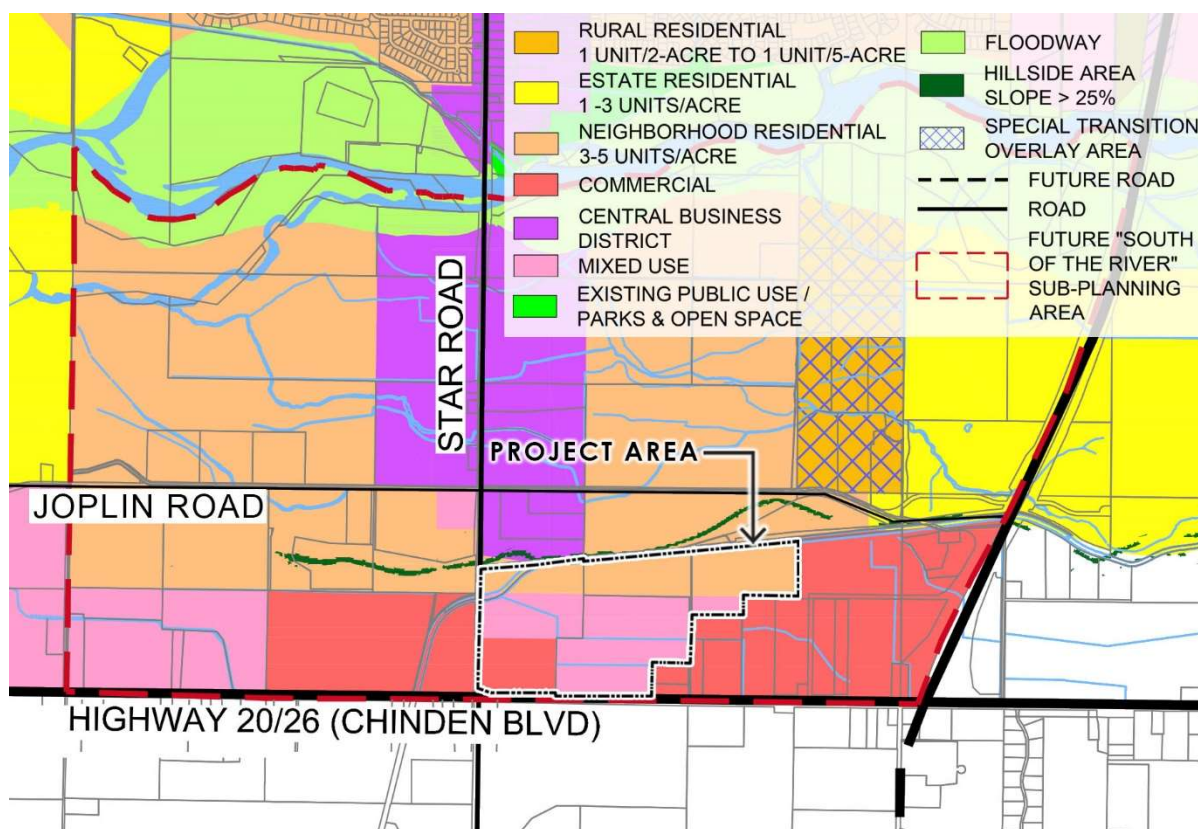


Figure 2. City of Star Comprehensive Plan Future Land Use Map

**5.3 Goal:** Manage population growth consistent with community goals and objectives as expressed within the Comprehensive Plan. Enhance the quality and character of the community while providing and improving amenities and services.

Response: Inspirado looks to implement a plan with a variety of housing opportunities for differing population needs. This variety can be seen through a range of products and lot sizes, ranging from large-lot residential, custom homes, patio homes and multi-family uses.

**7.3 Goal:** Enhance and develop Star's economy which will build a stronger community.

Response: Inspirado will provide a mixture of uses including commercial, service, and residential developments all within one carefully designed and themed community. This will be a place where future residents truly can live, work and play with a focus on pedestrian connectivity to encourage walking. Consistent with the Comprehensive Plan, Inspirado will concentrate appropriate commercial and office development onto relatively small amounts of land, along the main thoroughfares; and surrounded by housing and future consumers to help support these future commercial uses. The residential portion of Inspirado strengthens the market and generates investment momentum for the commercial development. “Residents need to have employment opportunities as well as a diverse choice of housing and retail services to maintain the city as a vital community.” Star Comprehensive Plan.

**8.3 Goal:** *Encourage the development of a diverse community that provides a mix of land uses, housing types, and a variety of employment options, social and recreational opportunities, and where possible, an assortment of amenities within walking distance of residential development.*

Response: As mentioned above, Inspirado will be a true mixed-use community, allowing for a variety of housing and employment options. In addition, multiple large amenities including a community pool area, amenity structure, two pickleball courts, two bocce ball courts, children’s play area, tot-lot, shade ramadas, picnic tables and benches will all be centrally located to encourage walking and allow for community interactions and gatherings. These are key elements of both the Comprehensive Plan and the ongoing “South of the River” Sub Area Plan which is being developed by the City for the area planned to be the future downtown of Star and its future supporting periphery.

Until the Sub Area Plan is adopted by the City, it has been determined that development will be permitted in accordance with the other sections of the Comprehensive Plan. Inspirado has been proactive to incorporate elements from the Sub Area Plan, to ensure compatibility, including the location of residential development along the bench that is separated from Chinden Blvd. by a curvilinear collector roadway, which provides connectivity and acts as a buffer to the mix of uses along the property’s busy frontages. Additionally, Inspirado will provide regional pedestrian connectivity along the proposed internal collector alignment, in the form of a shaded detached trail, to help facilitate an active community core and support the future mix of uses.

**15.3 Goal:** *Encourage diverse developments that provide a mix of housing types and products and, where possible, an assortment of amenities within walking distance of residential development.*

Response: With a mix of single-family and multi-family residential on a range of lot sizes, Inspirado allows for an opportunity to develop a wide variety of housing

types, built around a central amenity, offering choices for all range of income groups and family sizes from young professionals to larger families to empty nesters.

Inspirado will support the development of multi-family housing, incorporated within the proposed mixed-use parcels, to be close to transportation, employment and shopping areas and act as a transition between single-family housing and adjacent commercial and potential office uses.

**18.3 Goal:** *The Star Comprehensive Plan and related ordinances are to be working documents used by citizens and city leaders to shape the future of Star.*

Response: The Planned Unit Development Ordinance (PUD) is one of many ways provided by the City to implement the Comprehensive Plan. Inspirado looks to incorporate the allowed variations in development requirements, subject to approval, to encourage the innovative development to address the growing demands of the community. These PUD regulations will encourage the conservation and more efficient use of open spaces and consistency in the development type and character of the proposed mixed of uses.

## APPLICATIONS

The Inspirado project team has had on-going dialogue with the City of Star in regards to this Property, throughout the last year and through the City’s Comprehensive Plan update process, which included two pre-application conferences to discuss these proposals conducted on May 20, 2020 and February 18, 2021.

A neighborhood meeting was held June 3<sup>rd</sup>, 2020 at the Star Community Church Meeting Room.

The project team understands the importance that all citizen outreach and input plays in the development process. We are committed to encouraging and allowing residents and neighbors to express their questions and concerns, throughout the application process.

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## ANNEXATION

The Inspirado project team been working with the City of Star on a City-wide annexation path, from the existing Stonebriar subdivision to the northeast and through private property adjacent to Inspirado all of which provide a continuous path of annexation into the City of Star.

A legal description has been prepared for the annexation (Appendix A) and the project team will continue to work with the City to solidify the annexation path throughout these approvals. Accompanying this annexation, Inspirado also seeks approval of a Planned Unit Development, to include the proposed concept



plan (Appendix B) and some minor proposed deviations to the base development standards (Figure 5). Inspirado plans to adhere to the C-2 and MU district dimensional standards along with the majority of the required R-3 standards. The proposed deviations will allow for modified side yard setbacks, providing consistency among the varying lot types, and the clarification of the proposed 5' side yard setbacks adjacent to the street where the project proposes common landscape tracts.

Zoning District	Maximum Height Note Conditions	Front (1)	Rear	Interior Side	Street Side
R-3	35'	15' to Living Area/ Side Load Garage 20' Garage Face	15'	<del>5' 5' Per Story (2)</del>	20' <i>or 5' Adjacent to a Common Area Strip</i>
<i>R-3 Multi-Family</i>	<i>35'</i>	<i>For Multi-Family within R-3, limited to 10% of the gross area, all residential buildings shall follow the residential setbacks shown in Section 8-3A-4 of the Star City Code, based upon the proposed product type and project density.</i>			
C-2	35'	20'	5'	0'	20'
MU	35'	For MU - unless otherwise approved by the Council as a part of a PUD or Development Agreement, all residential buildings shall follow the residential setbacks shown in this table based upon the project density and all other buildings shall follow setbacks for the C-2 zone (3)			

Notes:

1. Front yard setback shall be measured from the face of the garage to the face of the sidewalk, allowing for 20 feet of parking on the driveway without overhang onto the sidewalk.
- ~~2. Interior side yard setbacks for lots with 50 feet or less of lot width shall be allowed 5 feet interior side yard setbacks for one and two-story structures.~~
3. All setbacks in the MU zone shall be a minimum 15 feet when adjacent to a residential use or zone.

**Figure 3. Amended Development Standards**

Additionally, consistent with Appendix C, Inspirado proposes deviations to Section 8-3A-3: Uses within Zoning Districts to incorporate modifications that will allow for multi-family development, limited in area, as a permitted use within R-3 and a conditional use within C-2. Within the R-3 development, multi-family will only be allowed within the identified high-density residential parcels (7.5 acres) up to a maximum of 10% of the overall gross R-3 zoning boundary. Also, within the MU district storage facilities will be permitted, consistent with the allowed C-2 uses.

These requested deviations to the base code will be justified through a higher quality of development as described in the required findings below.

#### 8-7-5: REQUIRED FINDINGS:

- A. The planned unit development demonstrates exceptional high quality in site design through the provision of cohesive, continuous, visually related and functionally linked patterns of development, street and pathway layout, and building design.

*Response: Inspirado will be a high-quality development, as seen through its enhanced open spaces, monumentation, architectural character and site design.*

- B. The planned unit development preserves the significant natural, scenic and/or historic features.

*Response: While no natural or historic features exist within the Inspirado boundaries, much focus has been given to the preservation of the Phyllis Canal and its natural resources in its current alignment. Access will be provided over the canal to allow for proper spacing and connectivity to Star Road. Additionally, the scenic benefits of Inspirado's location, along the bench, have been recognized in the location of view corridors and the placement of areas that allow public access to ensure those scenic views can be enjoyed by all.*

- C. The arrangement of uses and/or structures in the development does not cause damage, hazard, or nuisance to persons or property in the vicinity.

*Response: The proposed uses are consistent with the Comprehensive Plan and are compatible with the proposed uses to the North (Neighborhood Residential and Central Business District), East (Commercial), South (Commercial) and West (Commercial and Neighborhood Residential). Additionally, no modifications to the perimeter standards of the proposed zoning categories, chosen from the Comprehensive Plan Zoning Compatibility Matrix, are proposed to ensure proper and adequate buffers to the property in the vicinity.*

- D. The internal street, bike and pedestrian circulation system is designed for the efficient and safe flow of vehicles, bicyclists and pedestrians without having a disruptive influence upon the activities and functions contained within the development, nor place an undue burden upon existing transportation and other public services in the surrounding area.

*Response: In order to promote an active community core, the central community collector will act as the main pedestrian and vehicular connector between the proposed mix of uses. Access corridors throughout the development will allow for safe and easy access to community amenities and future employment and commercial services. A detached pedestrian trail, with an 8' parkway strip will set pedestrians*

*back from the adequate travel lanes while providing an opportunity for shade cover along the proposed tree lined streets.*

- E. Community facilities, such as a park, recreational, and dedicated open space areas are functionally related and accessible to all dwelling units via pedestrian and/or bicycle pathways.

*Response: The large 1.25-acre main central amenity will provide a convenient location for community engagement and gatherings amenities such as a community pool area, two pickleball courts, and two bocce ball courts. These areas will be surrounded by lush, attractive landscaping, and concrete pathways provide connectivity to multiple access points. Additional open spaces, including a +/- 1-acre secondary amenity with a children's play area, tot-lot, shade ramadas, picnic tables and benches, will provide alternative passive and recreational opportunities to cater to the preferences of the community residents. Overall, this additional enhanced open space and focus on pedestrian connectivity will make Inspirado a unique place to live, work and play.*

- F. The proposal complies with the density and use standards requirements in accord with this title.

*Response: Inspirado has chosen proposed zoning categories the from Comprehensive Plan Zoning Compatibility Matrix that match the intent and densities of the Comprehensive Plan Land Use designations for this property. Perimeter dimensional standards will remain in place to ensure proper buffers and compatibility with the neighboring land uses and future development.*

- G. The amenities provided are appropriate in number and scale to the proposed development.

*Response: The provided open space areas, including two 1+ acre parks, have been oversized to provide adequate opportunities for both recreational and passive amenities. These two main park areas will include amenities such as a community pool area, amenity structure, two pickleball courts, two bocce ball courts, children's play area, tot-lot, shade ramadas, picnic tables and benches.*

- H. The planned unit development is in conformance with the comprehensive plan.

*Response: Inspirado has been planned and coordinated with the City to ensure conformance with the recently approved Comprehensive Plan. Land uses, zoning categories and densities are consistent with the overall goal to create a unique mixed-use development.*



ZONING

Consistent with the City of Star Comprehensive Plan and the associated zoning compatibility matrix, Inspirado proposes three compatible zoning designations to accommodate this proposed distinct development. Inspirado is proposed to be developed as a Planned Unit Development with R-3 -PUD north of the internal collector, C-2 PUD located at the hard corner of the intersection at Star Road and Chinden Boulevard/US 26, and the remainder as MU-PUD along the Star Road and Chinden Boulevard/US 26 frontages. Consistent with the City of Star’s Future Land Use designations for the property, we believe that the proposed Inspirado rezoning fulfills the vision of the Comprehensive Plan and addresses a need for single-family residential and future mixed uses within the area.

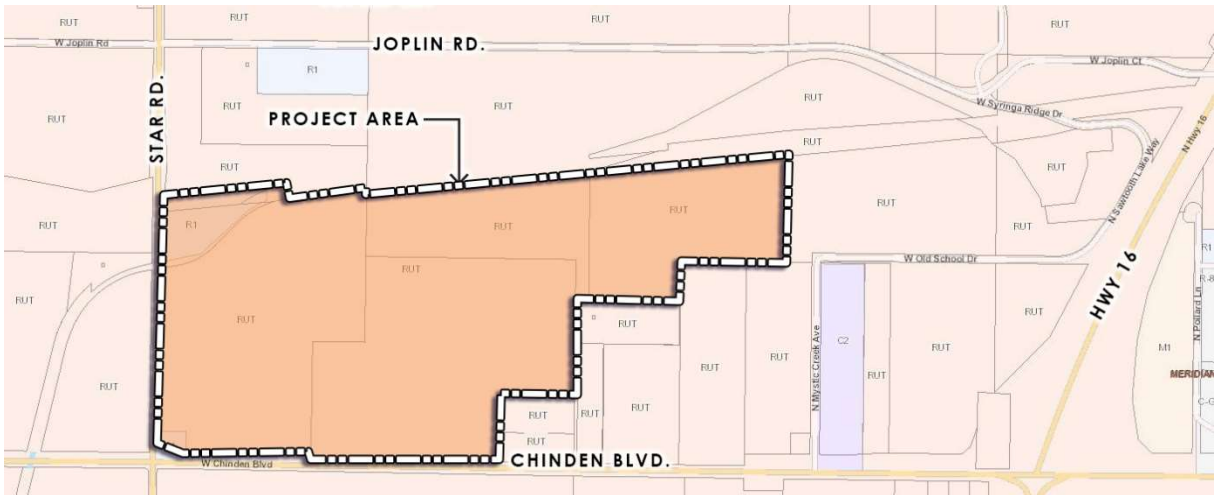


Figure 4. Existing Zoning Map

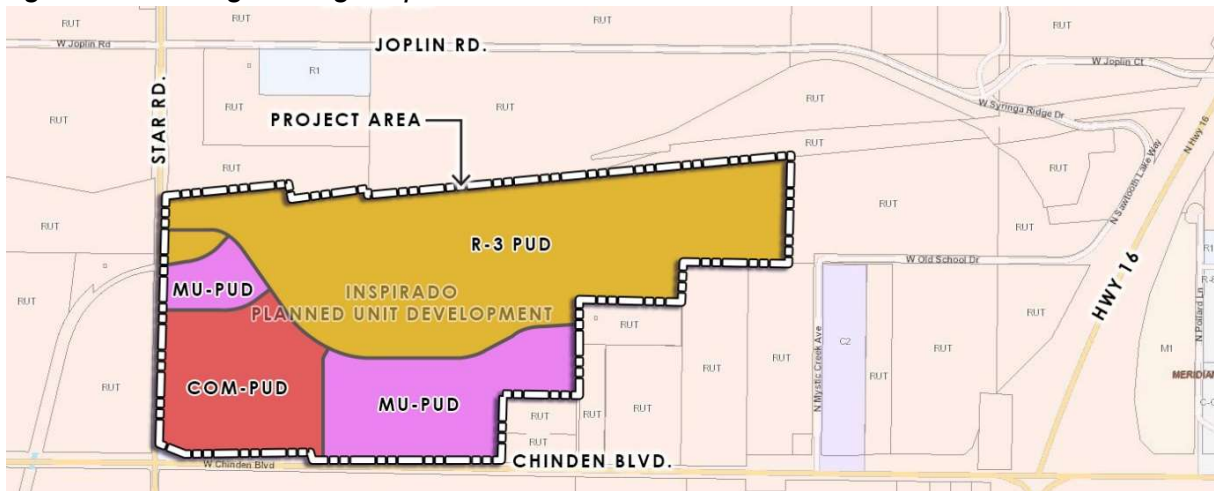


Figure 5. Proposed Zoning Map

## PRELIMINARY PLAT

Annexation and zoning applications are accompanied by a concurrent preliminary plat application for the proposed single-family residential portion of the Inspirado development. The preliminary plat also designates the proposed multi-family, mixed-use and commercial development parcels. Consistent with the preliminary plat data below, the R-3 portion will consist of two high density residential lots, 195 single-family residential lots and 24 common lots containing the community open spaces and amenities.

The five mixed-use lots and one commercial lot situated along the frontages of Chinden Boulevard and Star Road will allow for mixed-use and commercial development along with a generous open space buffer and an expansive pond adjacent to the residential parcel.

### Preliminary Plat Data

Existing Zoning: RUT

Proposed Zoning: R-3 PUD, MU PUD, C-2 PUD

Gross Acreage: 124.07 Ac

Gross Residential Acreage: 66.80 Ac

Total Lots: 227

Common Lots: 24

Mixed Use Lots: 5

Commercial Lots: 1

High Density Residential Lots: 2

Single-Family Residential Lots: 195

Gross Density: 1.57 du/ac

Residential Gross Density: 2.92 du/ac

Buffer Open Space: 2.35 Ac

Common Open Space: 4.44 Ac

Usable Open Space: 3.53 Ac

Visual Natural Open Space: 0.34 Ac

Total Open Space: 10.65 Ac (15.9% of Gross)

Patio Home Minimum Width: 50'

Custom Home Minimum Width: 70'

Luxury Home Minimum Width: 75'

Patio Home Minimum Area: 5,500 Sf

Custom Home Minimum Area: 8,400 Sf

Luxury Home Minimum Area: 9,750 Sf

## DEVELOPMENT PLAN

Inspirado has been developed, consistent with the Comprehensive Plan, in the interest of advancing the City of Star's growth goals and providing the public with additional high-quality residential, commercial and mixed-use opportunities. The community is well designed and will be constructed, operated, and maintained to be compatible and appealing in appearance while creating a great community in the City of Star.

The proposed development will be a complementary addition to planned surrounding land uses. The current streets and planned future surrounding improvements are adequate and suitable to facilitate the anticipated traffic of this development and utility infrastructure is sufficient for the project.

The project team has been working with ITD, ACHD, and the City regarding traffic impact, access points and street standards, including alignment of the proposed collector roadway running east-west through the property and access points onto Star Road and Chinden Boulevard/US 26. The project team continue to work with the City and the transportation agencies to ensure proper access to support the commercial and mixed uses. All internal local streets will be 33' from back of curb to back of curb within 50' of public right-of-way. The collector roadway running east-west, and south to Chinden Boulevard/US 26 shall be 36' from back of curb to back of curb within 68' of public right-of-way. All proposed internal streets propose an 8' parkway to create tree-lined streets and shaded walkways, creating a sense of arrival and character unique to Inspirado.

Additional enhanced character will be created through the enforcement of community wide architectural and landscape standards. Quality development will be enforced through the development of structures, buildings, sites, and neighborhoods in a manner that results in a built environment that will endure as an asset to the community for future generations.

ARCHITECTURAL ELEMENTS & SINGLE-FAMILY HOUSING

The architecture style of Inspirado, consistent with the character images below, will largely be a mix of contemporary forms and modern styles. An elegant and plentiful blend of materials ranging from stone to stucco and board-and-batten siding materials are planned with stylish natural colors.



Figure 6. Patio Home Character Images



With a variety of housing types, the proposed Patio Homes will offer a smaller single-family residential option on a +/-50' wide lot with a range of home sizes from 1,500-3,000 square feet. Similar to the homes in the surrounding new developments, heights will be restricted to two-stories and a maximum building height of 35 feet.

Custom home sites generally will offer a larger single-family residential option on a +/-70' wide lot with a range of home sizes from 2,000-4,000 square feet. Similarly, heights will be restricted to two-stories and a maximum building height of 35 feet.

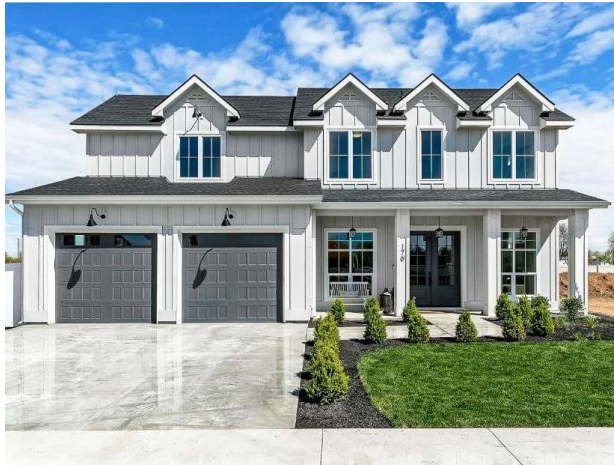


Figure 7. Custom Homes Character Images

Luxury home sites will offer the largest single-family residential option within Inspirado, on a +/-75'-90' wide lot with a range of home sizes from 2,000-4,000 square feet. Heights here will also be restricted to two-stories and a maximum building height of 35 feet.



*Figure 8. Luxury Homes Character Images*

Multi-Family development should promote a walkable, healthy neighborhood by engaging the street, offering sidewalks and pedestrian paths, and using attractive design that reflects the scale and character of adjacent buildings.

*Figure 9. Multi-Family Character*





Commercial and mixed-use development within Inspirado will reduce reliance on automobiles, emphasize accessibility including pedestrian and bicycle connectivity and contribute to the creation of a sense of place to be both attractive and engaging. Commercial and mixed-use development will consider building design that is pedestrian in scale with the goal of creating identifiable places that enhance the character of the City of Star and incorporate sustainable principles that will allow Inspirado to flourish for years to come.



Figure 10. Commercial Building Character Images



Figure 10b. Commercial Building Character Images cont.

## PROJECT AMENITIES AND OPEN SPACE

The Inspirado Subdivision is planned to incorporate an appealing and extensive amenity package that will provide connectivity and many recreation opportunities within the community. At the major entry off of Star Road, residents are greeted with a large entry monument of cascading water over boulders into a receiving pond. A tree lined entry drive follows with multiple entries into the community itself. The community offers an abundance of open space. Overall, the development has over 15% of the required open space. Of the community open space, 33% is designated as usable and 67% is designated as passive. A variety of active open spaces and amenities are provided. The central amenity space offers a community pool area with plenty of opportunities to gather and socialize. Additionally, two pickleball courts and



two bocce ball courts are provided for active group play. The central amenity space is surrounded by lush, attractive landscaping, and concrete pathways provide connectivity to multiple access points. A second amenity space provides a children's play area with structured tot lot, adjacent shade ramada, picnic tables and benches. The amenities selected are customized to current homebuyer preferences and contribute to creating a sense of community and quality of life amongst the future residents.



Figure 11. Amenity Examples and Character Imagery





Figure 11b. Amenity Examples and Character Imagery

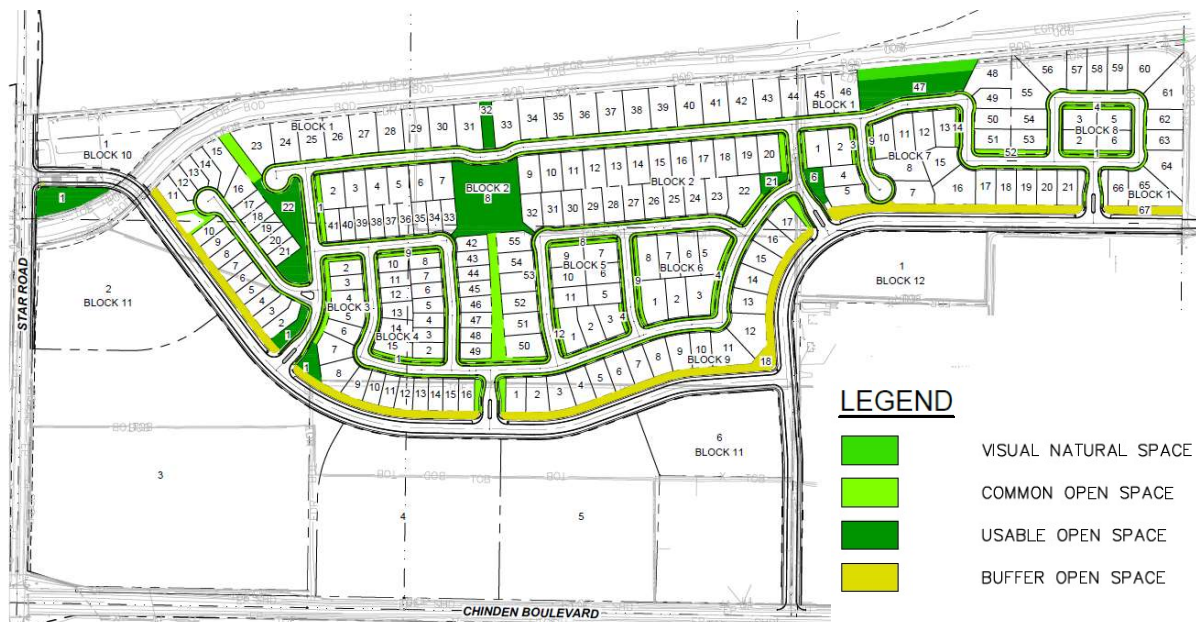


Figure 12. Open Space Plan

## SERVICES

Inspirado is located within the West Ada School District. Inspirado is serviced by Star Elementary, Star Middle School, Eagle High School and Owyhee High School, which is planned to open in August of 2021.

The local police department is located at City Hall and the Ada County Sheriff's Department pays a proportionate share of the cost of the relevant facilities. The Star Fire District has one fire station currently located nearby at 11665 W. State Street. Also, within the planning area Star Fire District has a second station located at the northwest corner of Highway 44 and Kingsbury Road.

## UTILITIES

Water and sewer service for the project is provided by Star Sewer Water District (SSWD). Water and sewer facilities in Star Road and Joplin Road - including a lift station on the north side of Joplin Road near the northwest corner of the project - are under construction by SSWD and will extend water and sewer service to the project site. This project will connect to an existing 21-inch sewer stub in Joplin Road and an existing 12-inch water stub at the Star Road and Joplin Road intersection.

## IRRIGATION

Irrigation service for the project is provided Nampa Meridian Irrigation District via the Creason Lateral. Presently, the lateral runs northwesterly across the site and is piped to maintain downstream service.

## DRAINAGE

Stormwater runoff is routed through the streets to multiple collection points across the site. Seepage beds or infiltration basins and forebays is provided at each concentration point for water treatment - see AHCD BMP-11.

## CONCLUSION

The Inspirado mixed-use development will produce an attractive & well-designed community to the area. The development will provide a blend of appealing single-family homes, essential mixed-use and commercial opportunities, and substantial open space areas capturing the amazing views along the bench and the prime commercial corner. The proposed Planned Unit Development and R-3 PUD, MU-PUD and C-2 PUD zoning classifications align with the City's goals and the planned growth. The site's open spaces and amenities work together to create an active and interconnected community. Our design team has carefully considered the input of existing neighbors and service providers and believe with these positive characteristics, approval of the Inspirado mixed-use development is in the best interests of the City. Accordingly, the developer and design team respectfully request your approval of the annexation, rezone and preliminary plat applications for Inspirado.

Thank you for your time and consideration. We look forward to working with the City of Star on the execution and deliverance of this high-quality project. Please feel free to contact us if you have any questions or require additional information.

Sincerely,



Deborah Nelson  
Partner

**GIVENS  
PURSLEY<sub>LLP</sub>**



Keith Nichter  
Planning Manager

**Kimley»Horn**

## APPENDIX A: ANNEXATION LEGAL DESCRIPTION

## APPENDIX B: CONCEPTUAL SITE PLAN

## APPENDIX C: ZONING DISTRICT USES

The following table lists principal permitted (P), accessory uses (A), conditional (C), or prohibited (N) uses.

<b>ZONING DISTRICT USES</b>	<b>R-3</b>	<b>C-2</b>	<b>MU</b>
Accessory structure - residential or commercial	A	A	C/P
Adult business/adult entertainment	N	N	N
Agriculture, forestry, fishing	N	N	N
Airport	N	N	N
Animal care facility <sup>1</sup>	N	P	C
Artist studio <sup>1</sup>	N	P	P
Arts, entertainment, recreation facility <sup>1</sup>	N	P	C
Asphalt plant <sup>1</sup>	N	N	N
Auction facility	N	C	C
Automated Teller Machine (ATM) <sup>1</sup>	N	A	A
Automotive hobby <sup>1</sup>	A	N	A
Automotive mechanical/ electrical repair and maintenance	N	P	C
Bakery - retail or manufacturing	N	P	P/C
Bar/tavern/lounge/ drinking establishment	N	P	C
Barbershop/styling salon	N	P	P
Bed and breakfast	N	P	C
Beverage bottling plant	N	N	N
Boarding house	C	N	C
Brewery/Distillery	N	P	C
Brewpub/wine tasting	N	P	C
Building material, garden equipment and supplies	N	P	C
Campground/RV park <sup>1</sup>	N	N	C
Caretaker unit <sup>1</sup>	A	A	A
Cement or clay products manufacturing	N	N	N
Cemetery <sup>1</sup>	N	N	N
Chemical manufacturing plant <sup>1</sup>	N	N	N
Child care center (more than 12) <sup>1</sup>	N	C	C



<b>ZONING DISTRICT USES</b>	<b>R-3</b>	<b>C-2</b>	<b>MU</b>
Child care family (6 or fewer) <sup>1</sup>	A	A	A
Child care group (7-12) <sup>1</sup>	C	C	C
Child care- preschool/early learning <sup>1</sup>	C	C	C
Church or place of religious worship <sup>1</sup>	C	P	P
Civic, social or fraternal organizations	N	P	C
Concrete batch plant <sup>1</sup>	N	N	N
Conference/ convention center	N	P	C
Contractor's yard or shop <sup>1</sup>	N	N	N
Convenience store	N	P	C
Dairy farm	N	N	N
Drive-through establishment/drive-up service window <sup>1</sup>	N	P	C
Dwelling:			
Multi-family <sup>1</sup>	<del>P</del> -G <sup>2</sup>	C-N <sup>3</sup>	C <sup>3</sup>
Secondary <sup>1</sup>	A	N	C
Single-family attached	P	C-N <sup>3</sup>	C <sup>3</sup>
Single-family detached	P	N	C
Two-family duplex	P	C-N <sup>3</sup>	C <sup>3</sup>
Live/work multi-use <sup>1</sup>	N	C-N <sup>3</sup>	C <sup>3</sup>
Educational institution, private	C	C	C
Educational institution, public	C	C	C
Equipment rental, sales, and services	N	P	C
Events center, public or private (indoor/outdoor)	N	C	C
Fabrication shop	N	P	N
Farm	N	N	N
Farmers' or Saturday market	N	C	C
Feedlot	N	N	N
Financial institution	N	P	C
Fireworks stands	N	P	P
Flammable substance storage	N	N	N
Flex space	N	P	C
Food products processing	N	C	N
Fracking	N	N	N

<b>ZONING DISTRICT USES</b>	<b>R-3</b>	<b>C-2</b>	<b>MU</b>
Gasoline, fueling and charging station with or without convenience store <sup>1</sup>	N	P	C
Golf course	C	C	C
Government office	N	P	C
Greenhouse, private	A	N	A
Greenhouse, commercial	N	P	C
Guesthouse/granny flat	C	N	C
Healthcare and social services	N	P	C
Heliport	N	N	N
Home occupation <sup>1</sup>	A	N	A
Hospital	N	P	C
Hotel/motel	N	P	C
Ice manufacturing plant	N	N	N
Industry, information	N	P	C
Institution	N	P	C
Junkyard	N	N	N
Kennel	N	C	C
Laboratory	N	P	C
Laboratory, medical	N	P	C
Lagoon	N	N	N
Laundromat	N	P	P
Laundry and dry cleaning	N	P	C
Library	N	P	N
Manufactured home <sup>1</sup>	P	N	C
Manufactured home park <sup>1</sup>	C	N	N
Manufacturing plant	N	C	N
Meatpacking plant	N	N	N
Medical clinic	N	P	P
Mining, pit or quarry (excluding accessory pit) <sup>1</sup>	N	N	N
Mining, pit or quarry (for accessory pit) <sup>1</sup>	A	A	A
Mortuary	N	P	C
Museum	N	P	P
Nursery, garden center and farm supply	N	P	C



<b>ZONING DISTRICT USES</b>	<b>R-3</b>	<b>C-2</b>	<b>MU</b>
Nursing or residential care facility <sup>1</sup>	C	P	C
Office security facility	N	P	C
Parking lot/parking garage (commercial)	N	C	C
Parks, public and private	P	P	P
Pawnshop	N	P	P
Personal and professional services	N	P	P
Pharmacy	N	P	P
Photographic studio	N	P	P
Portable classroom/modular building (for private and public educational institutions)	C	C	C
Power plant	N	N	N
Processing plant	N	N	N
Professional offices	N	P	C
Public infrastructure; public utility major, minor and yard <sup>1</sup>	C	C	C
Public utility yard	N	C	N
Recreational vehicle dump station	N	C	A
Recycling center	N	C	N
Research activities	N	P	C
Restaurant	N	P	C
Retail store/retail services	N	P	C
Retirement home	C	N	C
Riding arena or stable, private/commercial	C/ N	N	N
Salvage yard	N	N	N
Sand and gravel yard	N	N	N
Service building	N	P	C
Shooting range (indoor/outdoor)	N	C/ N	C/ N
Shopping center	N	P	C
Short term rentals <sup>1</sup>	A	N	A
Solid waste transfer station	N	N	N
Storage facility, outdoor (commercial) <sup>1</sup>	N	P	P <del>C</del>
Storage facility, self-service (commercial) <sup>1</sup>	N	P	P <del>C</del>
Swimming pool, commercial/public	N	P	P

<b>ZONING DISTRICT USES</b>	<b>R-3</b>	<b>C-2</b>	<b>MU</b>
Television station	N	C	C
Temporary living quarters <sup>1</sup>	C	N	N
Terminal, freight or truck <sup>1</sup>	N	C	N
Truck stop	N	C	C
Turf farm	N	N	N
Vehicle emission testing <sup>1</sup>	N	P	C
Vehicle impound yard <sup>1</sup>	N	N	N
Vehicle repair, major <sup>1</sup>	N	P	C
Vehicle repair, minor <sup>1</sup>	N	P	C
Vehicle sales or rental and service <sup>1</sup>	N	P	C
Vehicle washing facility <sup>1</sup>	N	P	C
Vehicle wrecking, junk or salvage yard <sup>1</sup>	N	N	N
Veterinarian office	N	P	C
Vineyard	N	N	C
Warehouse and storage	N	P	C
Wholesale sales	N	P	C
Winery	N	C	C
Wireless communication facility <sup>1</sup>	C	C	C
Woodworking shop	N	P	N

Notes:

1. Indicates uses that are subject to specific use standards in accord with chapter 5 of this title.
2. Non-single-family detached residential dwellings will be limited to a maximum of 10% of the subject gross R-3 development parcel.
3. Conditional residential uses will be limited to a maximum of 25% of the subject gross development parcel.



## PRELIMINARY PLAT APPLICATION

\*\*\*All information must be filled out to be processed.

FILE NO.: \_\_\_\_\_  
Date Application Received: \_\_\_\_\_ Fee Paid: \_\_\_\_\_  
Processed by: City: \_\_\_\_\_

### Applicant Information:

**PRIMARY CONTACT IS:** Applicant ☐ Owner ☐ Representative ☒

Applicant Name: Antov Star Holdings, LLC  
Applicant Address: 7629 E Pinnacle Peak Road #110, Scottsdale, AZ Zip: 85255  
Phone: (480) 401-0800 Email: randy@criterionland.com

Owner Name: Antov Star Holdings, LLC  
Owner Address: 7629 E Pinnacle Peak Road #110, Scottsdale, AZ Zip: 85255  
Phone: (480) 401-0800 Email: randy@criterionland.com

Representative (e.g., architect, engineer, developer):  
Contact: Teller Bard Firm Name: Kimley-Horn & Associates  
Address: 950 W Bannock Street, Suite 1100, Boise, Idaho Zip: 83702  
Phone: (208) 297-2885 Email: teller.bard@kimley-horn.com

### Property Information:

Subdivision Name: Inspirado  
Site Location: NEC of the Chinden Boulevard & Star Road intersection  
Approved Zoning Designation of Site: PUD  
Parcel Number(s): S0420336300, S0420336500, S0420315200, S0420428200

### Zoning Designations:

	Zoning Designation	Comp Plan Designation	Land Use
Existing	RUT	Residential/Commercial/Mixed Use	Agricultural
Proposed	PUD	Residential/Commercial/Mixed Use	Residential & Commercial
North of site	RUT	Central Business/Residential	Agricultural
South of site	RUT	Commercial	Agricultural
East of site	RUT	Commercial	Agricultural
West of site	RUT	Residential/Commercial	Agricultural

# **SITE DATA:**

Total Acreage of Site - 124.07  
 Breakdown of Acreage of Land in Contiguous Ownership - 124.07  
 Total Acreage of Site in Special Flood Hazard Area - 0  
 Dwelling Units per Gross Acre - 1.57 DU/AC  
 Minimum Lot Size - 5,500 SF  
 Minimum Lot Width - 50'

Total Number of Lots - 227  
 Residential - 195  
 Commercial - 8  
 Industrial - 0  
 Common - 24

Total Number of Units - 195  
 Single-family - 195  
 Duplex - \_\_\_\_\_  
 Multi-family - \_\_\_\_\_

Percent of Site and Total Acreage of Common Area - 20.1 % / 13.42 acres  
 Percent of Common Space to be used for drainage - 0.78%  
 Describe Common Space Areas (amenities, landscaping, structures, etc.) - Swimming pool  
with clubhouse, pathways, pickleball courts, tot lot, picnic areas.  
 Proposed Dedicated Lots & Acreage (school, parks, etc): N/A

Public Streets - 16,565 Private Streets - 0  
 Describe Pedestrian Walkways (location, width, material) - Primarily concrete pathways  
meandering through open space and along all roadway.  
 Describe Bike Paths (location, width, material) - N/A

## **FLOOD ZONE DATA: (This Info Must Be Filled Out Completely Prior to Acceptance):**

Total Acreage of Site in Special Flood Hazard Area - 0 AC

- A note must be provided on the final plat documenting the current flood zone in which the property or properties are located. The boundary line must be drawn on the plat in situations where two or more flood zones intersect over the property or properties being surveyed.
- FEMA FIRM panel(s): #160xxxxxxC, 160xxxxxxE, etc.: 16001C0140J  
 FIRM effective date(s): mm/dd/year 06/19/2020  
 Flood Zone(s): Zone X, Zone A, Zone AE, Zone AH, etc.: Zone X  
 Base Flood Elevation(s): AE\_\_\_\_.0 ft., etc.: N/A
- Flood Zones are subject to change by FEMA and all land within a floodplain is regulated by Chapter 10 of the Star City Code.

- d. Please see link for help with FEMA information <https://msc.fema.gov/portal/search>.
- e. All maps will delineate flood plain lines.

**PUBLIC SERVICES** (Describe what services are available and agency providing service):

Potable Water - Star Sewer & Water District

Irrigation Water- Creason Lateral, Boise Project, Boise Kuna, Nampa & Meridian

Sanitary Sewer- Star Sewer & Water District

Fire Protection - Star Fire

Schools - West Ada School District

Roads - ACHD

**SPECIAL ON-SITE FEATURES** (Yes or No – If yes explain in your narrative):

Areas of Critical Environmental Concern - No

Floodplain - No

Evidence of Erosion - No

Fish Habitat - No

Historical Assets - No

Mature Trees - No

Riparian Vegetation - No

Steep Slopes - No

Stream/Creek - Yes, Creason Lateral

Unstable Soils - No

Unique Animal Life - No

Unique Plant Life - No

**Application Requirements:**

(Applications are required to contain one copy of the following unless otherwise noted. **When combining with other applications (Annexation, CUP, etc.) please include one paper copy for all applications**)

Applicant (✓)	Description	Staff (✓)
X	Pre-application meeting with Planning Department required prior to neighborhood meeting.	
X	Copy of neighborhood meeting notice sent to property owners within 300 feet and meeting sign-in sheet. <b>(Please contact the City for addresses &amp; labels)</b> (Applicants are required to hold a neighborhood meeting to provide an opportunity for public review of the proposed project prior to the submittal of an application.)	
X	Completed and signed Preliminary Plat Application	
X	Fee: Please contact the City for current fee. Fees may be paid in person with check or electronically with credit card. Please call City for electronic payment. Additional service fee will apply to all electronic payments.	
X	Narrative explaining the project. (must be signed by applicant)	
X	Legal description of the property (word.doc and pdf version with engineer's seal)	
X	Recorded warranty deed for the subject property	
X	If the signature on this application is not the owner of the property, an <b>original</b> notarized statement (affidavit of legal interest) from the owner stating the applicant is authorized to submit this application.	
X	Approval of the proposed subdivision name from Ada County Surveyor's office.	
X	One (1) 8½" X 11" copy and electronic copy in pdf. format of vicinity map showing the location of the subject property	
X	One (1) full-size copy and one (1) 11" X 17" copy of the Preliminary Plat	
X	Electronic copy in pdf. format of Preliminary Plat	
X	One (1) full-size copy and one (1) 11" X 17" copy of the landscape plan	
X	Electronic copy in pdf. format of landscape plan	
X	Electronic copy in pdf. format of preliminary site grading & drainage plans	
X	Phasing plan shall be included in the application if the project is to be phased.	

X	Letter of authorization from the local Post Office approving mailbox delivery to subdivision including location(s) of mailbox clusters. Locations shall be indicated on Preliminary Plat.	
X	List of name(s) and addresses of all canal or irrigation ditches within or contiguous to the proposed development.	
X	One (1) copy of names and addresses printed on address labels, of property owners within three hundred feet (300') of the external boundaries of the property being considered as shown on record in the County Assessor's office. Please contact the City to request addresses and labels.	
X	Site report of the highest seasonal groundwater elevation prepared by a registered soils scientist. (If requested by City Engineer)	
X	Special Flood Information – Must be included on Preliminary Plat and Application form.	
X	One (1) 8½" X 11" copy and electronic copy in pdf format of streetlight <b>design</b> and <b>location</b> information. Streetlights shall meet all City "Dark Sky" requirements.	
X	Written confirmation that a traffic impact study is not required and/or has been submitted for review to Ada County Highway District/Canyon Highway District No. 4/Idaho Transportation Department (if applicable).	
X	One (1) copy of the Electronic versions of submitted application including neighborhood meeting information, signed application, narrative, legal description, warranty deed, vicinity map, preliminary plat, landscape plan, preliminary site grading & drainage plans, irrigation district information, streetlight design & location, confirmation of a traffic impact study <u>shall be submitted in original pdf format (no scans for preliminary plat, landscape plans or grading and drainage plans) on a thumb drive only (no discs)</u> with the files named with project name and plan type. We encourage you to also submit a colored version of the preliminary plat and/or landscape plan for presentation purposes prior to City Council.	
X	Signed Certification of Posting with pictures. (see attached posting requirements and certification form) – To be completed by application after acceptance of application. Staff will notify applicant of hearing and posting date.	
X	Property shall be annexed into Star Sewer and Water District prior to Final Plat approval. Please contact SSWD for details.	

### FEE REQUIREMENT:

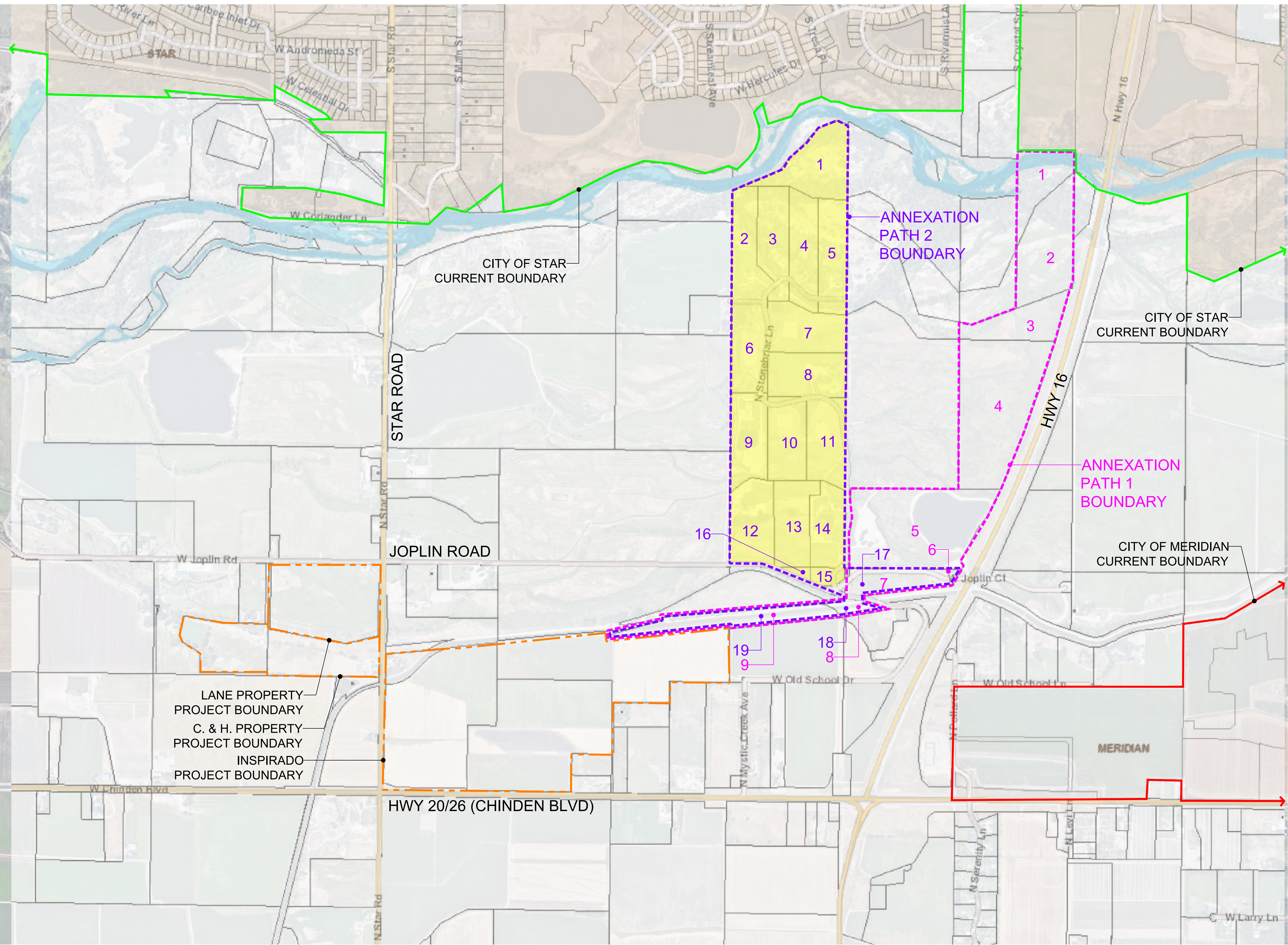
**\*\* I have read and understand the above requirements. I further understand fees will be collected at the time of filing an application. I understand that there may be other fees associated with this application incurred by the City in obtaining reviews or referrals by architect, engineering, or other professionals necessary to enable the City to expedite this application. I understand that I, as the applicant, am responsible for all payments to the City of Star.**

Applicant/Representative Signature

Date

4.9.21

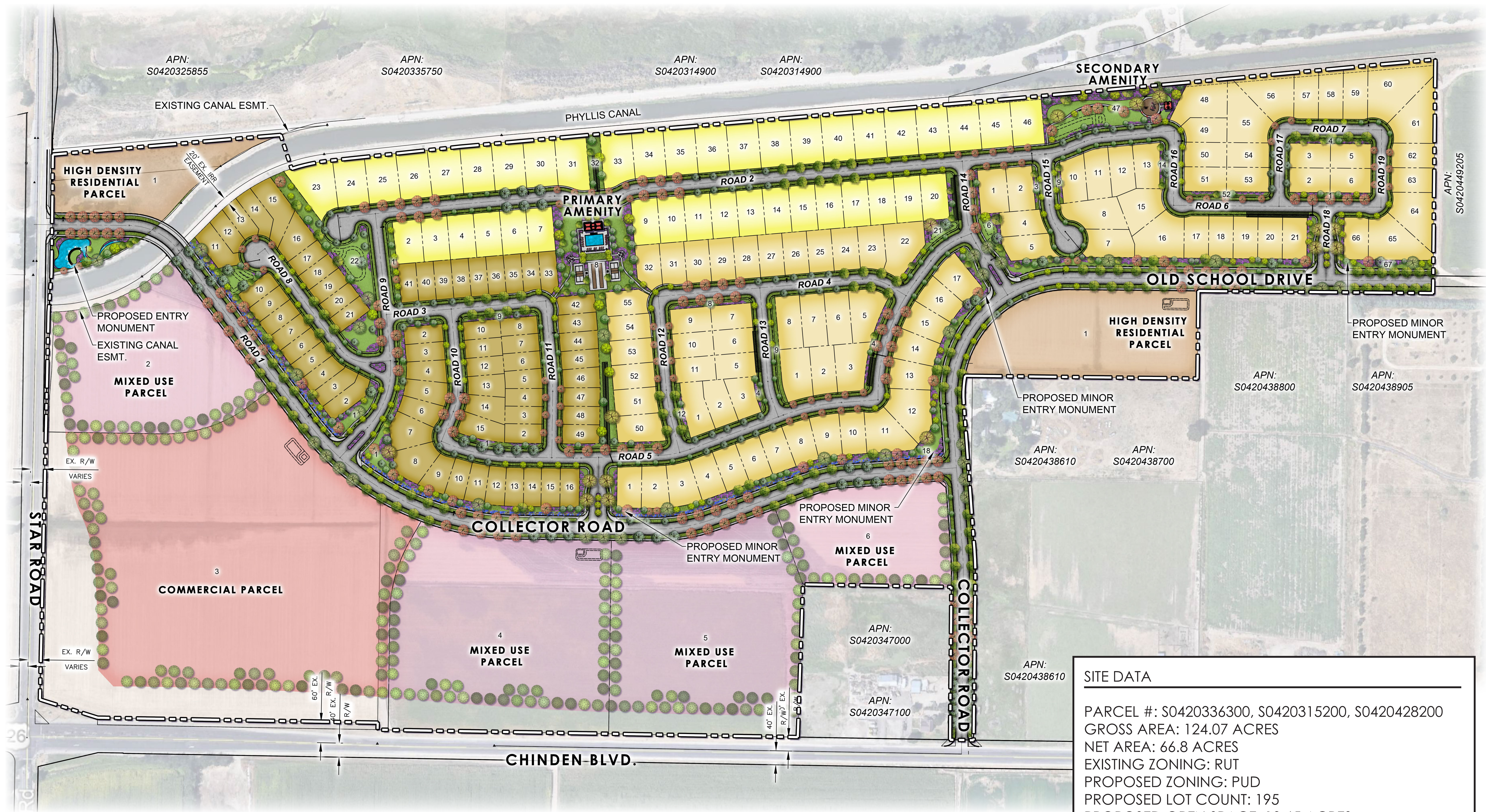




ANNEXATION PATH 1			
TAG NUMBER	PARCEL NUMBER	OWNER	ACERAGE
1	S0416314900	LARSON	8.59
2	S0416336230	IDAHO DEPT. OF LANDS	16.26
3	S0416347100	EDMONDS GROVES LAND	9.52
4	S0421212600	EDMONDS GROVES LAND	31.92
5	S0421234110	3 RIVERS RANCH	31.43
6	S0421325410	3 RIVERS RANCH	0.45
7	S0421325570	PIONEER IRRIGATION DIST.	5.21
8	S0421325480	BRANDT	0.46
9	S0420417550	PIONEER IRRIGATION DIST.	9.46

ANNEXATION PATH 2			
TAG NUMBER	PARCEL NUMBER	OWNER	ACERAGE
1	R8180730160	STONEBRIAR HOA	12.67
2	R8180730120	CAUFFMAN	10.00
3	R8180730130	JAMISON	10.00
4	R8180730140	LOCKHART	10.02
5	R8180730150	BARKER TRUST	10.01
6	R8180730110	BARKER TRUST	10.10
7	R8180730100	ELLISON	10.62
8	R8180730090	TAYLOR	10.67
9	R8180730060	JKB TRUST	10.00
10	R8180730070	BARKER	10.01
11	R8180730080	BARKER	10.13
12	R8180730050	DROLLINGER TRUST	10.78
13	R8180730031	DROLLINGER TRUST	10.01
14	R8180730011	HANSELL	8.51
15	R8180730022	HANSELL	1.70
16	R8180730041	DROLLINGER TRUST	0.60
17	S0421325570	PIONEER IRRIGATION DIST.	5.21
18	S0421325480	BRANDT	0.46
19	S0420417550	PIONEER IRRIGATION DIST.	9.46





**SITE DATA**

PARCEL #: S0420336300, S0420315200, S0420428200

GROSS AREA: 124.07 ACRES

NET AREA: 66.8 ACRES

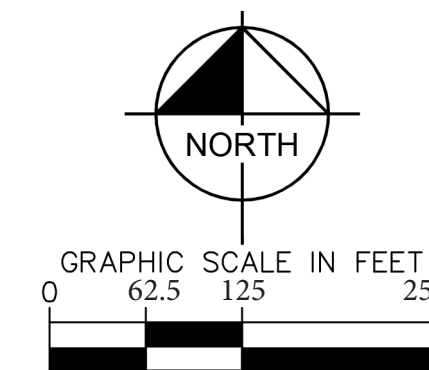
EXISTING ZONING: RUT

PROPOSED ZONING: PUD

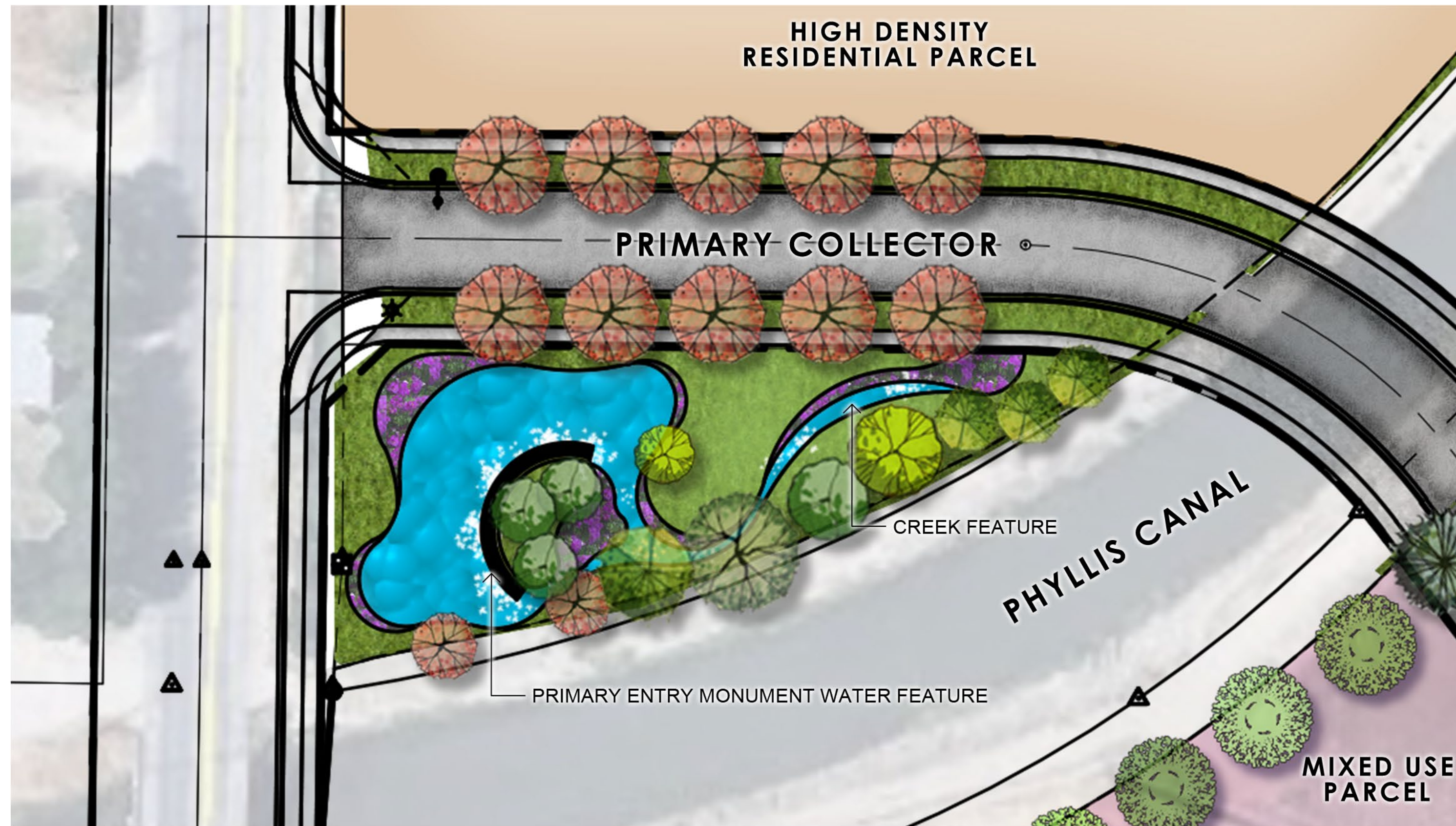
PROPOSED LOT COUNT: 195

PROPOSED OPEN SPACE: 10.65 ACRES

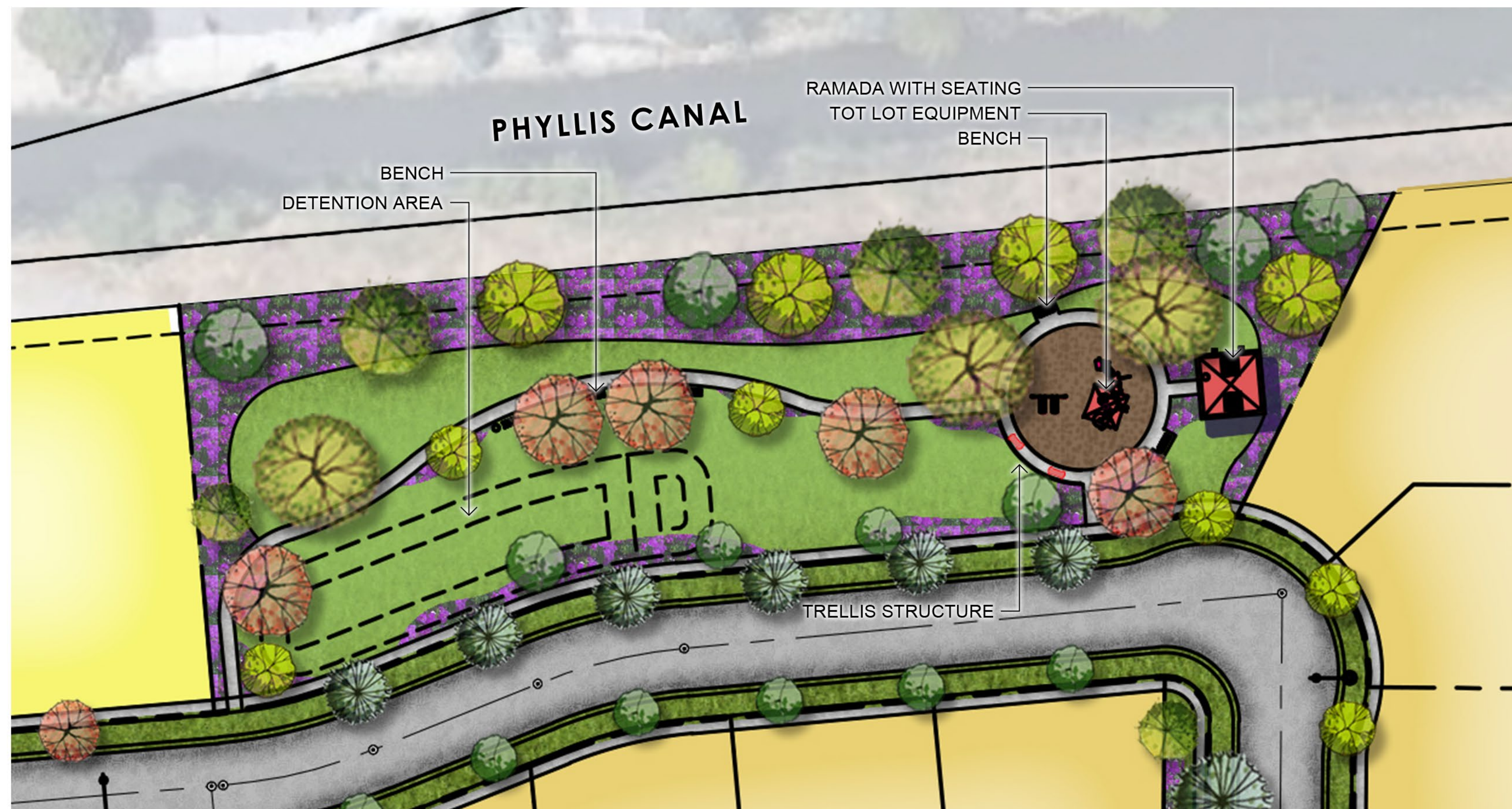
THIS PLAN IS FOR CONCEPTUAL PURPOSES ONLY & REQUIRES DETAILED SITE PLANNING, ENGINEERING & CITY/COUNTY APPROVALS. ACREAGE & DENSITY IS ESTIMATED. LANDSCAPING/AMENITY DESIGN IS ILLUSTRATIVE ONLY.



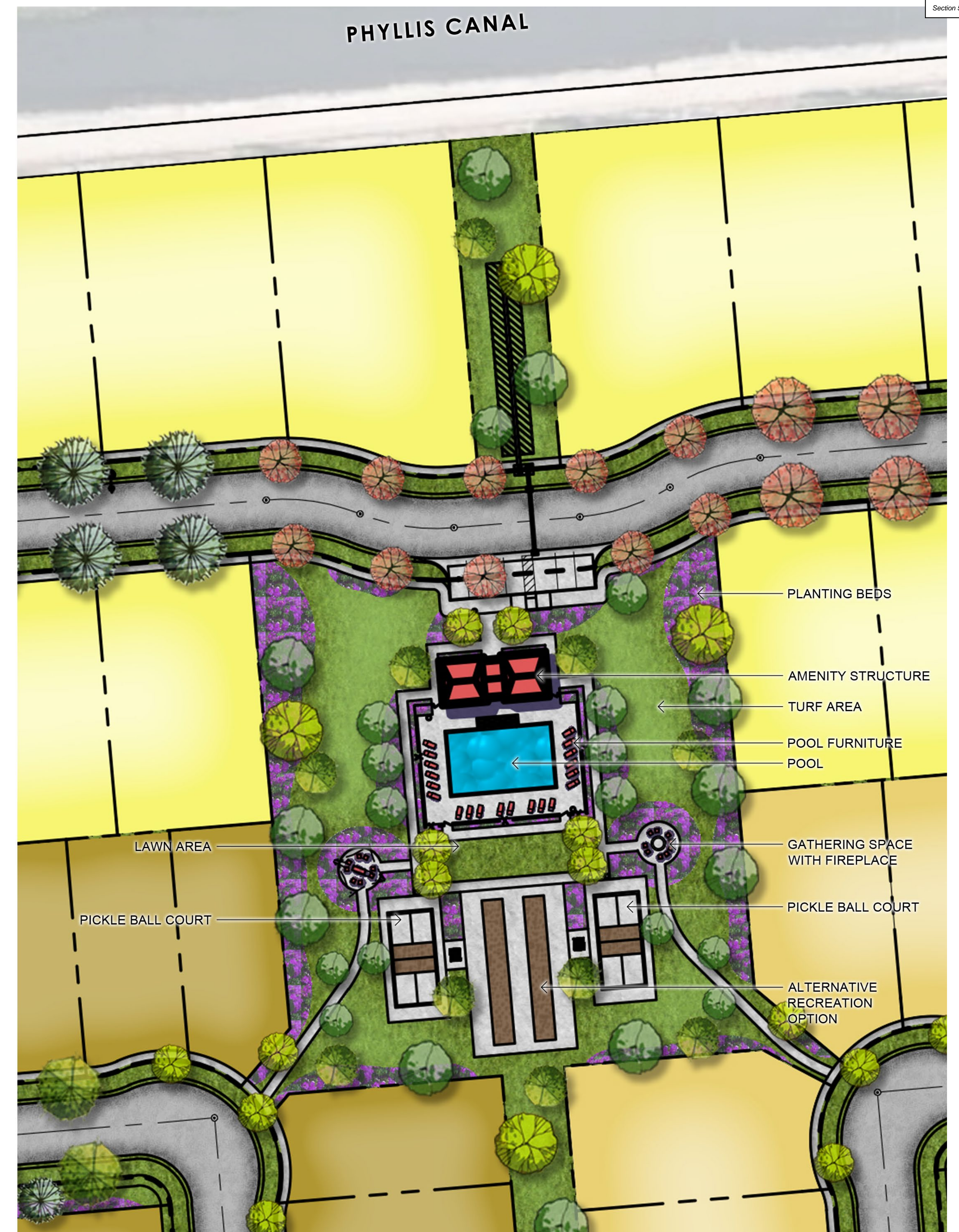




**PRIMARY ENTRY MONUMENT**



**SECONDARY AMENITY AREA**



**PRIMARY AMENITY AREA**



INSPIRADO LEGAL DESCRIPTION

A PORTION OF THE SOUTH 1/2 OF SECTION 20, TOWNSHIP 4 NORTH, RANGE 1 WEST, B.M., ADA COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN ALUMINUM CAP MONUMENT MARKING THE SECTION CORNER COMMON TO SECTIONS 19, 20, 29 AND SECTION 30, TOWNSHIP 4 NORTH, RANGE 1 WEST, B.M., FROM WHICH A 5/8" IRON PIN MARKING THE 1/4 CORNER COMMON TO SECTIONS 19 AND 20, TOWNSHIP 4 NORTH, RANGE 1 WEST, B.M., BEARS NORTH 00°46'11" EAST, 2,633.05 FEET;

THENCE ON THE CENTERLINE OF N. STAR ROAD AS SHOWN ON ITD F.A.P. NO. S-3770(1) RIGHT-OF-WAY PLANS THE FOLLOWING TWO (2) COURSES AND DISTANCES:

NORTH 01°12'14" EAST, 978.38 FEET;

692.50 FEET ALONG THE ARC OF CURVE TO THE LEFT HAVING A RADIUS OF 57,295.78 FEET, A CENTRAL ANGLE OF 00°41'33" AND A LONG CHORD WHICH BEARS NORTH 00°51'27" EAST, 692.50 FEET TO THE WESTERLY EXTENSION OF THE NORTH BOUNDARY LINE OF PARCEL 2 CONVEYED BY A DEED RECORDED ON MAY 01, 2018 AS INSTRUMENT NO. 2018-039285, RECORDS OF ADA COUNTY, IDAHO;

THENCE ON SAID NORTH BOUNDARY LINE AND THE WESTERLY EXTENSION THEREOF, NORTH 85°01'11" EAST, 826.48 FEET;

THENCE LEAVING SAID NORTH BOUNDARY LINE, SOUTH 06°07'20" EAST, 80.76 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF THE PHYLLIS CANAL;

THENCE ON SAID SOUTHERLY RIGHT-OF-WAY LINE THE FOLLOWING FIVE (5) COURSES AND DISTANCES:

NORTH 83°52'40" EAST, 490.32 FEET;

SOUTH 00°41'14" WEST, 20.76 FEET;

NORTH 85°06'27" EAST, 1,416.98 FEET;

NORTH 84°43'04" EAST, 1,068.62 FEET;

NORTH 84°36'10" EAST, 182.24 FEET TO THE EAST BOUNDARY LINE OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 20;

THENCE ON SAID EAST BOUNDARY LINE, SOUTH 00°34'11" WEST, 668.37 FEET TO THE SE 1/16 CORNER OF SECTION 20;

THENCE ON THE SOUTH BOUNDARY LINE OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 20, NORTH 89°18'12" WEST, 667.84 FEET;

THENCE LEAVING SAID SOUTH BOUNDARY LINE, SOUTH 00°36'15" WEST, 248.00 FEET;

THENCE NORTH 89°17'50" WEST, 640.14 FEET;

THENCE SOUTH 00°36'18" WEST, 1,076.75 FEET TO THE SOUTH BOUNDARY LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 20;

THENCE ON SAID SOUTH BOUNDARY LINE, NORTH 89°15'11" WEST, 19.83 FEET TO 1/4 CORNER COMMON TO SECTIONS 20 AND 29;

THENCE LEAVING SAID SOUTH BOUNDARY LINE, NORTH 00°36'18" EAST, 474.94 FEET;

THENCE NORTH 89°00'00" WEST, 456.41 FEET;

THENCE SOUTH 01°55'42" WEST, 476.66 FEET TO THE CENTERLINE OF STATE HIGHWAY 20/26 AS SHOWN ON ITD F.A.P. F-3021(5) RIGHT-OF-WAY PLANS;

THENCE ON SAID CENTERLINE THE FOLLOWING FIVE (5) COURSES AND DISTANCES:

NORTH 89°12'35" WEST, 1,438.10 FEET;

240.00 FEET ALONG THE ARC OF CURVE TO THE RIGHT HAVING A RADIUS OF 5,729.58 FEET, A CENTRAL ANGLE OF 02°24'00" AND A LONG CHORD WHICH BEARS NORTH 88°00'35" WEST, 239.98 FEET;

240.00 FEET ALONG THE ARC OF SAID REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 5,729.58 FEET, A CENTRAL ANGLE OF 02°24'00" AND A LONG CHORD WHICH BEARS NORTH 88°00'35" WEST, 239.98 FEET;

NORTH 89°12'35" WEST, 265.90 FEET;

8.27 FEET ALONG THE ARC OF CURVE TO THE RIGHT HAVING A RADIUS OF 11,459.16 FEET, A CENTRAL ANGLE OF 00°02'29" AND A LONG CHORD WHICH BEARS NORTH 89°11'21" WEST, 8.27 FEET TO THE WEST BOUNDARY LINE OF SECTION 29;

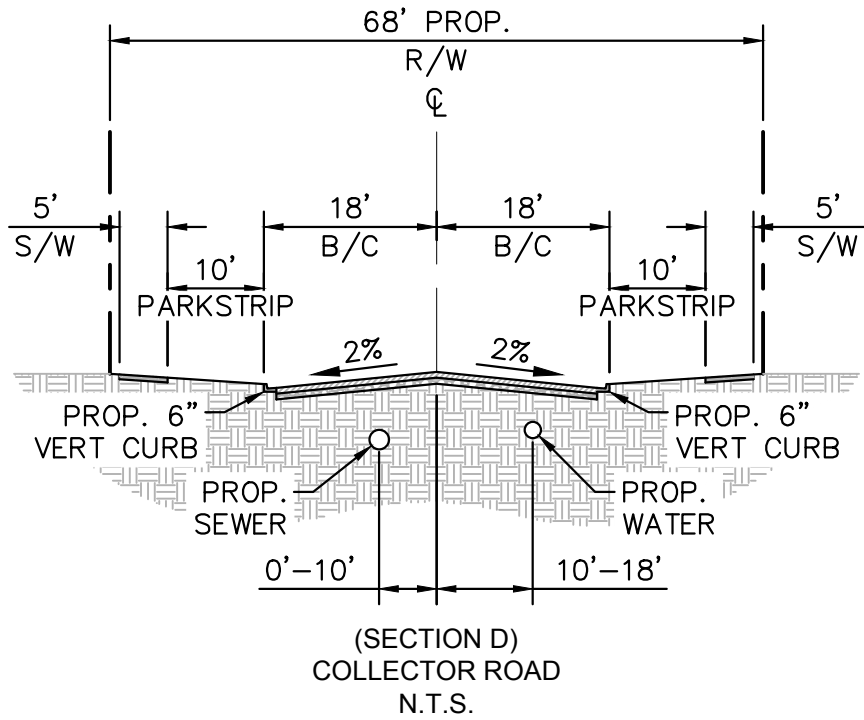
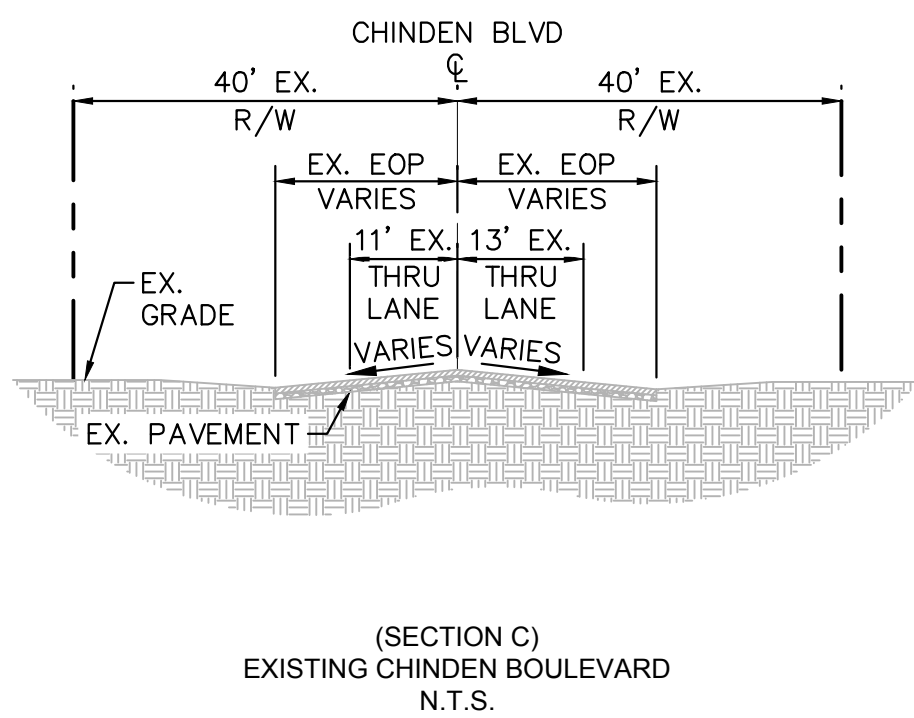
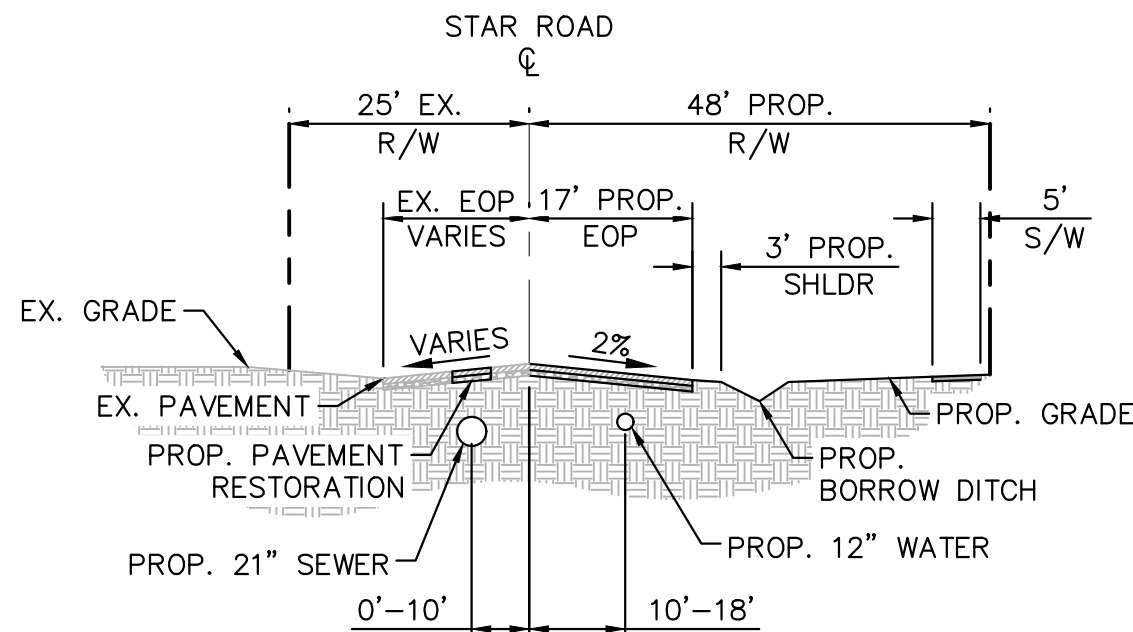
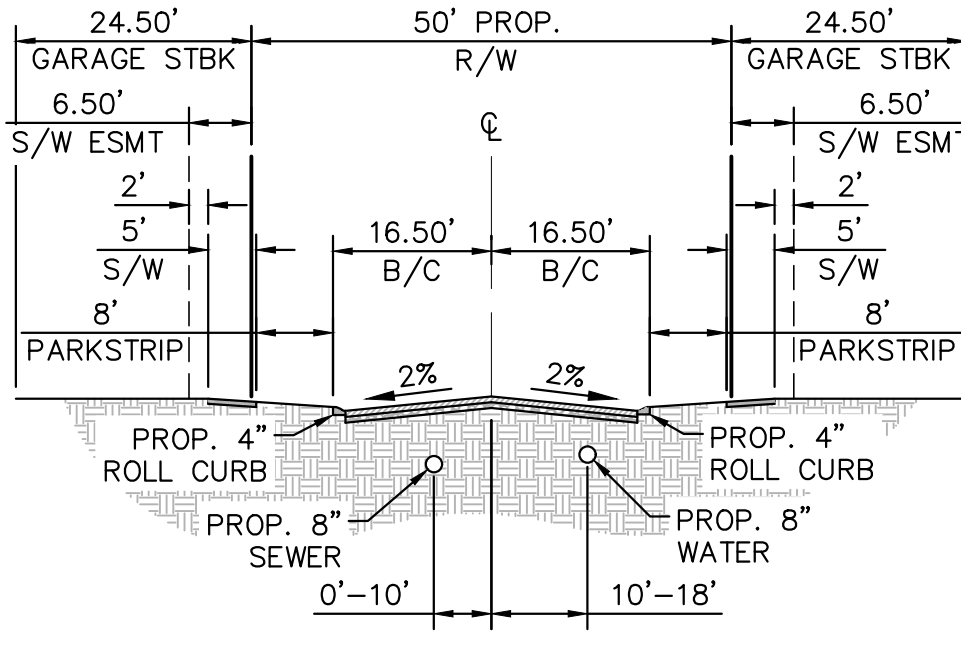
THENCE ON SAID WEST BOUNDARY LINE, NORTH 00°57'52" EAST, 0.06 FEET TO THE REAL POINT OF BEGINNING.

CONTAINING 124.066 ACRES, MORE OR LESS.

END OF DESCRIPTION.

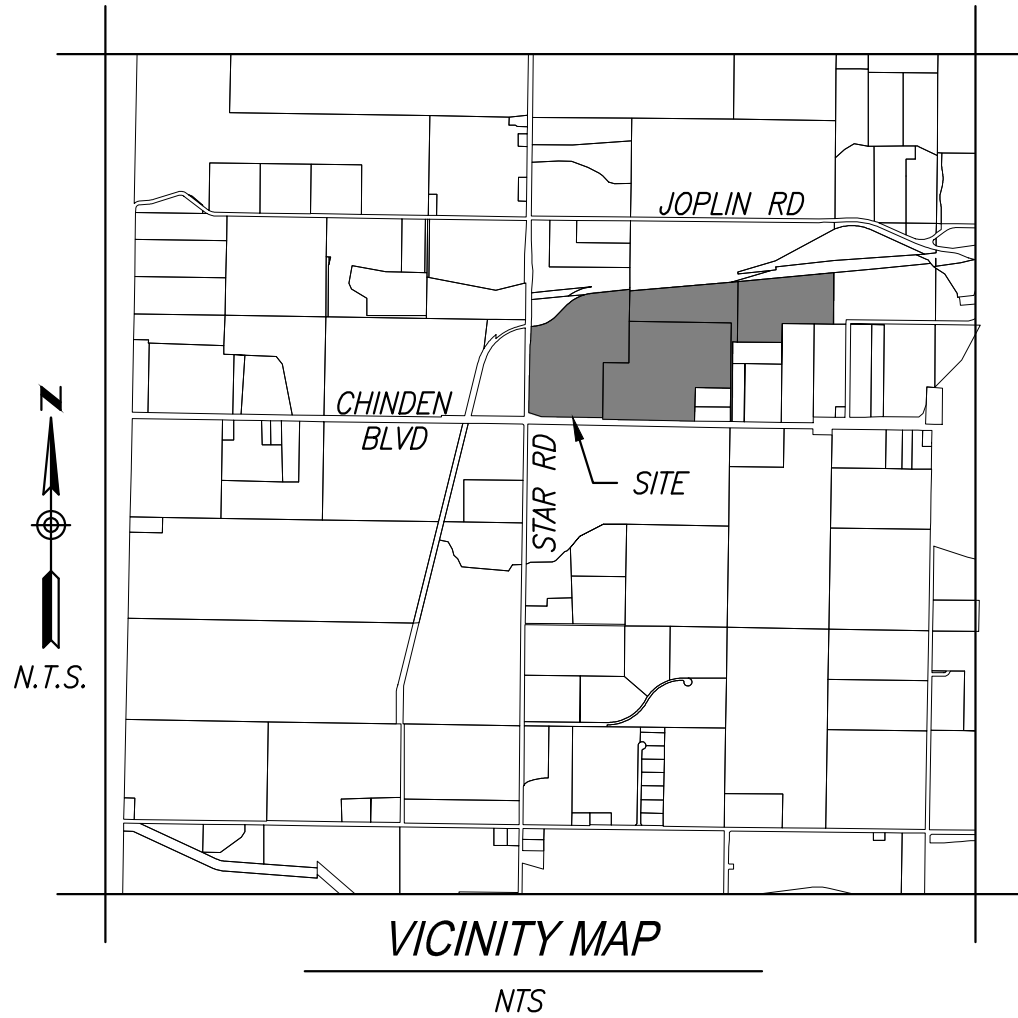
PRELIMINARY PLAT NOTES

- CONTOUR AND SPOT ELEVATION DATA IS REFERENCE TO NAVD '88 DATUM.
- ALL STREETS PROPOSED IN THIS DEVELOPMENT ARE PUBLIC STREETS AND SHALL BE CONSTRUCTED IN ACCORDANCE WITH ACHD STANDARD FOR PUBLIC STREETS.
- BLOCK 1 LOT 1, BLOCK 1 LOT 22, BLOCK 1 LOT 32, BLOCK 1 LOT 47, BLOCK 1 LOT 52, BLOCK 1 LOT 67, BLOCK 2 LOT 1, BLOCK 2 LOT 8, BLOCK 2 LOT 21, BLOCK 3 LOT 1, BLOCK 4 LOT 1, BLOCK 4 LOT 9, BLOCK 5 LOT 4, BLOCK 5 LOT 8, BLOCK 5 LOT 12, BLOCK 6 LOT 4, BLOCK 6 LOT 9, BLOCK 7 LOT 3, BLOCK 7 LOT 6, BLOCK 7 LOT 9, BLOCK 7 LOT 14, BLOCK 8 LOT 1, BLOCK 8 LOT 4, AND BLOCK 9 LOT 18 ARE COMMON LOTS TO BE OWNED AND MAINTAINED BY THE INSPIRADO SUBDIVISION HOMEOWNERS ASSOCIATION. THESE LOTS SHALL BE USED FOR HOMEOWNER PEDESTRIAN ACCESS AND LANDSCAPING AND ARE SUBJECT TO A BLANKET EASEMENT ACROSS SAID LOTS FOR PUBLIC UTILITIES, IRRIGATION, AND LOT DRAINAGE.
- STORMWATER RUNOFF GENERATED ON THIS SITE SHALL HAVE A QUALITY CONTROL TREATMENT PRIOR TO BEING CONVEYED TO ONSITE STORAGE FACILITIES.
- PUBLIC UTILITIES SHALL INCLUDE WATER, SEWER, ELECTRIC POWER, NATURAL GAS, TELEPHONE, AND CABLE TELEVISION.
- THIS SUBDIVISION WILL RECEIVED PRESSURE IRRIGATION FROM A PRESSURE IRRIGATION SYSTEM OWNED AND MAINTAINED BY THE HOA.
- DOMESTIC WATER SERVICE AND FIRE PROTECTION SHALL BE PROVIDED BY THE STAR WATER AND SEWER DISTRICT.
- SANITARY SEWER COLLECTION SHALL BE PROVIDED BY THE STAR SEWER AND WATER DISTRICT.
- THIS DEVELOPMENT RECOGNIZES IDAHO CODE SECTION 22-4503, RIGHT TO FARM ACT, WHICH STATES: "NO AGRICULTURAL OPERATION, AGRICULTURAL FACILITY OR EXPANSION THEREOF SHALL BE OR BECOME A NUISANCE, PRIVATE OR PUBLIC, BY ANY CHANGED CONDITIONS IN OR ABOUT THE SURROUNDING NONAGRICULTURAL ACTIVITIES AFTER IT HAS BEEN IN OPERATION FOR MORE THAN ONE (1) YEAR, WHEN THE OPERATION WAS NOT A NUISANCE AT THE TIME IT BEGAN OR WAS CONSTRUCTED. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY WHENEVER A NUISANCE RESULTS FROM THE IMPROPER OR NEGLIGENT OPERATION OF ANY AGRICULTURAL OPERATION, AGRICULTURAL FACILITY OR EXPANSION THEREOF."
- THE OWNER SHALL COMPLY WITH IDAHO CODE, SECTION 31-3805 OR ITS PROVISIONS THAT MAY APPLY TO IRRIGATION RIGHTS.
- BUILDING SETBACKS AND DIMENSIONAL STANDARDS IN THIS SUBDIVISION SHALL BE IN COMPLIANCE WITH CITY OF STAR CODE UNLESS OTHERWISE MODIFIED BY CONDITIONAL USE PERMIT.
- THE BOTTOM ELEVATION OF BUILDING FOOTINGS SHALL BE SET A MINIMUM OF 12 INCHES ABOVE THE HIGHEST ESTABLISHED NORMAL GROUNDWATER ELEVATION.
- ANY RE-SUBDIVISION OF THIS PLAT SHALL COMPLY WITH THE MOST RECENTLY APPROVED SUBDIVISION STANDARDS OF THE CITY OF MERIDIAN AT THE TIME OF THE RE-SUBDIVISION.
- ALL LOT LINES COMMON TO PUBLIC STREETS ARE HEREBY DESIGNATED TO HAVE A TEN (10) FOOT PERMANENT EASEMENT FOR PUBLIC UTILITIES, IRRIGATION, AND LOT DRAINAGE, UNLESS OTHERWISE DIMENSIONED.
- FRONT, REAR, AND SIDE YARD EASEMENT LOCATIONS AND WIDTHS TO BE DETERMINED WITH FINAL PLAT.
- MAINTENANCE OF ANY IRRIGATION AND DRAINAGE PIPES OR DITCHES CROSSING A LOT IS THE RESPONSIBILITY OF THE LOT OWNER UNLESS SUCH RESPONSIBILITY IS ASSUMED BY AN IRRIGATION/DRAINAGE ENTITY.
- RESTRICTIVE COVENANTS WILL BE IN EFFECT FOR THIS SUBDIVISION.
- A TRAFFIC IMPACT STUDY (TIS) IS BEING PREPARED FOR THIS DEVELOPMENT. APPROVED STUDY WILL BE PROVIDED TO STAFF WHEN AVAILABLE.



INSPIRADO  
PRELIMINARY PLAT

A PORTION OF THE S 1/2 OF SECTION 20,  
TOWNSHIP 4 NORTH, RANGE 1 WEST  
ADA COUNTY, IDAHO



SHEET INDEX	
SHEET NUMBER	SHEET TITLE
01	COVER SHEET
02	EXISTING CONDITIONS
03	EXISTING CONDITIONS
04	PROPOSED CONDITIONS
05	PROPOSED CONDITIONS
06	HORIZONTAL CONTROL
07	HORIZONTAL CONTROL
08	LOT DATA
09	PHASING PLAN

OWNER/DEVELOPER

ANTONOV STAR HOLDINGS, LLC.  
7629 E PINNACLE PEAK ROAD #110  
SCOTTSDALE, ARIZONA 85255  
TELEPHONE: (480) 401-0800  
CONTACT: RANDAL CLARNO  
EMAIL: RANDY@CRITERIONLAND.COM

CIVIL ENGINEER

KIMLEY-HORN AND ASSOCIATES, INC.  
950 W BANNOCK STREET, SUITE 1100  
BOISE, IDAHO 83702  
PHONE: (208) 906-3871  
CONTACT: TELLER BARD, PE  
EMAIL: TELLER.BARD@KIMLEY-HORN.COM

LAND SURVEYOR

IDAHO SURVEY GROUP  
9955 W. EMERALD ST.  
BOISE, IDAHO 83704  
PHONE: (208) 846-8570  
CONTACT: CODY MCCAMMON, PLS  
EMAIL: CODYM@IDAHOSSURVEY.COM

LEGEND

—	PROPOSED CL/SECTION LINE	⊙	PROPOSED FIRE HYDRANT
— · · · · ·	PROPOSED SWALE	⊙	PROPOSED GATE VALVE
— — — — —	PROPOSED BOUNDARY	⌋	SIDEWALK RAMP
— — — — —	ROAD RIGHT OF WAY	—	PROP. STORM DRAIN
— — — — —	LOT LINE	—	PROP. CATCH BASIN
— — — — —	EASEMENT	—	EXISTING CATCH BASIN
— S —	PROPOSED SEWER	—	EXISTING SEWER MAIN
— W —	PROPOSED" WATER (3' COVER)	—	EXISTING WATER MAIN
— · · · · ·	STORM WATER INFRASTRUCTURE EASEMENT	— EP —	EXISTING EDGE OF PAVEMENT
— — — — —	PROPOSED CURB	— EGR —	EXISTING EDGE OF GRAVEL ROAD
⊙	PROPOSED STORM DRAIN MANHOLE	— X —	EXISTING FENCE
■	PROPOSED CATCH BASIN	— OP —	EXISTING OVERHEAD POWER
⊙	PROPOSED SEWER MANHOLE	— G —	EXISTING GAS LINE
■	EXISTING HIGHWAY MONUMENT	— — — — —	PHASE LINE
△	CALCULATED MONUMENT	— — — — —	DRAINAGE POND BOUNDARY
— — — — —	EXISTING UTILITY PIPE SLEEVE	▨	SEEPAGE BED

PRELIMINARY PLAT DATA

EXISTING ZONING RUT  
PROPOSED ZONING: PUD

GROSS ACREAGE: 124.07 AC  
GROSS RESIDENTIAL ACREAGE: 66.80 AC

TOTAL LOTS: 227  
COMMON LOTS: 24  
MIXED USE LOTS: 5  
(BLOCK 11, LOTS 2, 4, 5, & 6)  
COMMERCIAL LOTS: 1 (BLOCK 11, LOT 3)  
HIGH DENSITY RESIDENTIAL LOTS: 2  
(BLOCK 10, LOT 1 & BLOCK 12, LOT 1)  
RESIDENTIAL LOTS: 195

GROSS DENSITY: 1.57 DU/AC  
RESIDENTIAL GROSS DENSITY: 2.92 DU/AC

BUFFER OPEN SPACE: 2.35 AC  
COMMON OPEN SPACE: 4.44 AC  
USABLE OPEN SPACE: 3.53 AC  
VISUAL NATURAL OPEN SPACE: 0.34 AC

TOTAL RESIDENTIAL OPEN SPACE: 10.65 AC  
(15.9% OF GROSS)

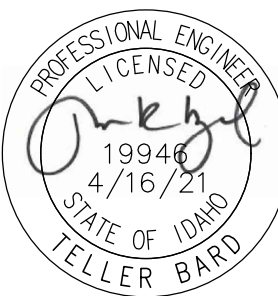
PATIO HOME MINIMUM WIDTH: 50'  
LUXURY HOME MINIMUM WIDTH: 70'  
CUSTOM HOME MINIMUM WIDTH: 75'

PATIO HOME MINIMUM AREA: 5,500 SF  
LUXURY HOME MINIMUM AREA: 8,400 SF  
CUSTOM HOME MINIMUM AREA: 10,500 SF

INSPIRADO

COVER SHEET

ADA COUNTY, IDAHO



EXPIRES 10/31/21

PROJECT NO.  
291015012

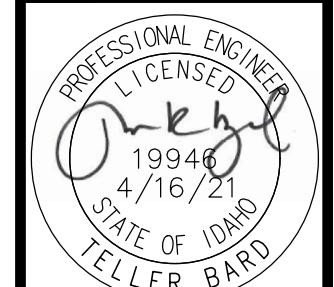
DRAWING NAME  
5012-PP-CVR

01 OF 09



SCALE (H): 1"=40'  
SCALE (V): NONE  
DESIGNED BY: ITC  
DRAWN BY: ITC  
CHECKED BY: TRB  
DATE: 4/16/2021

INSPIRADO  
EXISTING CONDITIONS  
ADA COUNTY, IDAHO

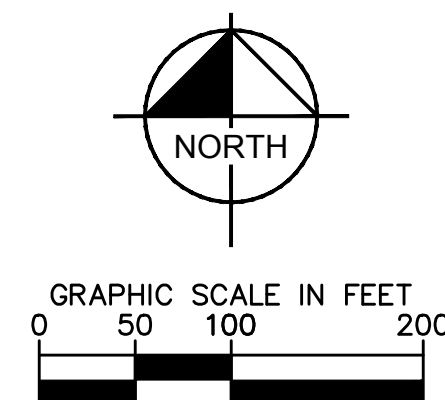


EXPIRES 10/31/21

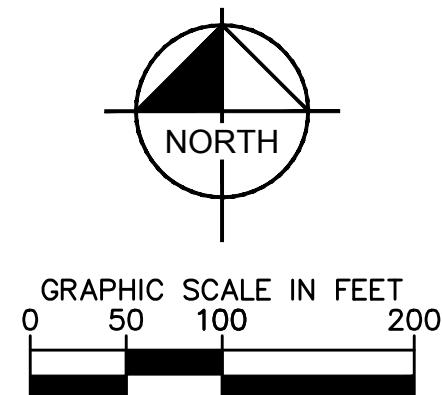
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DRAWING NAME  
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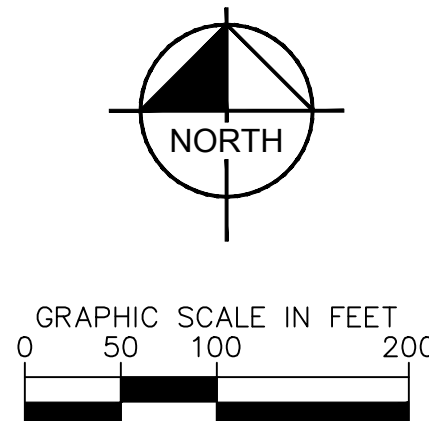
02 OF 09







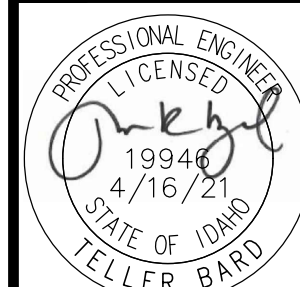






SCALE (H): 1"=150'	DESIGNED BY: ITC	DATE: 4/16/2021
SCALE (V): NONE	DRAWN BY: ITC	
	CHECKED BY: TRB	

INSPIRADO  
PROPOSED CONDITIONS  
ADA COUNTY, IDAHO

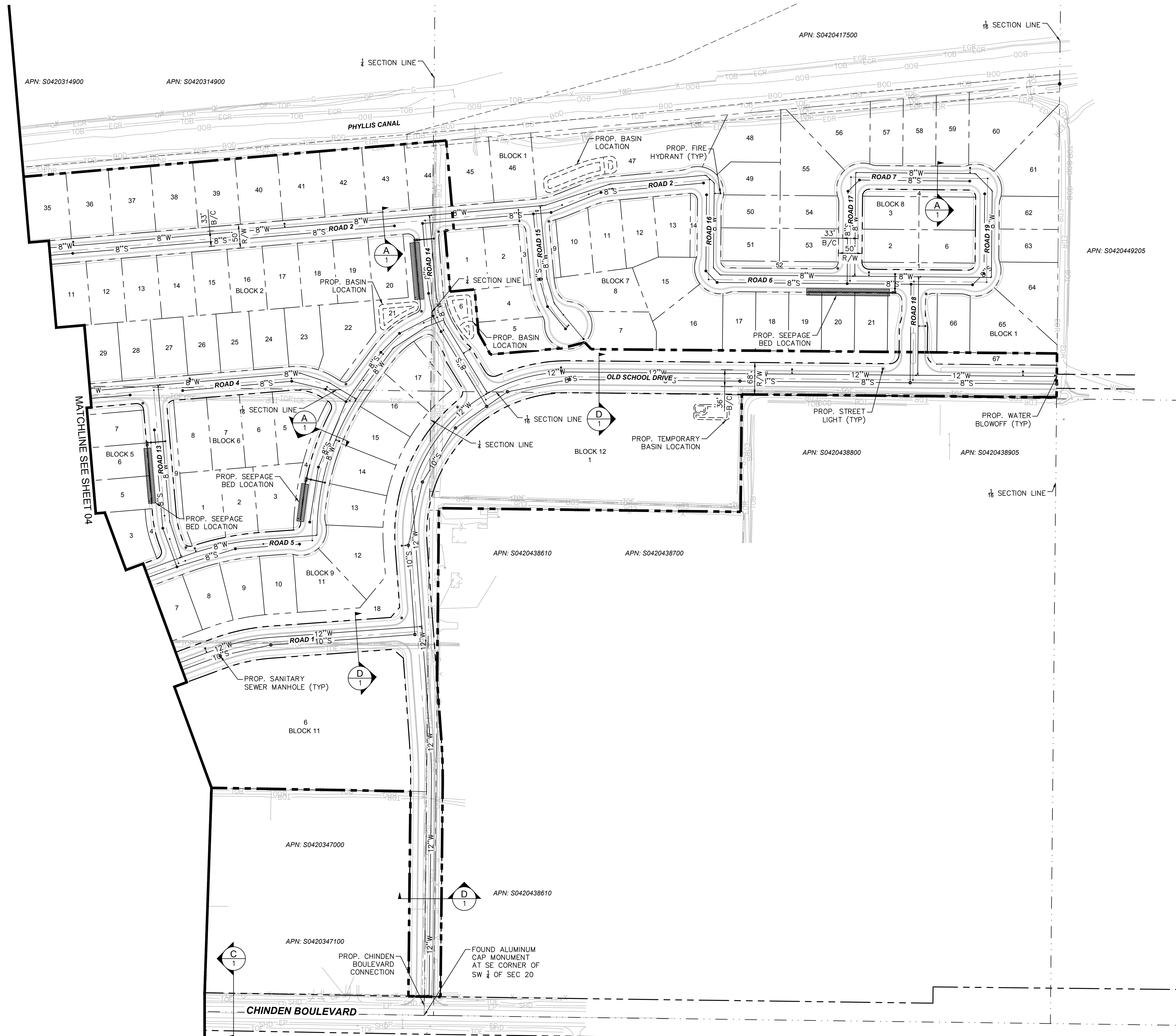
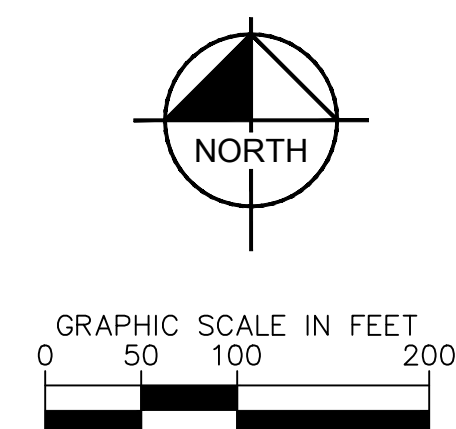


EXPIRES 10/31/21

PROJECT NO.  
291015012

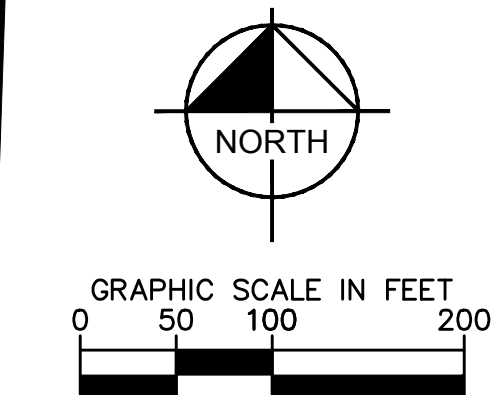
DRAWING NAME  
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05 OF 09



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XREFS: 5012-TB-PP 5012-TP 5012-VF 5012-XS 5012-PA 5012-BM  
UP AND MINOR RELIANCE ON THIS DOCUMENT WITHOUT WRITTEN AUTHORIZATION AND ADAPTATION BY KIMLEY-HORN AND ASSOCIATES, INC. SHALL BE WITHOUT LIABILITY TO KIMLEY-HORN AND ASSOCIATES, INC.

LOT AREA TABLE			
LOT NUMBER	BLOCK #	LOT AREA (SF)	LOT AREA (AC)
1	BLOCK 1	30,500	0.70
2	BLOCK 1	7,470	0.17
3	BLOCK 1	6,672	0.15
4	BLOCK 1	5,927	0.14
5	BLOCK 1	5,750	0.13
6	BLOCK 1	5,750	0.13
7	BLOCK 1	5,750	0.13
8	BLOCK 1	5,750	0.13
9	BLOCK 1	5,750	0.13
10	BLOCK 1	5,723	0.13
11	BLOCK 1	8,241	0.19
12	BLOCK 1	5,815	0.13
13	BLOCK 1	5,817	0.13
14	BLOCK 1	6,911	0.16
15	BLOCK 1	11,097	0.25
16	BLOCK 1	8,341	0.19
17	BLOCK 1	5,500	0.13
18	BLOCK 1	5,500	0.13
19	BLOCK 1	5,500	0.13
20	BLOCK 1	5,500	0.13
21	BLOCK 1	5,500	0.13
22	BLOCK 1	35,957	0.83
23	BLOCK 1	15,521	0.36
24	BLOCK 1	12,585	0.29
25	BLOCK 1	12,486	0.29
26	BLOCK 1	12,424	0.29
27	BLOCK 1	12,581	0.29
28	BLOCK 1	12,512	0.29
29	BLOCK 1	12,609	0.29
30	BLOCK 1	12,603	0.29
31	BLOCK 1	13,743	0.32
32	BLOCK 1	6,440	0.15
33	BLOCK 1	13,605	0.31
34	BLOCK 1	12,600	0.29
35	BLOCK 1	12,600	0.29
36	BLOCK 1	12,600	0.29
37	BLOCK 1	12,600	0.29
38	BLOCK 1	12,600	0.29
39	BLOCK 1	12,600	0.29
40	BLOCK 1	12,600	0.29
41	BLOCK 1	12,600	0.29
42	BLOCK 1	12,600	0.29
43	BLOCK 1	12,600	0.29
44	BLOCK 1	12,600	0.29
45	BLOCK 1	12,604	0.29
46	BLOCK 1	12,648	0.29
47	BLOCK 1	44,443	1.02
48	BLOCK 1	15,250	0.35
49	BLOCK 1	8,576	0.20
50	BLOCK 1	8,692	0.20
51	BLOCK 1	8,750	0.20
52	BLOCK 1	3,653	0.08
53	BLOCK 1	8,750	0.20
54	BLOCK 1	8,735	0.20
55	BLOCK 1	16,173	0.37
56	BLOCK 1	15,884	0.36
57	BLOCK 1	9,733	0.22
58	BLOCK 1	10,260	0.24
59	BLOCK 1	10,733	0.25
60	BLOCK 1	23,377	0.54
61	BLOCK 1	16,463	0.38
62	BLOCK 1	8,769	0.20
63	BLOCK 1	8,790	0.20
64	BLOCK 1	14,850	0.34
65	BLOCK 1	16,871	0.39
66	BLOCK 1	8,698	0.20
67	BLOCK 1	9,545	0.22

LOT AREA TABLE			
LOT NUMBER	BLOCK #	LOT AREA (SF)	LOT AREA (AC)
1	BLOCK 2	4,697	0.11
2	BLOCK 2	10,052	0.23
3	BLOCK 2	9,626	0.22
4	BLOCK 2	9,741	0.22
5	BLOCK 2	9,750	0.22
6	BLOCK 2	9,750	0.22
7	BLOCK 2	9,750	0.22
8	BLOCK 2	76,952	1.77
9	BLOCK 2	10,091	0.23
10	BLOCK 2	10,125	0.23
11	BLOCK 2	10,125	0.23
12	BLOCK 2	10,125	0.23
13	BLOCK 2	10,125	0.23
14	BLOCK 2	10,125	0.23
15	BLOCK 2	10,125	0.23
16	BLOCK 2	10,125	0.23
17	BLOCK 2	10,125	0.23
18	BLOCK 2	10,125	0.23
19	BLOCK 2	10,125	0.23
20	BLOCK 2	10,125	0.23
21	BLOCK 2	10,438	0.24
22	BLOCK 2	14,656	0.34
23	BLOCK 2	9,547	0.22
24	BLOCK 2	9,375	0.22
25	BLOCK 2	8,750	0.20
26	BLOCK 2	8,750	0.20
27	BLOCK 2	8,750	0.20
28	BLOCK 2	8,750	0.20
29	BLOCK 2	8,750	0.20
30	BLOCK 2	8,750	0.20
31	BLOCK 2	8,624	0.20
32	BLOCK 2	8,409	0.19
33	BLOCK 2	5,764	0.13
34	BLOCK 2	5,606	0.13
35	BLOCK 2	5,750	0.13
36	BLOCK 2	5,750	0.13
37	BLOCK 2	5,750	0.13
38	BLOCK 2	5,750	0.13
39	BLOCK 2	5,750	0.13
40	BLOCK 2	5,750	0.13
41	BLOCK 2	5,894	0.14
42	BLOCK 2	5,762	0.13
43	BLOCK 2	5,974	0.14
44	BLOCK 2	5,924	0.14
45	BLOCK 2	5,817	0.13
46	BLOCK 2	6,081	0.14
47	BLOCK 2	5,812	0.13
48	BLOCK 2	5,720	0.13
49	BLOCK 2	6,004	0.14
50	BLOCK 2	10,615	0.24
51	BLOCK 2	9,456	0.22
52	BLOCK 2	8,750	0.20
53	BLOCK 2	8,750	0.20
54	BLOCK 2	8,745	0.20

LOT AREA TABLE			
LOT NUMBER	BLOCK #	LOT AREA (SF)	LOT AREA (AC)
1	BLOCK 3	34,231	0.79
2	BLOCK 3	5,750	0.13
3	BLOCK 3	5,880	0.13
4	BLOCK 3	6,734	0.15
5	BLOCK 3	7,282	0.17
6	BLOCK 3	7,092	0.16
7	BLOCK 3	9,765	0.22
8	BLOCK 3	10,309	0.24
9	BLOCK 3	6,946	0.16
10	BLOCK 3	6,165	0.14
11	BLOCK 3	6,281	0.14
12	BLOCK 3	6,050	0.14
13	BLOCK 3	5,962	0.14
14	BLOCK 3	5,750	0.13
15	BLOCK 3	6,184	0.14
16	BLOCK 3	6,327	0.15

LOT AREA TABLE			
LOT NUMBER	BLOCK #	LOT AREA (SF)	LOT AREA (AC)
1	BLOCK 4	3,771	0.09
2	BLOCK 4	6,046	0.14
3	BLOCK 4	5,500	0.13
4	BLOCK 4	5,578	0.13
5	BLOCK 4	5,864	0.13
6	BLOCK 4	5,500	0.13
7	BLOCK 4	5,500	0.13
8	BLOCK 4	5,500	0.13
9	BLOCK 4	3,203	0.07
10	BLOCK 4	5,720	0.13
11	BLOCK 4	5,720	0.13
12	BLOCK 4	5,720	0.13
13	BLOCK 4	6,464	0.15
14	BLOCK 4	7,286	0.17
15	BLOCK 4	8,019	0.18

LOT AREA TABLE			
LOT NUMBER	BLOCK #	LOT AREA (SF)	LOT AREA (AC)
1	BLOCK 5	10,610	0.24
2	BLOCK 5	9,447	0.22
3	BLOCK 5	8,769	0.20
4	BLOCK 5	1,549	0.04
5	BLOCK 5	8,400	0.19
6	BLOCK 5	8,400	0.19
7	BLOCK 5	8,400	0.19
8	BLOCK 5	3,503	0.08
9	BLOCK 5	8,400	0.19
10	BLOCK 5	8,400	0.19
11	BLOCK 5	8,400	0.19
12	BLOCK 5	2,441	0.06

LOT AREA TABLE			
LOT NUMBER	BLOCK #	LOT AREA (SF)	LOT AREA (AC)
1	BLOCK 6	12,489	0.29
2	BLOCK 6	9,878	0.23
3	BLOCK 6	12,305	0.28
4	BLOCK 6	4,139	0.10
5	BLOCK 6	12,887	0.30
6	BLOCK 6	10,850	0.25
7	BLOCK 6	10,850	0.25
8	BLOCK 6	10,850	0.25
9	BLOCK 6	4,623	0.11

LOT AREA TABLE			
LOT NUMBER	BLOCK #	LOT AREA (SF)	LOT AREA (AC)
1	BLOCK 7	10,597	0.24
2	BLOCK 7	9,750	0.22
3	BLOCK 7	1,903	0.04
4	BLOCK 7	8,899	0.20
5	BLOCK 7	9,849	0.23
6	BLOCK 7	36,212	0.83
7	BLOCK 7	10,990	0.25
8	BLOCK 7	13,686	0.31
9	BLOCK 7	1,795	0.04
10	BLOCK 7	9,133	0.21
11	BLOCK 7	10,163	0.23
12	BLOCK 7	9,726	0.22
13	BLOCK 7	9,697	0.22
14	BLOCK 7	1,991	0.05
15	BLOCK 7	12,027	0.28
16	BLOCK 7	15,747	0.36
17	BLOCK 7	8,678	0.20
18	BLOCK 7	8,750	0.20
19	BLOCK 7	8,750	0.20
20	BLOCK 7	8,750	0.20
21	BLOCK 7	8,750	0.20

LOT AREA TABLE			
LOT NUMBER	BLOCK #	LOT AREA (SF)	LOT AREA (AC)
1	BLOCK 8	3,503	0.08
2	BLOCK 8	8,400	0.19
3	BLOCK 8	8,400	0.19
4	BLOCK 8	3,503	0.08
5	BLOCK 8	8,400	0.19
6	BLOCK 8	8,400	0.19

LOT AREA TABLE			
LOT NUMBER	BLOCK #	LOT AREA (SF)	LOT AREA (AC)
1	BLOCK 9	8,526	0.20
2	BLOCK 9	9,433	0.22
3	BLOCK 9	10,040	0.23
4	BLOCK 9	8,977	0.21
5	BLOCK 9	8,750	0.20
6	BLOCK 9	8,750	0.20
7	BLOCK 9	8,750	0.20
8	BLOCK 9	9,432	0.22
9	BLOCK 9	9,636	0.22
10	BLOCK 9	8,853	0.20
11	BLOCK 9	13,465	0.31
12	BLOCK 9	14,740	0.34
13	BLOCK 9	9,706	0.22
14	BLOCK 9	9,708	0.22
15	BLOCK 9	9,709	0.22
16	BLOCK 9	9,627	0.22
17	BLOCK 9	10,433	0.24
18	BLOCK 9	45,661	1.05

LOT AREA TABLE			
LOT NUMBER	BLOCK #	LOT AREA (SF)	LOT AREA (AC)
1	BLOCK 10	85,947	1.97

LOT AREA TABLE			
LOT NUMBER	BLOCK #	LOT AREA (SF)	LOT AREA (AC)
1	BLOCK 11	15,963	0.37
2	BLOCK 11	211,700	4.86
3	BLOCK 11	798,419	18.33
4	BLOCK 11	345,029	7.92
5	BLOCK 11	311,163	7.14
6	BLOCK 11	126,764	2.91

LOT AREA TABLE			
LOT NUMBER	BLOCK #	LOT AREA (SF)	LOT AREA (AC)
1	BLOCK 12	146,057	3.35

PHASE SUMMARY	
PHASE	NUMBER OF LOTS
1	61
2	60
3	58
4	48

INSPIRADO

LOT DATA

ADA COUNTY, IDAHO

SCALE (H): 1"=150'

SCALE (V): NONE

DESIGNED BY: ITC

DRAWN BY: ITC

CHECKED BY: TRB

DATE: 4/16/2021

PROFESSIONAL ENGINEER

LICENSED

1994

4/16/21

STATE OF IDAHO

TELLER BARD

EXPIRES 10/31/21

PROJECT NO.

291015012

DRAWING NAME

5012-PP-PC

08 OF 09

Section 5, Item A.

APR

DATE

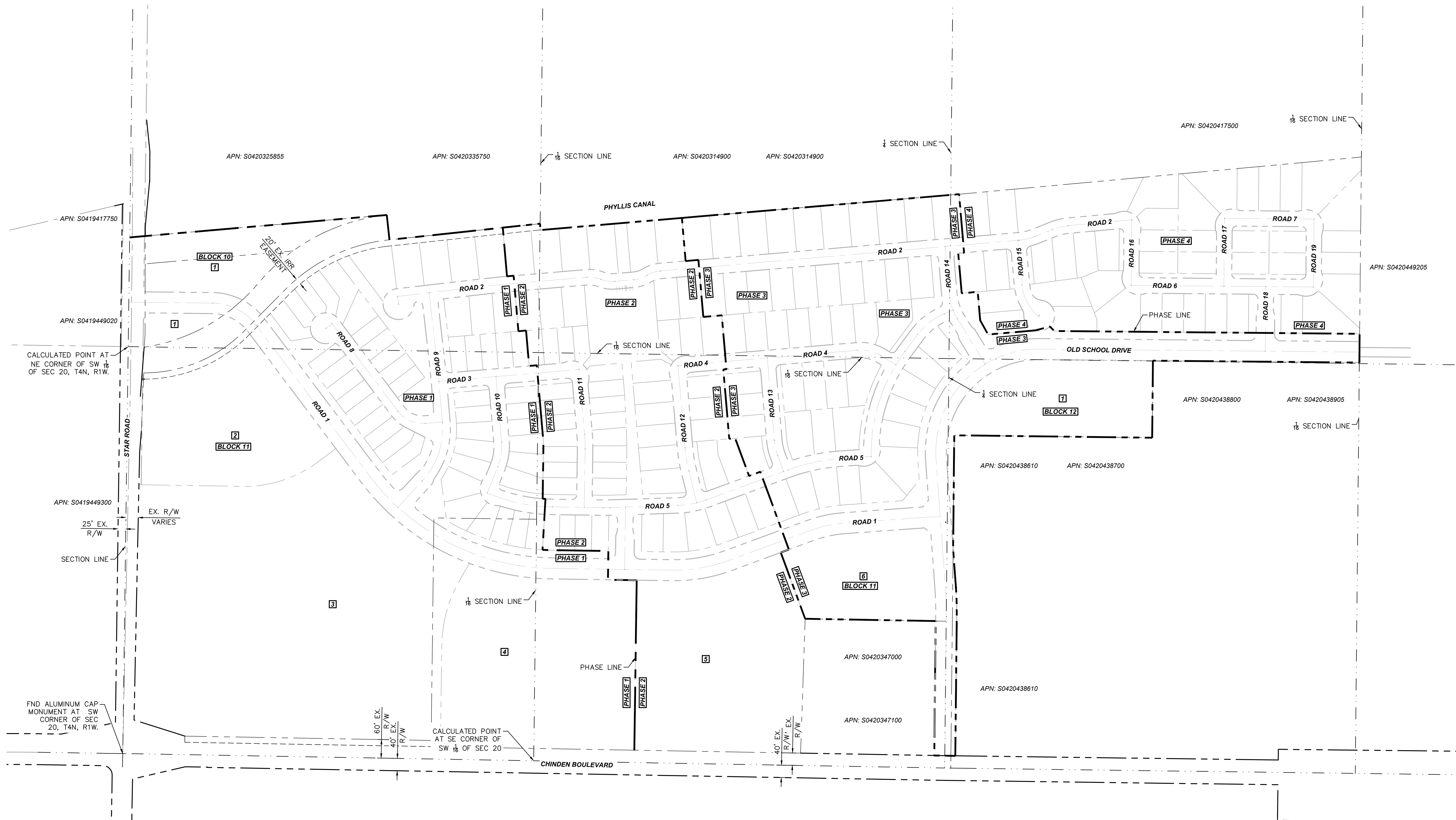
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REVISION

Kimley»Horn

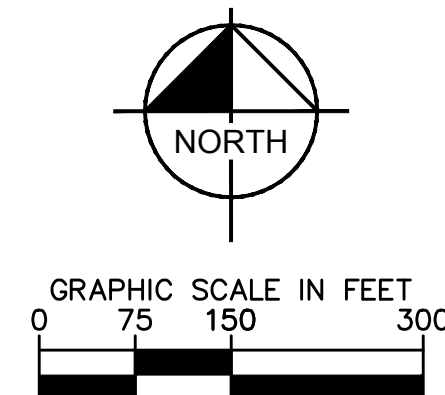
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950 Bannock Street, Suite 1100  
Boise, Idaho 83702 (208) 297-2885

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NOTE

COMMERCIAL AND MIXED-USE PARCELS BLOCK 10, LOT 1, BLOCK 11, LOTS 2, 3, 4, 5, & 6, AND BLOCK 12, LOT 1 WILL BE INDIVIDUALLY DEVELOPED UNDER SEPARATE APPLICATIONS. INFRASTRUCTURE WILL BE EXTENDED TO EACH PARCEL LISTED AS PART OF THIS DEVELOPMENT.







May 28, 2021

Mayor Trevor Chadwick  
City of Star  
P.O. Box 130  
Star, ID 83669

**Re: Inspirado Subdivision Preliminary Plat Application**

Dear Mayor:

Keller Associates, Inc. has reviewed the Preliminary Plat for the Inspirado Subdivision dated April 16, 2021. We reviewed the applicant's package to check conformance with the City's Subdivision Ordinance and coordinated our review with Shawn L. Nickel. We have the following comments based on our review.

1. Many bearings listed in the legal description are not shown on the preliminary plat, including from the aluminum cap to the Real Point of Beginning. Please show all bearings on the plans.
2. Several bearings on the plans do not match those given in the legal description. Please rectify. Additionally, many bearings shown on the plans have opposite directions to those listed in the legal description (NE vs SW, etc.). Please rectify.
3. Street lights are required at every intersection, cul-de-sac, and road corner. Please add street lights to the end of all cul-de-sacs and road corners. Street lighting shall be in accordance with ISPWC and the City of Star Supplementals. Cut sheet for lights and light poles shall be approved in writing by the City prior to installation.
4. No pressure irrigation plan is included. Please provide preliminary layout with the preliminary plat. Construction plans for a subdivision-wide pressure irrigation system will be required for each final plat.
5. Determination of front, rear, and side yard easement locations and widths cannot be deferred to the final plat; they must be included in the preliminary plat.
6. Several phase lines appear throughout the subdivision, but no phase numbers appear to be included. Please indicate phase numbers.
7. Note 7 of the preliminary plat references Star Water and Sewer District, this should be the Star **Sewer and Water** District.
8. Traffic impact study shall be completed and recommendations of the study shall be included in the preliminary plat prior to approval of the preliminary plat.
9. Applicant needs to explain proposed stormwater disposal plan for Star Road and Chinden Boulevard.
10. Tree species must meet the City of Boise acceptable species guidelines, for location within or adjacent to right-of-way, as adopted by Star City Code.

11. No easements are listed for Block 11 Lots 3 and 5, but these lots have drainage basins on them. Easements will be required for these basins.
12. Historic irrigation lateral, drain, and ditch flow patterns shall be maintained unless approved in writing by the local irrigation district or ditch company.
13. Potable water cannot be used for irrigation purposes. A separate pressure irrigation system will be required.
14. Finish grades at subdivision boundaries shall match existing finish grades. Runoff shall be maintained on subdivision property unless otherwise approved.
15. 10-foot easements for pressure irrigation lines will need to be shown once the applicant determines the alignment location(s) for the facilities. Show all ditch and drainage easements.
16. Easements for sewer/water facilities will be required where placed outside of public right of way.

We recommend that the **conditions 1–9 listed above be addressed prior to approval of the Preliminary Plat**. Any variance or waivers to the City of Star standards, ordinances, or policies must be specifically approved in writing by the City. Approval of the above-referenced Preliminary Plat does not relieve the Registered Professional Land Surveyor or the Registered Professional Engineer of those responsibilities.

If you have any questions, please do not hesitate to call Keller Associates at (208) 288-1992.

Sincerely,

**KELLER ASSOCIATES, INC.**



Ryan V. Morgan, P.E.  
City Engineer

cc: File





# ADA COUNTY DEVELOPMENT SERVICES

200 W. FRONT STREET, BOISE, IDAHO 83702-7300  
<https://adacounty.id.gov/developmentservices>

PHONE (208) 287-7900  
FAX (208) 287-7909

Section 5, Item A.

BUILDING • COMMUNITY PLANNING • ENGINEERING & SURVEYING • PERMITTING

May 7, 2021

Shawn Nickel  
City of Star Planning & Zoning  
10769 W State St  
Star, ID 83669

RE: AZ-21-09 / Northeast Corner of Star Rd & Chinden Blvd / Inspirado Subdivision

Shawn,

The City of Star has requested feedback regarding the proposed annexation and preliminary plat for the Inspirado Subdivision, which will consist of 195 single-family homes, 6 commercial lots and two multi-family lots on 124.1 acres located on the northeast corner of Star Road and Chinden Boulevard. Ada County supports the application due to its compatibility with the Star Comprehensive Plan, as adopted by Ada County, which designates the site as a mixture of *Multiple Use 1*, *Multiple Use 2* and *Medium Density Residential*.

The proposal to include single-family and multi-family housing within the development is supported by *Multiple Use Policy 2*, which encourages diverse housing types and densities, and the proposed mix of residential and commercial development is compatible with *Multiple Use Policy 6* which encourages residential uses near commercial uses. The proposal to set aside 13.4 acres as common area, which will include a swimming pool, clubhouse, playground, picnic areas, pickleball courts and pathways, is also compatible with *Residential Policy 3* of the Star Comprehensive Plan which encourages neighborhood parks and open spaces to be provided within residential areas.

The streets connections which are proposed to the south, east and west are supported by *Goal 4.3* of the Ada County Comprehensive Plan which supports the development of local transportation systems that are well-connected both internally and to the regional transportation system, and *Goal 4.3d* which calls for new developments to provide stub streets that will connect to future developments on adjacent lands wherever possible. The additional sidewalk connections provided with the stub streets are also supported by *Transportation Policy 9* of the Star Comprehensive Plan which encourages non-motorized pathways between residential areas to reduce vehicle trips and improve access for non-drivers.

It is suggested that a pedestrian pathway be considered along the Phyllis Canal as encouraged by *Goal 1.2d* of the Ada County Comprehensive Plan, which supports the enhancement of manmade drainage ways as valuable resources for recreational pathways and potential pedestrian and bicycle routes. Also, as the property does not currently abut city limits, it is important that approval of the development and associated annexation be contingent upon the subject properties first becoming contiguous to city limits.

Thank you for this opportunity to provide feedback.

Sincerely,

A handwritten signature in black ink that reads "Brent Moore". The letters are cursive and fluid, with the first name "Brent" and last name "Moore" clearly distinguishable.

Brent Moore, MCMP, AICP  
Community & Regional Planner  
Ada County Development Services





MIDDLETON RURAL FIRE DISTRICT

STAR FIRE PROTECTION DISTRICT

DATE: August 9, 2021

TO: City of Star, Planning & Zoning

FROM: Victor Islas, Deputy Chief

SUBJECT: Fire District Review

PROJECT NAME: Inspirado Subdivision (AZ-21-09, DA-21-11, PUD-21-01, PP-21-12)

**Fire District Summary Report:**

**Overview:** This development can be serviced by the Star Fire Protection District. This development shall comply with the 2018 International Fire Code (IFC) and any codes set forth by the City of Star, Idaho.

**Fire Response Time:** This development will be served by the Star Fire Protection District Station 51, located at 11655 W. State St., Star, Idaho. Station 51 is 4 miles with a travel time of 2 minutes under ideal driving conditions to the proposed entrance of the development off Star Rd.

**Accessibility:** Roadway Access, Traffic, Radio Coverage

Access roads shall be provided and maintained following Appendix D and Section 503 of the IFC. Access shall include adequate roadway widths, signage, turnarounds, and turning radius for fire apparatus.

Access road design shall be designed and constructed to allow for evacuation simultaneously with emergency response operations.

All access roads in this development shall remain clear and unobstructed during construction of the development. Additional parking restrictions may be required as to always maintain access for emergency vehicles. Hydrants shall always remain unobstructed per city code.

One- or two-family dwelling residential developments: Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall provide with at least two separate and approved fire apparatus access roads.

The fire district requires that Autoturn models be submitted for review. Autoturn models should be reflect the utilization of a 36' long fire engine and a 50' long ladder truck.

Traffic calming devices will require approval by the Fire District.

An unobstructed vertical clearance of no less than 13 feet 6 inches shall be maintained at all times.



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**MIDDLETON RURAL FIRE DISTRICT**

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**STAR FIRE PROTECTION DISTRICT**

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The applicant shall work with City of Star, Ada County and Fire District to provide an address identification plan and signage which meets the requirements set forth by each agency. Addressing shall be placed in a position that is plainly legible and visible from the street or road fronting the property, as set forth in International Fire Code Section 505.1

Upon commencement of initial construction of a new structure, a clear visible freestanding sign or post shall be erected and maintained in place until the permanent address numerals are attached or otherwise displaced upon the premises at completion.

**Specialty/Resource needs:**

None

**Water Supply:**

Water supply requirements will be followed as described in Appendix B of the 2015 International Fire Code unless agreed upon by the Fire District.

1. Fire Flow: One- and two-family dwellings not exceeding 3,600 square feet require a fire-flow of 1,000 gallons per minute for a duration of 1 hours to service the entire project. One- and two-family dwellings in excess of 3,600 square feet require a minimum fire flow as specified in Appendix B of the International Fire Code.
2. Water Supply: Acceptance of the water supply for fire protection will be by the Fire District and water quality by the Star Sewer & Water District for bacteria testing.
3. Water Supply: Final Approval of the fire hydrant locations shall be by the Star Fire Protection District or their designee in accordance with International Fire Code Section (IFC) 508.5.4 as follows:
  - a. Fire hydrants shall have a Storz LDH connection in place of the 4 1/2" outlet. The Storz connection may be integrated into the hydrant, or an approved adapter may be used on the 4 1/2" outlet.
  - b. Fire hydrants shall have the Storz outlet face the main street or parking lot drive aisle.
  - c. Fire hydrants shall be placed on corners when spacing permits.
  - d. Fire hydrants shall not have any vertical obstructions to outlets within 10'.
  - e. Fire hydrants shall be placed 18" above finished grade to the center of the Storz outlet.
  - f. Fire hydrants shall be provided to meet the requirements of the City of Star and Star Sewer and Water District Standards.
  - g. Show all proposed or existing hydrants for all new construction or additions to existing buildings within 1,000 feet of the project.

**Inspections:**

Final inspection by the Fire District of the above listed including hydrant flow must be completed before building permits are issued





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MIDDLETON RURAL FIRE DISTRICT

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Inspirado Sub Section 5, Item A.

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STAR FIRE PROTECTION DISTRICT

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**Additional Comments:**

Side Setback as per City Code. Any modification to setback will require review and approval by the Fire District.

Streetlights shall be turned on once residential building begins, Lighting is essential in assisting first responders with identifying entrances safely while responding to calls for service.

Additional review and permitting will be required for Primary Amenity center.



**STATE OF IDAHO**  
DEPARTMENT OF  
ENVIRONMENTAL QUALITY

Section 5, Item A.

1445 N Orchard Street, Boise, ID 83706  
(208) 373-0550

Brad Little, Governor  
Jess Byrne, Director

May 14, 2021

By e-mail: [snickel@staridaho.org](mailto:snickel@staridaho.org)

City of Star  
P.O. Box 130  
Star, Idaho 83669

Subject: Inspirado Subdivision, AZ-21-09, DA-21-11, PUD-21-01, PP-21-12

Mr. Nickel:

Thank you for the opportunity to respond to your request for comment. While DEQ does not review projects on a project-specific basis, we attempt to provide the best review of the information provided. DEQ encourages agencies to review and utilize the Idaho Environmental Guide to assist in addressing project-specific conditions that may apply. This guide can be found at: [deq.idaho.gov/assistance-resources/environmental-guide-for-local-govts](https://deq.idaho.gov/assistance-resources/environmental-guide-for-local-govts).

The following information does not cover every aspect of this project; however, we have the following general comments to use as appropriate:

**1. AIR QUALITY**

- Please review IDAPA 58.01.01 for all rules on Air Quality, especially those regarding fugitive dust (58.01.01.651), trade waste burning (58.01.01.600-617), and odor control plans (58.01.01.776).
- All property owners, developers, and their contractor(s) must ensure that reasonable controls to prevent fugitive dust from becoming airborne are utilized during all phases of construction activities per IDAPA 58.01.01.651.
- DEQ recommends the city/county require the development and submittal of a dust prevention and control plan for all construction projects prior to final plat approval. Dust prevention and control plans incorporate appropriate best management practices to control fugitive dust that may be generated at sites.
- Citizen complaints received by DEQ regarding fugitive dust from development and construction activities approved by cities or counties will be referred to the city/county to address under their ordinances.



- Per IDAPA 58.01.01.600-617, the open burning of any construction waste is prohibited. The property owner, developer, and their contractor(s) are responsible for ensuring no prohibited open burning occurs during construction.
- For questions, contact David Luft, Air Quality Manager, at (208) 373-0550.

## **2. WASTEWATER AND RECYCLED WATER**

- DEQ recommends verifying that there is adequate sewer to serve this project prior to approval. Please contact the sewer provider for a capacity statement, declining balance report, and willingness to serve this project.
- IDAPA 58.01.16 and IDAPA 58.01.17 are the sections of Idaho rules regarding wastewater and recycled water. Please review these rules to determine whether this or future projects will require DEQ approval. IDAPA 58.01.03 is the section of Idaho rules regarding subsurface disposal of wastewater. Please review this rule to determine whether this or future projects will require permitting by the district health department.
- All projects for construction or modification of wastewater systems require preconstruction approval. Recycled water projects and subsurface disposal projects require separate permits as well.
- DEQ recommends that projects be served by existing approved wastewater collection systems or a centralized community wastewater system whenever possible. Please contact DEQ to discuss potential for development of a community treatment system along with best management practices for communities to protect ground water.
- DEQ recommends that cities and counties develop and use a comprehensive land use management plan, which includes the impacts of present and future wastewater management in this area. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.

For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0550.

## **3. DRINKING WATER**

- DEQ recommends verifying that there is adequate water to serve this project prior to approval. Please contact the water provider for a capacity statement, declining balance report, and willingness to serve this project.
- IDAPA 58.01.08 is the section of Idaho rules regarding public drinking water systems. Please review these rules to determine whether this or future projects will require DEQ approval.
- All projects for construction or modification of public drinking water systems require preconstruction approval.
- DEQ recommends verifying if the current and/or proposed drinking water system is a regulated public drinking water system (refer to the DEQ website at: [deg.idaho.gov/water-quality/drinking-water.aspx](http://deg.idaho.gov/water-quality/drinking-water.aspx)). For non-regulated systems, DEQ recommends annual testing for total coliform bacteria, nitrate, and nitrite.

- If any private wells will be included in this project, we recommend that they be tested for total coliform bacteria, nitrate, and nitrite prior to use and retested annually thereafter.
- DEQ recommends using an existing drinking water system whenever possible or construction of a new community drinking water system. Please contact DEQ to discuss this project and to explore options to both best serve the future residents of this development and provide for protection of ground water resources.
- DEQ recommends cities and counties develop and use a comprehensive land use management plan which addresses the present and future needs of this area for adequate, safe, and sustainable drinking water. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.

For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0550.

#### 4. SURFACE WATER

- Please contact DEQ to determine whether this project will require a National Pollution Discharge Elimination System (NPDES) Permit. A Construction General Permit from EPA may be required if this project will disturb one or more acres of land, or will disturb less than one acre of land but are part of a common plan of development or sale that will ultimately disturb one or more acres of land.
- If this project is near a source of surface water, DEQ requests that projects incorporate construction best management practices (BMPs) to assist in the protection of Idaho's water resources. Additionally, please contact DEQ to identify BMP alternatives and to determine whether this project is in an area with Total Maximum Daily Load stormwater permit conditions.
- The Idaho Stream Channel Protection Act requires a permit for most stream channel alterations. Please contact the Idaho Department of Water Resources (IDWR), Western Regional Office, at 2735 Airport Way, Boise, or call (208) 334-2190 for more information. Information is also available on the IDWR website at: <https://idwr.idaho.gov/streams/stream-channel-alteration-permits.html>
- The Federal Clean Water Act requires a permit for filling or dredging in waters of the United States. Please contact the US Army Corps of Engineers, Boise Field Office, at 10095 Emerald Street, Boise, or call 208-345-2155 for more information regarding permits.

For questions, contact Lance Holloway, Surface Water Manager, at (208) 373-0550.

#### 5. SOLID WASTE, HAZARDOUS WASTE AND GROUND WATER CONTAMINATION

- **Solid Waste.** No trash or other solid waste shall be buried, burned, or otherwise disposed of at the project site. These disposal methods are regulated by various state regulations including Idaho's Solid Waste Management Regulations and Standards (IDAPA 58.01.06), Rules and Regulations for Hazardous Waste (IDAPA 58.01.05), and Rules and Regulations for the Prevention of Air Pollution (IDAPA 58.01.01). Inert and other approved materials are also defined in the Solid Waste Management Regulations and Standards



- **Hazardous Waste.** The types and number of requirements that must be complied with under the federal Resource Conservation and Recovery Act (RCRA) and the Idaho Rules and Standards for Hazardous Waste (IDAPA 58.01.05) are based on the quantity and type of waste generated. Every business in Idaho is required to track the volume of waste generated, determine whether each type of waste is hazardous, and ensure that all wastes are properly disposed of according to federal, state, and local requirements.
- **Water Quality Standards.** Site activities must comply with the Idaho Water Quality Standards (IDAPA 58.01.02) regarding hazardous and deleterious-materials storage, disposal, or accumulation adjacent to or in the immediate vicinity of state waters (IDAPA 58.01.02.800); and the cleanup and reporting of oil-filled electrical equipment (IDAPA 58.01.02.849); hazardous materials (IDAPA 58.01.02.850); and used-oil and petroleum releases (IDAPA 58.01.02.851 and 852). Petroleum releases must be reported to DEQ in accordance with IDAPA 58.01.02.851.01 and 04. Hazardous material releases to state waters, or to land such that there is likelihood that it will enter state waters, must be reported to DEQ in accordance with IDAPA 58.01.02.850.
- **Ground Water Contamination.** DEQ requests that this project comply with Idaho's Ground Water Quality Rules (IDAPA 58.01.11), which states that "No person shall cause or allow the release, spilling, leaking, emission, discharge, escape, leaching, or disposal of a contaminant into the environment in a manner that causes a ground water quality standard to be exceeded, injures a beneficial use of ground water, or is not in accordance with a permit, consent order or applicable best management practice, best available method or best practical method."

For questions, contact Albert Crawshaw, Waste & Remediation Manager, at (208) 373-0550.

## 6. ADDITIONAL NOTES

- If an underground storage tank (UST) or an aboveground storage tank (AST) is identified at the site, the site should be evaluated to determine whether the UST is regulated by DEQ. EPA regulates ASTs. UST and AST sites should be assessed to determine whether there is potential soil and ground water contamination. Please call DEQ at (208) 373-0550, or visit the DEQ website [deq.idaho.gov/waste-mgmt-remediation/storage-tanks.aspx](http://deq.idaho.gov/waste-mgmt-remediation/storage-tanks.aspx) for assistance.
- If applicable to this project, DEQ recommends that BMPs be implemented for any of the following conditions: wash water from cleaning vehicles, fertilizers and pesticides, animal facilities, composted waste, and ponds. Please contact DEQ for more information on any of these conditions.

Response to Request for Comment

May 14, 2021

Page 5

We look forward to working with you in a proactive manner to address potential environmental impacts that may be within our regulatory authority. If you have any questions, please contact me, or any of our technical staff at (208) 373-0550.

Sincerely,

A handwritten signature in black ink that reads "Aaron Scheff". The signature is written in a cursive, flowing style.

Aaron Scheff  
Regional Administrator  
DEQ-Boise Regional Office

EDMS#: 2021AEK91





Ada County Transmittal  
Division of Community and Environmental Health

Section 5, Item A.

Rezone # \_\_\_\_\_

Conditional Use # \_\_\_\_\_

Preliminary / Final / Short Plat PP-21-22

Inspirado

- ☐ ACZ
- ☐ Boise
- ☐ Eagle
- ☐ Garden City
- ☐ Meridian
- ☐ Kuna
- ☒ Star

- ☐ 1. We have No Objections to this Proposal.
- ☐ 2. We recommend Denial of this Proposal.
- ☐ 3. Specific knowledge as to the exact type of use must be provided before we can comment on this Proposal.
- ☐ 4. We will require more data concerning soil conditions on this Proposal before we can comment.
- ☐ 5. Before we can comment concerning individual sewage disposal, we will require more data concerning the depth of:
  - ☐ high seasonal ground water
  - ☐ waste flow characteristics
  - ☐ bedrock from original grade
  - ☐ other \_\_\_\_\_
- ☐ 6. This office may require a study to assess the impact of nutrients and pathogens to receiving ground waters and surface waters.
- ☐ 7. This project shall be reviewed by the Idaho Department of Water Resources concerning well construction and water availability.
- ☒ 8. After written approvals from appropriate entities are submitted, we can approve this proposal for:
  - ☒ central sewage
  - ☐ community sewage system
  - ☐ community water well
  - ☒ interim sewage
  - ☒ central water
  - ☐ individual sewage
  - ☐ individual water
- ☒ 9. The following plan(s) must be submitted to and approved by the Idaho Department of Environmental Quality:
  - ☒ central sewage
  - ☐ community sewage system
  - ☐ community water
  - ☒ sewage dry lines
  - ☒ central water
- ☐ 10. This Department would recommend deferral until high seasonal ground water can be determined if other considerations indicate approval.
- ☐ 11. If restroom facilities are to be installed, then a sewage system MUST be installed to meet Idaho State Sewage Regulations.
- ☐ 12. We will require plans be submitted for a plan review for any:
  - ☐ food establishment
  - ☐ swimming pools or spas
  - ☐ child care center
  - ☐ beverage establishment
  - ☐ grocery store
- ☒ 13. Infiltration beds for storm water disposal are considered shallow injection wells. An application and fee must be submitted to CDH.
- ☐ 14. \_\_\_\_\_

Reviewed By: Low Boly

Date: 5/12/21



# West Ada

## SCHOOL DISTRICT

July 1, 2021

City of Star  
P.O. Box 130  
Star, ID 83669

RE: Inspirado Subdivision, PP-21-12

Dear Planners:

Joint School District No. 2 (dba West Ada School District) has experienced significant and sustained growth in student enrollment during the last ten years. Applying our Student Generation Rate (.7 per SF dwelling unit, .1 per MF dwelling unit), to the **Inspirado Subdivision** we predict these homes, when completed, could house **137 school aged children**. Approval of this development could affect enrollments at the following schools in West Ada District:

	<u>Enrolled for 21-22</u>	<u>Capacity</u>	<u>Approved prelim plat parcels per attendance area</u>	<u>Approved MF units per attendance area</u>
Pleasant View Elementary	527	700	2874	21
Star Middle School	804	1000	7611	278
Owyhee High School	1431	1800	5533	58
Galileo STEM Academy (K-8 school of choice)	760	775	N/A	N/A

West Ada School District supports economic growth. To meet the need for additional school capacity, West Ada School District will accept the donation of land appropriate for a school site. Passage of a bond issue will be required prior to the commencement of new school construction.

Residents cannot be assured of attending the neighborhood school(s) as it may be necessary to bus students to available classrooms across the district. The safety of our students is our first and foremost priority. With this in mind, we ask that you encourage the developer to provide safe walkways, bike baths and pedestrian access for our students. School capacity and transportation is addressed in Idaho Code 67-6508 - future development will continue to have an impact on the district's capacity.

Sincerely,

Marci Horner  
Planning and Development Administrator



**Your Safety • Your Mobility  
Your Economic Opportunity**

**IDAHO TRANSPORTATION DEPARTMENT**

P.O. Box 8028 • Boise, ID 83707-2028  
(208) 334-8300 • [itd.idaho.gov](http://itd.idaho.gov)

December 28, 2021

Teller Bard  
Kimley-Horn and Associates, Inc.  
950 Bannock Street  
Suite 1100  
Boise, ID 83702  
[Teller.Bard@kimley-horn.com](mailto:Teller.Bard@kimley-horn.com)

VIA EMAIL

RE: Inspirado Mixed Use Development – ITD Traffic Impact Study Development Condition Memo

Dear Mr. Bard,

The Idaho Transportation Department (ITD) appreciated the opportunity to review the transportation impact study (TIS) for the Inspirado Mixed Use Development. The proposed development is located in the northeast quadrant of the intersection of US-20/26 and Star Road. The development is proposing two new accesses to US-20/26.

ITD finds the proposed development and accesses to US-20/26 acceptable with the following mitigation:

#### **Proportionate Share Contribution**

The proposed development will add trips and contribute to congestion on the State Highway System at multiple intersections. ITD is currently working with our local agency partners to update our procedures for calculating proportionate share contributions. Prior to final plat approval, ITD will calculate a contribution that will be used to accelerate future projects on the State Highway System within the City of Star's area of impact. Based on past proportionate share calculations within the City of Star, the proportionate share contribution will not exceed \$1630 per PM peak hour trip generated by the development.

#### **Proposed Accesses**

##### ***Access D***

Within one year of issuance of ITD right-of-way encroachment permit:

- Developer shall design and construct the approach and connected roadway at Access D three lanes wide, with a dedicated right-out lane, a dedicated left-out lane, and an inbound lane.





**Your Safety • Your Mobility  
Your Economic Opportunity**

**IDAHO TRANSPORTATION DEPARTMENT**

P.O. Box 8028 • Boise, ID 83707-2028  
(208) 334-8300 • [itd.idaho.gov](http://itd.idaho.gov)

- Developer shall design and construct a 12ft wide westbound right-turn lane to meet current ITD Traffic Manual standards for a 55 MPH speed zone.
  - Turn lane shall have 8 ft shoulders
  - Right-of-way dedication will be required as necessary to accommodate drainage needs that do not fit into ITD's existing right-of-way.

When one of the following conditions is met:

- Developer shall design and construct a raised median/traffic separator on US-20/26 to limit Access D to right-in/right-out:
  - When excessive left-turn related crashes are observed at the access location and ITD determines that the access needs to be restricted to address safety concerns; developer shall construct raised median within 6 months of notification from by ITD, or else ITD will perform necessary construction and invoice developer for costs
  - Or, when Access E is constructed

The raised median shall extend a minimum of 150 feet in each direction from the center of Access D.

If one of the preceding conditions is not met before ITD widens US-20/26 to three lanes in each direction per the approved corridor plan, then ITD will construct a raised median that will limit Access D to right-in/right-out when the widening is constructed.

### **Access E**

Prior to ITD issuing right-of-way encroachment permit:

- Developer shall provide \$5000 to ITD for developer share of estimated cost of environmental re-evaluation for adding traffic signal at mid-mile between Star Rd and SH-16, per ITD letter to developer dated September 22, 2021.

Within one year of issuance of ITD right-of-way encroachment permit:

- Developer shall design and construct a three-lane approach at Access E with a right-out lane, left-out lane, and an inbound lane.
- Developer shall design and construct a 12 ft wide westbound right-turn lane to meet current ITD Traffic Manual standards for a 55 MPH speed zone — length shall include storage length for signalized condition.
  - Turn lane shall have 8 ft shoulders
  - Right-of-way dedication will be required as necessary to accommodate drainage needs that do not fit into ITD's existing right-of-way.



**Your Safety • Your Mobility  
Your Economic Opportunity**

**IDAHO TRANSPORTATION DEPARTMENT**

P.O. Box 8028 • Boise, ID 83707-2028  
(208) 334-8300 • [itd.idaho.gov](http://itd.idaho.gov)

Developer may construct a traffic signal at Access E. The following conditions apply:

- Developer shall submit a traffic analysis including traffic signal warrant analysis with updated traffic volumes within one year prior to ITD issuing the right-of-way encroachment permit for the construction of a traffic signal. One or more traffic signal warrants must be met or projected to be met within one year of construction of the traffic signal. This step may be concurrent with initial construction of Access E provided that one or more signal warrants are projected to be met within one year of construction.
- Developer shall modify Access E approach to have one dedicated right-turn and two dedicated left-turn lanes.
- Developer shall design and construct traffic signal to ACHD standards.

Developer shall have construction plans reviewed and accepted by ITD prior to construction of any or all of the improvements listed above.

Maintaining safety and mobility for Idaho's motorists is of the utmost importance to ITD. If you have any questions please do not hesitate to contact me at [jason.brinkman@itd.idaho.gov](mailto:jason.brinkman@itd.idaho.gov) or 208-334-8303.

Sincerely,

Jason D. Brinkman, P.E.  
Engineering Manager  
ITD District 3

cc:

Eric Sweat – Kimley-Horn and Associates, Inc.

Shawn Nickel – City of Star

Paige Bankhead – ACHD

## LEGAL NOTICE PUBLIC HEARING

Notice is hereby given that the Star City Council will hold a Public Hearing on January 11, 2022 at the Star City Hall, 10769 W. State Street, Star, Idaho at 7:00 pm, or as soon thereafter as the matter may be heard. **COVID-19 UPDATE: Please see City Website [www.staridaho.org](http://www.staridaho.org) for Public Hearing instructions for Virtual Public Hearings if necessary.**

**Application:** Oaklawn Crossing Subdivision  
Files #'s AZ-21-08 Annexation-Zoning  
DA-21-10 Development Agreement  
PP-21-11 Preliminary Plat

**Applicant/Representative:** Teller Bard, Kimley-Horn & Associates, 950 W. Bannock St. Suite 1100, Boise, Idaho 83702

**Owner:** Pinnacle Land Development, LLC, 7629 E. Pinnacle Peak Road #110, Scottsdale, AZ 85255

**Action:** The Applicant is seeking approval of an Annexation and Zoning (R-4), a Development Agreement, and Preliminary Plat for a proposed residential subdivision consisting of 65 residential lots, 1 commercial lot and 5 common lots. The property is located at 8005 W. Joplin Road in Star, Idaho, and consists of 25.87 acres with a proposed density of 3.09 dwelling units per acre.

**Property Location:** The subject property is generally located on the southwest corner of N. Star Road and W. Joplin Road. Ada County Parcel No. S0419417200.

**Information/Comments:** A complete copy of the applications are available at City Hall for public review. The City invites all interested parties to attend the meeting and provide public testimony. Written comments will be accepted by the City up to 2 days prior to the date of the public hearing.

Services for persons with disabilities may be made available if notice is received in advance of the meeting by calling Star City Hall at (208) 286-7247.

Shawn L. Nickel  
Planning Director and Zoning Administrator  
[snickel@staridaho.org](mailto:snickel@staridaho.org)





# CITY OF STAR

## LAND USE STAFF REPORT

**TO:** Mayor & Council

**FROM:** Shawn L. Nickel, Planning Director and Zoning Administrator *Shawn L. Nickel*

**MEETING DATE:** **January 11, 2022 – PUBLIC HEARING (originally scheduled 8-17-21)**

**FILE(S) #:** AZ-21-08 Annexation and Zoning  
DA-21-10 Development Agreement  
PP-21-11 Preliminary Plat for Oaklawn Crossing Subdivision

**OWNER/APPLICANT/REPRESENTATIVE**

<b>Property Owner/Applicant</b> Pinnacle Land Development, LLC 7629 E. Pinnacle Peak Road, Ste. 110 Scottsdale, AZ 85255	<b>Representative:</b> Teller Bard Kimley-Horn & Associates 950 W. Bannock Street, Ste. 1100 Boise, ID 83702
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**REQUEST**

**Request:** The Applicant is seeking approval of an Annexation and Zoning to Residential (R-4) and Mixed-Use (MU), a Development Agreement, and Preliminary Plat for a proposed residential subdivision consisting of 65 residential lots, 1 Mixed-Use lot and 5 common lots. The property is located at 8005 W. Joplin Road in Star, Idaho and consists of 25.87 acres with a proposed residential density of 3.09 dwelling units per acre. **This application was originally scheduled for Council on August 17, 2021 but was postponed to allow ACHD and ITD additional time to provide review comments.**

**PROPERTY INFORMATION**

**Property Location:** The subject property is generally located on the southwest corner of N. Star Road and W. Joplin Road. Ada County Parcel Number S0419417200.

**Surrounding Land Use/Designations:**

	<b>Zoning Designation</b>	<b>Comp Plan Designation</b>	<b>Land Use</b>
<b>Existing</b>	RUT (County)	Neighborhood Residential Mixed Use	Agriculture/ Single Family Residential
<b>Proposed</b>	R-4-DA MU-DA	Neighborhood Residential Mixed Use	Single Family Residential/Mixed-Use
<b>North of site</b>	RUT (County)	CBD (Central Business District)	Agriculture/ Single Family Residential
<b>South of site</b>	RUT (County)	Neighborhood Residential	Agriculture/ Single Family Residential Proposed Starpointe Subdivision
<b>East of site</b>	RUT (County)	CBD (Central Business District)	Star Road/R.C. Bean Saddlery/Pasture
<b>West of site</b>	RUT (County)	Neighborhood Residential	Single Family Residential/Agriculture

**Existing Site Characteristics:** The property currently has a home and outbuildings; the majority of the land is used as pasture.

**Irrigation/Drainage District(s):** Eureka Water Company  
6820 Joplin Road  
Meridian, ID 83646

**Flood Zone:** This property is currently located in Flood Zones X. FEMA FIRM Panel 16001C0140J. Effective Date: 6/19/2020

**Special On-Site Features:**

- ✧ Areas of Critical Environmental Concern – No known areas.
- ✧ Evidence of Erosion – No evidence.
- ✧ Fish Habitat – None.
- ✧ Floodplain – No.
- ✧ Mature Trees – None.
- ✧ Riparian Vegetation – Yes.
- ✧ Steep Slopes – None.
- ✧ Stream/Creek – Yes.
- ✧ Unique Animal Life – No unique animal life has been identified.
- ✧ Unique Plant Life – No unique plant life has been identified.
- ✧ Unstable Soils – No known issues.
- ✧ Historical Assets – No historical assets have been observed.
- ✧ Wildlife Habitat – No known sensitive wildlife habitat observed.

APPLICATION REQUIREMENTS

Pre-Application Meeting Held	February 18, 2021
Neighborhood Meeting Held	January 29, 2021
Application Submitted & Fees Paid	April 16, 2021
Application Accepted	May 17, 2021
Residents within 300' Notified	August 2, 2021; December 21, 2021
Agencies Notified	May 10, 2021
Legal Notice Published	August 5, 2021; December 22, 2021
Property Posted	August 6, 2021; December 30, 2021

HISTORY

This property does not have any history of land use applications within the City of Star.

CODE DEFINITIONS / COMPREHENSIVE PLAN

UNIFIED DEVELOPMENT CODE:

8-1B-1: ANNEXATION AND ZONING; REZONE:

B. Standards:

1. The subject property shall meet the minimum dimensional standards of the proper district.
2. The city may require a development agreement in conjunction with the annexation and zoning, or rezone, pursuant to Idaho Code section 67-6511A, which may include a concept plan. In addition to other processes permitted by city and state code, exceptions or waivers of standards, other than use, may be permitted through execution of a development agreement. A development agreement and concept plan shall be required for any rezone to a mixed-use zone, high density zone or land which includes steep slope (land over 25%) or floodway.
3. The termination of a development agreement shall result in the reversal of the official zoning map amendment approval and applicable development approval for any undeveloped portion of property subject to the development agreement. The undeveloped property subject to the development agreement shall be rezoned to the district classification as designated by the development agreement. When no designation is provided, the property shall revert to its original zoning or, if the original designation no longer exists, to the closest current equivalent zoning as determined by the current Comprehensive Plan Land Use Map designation.
4. An amendment or termination of a previously recorded development agreement shall be recorded in the office of the county recorder by the clerk.



5. An approved development agreement must be executed within ninety (90) days of the meeting at which the development agreement is approved by the city council. A one-time administrative extension of maximum thirty (30) days may be granted by the zoning administrator. Additional extensions may be approved by majority vote of the city council. Failure to execute the development agreement within the required timeframe will result in the denial of all related applications.

C. Required Findings: The council shall review the application at the public hearing. In order to grant an annexation and zoning or rezone, the council shall make the following findings:

1. The map amendment complies with the applicable provisions of the comprehensive plan;
2. The map amendment complies with the regulations outlined for the proposed district;
3. The map amendment shall not be materially detrimental to the public health, safety, and welfare; and
4. The map amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city.
5. The annexation (as applicable) is in the best interest of city.

**8-1E-1: DEFINITIONS - TERMS DEFINED**

TRANSITIONAL LOT OR PROPERTY: The size of a new residential lot when being proposed adjacent to an established residential use. The ratio for lots adjacent to properties shall be determined on a case-by-case basis, when considering the size of the development potential for the existing use. This shall not be required if separated by an existing roadway or large canal where the distance between new structures and existing structures equal or exceed 100 feet.

**8-3A-1: ZONING DISTRICTS AND PURPOSE ESTABLISHED:**

R RESIDENTIAL DISTRICT: To provide regulations and districts for various residential neighborhoods. Gross density in a Residential (R) district shall be determined according to the numeral following the R. The numeral designates the maximum number of dwelling units per acre. In zoning designations of R-1, R-2, R-3, R-4 and R-5, housing shall be single family detached unless approved with a PUD or development agreement. Connection to municipal water and sewer facilities are required for all subdivision and lot split applications submitted after the effective date hereof in all districts exceeding one dwelling unit per acre. Wells and septic systems may be permitted for larger lots in this land use designation that are not adjacent to municipal services, as determined by the Sewer District, and if approved by the applicable Health Department. Private streets may be approved in this district for access to newly subdivided or split property. This district does allow for some non-residential uses as specified in 8-3A-3.

**MU MIXED USE DISTRICT:** To provide for a mixture of uses which may, at the sole discretion of the Council, include office, commercial, and/or residential depending upon the specific comprehensive plan area designated as Mixed Use. Development within this zone is to proceed through the PUD process unless a development agreement has already been executed for the particular property. Identifying areas for mixed-use development has two objectives. The first objective is to give the city a better tool to manage the type of developments through the planned unit development and/or the Development Agreement process. The second objective is that this zone may allow the development community to be more innovative in design and placement of structures subject to Council review and approval. Rezoning within this land use designation is to be strictly monitored by the city to assure that the Mixed-Use areas are not being used simply to justify high density residential use. Residential uses may be part of an overall mixed-use development that includes a non-residential component and may not exceed 30% of the overall size of the development.

**DA DEVELOPMENT AGREEMENT:** This designation, following any zoning designation noted on the official zoning map of the city (i.e., C-2-DA), indicates that the zoning was approved by the city with a development agreement, with specific conditions of zoning.

**8-3A-3: USES WITHIN ZONING DISTRICTS**

The following table lists principal permitted (P), accessory uses (A), conditional (C), or prohibited (N) uses.

<b><u>ZONING DISTRICT USES (RESIDENTIAL)</u></b>		<b>A</b>	<b>R-R</b>	<b>F</b>
Accessory structure		A	A	A
Dwelling:				
Multi-family 1		N	N	C
Secondary 1		A	A	A
Single-family attached		N	N	C
Single-family detached		P	P	P
Two-family duplex		N	N	P
<b><u>ZONING DISTRICT USES (MIXED-USE)</u></b>		<b>MU</b>		
Accessory structure - Residential or Commercial		C/P		
Adult business/adult entertainment		N		
Agriculture, forestry, fishing		N		
Airport		N		
Animal care facility 1		C		
Artist studio1		P		
Arts, entertainment, recreation facility1		C		
Asphalt plant 1		N		
Auction facility		C		
Automated Teller Machine (ATM) 1		A		
Automotive hobby 1		A		
Automotive mechanical/electrical repair and maintenance		C		
Bakery- Retail or Manufacturing		P/C		
Bar/tavern/lounge/drinking establishment		C		
Barbershop/styling salon		P		
Bed and breakfast		C		
Beverage bottling plant		N		
Boarding house		C		

Section 5, Item B.



Brewery/Distillery		C
Brewpub/Wine Tasting		C
Building material, garden equipment and supplies		C
Campground/RV park 1		C
Caretaker Unit 1		A
Cement or clay products manufacturing		N
Cemetery 1		N
Chemical manufacturing plant 1		N
Child Care center (more than 12) 1		C
Child Care family (6 or fewer) 1		A
Child Care group (7-12) 1		C
Child Care-Preschool/Early Learning1		C
Church or place of religious worship1		P
Civic, social or fraternal organizations		C
Concrete batch plant 1		N
Conference/convention center		C
Contractor's yard or shop 1		N
Convenience store		C
Dairy farm		N
Drive-through establishment/drive-up service window 1		C
Dwelling:		
Multi-family 1		C
Secondary 1		C
Single-family attached		C
Single-family detached		C
Two-family duplex		C

Live/Work Multi-Use 1		C
Educational institution, private		C
Educational institution, public		C
Equipment rental, sales, and services		C
Events Center, public or private (indoor/outdoor)		C
Fabrication shop		N
Farm		N
Farmers' or Saturday market		C
Feedlot		N
Financial institution		C
Fireworks Stands		P
Flammable substance storage		N
Flex Space		C
Food products processing		N
Fracking		N
Gasoline, Fueling & Charging station with or without convenience store 1		C
Golf course		C
Government office		C
Greenhouse, private		A
Greenhouse, commercial		C
Guesthouse/granny flat		C
Healthcare and social services		C
Heliport		N
Home occupation 1		A
Hospital		C
Hotel/motel		C

Ice manufacturing plant		N
Industry, information		C
Institution		C
Junkyard		N
Kennel		C
Laboratory		C
Laboratory, medical		C
Lagoon		N
Laundromat		P
Laundry and dry cleaning		C
Library		N
Manufactured home 1		C
Manufactured home park 1		N
Manufacturing plant		N
Meatpacking plant		N
Medical clinic		P
Mining, Pit or Quarry (excluding accessory pit) 1		N
Mining, Pit or Quarry (for accessory pit) 1		A
Mortuary		C
Museum		P
Nursery, garden center and farm supply		C
Nursing or residential care facility 1		C
Office security facility		C
Parking lot/parking garage (commercial)		C
Parks, public and private		P
Pawnshop		P
Personal and professional services		P



Pharmacy		P
Photographic studio		P
Portable classroom/modular building (for private & public Educational Institutions)		C
Power plant		N
Processing plant		N
Professional offices		C
Public infrastructure; Public utility major, minor and yard 1		C
Public utility yard		N
Recreational vehicle dump station		A
Recycling center		N
Research activities		C
Restaurant		C
Retail store/retail services		C
Retirement home		C
Riding Arena or Stable, Private/ Commercial		N
Salvage yard		N
Sand and gravel yard		N
Service building		C
Shooting range ( <u>Indoor/Outdoor</u> )		C/N
Shopping center		C
Short Term Rentals 1		A
Solid waste transfer station		N
Storage facility, outdoor (commercial)1		C
Storage facility, self-service (commercial)1		C
Swimming pool, commercial/public		P

Television station		C
Temporary living quarters 1		N
Terminal, freight or truck 1		N
Truck stop		C
Turf farm		N
Vehicle emission testing 1		C
Vehicle impound yard 1		N
Vehicle repair, major 1		C
Vehicle repair, minor 1		C
Vehicle sales or rental and service 1		C
Vehicle washing facility 1		C
Vehicle wrecking, junk or salvage yard1		N
Veterinarian office		C
Vineyard		C
Warehouse and storage		C
Wholesale sales		C
Winery		C
Wireless communication facility 1		C
Woodworking shop		N

**8-3A-4: ZONING DISTRICT DIMENSIONAL STANDARDS:**

Zoning District	Maximum Height	Minimum Yard Setbacks			
	Note Conditions	Front (1)	Rear	Interior Side	Street Side
R-4	35'	15' to living area 20' to garage face	15'	5' per story (2)	20'
MU	35'	For MU and CBD - Unless otherwise approved by the Council as a part of a PUD or development agreement, all residential buildings shall follow the residential setbacks shown in this table based upon the project density and all other buildings shall follow setbacks for the C-2 zone (3).			

## Notes:

1. Front yard setback shall be measured from the face of the garage to the face of the sidewalk, allowing for 20' of parking on the driveway without overhang onto the sidewalk.
2. Interior side yard setbacks for lots with 50' or less of lot width shall be allowed 5' interior side yard setbacks for one and two-story structures.
3. All setbacks in the M-U zone shall be a minimum 15' when adjacent to a residential use or zone.

**8-4E-2: STANDARDS FOR COMMON OPEN SPACE AND SITE AMENITY REQUIREMENTS:**

## A. Open Space and Site Amenity Requirement (see also Chapter 8 "Architectural Review"):

1. The total land area of all common open space shall equal or exceed fifteen percent (15%) of the gross land area of the development. Ten percent (10%) of that area shall be usable open space.
2. Each development is required to have at least one site amenity.
3. One additional site amenity shall be required for each additional twenty (20) acres of development area, plus one additional amenity per 75 residential units.
4. Developments with a density of less than 1 dwelling units per acre may request a reduction in total required open space and amenities to the Council. Developments with a density of less than 2 dwelling units per acre may request a 50% reduction in total required open space to the



Council.

B. Qualified Open Space: The following may qualify to meet the common open space requirements:

1. Any open space that is active or passive in its intended use, and accessible or visible by all residents of the development, including, but not limited to:

a. Open grassy area of at least fifty feet by one hundred feet (50' x 100') in area;

b. Qualified natural areas;

c. Ponds or water features where active fishing, paddle boarding or other activities are provided (50% qualifies towards total required open space, must be accessible by all residents to qualify.) ponds must be aerated;

d. A plaza.

2. Additions to a public park or other public open space area.

3. The buffer area along collector and arterial streets may be included in required overall common open space for residential subdivisions.

4. Parkways along local residential streets with detached sidewalks that meet all the following standards may count toward the common open space requirement:

a. The parkway is a minimum of eight feet (8') in width from street curb to edge of sidewalk and includes street trees as specified otherwise herein.

b. Except for alley accessed dwelling units, the area for curb cuts to each residential lot or common driveway shall be excluded from the open space calculation. For purposes of this calculation, the curb cut area shall be a minimum area of twenty-six feet (26') by the width of the parkway.

c. Stormwater detention facilities do not qualify to meet the common area open space requirements, unless all of the following is met:

1. Must be at least fifty feet by one hundred feet (50' x 100') in area;
2. Specifically designed as a dual use facility, as determined by the administrator, to include minimal slopes, grass throughout, and guarantee of water percolation within 24 hours of storm event.
3. Is located in a development that has a second usable open space area that contains a qualified site amenity as herein defined.

5. Visual natural space, including open ditches, wetlands, slopes or other areas that may not be readily accessible to residents, and is provided with open style fencing, may qualify for up to 20% of the required open space total.

C. Qualified Site Amenities: Qualified site amenities shall include, but not be limited to, the following:

1. Clubhouse;
  2. Fitness facilities, indoors or outdoors;
  3. Public art;
  4. Picnic area; or
  5. Recreation amenities:
    - a. Swimming pool.
    - b. Children's play structures.
    - c. Sports courts.
    - d. Additional open space in excess of 5% usable space.
    - e. RV parking for the use of the residents within the development.
    - f. School and/or Fire station sites if accepted by the district.
    - g. Pedestrian or bicycle circulation system amenities meeting the following requirements:
      - (1) The system is not required for sidewalks adjacent to public right of way;
      - (2) The system connects to existing or planned pedestrian or bicycle routes outside the development; and
      - (3) The system is designed and constructed in accord with standards set forth by the city of Star;
- D. Location: The common open space and site amenities shall be located on a common lot or an area with a common maintenance agreement.

### **COMPREHENSIVE PLAN:**

#### 8.2.3 Land Use Map Designations:

##### Neighborhood Residential

Suitable primarily for single family residential use. Densities in the majority of this land use area are to range from 3.01 units per acre to 5 units per acre. Densities not exceeding 1 to 2 units per acre are to be encouraged in areas of the floodplain, ridgeline developable areas, hillside developable areas, and where new residential lots are proposed adjacent to existing residential lots of one acre and larger where those existing larger lots are not likely to be subdivided in the future.

### Mixed Use

Generally suitable for a mixture of uses which may, at the sole discretion of the Council, include office, commercial, light industrial, and/or residential depending upon the specific area designated as Mixed Use. See Mixed Use Implementation Policies for specific criteria. Development within this land use designation is to proceed through the PUD and/or development agreement process.

Identifying areas for mixed-use development has two objectives. The first objective is to give the city a better tool to manage the type of developments through the planned unit development and/or the Development Agreement process. The second objective is that this land use designation will allow the development community to be more innovative in design and placement of structures. Development design guidelines should also be established to guide development within mixed-use areas. Rezoning within this land use designation is to be strictly monitored by the city to assure that the Mixed-Use areas are not being used simply to justify high density residential use.

#### 8.3 Goal:

Encourage the development of a diverse community that provides a mix of land uses, housing types, and a variety of employment options, social and recreational opportunities, and where possible, an assortment of amenities within walking distance of residential development.

#### 8.4 Objectives:

- Implement the Land Use Map and associated policies as the official guide for development.
- Manage urban sprawl in order to minimize costs of urban services and to protect rural areas.
- Encourage land uses that are in harmony with existing resources, scenic areas, natural wildlife areas, and surrounding land uses.

#### 8.5.3 Policies Related Mostly to the Urban Residential Planning Areas:

A. The Neighborhood Residential Land Use is to encourage urban style development densities to limit urban sprawl.

B. Low densities within the Neighborhood Residential Land Use are to be designed within the floodplain, ridgeline developable areas, hillside developable areas and where new residential lots are proposed adjacent to existing residential lots of one acre and larger where those existing larger lots are not likely to be subdivide in the future.



#### 8.5.7 Policies Related Mostly to The Mixed-Use Planning Areas

- A. Council, at their sole discretion, shall determine what mix of uses are appropriate for any mixed-use area considering existing property owners rights.
- B. Development within the Mixed-Use Designation is to proceed through the CUP, PUD, and/or Development Agreement process, and a concept plan must be included with any such proposed use.
- C. In general, mixed-use areas along state highways should be predominantly commercial with a very minor component of residential unless the residential is placed on upper floors as part of a mixed-use building.
- D. Mixed use areas along state and U.S. Highways where direct access to the state highway is prohibited, like along State Highway 16 between State Highway 44 and US Highway 20/26, should be predominately residential with a minor component of neighborhood commercial, or light industrial if sufficient roadway access, by means of backage or other roads, to the State Highway is provided.
- E. Mixed use areas located between commercial and residential land use designations are to provide a compatible transition between the higher intensity use of commercial and the lower intensity use of Estate and\_Neighborhood Residential. Uses for these mixed-use areas could include multi-family housing and or office related uses if determined by the Council through the public hearing process, to be appropriate

#### 8.5.9 Additional Land Use Component Policies:

- Encourage flexibility in site design and innovative land uses.
- Work with Ada County Highway District (ACHD), Canyon Highway District #4 (CHD4), and Idaho Department of Transportation (ITD) for better coordination of roadway and access needs.
- Support well-planned, pedestrian-friendly developments.
- Dark sky provision should be adopted within the code to assure down style lighting in all developments and Star should consider joining the International Dark Sky Association.

#### 18.4 Implementation Policies:

- F. Development Agreements allow the city to enter into a contract with a developer upon rezoning. The Development Agreement may provide the city and the developer with certain assurances regarding the proposed development upon rezoning.

PROJECT OVERVIEW

ANNEXATION & REZONE:

The applicant is requesting approval of an annexation and rezone application to change the zoning designation on 25.87 acres from Rural Urban Transitional (RUT) to Residential (R-4) and Mixed-Use (MU). This proposed residential zoning district would allow for a maximum residential density of 5 dwelling units per acre. The mixed-use zoning district would allow for uses envisioned within the Comprehensive Plan for this corner property on Star Road and Joplin Road. The property is located in an area that will be serviceable with central sewer and water provided by Star Sewer and Water District in the near future. Star Sewer and Water will be extending services along Joplin Road from the new sewer lift station completing construction on the west side of Star Road. The property will be accessed by a public road and currently has frontage on Joplin Road. All roads in the development will be public. The rezone request includes a development agreement that will address future density and development standards along with approved zoning uses for the mixed-use.

PRELIMINARY PLAT:

The Preliminary Plat submitted contains 71 total lots, 65 single family residential lots, 5 common lots and 1 mixed-use lot on 25.87 acres. Gross acreage of the residential portion of the property is 21.04 acres, which equates to 3.09 dwelling units per acre. Counting the overall acreage of the property, which is 25.87 acres, that equates to 2.51 dwelling units per acre. The lots will have access and frontage from public streets. The residential lots range in size from 5,250 square feet to 10,754 square feet with the average buildable lot being 5,927 square feet. All roads will be built to ACHD, City of Star and Star Fire District standards. The submitted preliminary plat is showing a 50 ft wide right of way with paved streets measuring 36 feet from back of curb to back of curb. Sidewalks are proposed to be 5 feet wide and attached throughout the development. The applicant has not provided documentation that street names have been obtained and approved. Applicant shall obtain and provide to the City street name approval documentation from the Ada County Street Naming Committee prior to signature of the final plat.

The proposed Mixed-Use lot (Lot 37, Block 4) is 4.16 acres in size. The applicant has not indicated specific uses for this lot at this time.

The application states that the proposed overall open space provided within the residential portion of the development is 5.43 acres (25.8%), including at least 2.36 acres (11%) usable open space. Some of the open space is "visual" in nature. In order to qualify as open space, open style fencing must be provided. Therefore, Lots 2-4, Block 1, and Lots 1-12, 14-36, Block 4 shall be conditioned to have open style fencing along the rear property lines adjacent to the common lot located along the southern, western and eastern boundaries of the residential portions of subdivision. The current Unified Development Code, Section 8-4E-2 requires a development of

this size to have a minimum of 2 site amenities. The applicant is proposing a pocket park with a shade ramada and a pathway along the southern portion of the property along the hillside and wetland area. There will also be three ponds in the development. These amenities satisfy the code requirement for development amenities.

#### **ADDITIONAL DEVELOPMENT FEATURES:**

- Gravel Extraction of Ponds  
The development will include the excavation of three ponds for future amenities within the development. It is assumed that the materials from the pond will be used on-site. Details including but not limited to noise, potential off-site haul routes, if applicable, operation hours, length of time, dust control and other issues shall be discussed with Council and conditioned appropriately with the approval of the application.
- Ponds  
The future water features within the development shall be designed and maintained in a manner that protects the public safety. This will include aerators to prevent algae and mosquito issues, safety ring stations throughout the water feature locations, safety shelves and erosion consideration.
- Sidewalks  
Internal sidewalks are proposed at five-foot (5') widths and will be attached throughout the development.
- Lighting  
Streetlights shall reflect the "Dark Sky" criteria with all lighting. The same streetlight design shall continue throughout the entire development. *The applicant has submitted a streetlight plan and cut sheet that DOES NOT meet City of Star requirements.* **Applicant must provide a streetlight design/cut sheet and location plan for City approval. This will be required at submittal of the final plat.**
- Street Names  
**Applicant has not provided documentation from Ada County that the street names are acceptable and have been approved. This will be required at final plat.**
- Subdivision Name  
Applicant has provided a letter from Ada County that the subdivision name has been approved and reserved for this development.



- Landscaping - As required by the Unified Development Code, Chapter 8, Section 8-8C-2-M (2) Street Trees; A minimum of one street tree shall be planted for every thirty-five (35) linear feet of street frontage. The applicant shall use "Treasure Valley Tree Selection Guide", as adopted by the Unified Development Code. Section 8-8C-2, J5 states that a minimum of one deciduous shade tree per four thousand (4,000) square feet of common area shall be provided. **The submitted landscape plan DOES NOT satisfy these requirements. Applicant shall provide an updated landscape plan that shows street trees per code, prior to signing the final plat.**
- Setbacks – The applicant is not requesting any set back waivers and will adhere to the R-4 requirements outlined earlier in this report. For clarification, street side setback requirements do not apply when adjacent to a common lot.
- Block lengths – All blocks appear to meet the 750' block length requirement.
- Mailbox Cluster – **Applicant has not provided documentation from a Postmaster depicting the approved location for the mailbox cluster for the development. This will be required prior to signing the final plat.**
- Mixed-Use Lot – Although there are no proposed uses with this application, the applicant has recognized that this lot would be for future commercial uses. Council should consider the uses allowed within the Mixed-Use zone and condition the Development Agreement accordingly if specific uses are not intended to be allowed. For example, Council may want to prohibit future Multi-Family or other commercial uses that may not be compatible with the proposed residential uses.
- Phasing – **The applicant has not provided a phasing plan for this development. A phasing plan shall be conditioned to be provided prior to submittal of the final plat application.**

DEVELOPMENT AGREEMENT

Through the Development Agreement process, the applicant is proposing to work with the City and neighboring property owners to provide further insurances that the development will be built as presented and/or modified by the Council through the review process. Items that should be considered by the applicant and Council include the following:

- Density;
- Prohibited Commercial Uses
- ITD Proportionate Share Fees;
- Emergency Access
- Gravel Extraction Operation

- Pond Operation and Maintenance
- Allowed or Prohibited Uses within the Mixed Use

**AGENCY RESPONSES**

ITD	Pending
Star Fire District	August 9, 2021
DEQ	May 21, 2021
Ada County Development Services	May 11, 2021
ACHD	August 26, 2021
West Ada School District	July 6, 2021
Keller and Associates	August 6, 2021
Central District Health	May 12, 2021

**PUBLIC RESPONSES**

No Public Comments Have Been Received.

**STAFF RECOMMENDATION**

Based upon the information provided to staff in the applications and agency comments received to date, the proposed annexation and zoning request and associated applications including the preliminary plat meets the requirements, standards and intent for development as they relate to the Comprehensive Plan and Unified Development Code. The proposed maximum allowed density of 3.08 dwelling unit per acre is within the range of 3-5 dwelling units per acre allowed in the Neighborhood Residential Comprehensive Plan Land Use Map. Staff is supportive of proposed diversity in lot sizes, housing sizes and density that the (R-4) zoning designation will provide.

The Council should consider the entire record and testimony presented at their scheduled public hearing prior to rendering its decision on the matter. Should the Council vote to approve the applications, either as presented or with added or revised conditions of approval, Council shall direct staff to draft findings of fact and conclusions of law for the Council to consider at a future date. A development agreement will also be brought back to the Council for review of proposed Conditions of Approval for the rezone.

**FINDINGS**

The Council may **approve**, **conditionally approve**, **deny** or **table** this request. In order to approve these applications, the Unified Development Code requires that Council must find the following:

**ANNEXATION/REZONE FINDINGS:**

1. The map amendment complies with the applicable provisions of the Comprehensive Plan.

*The purpose of the Star Comprehensive Plan is to promote the health, safety, and general welfare of the people of the City of Star and its Impact Area. Some of the prime objectives of the Comprehensive Plan include:*

- ✓ *Protection of property rights.*
- ✓ *Adequate public facilities and services are provided to the people at reasonable cost.*
- ✓ *Ensure the local economy is protected.*
- ✓ *Encourage urban and urban-type development and overcrowding of land.*
- ✓ *Ensure development is commensurate with the physical characteristics of the land.*

*The goal of the Comprehensive Plan for Land Use is to encourage the development of a diverse community that provides a mixture of land uses, housing types, and a variety of employment options, social and recreational opportunities, and where possible provides an assortment of amenities within walking distance of a residential development. The Council must find compliance with the Comprehensive Plan.*

2. The map amendment complies with the regulations outlined for the proposed district, specifically, the purposes statement.

*The City must find that the proposal complies with the proposed district and purpose statement. The purpose of the residential districts is to provide regulations and districts for various residential neighborhoods with gross densities in compliance with the intent of the Comprehensive Plan designation. Housing shall be single family detached unless approved with a PUD or development agreement. Connection to municipal water and sewer facilities are required for all subdivision and lot split applications in all districts exceeding one dwelling unit per acre. The purpose of the mixed-use district is to provide for a mixture of uses which may, at the sole discretion of the Council, include office, commercial, and/or residential depending upon the specific comprehensive plan area designated as Mixed Use. Development within this zone is to proceed through the PUD process unless a development agreement has already been executed for the particular property. Identifying areas for mixed-use development has two objectives. The first objective is to give the city a better tool to manage the type of developments through the planned unit development and/or the Development Agreement process. The second objective is that this zone may allow the development community to be more innovative in design and placement of structures subject to Council review and approval. Rezoning within this land use designation is to be strictly monitored by the city to assure that the Mixed-Use areas are not being used simply to justify high density residential use. Residential uses may be part of an overall mixed-use development that includes a non-residential component and may not exceed 30% of the overall size of the development.*

3. The map amendment shall not be materially detrimental to the public health, safety, and



welfare; and

*The Council must find that there is no indication from the material submitted by any political agency stating that this annexation and zoning of this property will be materially detrimental to the public health, safety or welfare.*

4. The map amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city including, but not limited to, school districts.

*The Council must find that it has not been presented with any information from agencies having jurisdiction that public services will be adversely impacted other than traffic, which will continue to be impacted as the City grows.*

5. The annexation is in the best interest of the city.

*The Council must find that this annexation is reasonably necessary for the orderly development of the City.*

#### **PRELIMINARY PLAT FINDINGS:**

1. The plat is in compliance with the Comprehensive Plan.

*The City must find that this Plat follows designations, spirit and intent of the Comprehensive Plan regarding residential development and meets several of the objectives of the Comprehensive Plan such as:*

1. *Designing development projects that minimize impacts on existing adjacent properties, and*
2. *Managing urban sprawl to protect outlying rural areas.*

2. Public Services are available or can be made available and are adequate to accommodate the proposed development.

*The City must find that Agencies having jurisdiction on this parcel were notified of this action, and that it has not received notice that public services are not available or cannot be made available for this development.*

3. There is public financial capability of supporting services for the proposed development;

*The City must find that they have not been notified of any deficiencies in public financial capabilities to support this development.*

4. The development will not be detrimental to the public health, safety or general welfare;

*The City must find that it has not been presented with any facts stating this Preliminary Plat will be materially detrimental to the public health, safety and welfare. Residential uses are a permitted use.*

5. The development preserves significant natural, scenic or historic features;

*The City must find that there are no known natural, scenic, or historic features that have been identified within this Preliminary Plat.*

*Upon granting approval or denial of the application, the Council shall specify:*

- 1. The Ordinance and standards used in evaluating the application;
- 2. The reasons for recommending approval or denial; and
- 3. The actions, if any, that the applicant could take to obtain approval.

**CONDITIONS OF APPROVAL**

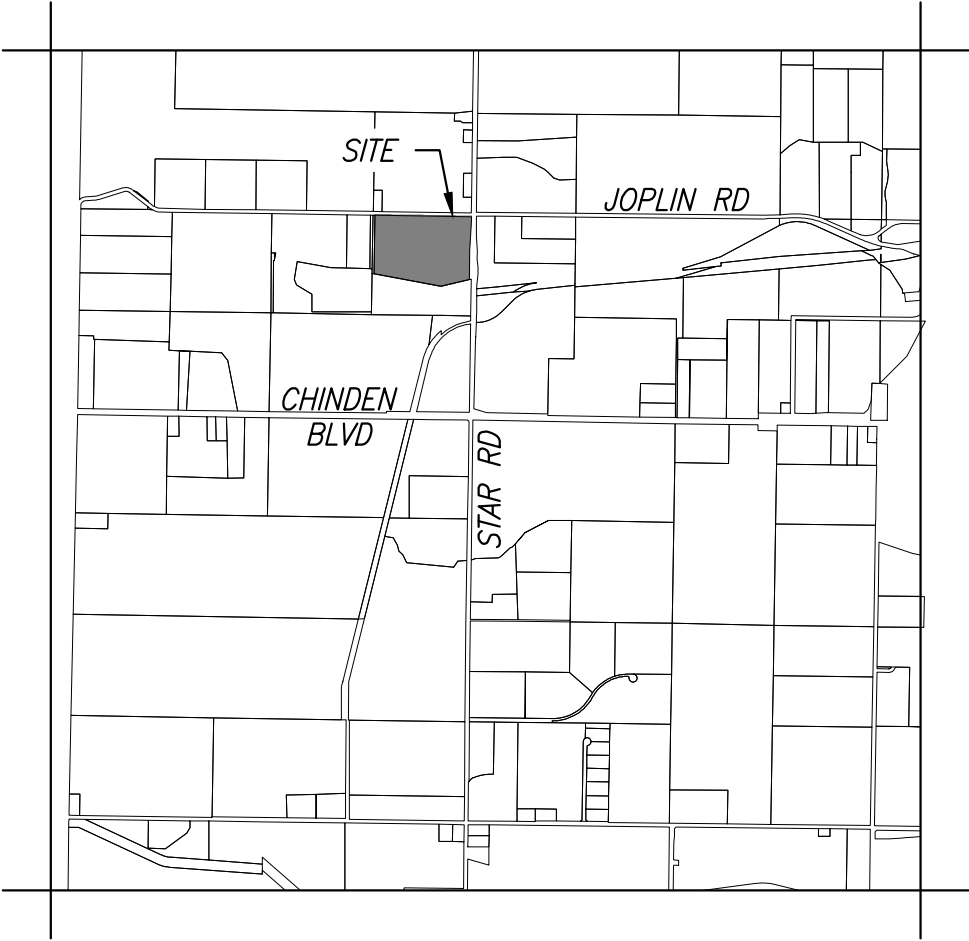
- 1. The approved Preliminary Plat for the Oaklawn Crossing Subdivision shall comply with all statutory requirements of applicable agencies and districts having jurisdiction in the City of Star.
- 2. **The applicant shall enter into a Development Agreement with the City, agreeing to proportionate share assessment by ITD regarding impacts to the State Highway System. ITD has calculated the fees to be \$TBD. These fees will be collected by the City of Star, by phase, prior to final plat signature. The development agreement shall be signed and recorded as part of the ordinance for annexation and zoning and shall contain the details of the fees to be collected.**
- 3. All public streets shall have a minimum street width of 36’ and shall be constructed to ACHD standards.
- 4. **The applicant shall submit a Temporary Use application to the City for approval prior to the start of excavation of any pond. The excavation shall comply with all requirements set forth in Section 8-5-19C of the Star Unified Development Code pertaining to Accessory Pits.**
- 5. **A revised landscape plan shall be submitted at the time of final plat detailing the required street trees and showing open style fencing along the rear property lines adjacent to the common lot located along the southern, western and eastern boundaries of the subdivision for Lots 38-43, 45, 51, Block 1, and Lots 4-5, and 11, Block 3 of the approved preliminary plat.**
- 6. Streetlights shall comply with the Star City Code and shall be of the same design throughout the entire subdivision. Streetlights shall be continuous throughout the subdivision and shall be maintained by the Homeowners Association. **Streetlights shall be installed and energized prior to issuing of building permits.** Design shall follow Code with requirements for light trespass and “Dark Skies” lighting. **Applicant/Owner shall submit a streetlight plan and design prior to Final Plat approval. Streetlights shall comply with the Star City Code regarding light trespass and “Dark Sky” initiative.**
- 7. Street trees along the private street and landscaping along Brandon Road shall be installed per Chapter 8, including Section 8-8C-2-M(2) Street Trees. **Applicant shall provide an updated landscape plan depicting compliance with this code, prior to signing the final plat.**
- 8. The property with the approved Preliminary Plat shall be satisfactorily weed abated, preventing a public nuisance, per Star City Code.

- 9. All signed Irrigation District Agreements with the Irrigation Districts shall be provided to the City of Star with each subsequent Final Plat application.
- 10. Pressurized irrigation systems shall comply with the Irrigation District(s) and the City of Star Codes. Plans for pressurized irrigation systems shall be submitted to, and approved by the City of Star Engineer, prior to installation.
- 11. A plat note supporting the "Right to Farm Act" as per Idaho Code Title 22, Chapter 45, shall be shown on the Final Plat.
- 12. A copy of the CC&R's shall be submitted to the City of Star at Final Plat.
- 13. A letter from Ada County shall be provided approving the street names in the development and all names shall be reflected correctly on all pages of the final plat, before the mylar will be signed.**
- 14. A letter from the US Postal Service shall be given to the City at Final Plat stating the subdivision is in compliance with the Postal Service.**
- 15. A form signed by the Star Sewer & Water District shall be submitted to the City prior to the signature of the Final Plat stating that all conditions of the District have been met, including annexation into the District.
- 16. A plat note shall state that development standards for residential development shall comply with the effective building and zoning requirements at time of building permit issuance, unless amended in the Development Agreement or CUP conditions.
- 17. Development standards for single family residential units shall comply with effective building and zoning requirements at time of building permit issuance, or as approved through the Development Agreement or as stated herein.
- 18. All common areas shall be owned and maintained by the Homeowners Association.
- 19. The applicant shall provide a sign, to be located at all construction entrances, indicating the rules for all contractors that will be working on the property starting at grading and running through home sales that addresses items including but not limited to dust, music, dogs, starting/stopping hours for contractors (7a.m. start time). **Sign shall be approved by the City prior to start of construction.**
- 20. A sign application is required for any subdivision signs.
- 21. Owner/Developer will agree to install a 2" (High Density Polyethylene) HDPE SDR-11 roll pipe in the shared utility trench to be used for future fiber optic and/or copper telecommunication cables.**
- 22. Any additional Condition of Approval as required by Staff and City Council.**

COUNCIL DECISION

The Star City Council \_\_\_\_\_ File Number AZ-21-08/DA-21-10/PP-21-11 for Oaklawn Crossing Subdivision on \_\_\_\_\_, 2022.





T4N, R1W, SEC. 19



## PRELIMINARY PLAT APPLICATION

\*\*\*All information must be filled out to be processed.

FILE NO.: \_\_\_\_\_  
Date Application Received: \_\_\_\_\_ Fee Paid: \_\_\_\_\_  
Processed by: City: \_\_\_\_\_

### Applicant Information:

**PRIMARY CONTACT IS:** Applicant ☐ Owner ☐ Representative ☒

Applicant Name: Pinnacle Land Development, LLC  
Applicant Address: 7629 E Pinnacle Peak Road #110, Scottsdale, AZ Zip: 85255  
Phone: (480) 401-0800 Email: randy@criterionland.com

Owner Name: Pinnacle Land Development, LLC  
Owner Address: 7629 E Pinnacle Peak Road #110, Scottsdale, AZ Zip: 85255  
Phone: (480) 401-0800 Email: randy@criterionland.com

Representative (e.g., architect, engineer, developer):  
Contact: Teller Bard Firm Name: Kimley-Horn & Associates  
Address: 950 W Bannock Street, Suite 1100, Boise, Idaho Zip: 83702  
Phone: (208) 297-2885 Email: teller.bard@kimley-horn.com

### Property Information:

Subdivision Name: Oaklawn Crossing  
Site Location: SWC of the Joplin Road & Star Road intersection  
Approved Zoning Designation of Site: R-4  
Parcel Number(s): S0419417200

### Zoning Designations:

	Zoning Designation	Comp Plan Designation	Land Use
Existing	RUT	Neighborhood Residential/Mixed	Agricultural
Proposed	R-4	Neighborhood Residential/Mixed	Residential
North of site	RUT	Central Business District	Agricultural
South of site	RUT	Neighborhood Residential/Mixed	Agricultural
East of site	RUT	Central Business District	Agricultural
West of site	RUT	Neighborhood Residential	Agricultural

**SITE DATA:**

Total Acreage of Site - 25.87  
 Breakdown of Acreage of Land in Contiguous Ownership - 25.87  
 Total Acreage of Site in Special Flood Hazard Area - 0  
 Dwelling Units per Gross Acre - 3.09 DU/AC  
 Minimum Lot Size - 5,250 SF  
 Minimum Lot Width - 50'

Total Number of Lots - 71  
 Residential - 65  
 Commercial - 1  
 Industrial - 0  
 Common - 5

Total Number of Units - 65  
 Single-family - 65  
 Duplex - \_\_\_\_\_  
 Multi-family - \_\_\_\_\_

Percent of Site and Total Acreage of Common Area - 25.8 % / 5.43 acres  
 Percent of Common Space to be used for drainage - 0  
 Describe Common Space Areas (amenities, landscaping, structures, etc.) - Ramada,  
pathways, ponds.  
 Proposed Dedicated Lots & Acreage (school, parks, etc): N/A

Public Streets - 2,855 Private Streets - 0  
 Describe Pedestrian Walkways (location, width, material) - Primarily concrete pathways  
meandering through open space and along all roadway.  
 Describe Bike Paths (location, width, material) - N/A

**FLOOD ZONE DATA: (This Info Must Be Filled Out Completely Prior to Acceptance):**

Total Acreage of Site in Special Flood Hazard Area - 0 AC

- a. A note must be provided on the final plat documenting the current flood zone in which the property or properties are located. The boundary line must be drawn on the plat in situations where two or more flood zones intersect over the property or properties being surveyed.
- b. FEMA FIRM panel(s): #160xxxxxxC, 160xxxxxxE, etc.: 16001C0140J  
 FIRM effective date(s): mm/dd/year 06/19/2020  
 Flood Zone(s): Zone X, Zone A, Zone AE, Zone AH, etc.: Zone X  
 Base Flood Elevation(s): AE \_\_\_\_ .0 ft., etc.: N/A
- c. Flood Zones are subject to change by FEMA and all land within a floodplain is regulated by Chapter 10 of the Star City Code.



- d. Please see link for help with FEMA information <https://msc.fema.gov/portal/search>.
- e. All maps will delineate flood plain lines.

**PUBLIC SERVICES** (Describe what services are available and agency providing service):

Potable Water - Star Sewer & Water District

Irrigation Water- Creason Lateral, Boise Project, Boise Kuna, Nampa & Meridian

Sanitary Sewer- Star Sewer & Water District

Fire Protection - Star Fire

Schools - West Ada School District

Roads - ACHD

**SPECIAL ON-SITE FEATURES** (Yes or No – If yes explain in your narrative):

Areas of Critical Environmental Concern - No

Floodplain - No

Evidence of Erosion - No

Fish Habitat - No

Historical Assets - No

Mature Trees - No

Riparian Vegetation - Yes

Steep Slopes - No

Stream/Creek - Yes

Unstable Soils - No

Unique Animal Life - No

Unique Plant Life - No

**Application Requirements:**

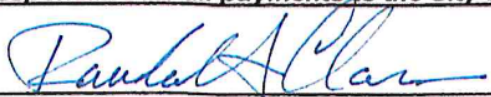
(Applications are required to contain one copy of the following unless otherwise noted. **When combining with other applications (Annexation, CUP, etc.) please include one paper copy for all applications**)

Applicant (✓)	Description	Staff (✓)
X	Pre-application meeting with Planning Department required prior to neighborhood meeting.	
X	Copy of neighborhood meeting notice sent to property owners within 300 feet and meeting sign-in sheet. <b>(Please contact the City for addresses &amp; labels)</b> (Applicants are required to hold a neighborhood meeting to provide an opportunity for public review of the proposed project prior to the submittal of an application.)	
X	Completed and signed Preliminary Plat Application	
X	Fee: Please contact the City for current fee. Fees may be paid in person with check or electronically with credit card. Please call City for electronic payment. Additional service fee will apply to all electronic payments.	
X	Narrative explaining the project. (must be signed by applicant)	
X	Legal description of the property (word.doc and pdf version with engineer's seal)	
X	Recorded warranty deed for the subject property	
X	If the signature on this application is not the owner of the property, an <b>original</b> notarized statement (affidavit of legal interest) from the owner stating the applicant is authorized to submit this application.	
X	Approval of the proposed subdivision name from Ada County Surveyor's office.	
X	One (1) 8½" X 11" copy and electronic copy in pdf. format of vicinity map showing the location of the subject property	
X	One (1) full-size copy and one (1) 11" X 17" copy of the Preliminary Plat	
X	Electronic copy in pdf. format of Preliminary Plat	
X	One (1) full-size copy and one (1) 11" X 17" copy of the landscape plan	
X	Electronic copy in pdf. format of landscape plan	
X	Electronic copy in pdf. format of preliminary site grading & drainage plans	
X	Phasing plan shall be included in the application if the project is to be phased.	

X	Letter of authorization from the local Post Office approving mailbox delivery to subdivision including location(s) of mailbox clusters. Locations shall be indicated on Preliminary Plat.	
X	List of name(s) and addresses of all canal or irrigation ditches within or contiguous to the proposed development.	
X	One (1) copy of names and addresses printed on address labels, of property owners within three hundred feet (300') of the external boundaries of the property being considered as shown on record in the County Assessor's office. Please contact the City to request addresses and labels.	
X	Site report of the highest seasonal groundwater elevation prepared by a registered soils scientist. (If requested by City Engineer)	
X	Special Flood Information – Must be included on Preliminary Plat and Application form.	
X	One (1) 8½" X 11" copy and electronic copy in pdf format of streetlight <b>design</b> and <b>location</b> information. Streetlights shall meet all City "Dark Sky" requirements.	
X	Written confirmation that a traffic impact study is not required and/or has been submitted for review to Ada County Highway District/Canyon Highway District No. 4/Idaho Transportation Department (if applicable).	
X	One (1) copy of the Electronic versions of submitted application including neighborhood meeting information, signed application, narrative, legal description, warranty deed, vicinity map, preliminary plat, landscape plan, preliminary site grading & drainage plans, irrigation district information, streetlight design & location, confirmation of a traffic impact study <u>shall be submitted in original pdf format (no scans for preliminary plat, landscape plans or grading and drainage plans) on a thumb drive only (no discs)</u> with the files named with project name and plan type. We encourage you to also submit a colored version of the preliminary plat and/or landscape plan for presentation purposes prior to City Council.	
X	Signed Certification of Posting with pictures. (see attached posting requirements and certification form) – To be completed by application after acceptance of application. Staff will notify applicant of hearing and posting date.	
X	Property shall be annexed into Star Sewer and Water District prior to Final Plat approval. Please contact SSWD for details.	

### FEE REQUIREMENT:

**\*\* I have read and understand the above requirements. I further understand fees will be collected at the time of filing an application. I understand that there may be other fees associated with this application incurred by the City in obtaining reviews or referrals by architect, engineering, or other professionals necessary to enable the City to expedite this application. I understand that I, as the applicant, am responsible for all payments to the City of Star.**

  
Applicant/Representative Signature

4/5/21  
Date

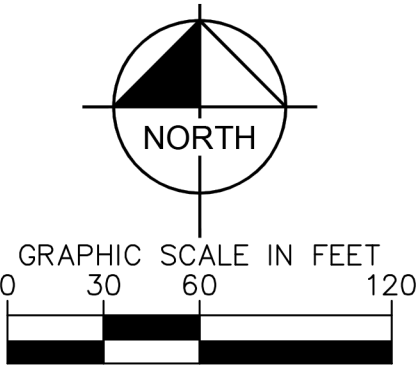




# SITE DATA

PARCEL #: S0419417200  
 GROSS AREA: 25.87 ACRES  
 NET AREA: 24.28 ACRES  
 EXISTING ZONING: RUT  
 PROPOSED ZONING: R-4  
 PROPOSED LOT COUNT: 71  
 PROPOSED OPEN SPACE: 2.36 ACRES

THIS PLAN IS FOR CONCEPTUAL PURPOSES ONLY & REQUIRES DETAILED SITE PLANNING, ENGINEERING & CITY/COUNTY APPROVALS. ACREAGE & DENSITY IS ESTIMATED. LANDSCAPING/AMENITY DESIGN IS ILLUSTRATIVE ONLY.





OAKLAWN CROSSING LEGAL DESCRIPTION

A PORTION OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 19 AND THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 20, TOWNSHIP 4 NORTH, RANGE 1 WEST, B.M., ADA COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS

BEGINNING AT A 5/8" IRON PIN MARKING THE 1/4 CORNER COMMON TO SECTIONS 19 AND 20, TOWNSHIP 4 NORTH, RANGE 1 WEST, B.M., FROM WHICH AN ALUMINUM CAP MONUMENT MARKING THE SECTION CORNER COMMON TO SECTIONS 19, 20, 29 AND SECTION 30, TOWNSHIP 4 NORTH, RANGE 1 WEST, B.M., BEARS SOUTH 00°46'11" WEST, 2,633.06 FEET;

THENCE ON THE EAST-WEST CENTERLINE OF SECTION 20, SOUTH 89°20'44" EAST, 0.50 FEET TO THE CENTERLINE OF N. STAR ROAD AS SHOWN ON ITD F.A.P. NO. S-3770(1) RIGHT-OF-WAY PLANS;

THENCE ON SAID CENTERLINE THE FOLLOWING THREE (3) COURSES AND DISTANCES:

239.52 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 57,295.78 FEET, A CENTRAL ANGLE OF 00°14'22" AND A LONG CHORD WHICH BEARS SOUTH 00°20'27" WEST, 239.52 FEET;

SOUTH 00°13'16" WEST, 432.45 FEET;

175.33 FEET ALONG THE ARC OF CURVE TO THE RIGHT HAVING A RADIUS OF 57,295.78 FEET, A CENTRAL ANGLE OF 00°10'31" AND A LONG CHORD WHICH BEARS SOUTH 00°18'32" WEST, 175.33 FEET;

THENCE LEAVING SAID CENTERLINE, SOUTH 76°57'33" WEST, 408.61 FEET;

THENCE NORTH 78°58'19" WEST, 911.51 FEET;

THENCE NORTH 00°55'08" EAST, 788.94 FEET TO THE EAST-WEST CENTERLINE OF SECTION 19;

THENCE ON SAID CENTERLINE OF SECTION 20, SOUTH 88°56'31" EAST, 1,283.86 FEET TO THE REAL POINT OF BEGINNING.

CONTAINING 25.949 ACRES, MORE OR LESS.

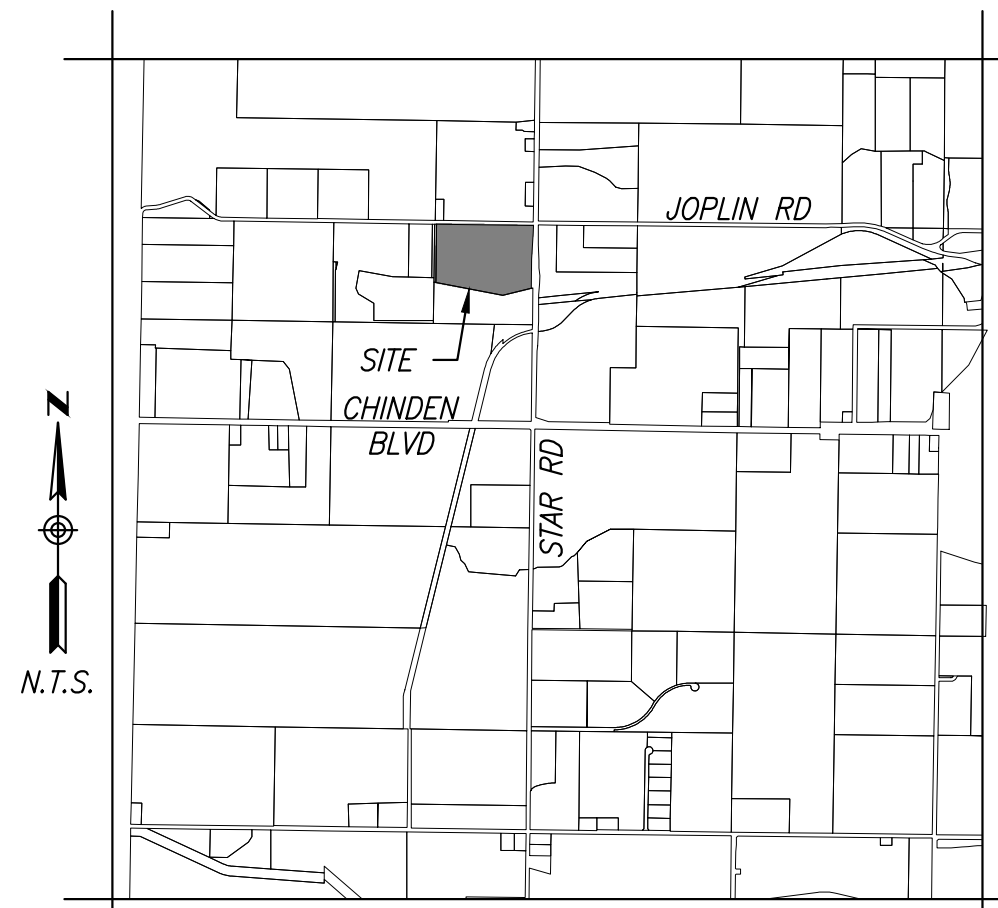
END OF DESCRIPTION.

PRELIMINARY PLAT NOTES

1. CONTOUR AND SPOT ELEVATION DATA IS REFERENCE TO NAVD '88 DATUM.
2. ALL STREETS PROPOSED IN THIS DEVELOPMENT ARE PUBLIC STREETS AND SHALL BE CONSTRUCTED IN ACCORDANCE WITH ACHD STANDARD FOR PUBLIC STREETS.
3. BLOCK 1 LOT 1, BLOCK 2 LOT 1, BLOCK 3 LOT 1, BLOCK 4 LOT 13, AND BLOCK 4 LOT 31 ARE COMMON LOTS TO BE OWNED AND MAINTAINED BY THE OAKLAWN SUBDIVISION HOMEOWNERS ASSOCIATION. THESE LOTS SHALL BE USED FOR HOMEOWNER PEDESTRIAN ACCESS AND LANDSCAPING AND ARE SUBJECT TO A BLANKET EASEMENT ACROSS SAID LOTS FOR PUBLIC UTILITIES, IRRIGATION, AND LOT DRAINAGE.
4. STORMWATER RUNOFF GENERATED ON THIS SITE SHALL HAVE A QUALITY CONTROL TREATMENT PRIOR TO BEING CONVEYED TO ONSITE STORAGE FACILITIES.
5. PUBLIC UTILITIES SHALL INCLUDE WATER, SEWER, ELECTRIC POWER, NATURAL GAS, TELEPHONE, AND CABLE TELEVISION.
6. THIS SUBDIVISION WILL RECEIVE PRESSURE IRRIGATION FROM A PRESSURE IRRIGATION SYSTEM OWNED AND MAINTAINED BY THE HOA.
7. DOMESTIC WATER SERVICE AND FIRE PROTECTION SHALL BE PROVIDED BY THE STAR WATER AND SEWER DISTRICT.
8. SANITARY SEWER COLLECTION SHALL BE PROVIDED BY THE STAR SEWER AND WATER DISTRICT.
9. THIS DEVELOPMENT RECOGNIZES IDAHO CODE SECTION 22-4503, RIGHT TO FARM ACT, WHICH STATES: "NO AGRICULTURAL OPERATION, AGRICULTURAL FACILITY OR EXPANSION THEREOF SHALL BE OR BECOME A NUISANCE, PRIVATE OR PUBLIC, BY ANY CHANGED CONDITIONS IN OR ABOUT THE SURROUNDING NONAGRICULTURAL ACTIVITIES AFTER IT HAS BEEN IN OPERATION FOR MORE THAN ONE (1) YEAR, WHEN THE OPERATION WAS NOT A NUISANCE AT THE TIME IT BEGAN OR WAS CONSTRUCTED. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY WHENEVER A NUISANCE RESULTS FROM THE IMPROPER OR NEGLIGENT OPERATION OF ANY AGRICULTURAL OPERATION, AGRICULTURAL FACILITY OR EXPANSION THEREOF."
10. THE OWNER SHALL COMPLY WITH IDAHO CODE, SECTION 31-3805 OR ITS PROVISIONS THAT MAY APPLY TO IRRIGATION RIGHTS.
11. BUILDING SETBACKS AND DIMENSIONAL STANDARDS IN THIS SUBDIVISION SHALL BE IN COMPLIANCE WITH CITY OF STAR CODE UNLESS OTHERWISE MODIFIED BY CONDITIONAL USE PERMIT.
12. THE BOTTOM ELEVATION OF BUILDING FOOTINGS SHALL BE SET A MINIMUM OF 12 INCHES ABOVE THE HIGHEST ESTABLISHED NORMAL GROUNDWATER ELEVATION.
13. ANY RE-SUBDIVISION OF THIS PLAT SHALL COMPLY WITH THE MOST RECENTLY APPROVED SUBDIVISION STANDARDS OF THE CITY OF MERIDIAN AT THE TIME OF THE RE-SUBDIVISION.
14. ALL LOT LINES COMMON TO PUBLIC STREETS ARE HEREBY DESIGNATED TO HAVE A TEN (10) FOOT PERMANENT EASEMENT FOR PUBLIC UTILITIES, IRRIGATION, AND LOT DRAINAGE, UNLESS OTHERWISE DIMENSIONED.
15. FRONT, REAR, AND SIDE YARD EASEMENT LOCATIONS AND WIDTHS TO BE DETERMINED WITH FINAL PLAT.
16. MAINTENANCE OF ANY IRRIGATION AND DRAINAGE PIPES OR DITCHES CROSSING A LOT IS THE RESPONSIBILITY OF THE LOT OWNER UNLESS SUCH RESPONSIBILITY IS ASSUMED BY AN IRRIGATION/DRAINAGE ENTITY.
17. RESTRICTIVE COVENANTS WILL BE IN EFFECT FOR THIS SUBDIVISION.

OAKLAWN CROSSING  
PRELIMINARY PLAT

A PORTION OF THE NE 1/4 OF SECTION 19 & SW 1/4 OF SECTION 20,  
TOWNSHIP 4 NORTH, RANGE 1 WEST  
ADA COUNTY, IDAHO

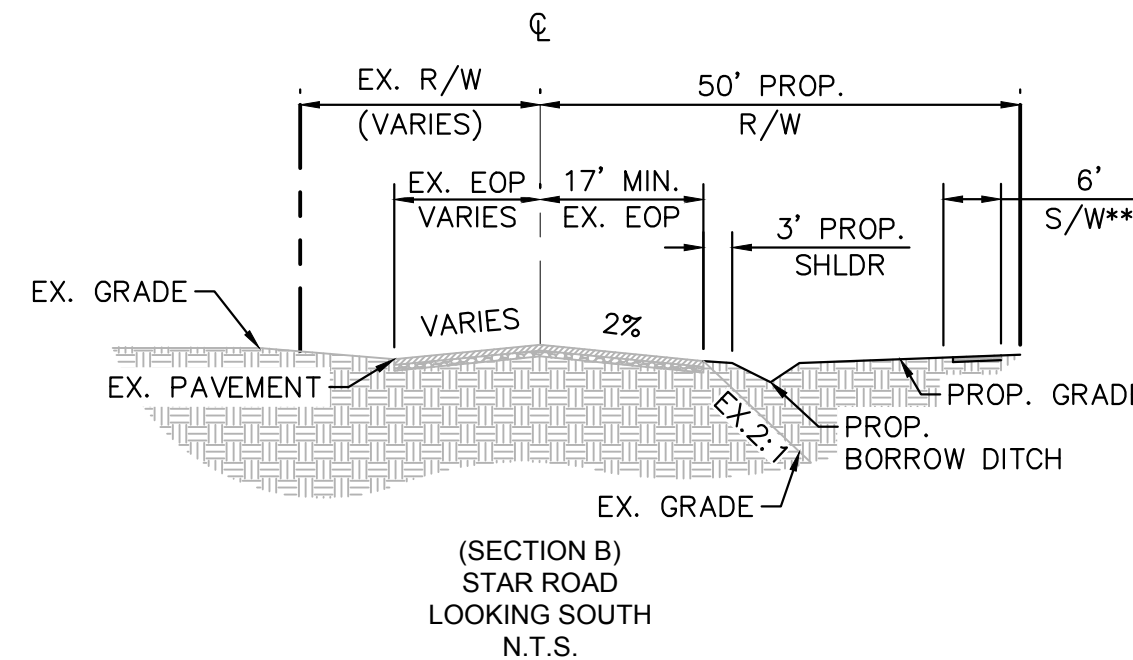
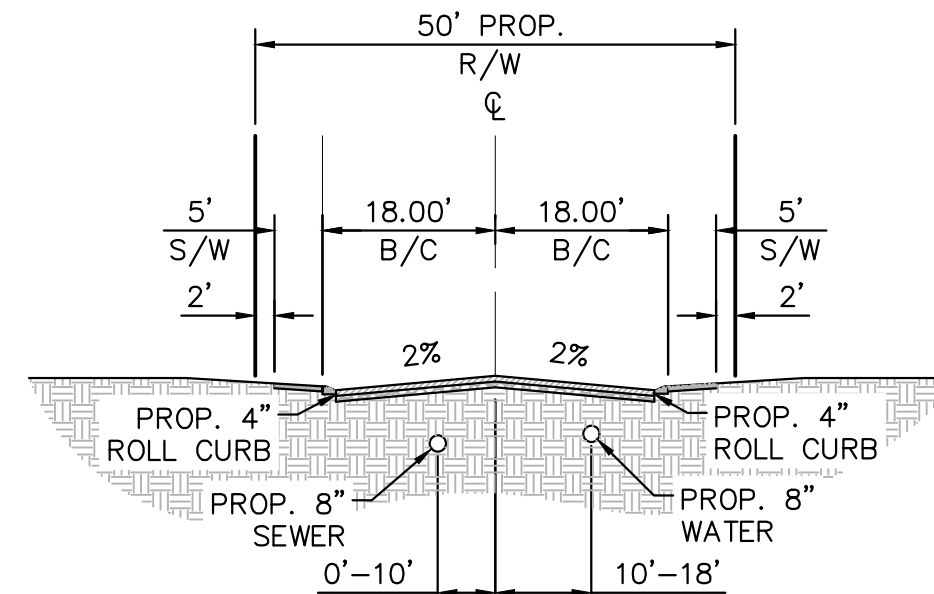


VICINITY MAP

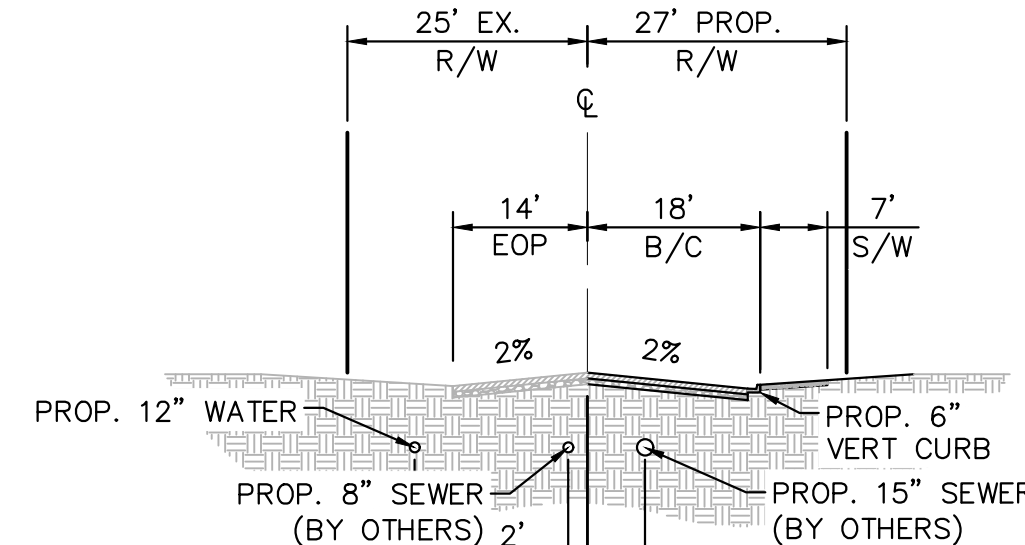
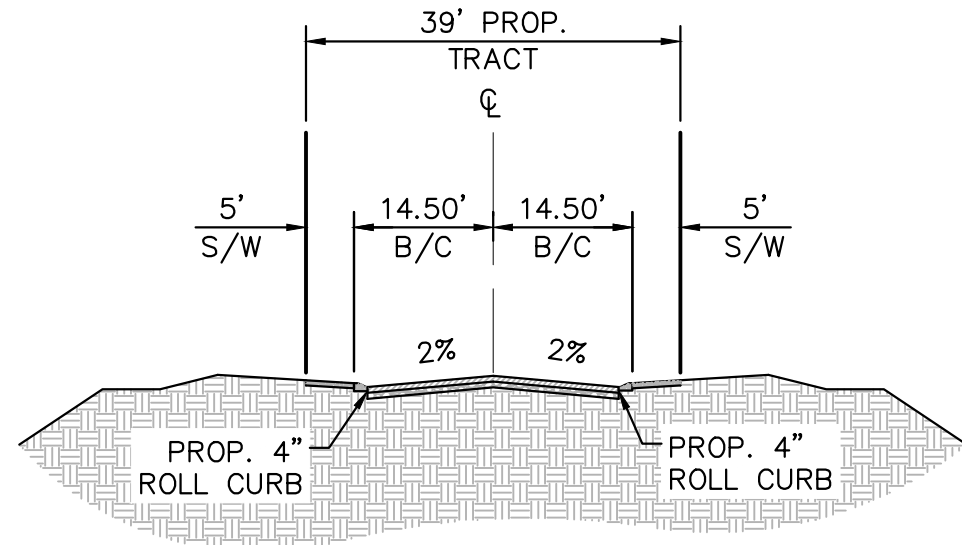
NTS

SHEET INDEX

SHEET NUMBER	SHEET TITLE
1	PRELIMINARY PLAT
2	EXISTING CONDITIONS
3	PROPOSED CONDITIONS
4	LOT AND CURVE DATA



\*\*DEVELOPER IS SEEKING A MODIFICATION OF POLICY FROM ACHD TO ELIMINATE REQUIREMENT FOR S/W CONSTRUCTION DUE TO HARDSHIP CAUSED BY EXTREME EXISTING GRADES THAT WERE CONSTRUCTED WITH STAR ROAD.



OWNER/DEVELOPER

PINNACLE LAND DEVELOPMENT, L.L.C.  
7629 E PINNACLE PEAK ROAD #110  
SCOTTSDALE, ARIZONA 85255  
TELEPHONE: (480) 401-0800  
CONTACT: RANDY CLARNO  
EMAIL: RANDY@CRITERIONLAND.COM

CIVIL ENGINEER

KIMLEY-HORN AND ASSOCIATES, INC.  
950 W BANNOCK STREET, SUITE 1100  
BOISE, IDAHO 83704  
PHONE: (208) 906-3871  
CONTACT: TELLER BARD, PE  
EMAIL: TELLER.BARD@KIMLEY-HORN.COM

LAND SURVEYOR

IDAHO SURVEY GROUP  
9955 W. EMERALD ST.  
BOISE, IDAHO 83704  
PHONE: (208) 846-8570  
CONTACT: CODY MCCAMMON, PLS  
EMAIL: CODYM@IDAHOSURVEY.COM

LEGEND

—	PROPOSED CL/SECTION LINE	⊗	PROPOSED STORM DRAIN MANHOLE
—	PROPOSED SWALE	⊠	PROPOSED CATCH BASIN
---	PROPOSED BOUNDARY	⊙	PROPOSED SEWER MANHOLE
---	ROAD RIGHT OF WAY	⊕	PROPOSED FIRE HYDRANT
---	LOT LINE	⊖	PROPOSED GATE VALVE
---	EASEMENT	⊗	SIDEWALK RAMP
---	PROPOSED SEWER	⊗	PROP. STORM DRAIN
---	PROPOSED WATER (3' COVER)	⊗	PROP. CATCH BASIN
---	STORM WATER INFRASTRUCTURE EASEMENT	⊗	EXISTING CATCH BASIN
---	PROPOSED POND	⊗	EXISTING SEWER MAIN
---	PROPOSED POND HIGHWATER	⊗	EXISTING WATER MAIN
---	PROPOSED POND BENCH	⊗	EXISTING EDGE OF PAVEMENT
---	PROPOSED POND CONTOUR	⊗	EXISTING EDGE OF GRAVEL ROAD
---	PROPOSED CURB	⊗	EXISTING FENCE
---	PROPOSED FOREBAY	⊗	EXISTING OVERHEAD POWER
---		⊗	EXISTING GAS LINE

PRELIMINARY PLAT DATA

EXISTING ZONING RUT  
PROPOSED ZONING: R-4

GROSS ACREAGE: 25.87 AC  
NET ACREAGE: 24.28 AC  
GROSS RESIDENTIAL ACREAGE: 21.04 AC  
NET RESIDENTIAL ACREAGE: 20.51 AC  
GROSS MIXED USE ACREAGE: 4.83 AC  
NET MIXED USE ACREAGE: 3.77 AC

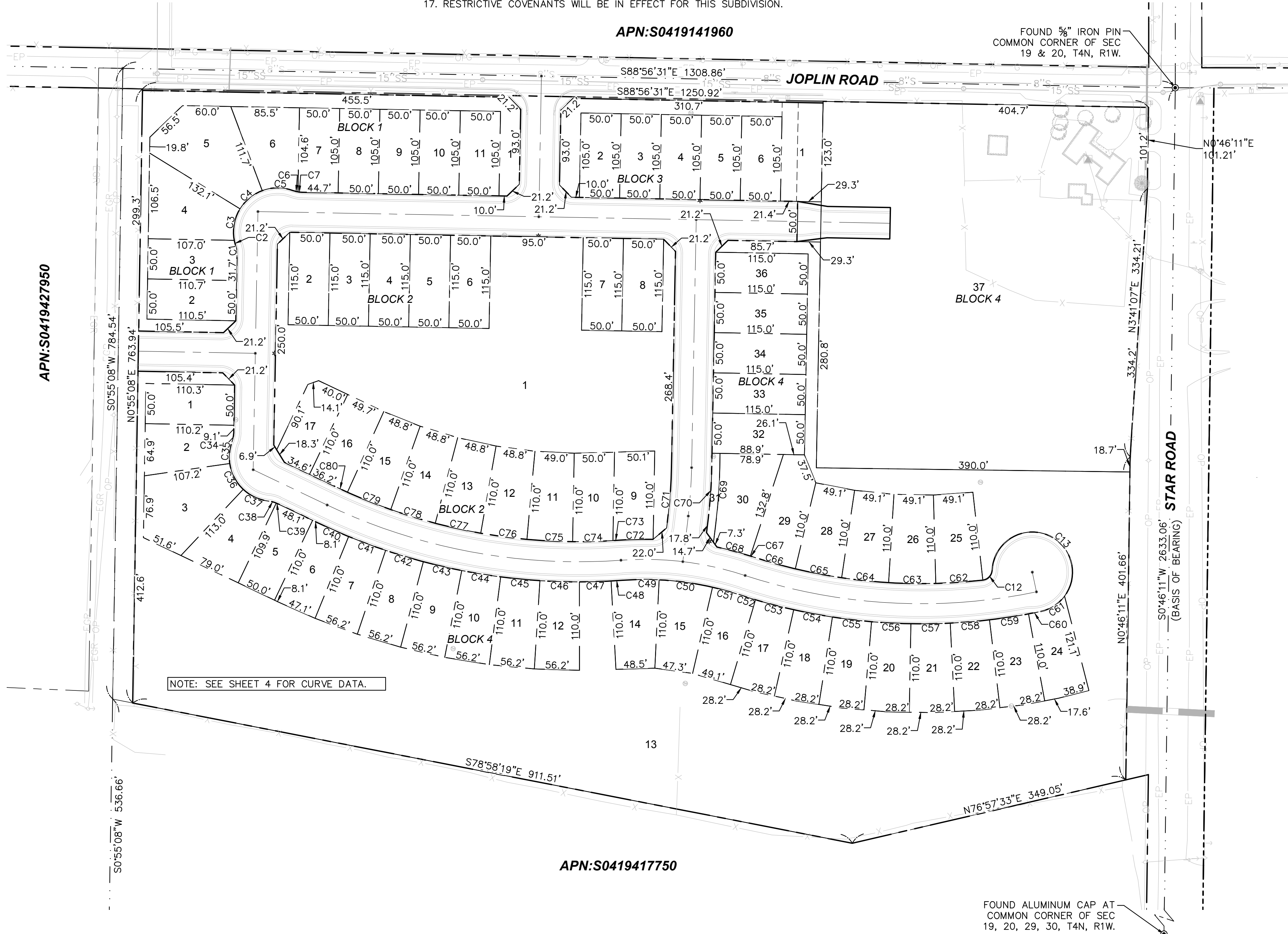
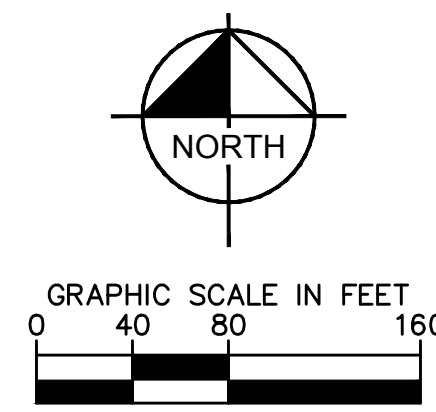
TOTAL LOTS: 71  
COMMON LOTS: 5  
MIXED USE LOTS: 1  
RESIDENTIAL LOTS: 65

GROSS DENSITY: 2.51 DU/AC  
RESIDENTIAL GROSS DENSITY: 3.09 DU/AC

BUFFER OPEN SPACE: 0.67 AC  
COMMON OPEN SPACE: 1.03 AC  
POND OPEN SPACE (50% USABLE): 1.47 AC  
USABLE OPEN SPACE: 2.36 AC  
VISUAL NATURAL OPEN SPACE: 0.63 AC (2.34 AC TOTAL)

TOTAL OPEN SPACE: 5.43 AC (25.8% OF GROSS)

TYPICAL LOT WIDTH: 50'  
TYPICAL LOT AREA: 5,250 SF



APN: S04191417750

Section 5, Item B

BY DATE APP

REVISION

NO

OAKLAWN CROSSING

PRELIMINARY PLAT

STAR, IDAHO

SCALE (H): 1"=80'

SCALE (V): NONE

DESIGNED BY: ITC

DRAWN BY: ITC

CHECKED BY: TRB

DATE: 4/15/2021

PROFESSIONAL ENGINEER

LICENSED

1994

4/15/21

STATE OF IDAHO

TELLER BARD

EXPIRES 10/31/21

PROJECT NO.

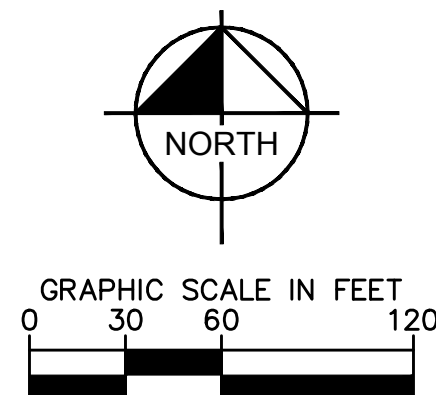
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DRAWING NAME

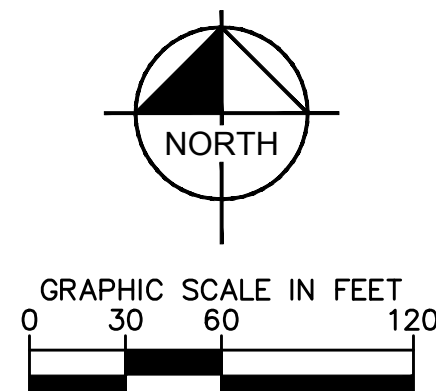
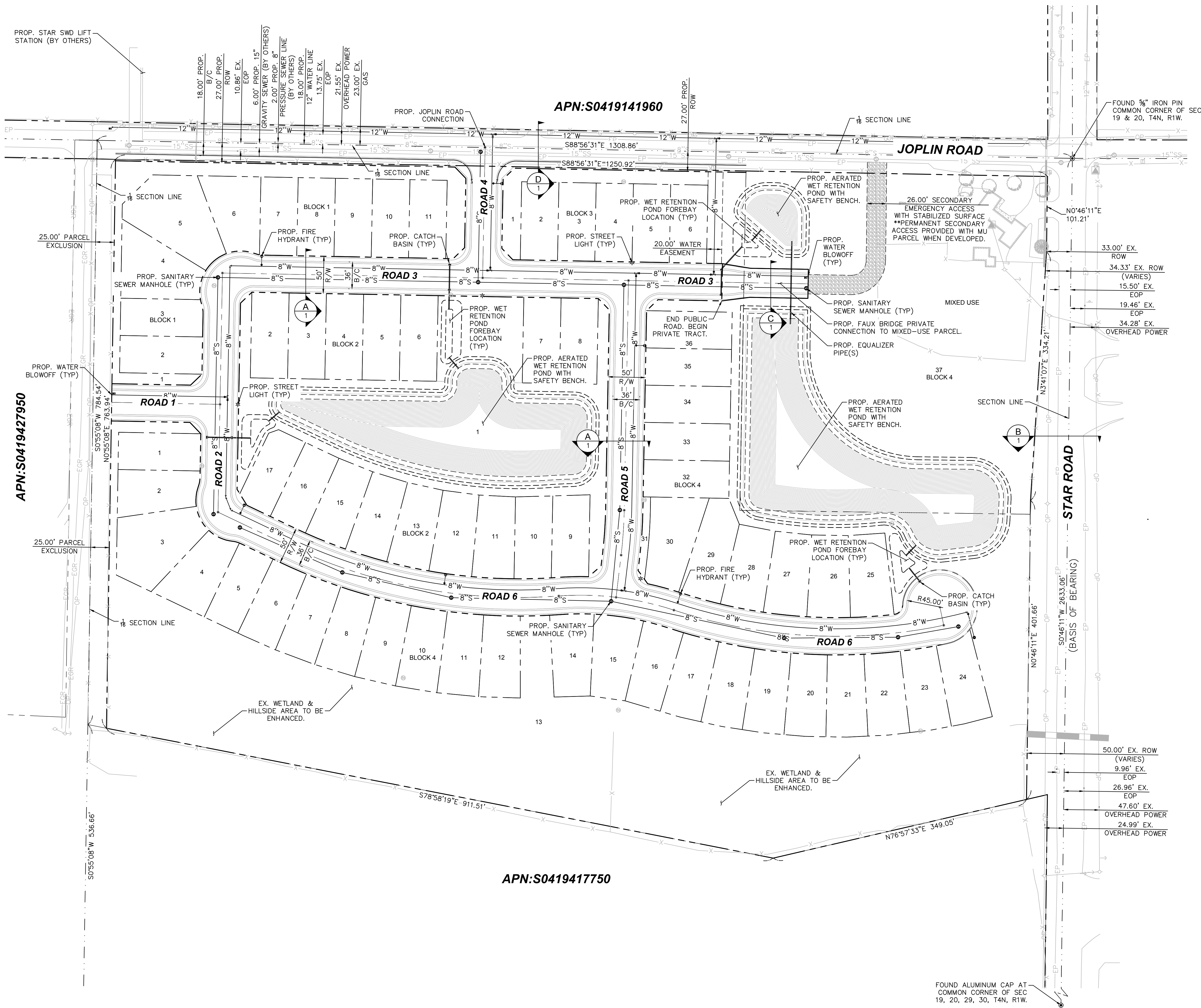
5010-PP-CVR

1 OF 4















August 6, 2021

Mayor Trevor Chadwick  
City of Star  
P.O. Box 130  
Star, ID 83669

**Re: Oaklawn Crossing Subdivision Preliminary Plat Application**

Dear Mayor:

Keller Associates, Inc. has reviewed the Preliminary Plat for the Oaklawn Crossing Subdivision dated April 15, 2021. We reviewed the applicant's package to check conformance with the City's Subdivision Ordinance and coordinated our review with Shawn L. Nickel. We have the following comments based on our review.

1. A street light will be required at the intersection of Brock and Joplin. Streetlighting shall be in accordance with ISPWC and the City of Star Supplementals. Cut sheet for lights and light poles shall be approved in writing by the City prior to installation.
2. Landscape plans including fencing, buffer areas, and street trees will have to conform to the City subdivision ordinance.
3. Historic irrigation lateral, drain, and ditch flow patterns shall be maintained unless approved in writing by the local irrigation district or ditch company.
4. Finish grades at subdivision boundaries shall match existing finish grades. Runoff shall be maintained on subdivision property unless otherwise approved.
5. 10-foot easements for pressure irrigation lines will need to be shown once the applicant determines the alignment location(s) for the facilities. Also, show all ditch and drainage easements.

We recommend that the preliminary plat be **APPROVED with the conditions listed above**. Any variance or waivers to the City of Star standards, ordinances, or policies must be specifically approved in writing by the City. Approval of the above-referenced preliminary plat does not relieve the Registered Professional Land Surveyor or the Registered Professional Engineer of those responsibilities.

If you have any questions, please do not hesitate to call Keller Associates at (208) 288-1992.

Sincerely,

**KELLER ASSOCIATES, INC.**

A handwritten signature in blue ink, appearing to read 'Ryan V. Morgan'.

Ryan V. Morgan, P.E.  
City Engineer

cc: File



# ADA COUNTY DEVELOPMENT SERVICES

200 W. FRONT STREET, BOISE, IDAHO 83702-7300  
<https://adacounty.id.gov/developmentservices>

PHONE (208) 287-7900  
FAX (208) 287-7909

Section 5, Item B.

BUILDING • COMMUNITY PLANNING • ENGINEERING & SURVEYING • PERMITTING

May 11, 2021

Shawn Nickel  
City of Star Planning & Zoning  
10769 W State St  
Star, ID 83669

RE: AZ-21-08 / 8005 W Joplin Road / Oaklawn Crossing Subdivision

Shawn,

The City of Star has requested feedback regarding the proposed annexation and preliminary plat for the Oaklawn Crossing Subdivision, which will consist of 65 single-family homes and one commercial lot on 25.9 acres located at 8005 W. Joplin Road. Ada County supports the application due to its compatibility with the Star Comprehensive Plan, as adopted by Ada County, as designates the site as *Medium Density Residential*, which is primarily intended for single-family residential development at densities of up to four units per acre.

The proposal to set aside 5.4 acres as common area, which will include a ramada, ponds and pathways, is compatible with *Residential Policy 3* of the Star Comprehensive Plan which encourages neighborhood parks and open spaces to be provided within residential areas, and the proposal to protect and enhance the hillside and wetlands along the southern portion of the site is supported by *Recreation, Parks, Open Space and Pathways Policy 13*, which calls for the protection of steep slopes and surface waters in order to preserve the natural lay of the land.

The commercial lot on the northwest corner of the site and its connection to the residential area is compatible with *Mixed Use Policy 6* which encourages residential and commercial uses to be located close together, and the stub street proposed to the east is supported by *Goals 4.3 and 4.3d* of the Ada County Comprehensive Plan which support the development of well-connected local transportation systems, and the construction of stub streets that will connect to future developments on adjacent lands wherever possible.

As the property does not currently abut city limits, it is important that approval of the development and associated annexation be contingent upon the subject property first becoming contiguous to city limits.

Thank you for this opportunity to provide feedback.

Sincerely,

A handwritten signature in black ink that reads "Brent Moore".

Brent Moore, MCMP, AICP  
Community & Regional Planner  
Ada County Development Services





DATE: August 9, 2021

TO: City of Star, Planning & Zoning

FROM: Victor Islas, Deputy Chief

SUBJECT: Fire District Review

PROJECT NAME: Oaklawn Crossing Subdivision (AZ-21-08, DA-21-10, PP-21-11)

**Fire District Summary Report:**

**Overview:** This development can be serviced by the Star Fire Protection District. This development shall comply with the 2018 International Fire Code (IFC) and any codes set forth by the City of Star, Idaho.

**Fire Response Time:** This development will be served by the Star Fire Protection District Station 51, located at 11655 W. State St., Star, Idaho. Station 51 is 4 miles with a travel time of 2 minutes under ideal driving conditions to the proposed entrance of the development off Star Rd.

**Accessibility:** Roadway Access, Traffic, Radio Coverage

Access roads shall be provided and maintained following Appendix D and Section 503 of the IFC. Access shall include adequate roadway widths, signage, turnarounds, and turning radius for fire apparatus.

Access road design shall be designed and constructed to allow for evacuation simultaneously with emergency response operations.

All access roads in this development shall remain clear and unobstructed during construction of the development. Additional parking restrictions may be required as to always maintain access for emergency vehicles. Hydrants shall always remain unobstructed per city code.

One- or two-family dwelling residential developments: Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall provide with at least two separate and approved fire apparatus access roads.

Review Note: The proposed two entrances into the development meet the intent of the Fire Code.

The fire district requires that Autoturn models be submitted for review. Autoturn models should be reflect the utilization of a 36' long fire engine and a 50' long ladder truck.

Traffic calming devices will require approval by the Fire District.

An unobstructed vertical clearance of no less than 13 feet 6 inches shall be always maintained.



The applicant shall work with City of Star, Ada County and Fire District to provide an address identification plan and signage which meets the requirements set forth by each agency. Addressing shall be placed in a position that is plainly legible and visible from the street or road fronting the property, as set forth in International Fire Code Section 505.1

Upon commencement of initial construction of a new structure, a clear visible freestanding sign or post shall be erected and maintained in place until the permanent address numerals are attached or otherwise displaced upon the premises at completion.

**Special Systems/Resources:** None

**Water Supply:**

1. Fire Flow: One- and two-family dwellings not exceeding 3,600 square feet require a fire-flow of 1,000 gallons per minute for a duration of 1 hours to service the entire project. One- and two-family dwellings in excess of 3,600 square feet require a minimum fire flow as specified in Appendix B of the International Fire Code.
2. Water Supply: Acceptance of the water supply for fire protection will be by the Fire District and water quality by the Star Sewer & Water District for bacteria testing.
3. Water Supply: Final Approval of the fire hydrant locations shall be by the Star Fire Protection District or their designee in accordance with International Fire Code Section (IFC) 508.5.4 as follows:
  - a. Fire hydrants shall have a Storz LDH connection in place of the 4 ½" outlet. The Storz connection may be integrated into the hydrant, or an approved adapter may be used on the 4 1/2" outlet.
  - b. Fire hydrants shall have the Storz outlet face the main street or parking lot drive aisle.
  - c. Fire hydrants shall be placed on corners when spacing permits.
  - d. Fire hydrants shall not have any vertical obstructions to outlets within 10'.
  - e. Fire hydrants shall be placed 18" above finished grade to the center of the Storz outlet.
  - f. Fire hydrants shall be provided to meet the requirements of the City of Star and Star Sewer and Water District Standards.
  - g. Show all proposed or existing hydrants for all new construction or additions to existing buildings within 1,000 feet of the project.

**Inspections:**

Final inspection by the Fire District of the above listed including hydrant flow must be completed before building permits are issued.



**Additional Comments:**

Side Setback as per City Code. Any modification to setback will require review and approval by the Fire District.

Streetlights shall be turned on once residential building begins, Lighting is essential in assisting first responders with identifying entrances safely while responding to calls for service.

Additional life safety review and permitting will be needed for any commercial structures or mixed use.





# West Ada

## SCHOOL DISTRICT

July 6, 2021

City of Star  
P.O. Box 130  
Star, ID 83669

RE: Oaklawn Crossing Subdivision, PP-21-11

Dear Planners:

Joint School District No. 2 (dba West Ada School District) has experienced significant and sustained growth in student enrollment during the last ten years. Applying our Student Generation Rate (.7 per SF dwelling unit, .1 per MF dwelling unit), to the **Oaklawn Crossing Subdivision** we predict these homes, when completed, could house **46 school aged children**. Approval of this development could affect enrollments at the following schools in West Ada District:

	<u>Enrolled for 21-22</u>	<u>Capacity</u>	<u>Approved prelim plat parcels per attendance area</u>	<u>Approved MF units per attendance area</u>
Pleasant View Elementary	527	650	2874	21
Star Middle School	804	1000	7611	278
Owyhee High School	1431	1800	5533	58
Galileo STEM Academy (K-8 school of choice)	760	775	N/A	N/A

West Ada School District supports economic growth. To meet the need for additional school capacity, West Ada School District will accept the donation of land appropriate for a school site. Passage of a bond issue will be required prior to the commencement of new school construction.

Residents cannot be assured of attending the neighborhood school(s) as it may be necessary to bus students to available classrooms across the district. The safety of our students is our first and foremost priority. With this in mind, we ask that you encourage the developer to provide safe walkways, bike baths and pedestrian access for our students. School capacity and transportation is addressed in Idaho Code 67-6508 - future development will continue to have an impact on the district's capacity.

Sincerely,

A handwritten signature in cursive script that reads "Marci Horner".

Marci Horner  
Planning and Development Administrator



**STATE OF IDAHO**  
DEPARTMENT OF  
ENVIRONMENTAL QUALITY

Section 5, Item B.

1445 N Orchard Street, Boise, ID 83706  
(208) 373-0550

Brad Little, Governor  
Jess Byrne, Director

May 21, 2021

By e-mail: [snickel@staridaho.org](mailto:snickel@staridaho.org)

City of Star  
P.O. Box 130  
Star, Idaho 83669

Subject: Oaklawn Crossing Subdivision, AZ-21-08/DA-21-10/PP-21-11

Dear Mr. Nickel:

Thank you for the opportunity to respond to your request for comment. While DEQ does not review projects on a project-specific basis, we attempt to provide the best review of the information provided. DEQ encourages agencies to review and utilize the Idaho Environmental Guide to assist in addressing project-specific conditions that may apply. This guide can be found at: [deq.idaho.gov/assistance-resources/environmental-guide-for-local-govts](https://deq.idaho.gov/assistance-resources/environmental-guide-for-local-govts).

The following information does not cover every aspect of this project; however, we have the following general comments to use as appropriate:

**1. AIR QUALITY**

- Please review IDAPA 58.01.01 for all rules on Air Quality, especially those regarding fugitive dust (58.01.01.651), trade waste burning (58.01.01.600-617), and odor control plans (58.01.01.776).
- All property owners, developers, and their contractor(s) must ensure that reasonable controls to prevent fugitive dust from becoming airborne are utilized during all phases of construction activities per IDAPA 58.01.01.651.
- DEQ recommends the city/county require the development and submittal of a dust prevention and control plan for all construction projects prior to final plat approval. Dust prevention and control plans incorporate appropriate best management practices to control fugitive dust that may be generated at sites.
- Citizen complaints received by DEQ regarding fugitive dust from development and construction activities approved by cities or counties will be referred to the city/county to address under their ordinances.

- Per IDAPA 58.01.01.600-617, the open burning of any construction waste is prohibited. The property owner, developer, and their contractor(s) are responsible for ensuring no prohibited open burning occurs during construction.
- For questions, contact David Luft, Air Quality Manager, at (208) 373-0550.

## **2. WASTEWATER AND RECYCLED WATER**

- DEQ recommends verifying that there is adequate sewer to serve this project prior to approval. Please contact the sewer provider for a capacity statement, declining balance report, and willingness to serve this project.
- IDAPA 58.01.16 and IDAPA 58.01.17 are the sections of Idaho rules regarding wastewater and recycled water. Please review these rules to determine whether this or future projects will require DEQ approval. IDAPA 58.01.03 is the section of Idaho rules regarding subsurface disposal of wastewater. Please review this rule to determine whether this or future projects will require permitting by the district health department.
- All projects for construction or modification of wastewater systems require preconstruction approval. Recycled water projects and subsurface disposal projects require separate permits as well.
- DEQ recommends that projects be served by existing approved wastewater collection systems or a centralized community wastewater system whenever possible. Please contact DEQ to discuss potential for development of a community treatment system along with best management practices for communities to protect ground water.
- DEQ recommends that cities and counties develop and use a comprehensive land use management plan, which includes the impacts of present and future wastewater management in this area. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.

For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0550.

## **3. DRINKING WATER**

- DEQ recommends verifying that there is adequate water to serve this project prior to approval. Please contact the water provider for a capacity statement, declining balance report, and willingness to serve this project.
- IDAPA 58.01.08 is the section of Idaho rules regarding public drinking water systems. Please review these rules to determine whether this or future projects will require DEQ approval.
- All projects for construction or modification of public drinking water systems require preconstruction approval.
- DEQ recommends verifying if the current and/or proposed drinking water system is a regulated public drinking water system (refer to the DEQ website at: [deg.idaho.gov/water-quality/drinking-water.aspx](http://deg.idaho.gov/water-quality/drinking-water.aspx)). For non-regulated systems, DEQ recommends annual testing for total coliform bacteria, nitrate, and nitrite.



- If any private wells will be included in this project, we recommend that they be tested for total coliform bacteria, nitrate, and nitrite prior to use and retested annually thereafter.
- DEQ recommends using an existing drinking water system whenever possible or construction of a new community drinking water system. Please contact DEQ to discuss this project and to explore options to both best serve the future residents of this development and provide for protection of ground water resources.
- DEQ recommends cities and counties develop and use a comprehensive land use management plan which addresses the present and future needs of this area for adequate, safe, and sustainable drinking water. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.

For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0550.

#### 4. SURFACE WATER

- Please contact DEQ to determine whether this project will require a National Pollution Discharge Elimination System (NPDES) Permit. A Construction General Permit from EPA may be required if this project will disturb one or more acres of land, or will disturb less than one acre of land but are part of a common plan of development or sale that will ultimately disturb one or more acres of land.
- If this project is near a source of surface water, DEQ requests that projects incorporate construction best management practices (BMPs) to assist in the protection of Idaho's water resources. Additionally, please contact DEQ to identify BMP alternatives and to determine whether this project is in an area with Total Maximum Daily Load stormwater permit conditions.
- The Idaho Stream Channel Protection Act requires a permit for most stream channel alterations. Please contact the Idaho Department of Water Resources (IDWR), Western Regional Office, at 2735 Airport Way, Boise, or call (208) 334-2190 for more information. Information is also available on the IDWR website at: <https://idwr.idaho.gov/streams/stream-channel-alteration-permits.html>
- The Federal Clean Water Act requires a permit for filling or dredging in waters of the United States. Please contact the US Army Corps of Engineers, Boise Field Office, at 10095 Emerald Street, Boise, or call 208-345-2155 for more information regarding permits.

For questions, contact Lance Holloway, Surface Water Manager, at (208) 373-0550.

#### 5. SOLID WASTE, HAZARDOUS WASTE AND GROUND WATER CONTAMINATION

- **Solid Waste.** No trash or other solid waste shall be buried, burned, or otherwise disposed of at the project site. These disposal methods are regulated by various state regulations including Idaho's Solid Waste Management Regulations and Standards (IDAPA 58.01.06), Rules and Regulations for Hazardous Waste (IDAPA 58.01.05), and Rules and Regulations for the Prevention of Air Pollution (IDAPA 58.01.01). Inert and other approved materials are also defined in the Solid Waste Management Regulations and Standards

- **Hazardous Waste.** The types and number of requirements that must be complied with under the federal Resource Conservation and Recovery Act (RCRA) and the Idaho Rules and Standards for Hazardous Waste (IDAPA 58.01.05) are based on the quantity and type of waste generated. Every business in Idaho is required to track the volume of waste generated, determine whether each type of waste is hazardous, and ensure that all wastes are properly disposed of according to federal, state, and local requirements.
- **Water Quality Standards.** Site activities must comply with the Idaho Water Quality Standards (IDAPA 58.01.02) regarding hazardous and deleterious-materials storage, disposal, or accumulation adjacent to or in the immediate vicinity of state waters (IDAPA 58.01.02.800); and the cleanup and reporting of oil-filled electrical equipment (IDAPA 58.01.02.849); hazardous materials (IDAPA 58.01.02.850); and used-oil and petroleum releases (IDAPA 58.01.02.851 and 852). Petroleum releases must be reported to DEQ in accordance with IDAPA 58.01.02.851.01 and 04. Hazardous material releases to state waters, or to land such that there is likelihood that it will enter state waters, must be reported to DEQ in accordance with IDAPA 58.01.02.850.
- **Ground Water Contamination.** DEQ requests that this project comply with Idaho's Ground Water Quality Rules (IDAPA 58.01.11), which states that "No person shall cause or allow the release, spilling, leaking, emission, discharge, escape, leaching, or disposal of a contaminant into the environment in a manner that causes a ground water quality standard to be exceeded, injures a beneficial use of ground water, or is not in accordance with a permit, consent order or applicable best management practice, best available method or best practical method."

For questions, contact Albert Crawshaw, Waste & Remediation Manager, at (208) 373-0550.

## 6. ADDITIONAL NOTES

- If an underground storage tank (UST) or an aboveground storage tank (AST) is identified at the site, the site should be evaluated to determine whether the UST is regulated by DEQ. EPA regulates ASTs. UST and AST sites should be assessed to determine whether there is potential soil and ground water contamination. Please call DEQ at (208) 373-0550, or visit the DEQ website [deq.idaho.gov/waste-mgmt-remediation/storage-tanks.aspx](http://deq.idaho.gov/waste-mgmt-remediation/storage-tanks.aspx) for assistance.
- If applicable to this project, DEQ recommends that BMPs be implemented for any of the following conditions: wash water from cleaning vehicles, fertilizers and pesticides, animal facilities, composted waste, and ponds. Please contact DEQ for more information on any of these conditions.

Response to Request for Comment

May 21, 2021

Page 5

We look forward to working with you in a proactive manner to address potential environmental impacts that may be within our regulatory authority. If you have any questions, please contact me, or any of our technical staff at (208) 373-0550.

Sincerely,

A handwritten signature in black ink that reads "Aaron Scheff". The signature is written in a cursive, flowing style.

Aaron Scheff  
Regional Administrator  
DEQ-Boise Regional Office

EDMS#: 2021AEK94





Ada County Transmittal  
Division of Community and Environmental Health

Section 5, Item B.

Rezone # \_\_\_\_\_

Conditional Use # \_\_\_\_\_

Preliminary / Final / Short Plat PP-21-11

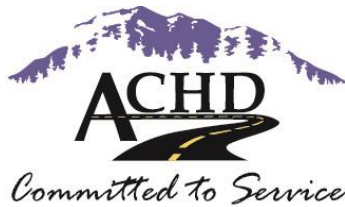
Oaklawn Crossing

- ☐ ACZ
- ☐ Boise
- ☐ Eagle
- ☐ Garden City
- ☐ Meridian
- ☐ Kuna
- ☒ Star

- ☐ 1. We have No Objections to this Proposal.
- ☐ 2. We recommend Denial of this Proposal.
- ☐ 3. Specific knowledge as to the exact type of use must be provided before we can comment on this Proposal.
- ☐ 4. We will require more data concerning soil conditions on this Proposal before we can comment.
- ☐ 5. Before we can comment concerning individual sewage disposal, we will require more data concerning the depth of:
  - ☐ high seasonal ground water
  - ☐ waste flow characteristics
  - ☐ bedrock from original grade
  - ☐ other \_\_\_\_\_
- ☐ 6. This office may require a study to assess the impact of nutrients and pathogens to receiving ground waters and surface waters.
- ☐ 7. This project shall be reviewed by the Idaho Department of Water Resources concerning well construction and water availability.
- ☒ 8. After written approvals from appropriate entities are submitted, we can approve this proposal for:
  - ☒ central sewage
  - ☐ community sewage system
  - ☐ community water well
  - ☐ interim sewage
  - ☒ central water
  - ☐ individual sewage
  - ☐ individual water
- ☒ 9. The following plan(s) must be submitted to and approved by the Idaho Department of Environmental Quality:
  - ☒ central sewage
  - ☐ community sewage system
  - ☐ community water
  - ☐ sewage dry lines
  - ☒ central water
- ☐ 10. This Department would recommend deferral until high seasonal ground water can be determined if other considerations indicate approval.
- ☐ 11. If restroom facilities are to be installed, then a sewage system MUST be installed to meet Idaho State Sewage Regulations.
- ☐ 12. We will require plans be submitted for a plan review for any:
  - ☐ food establishment
  - ☐ swimming pools or spas
  - ☐ child care center
  - ☐ beverage establishment
  - ☐ grocery store
- ☒ 13. Infiltration beds for storm water disposal are considered shallow injection wells. An application and fee must be submitted to CDH.
- ☐ 14. \_\_\_\_\_

Reviewed By: [Signature]

Date: 5 / 12 / 2021



**Project/File:** **Oaklawn Crossing Subdivision/ SPP21-0014/ AZ-21-08/ DA-21-10/ PP-21-11**  
 This is an annexation/rezone and preliminary plat application to allow for the development of 71 lots on 25.87 acres. This site is located on the southwest corner of the intersection of Star Road and Joplin Road. This application includes a development agreement with the City of Star.

**Lead Agency:** The City of Star

**Site address:** SW Corner of Star Road and Joplin Road

**Staff Approval:** August 26, 2021

**Applicant:** Pinnacle Land Development, LLC  
 1861 S Wells Avenue  
 Suite #200  
 Meridian, ID 83642

**Owner:** Teller Bard  
 Kimley-Horn & Associates  
 950 W Bannock Street  
 Suite #1100  
 Boise, ID 83702

**Staff Contact:** Brenna Garro  
 Phone: 387-6346  
 E-mail: [bgarro@achdidaho.org](mailto:bgarro@achdidaho.org)



## A. Findings of Fact

- Description of Application:** The applicant is requesting approval of a rezone from RUT (Rural Urban Transitioning) to R-4 (Residential), annexation, and preliminary plat for the development of the Oaklawn Crossing Subdivision, a development with 65 residential lots, 1 commercial lot, and 5 common lots on 25.87 acres. This application includes a development agreement with the City of Star.

The proposal is consistent with the City of Star's Future Land Use Map, which designates this area as Mixed Use.

- Description of Adjacent Surrounding Area:**

Direction	Land Use	Zoning
North	Central Business District	RUT
South	Neighborhood Residential	RUT
East	Central Business District	RUT
West	Neighborhood Residential	RUT

- Site History:** ACHD has not previously reviewed this site for a development application.

4. **Adjacent Development:** The following developments are pending or underway in the vicinity of the site:
- Starpointe Subdivision, an 84-lot subdivision located directly south of the site, is pending review by ACHD.
5. **New Center Lane Miles:** The proposed development includes approximately 0.5 centerline miles of new public road.
6. **Impact Fees:** There will be an impact fee that is assessed and due prior to issuance of any building permits. The assessed impact fee will be based on the impact fee ordinance that is in effect at that time. The impact fee assessment will not be released until the civil plans are approved by ACHD.
7. **Capital Improvements Plan (CIP)/ Integrated Five Year Work Plan (IFYWP):**
- Star Road is listed in the CIP to be widened to 5-lanes from Chinden Boulevard to State Street between 2031 and 2035.
  - The intersection of Star Road and Chinden Boulevard is listed in the CIP to be widened to 5-lanes on the north leg, 5-lanes on the south, 7-lanes east, and 7-lanes on the west leg, and signalized between 2031 and 2035.
  - The intersection of Star Road and State Street is listed in the CIP to be widened to 4-lanes on the north leg, 5-lanes on the south, 6-lanes east, and 6-lanes on the west leg, and signalized between 2026 and 2030.
8. **Roadways to Bikeways Master Plan:** ACHD's Roadways to Bikeways Master Plan (BMP) was adopted by the ACHD Commission in May of 2009 and was update in 2018. The plan seeks to implement the Planned Bicycle Network to support bicycling as a viable transportation option for Ada County residents with a wide range of ages and abilities, maintain bicycle routes in a state of good repair in order to ensure they are consistently available for use, promote awareness of existing bicycle routes and features and support encouragement programs and to facilitate coordination and cooperation among local jurisdictions in implementing the Roadways to Bikeways Plan recommendations.

The BMP identifies Star Road as a Level 3 facility and Joplin Road as a level 2 facility that will be constructed as part of a future ACHD project.

B. Traffic Findings for Consideration

1. **Trip Generation:** The residential portion of this development is estimated to generate 614 vehicle trips per day; 65 vehicle trips per hour in the PM peak hour for single-family use, based on the Institute of Transportation Engineers Trip Generation Manual, 10<sup>th</sup> edition.

Use	Avg. Daily Trips	Avg. PM Peak Hour
Single Family (Unit)	9.44	1.00
General Office Building (1,000 sf)	9.74	1.15
Variety Store (1,000 sf)	63.47	6.84
Day Care Center (1,000 sf)	47.62	11.12



2. Condition of Area Roadways

Traffic Count is based on Vehicles per hour (VPH)

Roadway	Frontage	Functional Classification	PM Peak Hour Traffic Count	PM Peak Hour Level of Service
Star Road	820-feet	Minor Arterial	504	Better than “E”
Joplin Road	1,265-feet	Collector	N/A	N/A

\* Acceptable level of service for a two-lane minor arterial is “E” (575 VPH).

\* Acceptable level of service for a two-lane collector is “D” (425 VPH).

3. Average Daily Traffic Count (VDT)

Average daily traffic counts are based on ACHD’s most current traffic counts.

- The average daily traffic count for Star Road north of McMillan Road was 9,124 on 11/20/2019.
- There are no current traffic counts for this portion of Joplin Road.

# C. Findings for Consideration

1. Star Road

a. **Existing Conditions:** Star Road is improved with 2-travel lanes, 37 to 45-feet of pavement (17 to 24-feet from centerline), and no curb, gutter or sidewalk abutting the site. There is 61 to 110-feet of right-of-way for Star Road (29 to 54-feet from centerline).

b. **Policy:**

**Arterial Roadway Policy:** District Policy 7205.2.1 states that the developer is responsible for improving all street frontages adjacent to the site regardless of whether or not access is taken to all of the adjacent streets.

**Master Street Map and Typology Policy:** District Policy 7205.5 states that the design of improvements for arterials shall be in accordance with District standards, including the Master Street Map and Livable Streets Design Guide. The developer or engineer should contact the District before starting any design.

**Street Section and Right-of-Way Width Policy:** District Policies 7205.2.1 & 7205.5.2 state that the standard 5-lane street section shall be 72-feet (back-of-curb to back-of-curb) within 96-feet of right-of-way. This width typically accommodates two travel lanes in each direction, a continuous center left-turn lane, and bike lanes on a minor arterial and a safety shoulder on a principal arterial.

**Right-of-Way Dedication:** District Policy 7205.2 states that The District will provide compensation for additional right-of-way dedicated beyond the existing right-of-way along arterials listed as impact fee eligible in the adopted Capital Improvements Plan using available impact fee revenue in the Impact Fee Service Area.

No compensation will be provided for right-of-way on an arterial that is not listed as impact fee eligible in the Capital Improvements Plan.

The District may acquire additional right-of-way beyond the site-related needs to preserve a corridor for future capacity improvements, as provided in Section 7300.

**Sidewalk Policy:** District Policy 7205.5.7 requires a concrete sidewalk at least 5-feet wide to be constructed on both sides of all arterial streets. A parkway strip at least 6-feet wide between the back-of-curb and street edge of the sidewalk is required to provide increased

safety and protection of pedestrians. Consult the District's planter width policy if trees are to be placed within the parkway strip. Sidewalks constructed next to the back-of-curb shall be a minimum of 7-feet wide.

Detached sidewalks are encouraged and should be parallel to the adjacent roadway. Meandering sidewalks are discouraged.

A permanent right-of-way easement shall be provided if public sidewalks are placed outside of the dedicated right-of-way. The easement shall encompass the entire area between the right-of-way line and 2-feet behind the back edge of the sidewalk. Sidewalks shall either be located wholly within the public right-of-way or wholly within an easement.

**Frontage Improvements Policy:** District Policy 7205.2.1 states that the developer shall widen the pavement to a minimum of 17-feet from centerline plus a 3-foot wide gravel shoulder adjacent to the entire site. Curb, gutter and additional pavement widening may be required (See Section 7205.5.5).

**ACHD Master Street Map:** ACHD Policy Section 3111.1 requires the Master Street Map (MSM) guide the right-of-way acquisition, arterial street requirements, and specific roadway features required through development. This segment of Star Road is designated in the MSM as a Residential Arterial with 5-lanes within 100-feet of right-of-way.

- c. **Applicant Proposal:** The applicant is not proposing frontage improvements to Star Road abutting the site.

The applicant is requesting a waiver of policy to not construct sidewalk on Star Road. They note that sidewalk cannot be constructed due to the existing grade on Star Road.

- d. **Staff Comments/Recommendations:** Consistent with the MSM and CIP, the applicant should be required to dedicate additional right-of-way to total 50-feet from the centerline of Star Road abutting the site. This right-of-way dedication is impact fee eligible for compensation, as this segment of Star Road is listed in the Capital Improvements Plan.

Staff is not supportive of the applicant's request for a waiver of ACHD's Sidewalk Policy, due to the fact that this area of the county is rapidly developing with urban densities and there is a need for pedestrian facilities in the area due to the development. Staff recognizes there are grade changes and construction of the sidewalk would require fill, but the applicant did not propose any alternative pedestrian improvements and was made aware of the requirement for the construction of sidewalk during the pre-application phase of the project. Therefore, consistent with the District's Sidewalk policy, the applicant should be required to construct 5-foot wide detached concrete sidewalk located a minimum of 42-feet from the centerline of Star Road, abutting the entire site, including abutting Lot 34 Block 4.

## 2. Joplin Road

- a. **Existing Conditions:** Joplin Road is improved with 2-travel lanes, 24-feet of pavement (12-feet from centerline), and no curb, gutter or sidewalk abutting the site. There is 50-feet of right-of-way of prescriptive for Joplin (29-feet from centerline).

- b. **Policy:**

**Collector Street Policy:** District policy 7206.2.1 states that the developer is responsible for improving all collector frontages adjacent to the site or internal to the development as required below, regardless of whether access is taken to all of the adjacent streets.

**Master Street Map and Typologies Policy:** District policy 7206.5 states that if the collector street is designated with a typology on the Master Street Map, that typology shall be considered for the required street improvements. If there is no typology listed in the Master Street Map, then standard street sections shall serve as the default.

**Street Section and Right-of-Way Policy:** District policy 7206.5.2 states that the standard right-of-way width for collector streets shall typically be 50 to 70-feet, depending on the location and width of the sidewalk and the location and use of the roadway. The right-of-way width may be reduced, with District approval, if the sidewalk is located within an easement; in which case the District will require a minimum right-of-way width that extends 2-feet behind the back-of-curb on each side.

The standard street section shall be 46-feet (back-of-curb to back-of-curb). This width typically accommodates a single travel lane in each direction, a continuous center left-turn lane, and bike lanes.

**Residential Collector Policy:** District policy 7206.5.2 states that the standard street section for a collector in a residential area shall be 36-feet (back-of-curb to back-of-curb). The District will consider a 33-foot or 29-foot street section with written fire department approval and taking into consideration the needs of the adjacent land use, the projected volumes, the need for bicycle lanes, and on-street parking.

**Sidewalk Policy:** District policy 7206.5.6 requires a concrete sidewalk at least 5-feet wide to be constructed on both sides of all collector streets. A parkway strip at least 6-feet wide between the back-of-curb and street edge of the sidewalk is required to provide increased safety and protection of pedestrians. Consult the District's planter width policy if trees are to be placed within the parkway strip. Sidewalks constructed next to the back-of-curb shall be a minimum of 7-feet wide.

Detached sidewalks are encouraged and should be parallel to the adjacent roadway. Meandering sidewalks are discouraged.

A permanent right-of-way easement shall be provided if public sidewalks are placed outside of the dedicated right-of-way. The easement shall encompass the entire area between the right-of-way line and 2-feet behind the back edge of the sidewalk. Sidewalks shall either be located wholly within the public right-of-way or wholly within an easement.

**ACHD Master Street Map:** ACHD Policy Section 3111.1 requires the Master Street Map (MSM) guide the right-of-way acquisition, collector street requirements, and specific roadway features required through development. This segment of Joplin Road is designated in the MSM as a Residential Collector.

- c. **Applicant Proposal:** The applicant is proposing to dedicate additional right-of-way to total 27-feet from the centerline of Joplin Road and improve only a portion of the 1,265-feet of frontage on Joplin Road.

The applicant is proposing to improve Joplin Road from the site's west property line east 847-feet as  $\frac{1}{2}$  a 36-foot collector street section with pavement widening, curb, gutter, and 7-foot wide attached concrete sidewalk within 27-feet of right-of-way abutting the site. No improvements are proposed on Joplin Road abutting Lot 37 Block 4 of the subdivision.

The applicant is proposing to construct a 26-foot wide emergency access onto Joplin Road located approximately 262-feet west of the Star Road/ Joplin Road intersection.

- d. **Staff Comments/Recommendations:** The applicant's proposal to dedicate additional right-of-way to total 27-feet from the centerline of Joplin Road for 847-feet of frontage on Joplin Road abutting the site meets District policy. However, the applicant should be required to dedicate right-of-way along the entire frontage of Joplin Road abutting the site.

The applicant's proposal to improve Joplin Road from the site's west property line east 847-feet as  $\frac{1}{2}$  a 36-foot collector street section with pavement widening, curb, gutter, and 7-foot wide attached concrete sidewalk within 27-feet of right-of-way meets District policy. However, the applicant's proposal to not construct frontage improvements abutting Lot 34 Block 4 does



not meet District policy, as this is a platted lot within the subdivision. The applicant should be required to improve the entire frontage of Joplin Road (1,265-feet) abutting the site.

The applicant should be required to provide a permanent right-of-way easement for any sidewalk placed outside of the dedicated right-of-way.

The applicant's proposal to construct a 26-foot wide emergency access only onto Joplin Road is approved. The driveway should be restricted with a gate or bollards located outside of the right-of-way, as determined by the Star Fire Department.

3. Internal Local Roads

a. Existing Conditions: There are no internal local roadways within the site.

b. Policy:

**Local Roadway Policy:** District Policy 7207.2.1 states that the developer is responsible for improving all local street frontages adjacent to the site regardless of whether or not access is taken to all of the adjacent streets.

**Street Section and Right-of-Way Policy:** District Policy 7207.5 states that right-of-way widths for all local streets shall generally not be less than 47-feet wide and that the standard street section shall be 33-feet (back-of-curb to back-of-curb).

**Standard Urban Local Street—33-foot Street Section and Right-of-way Policy:** For the City of Kuna and City of Star: Unless otherwise approved by Kuna or Star, the standard street section shall be 36-feet (back-of-curb to back-of-curb) for developments with any buildable lot that is less than 1 acre in size. This street section shall include curb, gutter, and minimum 5-foot wide concrete sidewalks on both sides and shall typically be constructed within 50-feet of right-of-way.

**Continuation of Streets Policy:** District Policy 7207.2.4 states that an existing street, or a street in an approved preliminary plat, which ends at a boundary of a proposed development shall be extended in that development. The extension shall include provisions for continuation of storm drainage facilities. Benefits of connectivity include but are not limited to the following:

- Reduces vehicle miles traveled.
- Increases pedestrian and bicycle connectivity.
- Increases access for emergency services.
- Reduces need for additional access points to the arterial street system.
- Promotes the efficient delivery of services including trash, mail and deliveries.
- Promotes appropriate intra-neighborhood traffic circulation to schools, parks, neighborhood commercial centers, transit stops, etc.
- Promotes orderly development.

**Sidewalk Policy:** District Policy 7207.5.7 states that five-foot wide concrete sidewalk is required on both sides of all local street, except those in rural developments with net densities of one dwelling unit per 1.0 acre or less, or in hillside conditions where there is no direct lot frontage, in which case a sidewalk shall be constructed along one side of the street. Some local jurisdictions may require wider sidewalks.

The sidewalk may be placed next to the back-of-curb. Where feasible, a parkway strip at least 8-feet wide between the back-of-curb and the street edge of the sidewalk is recommended to provide increased safety and protection of pedestrians and to allow for the planting of trees in accordance with the District's Tree Planting Policy. If no trees are to be planted in the parkway strip, the applicant may submit a request to the District, with justification, to reduce the width of the parkway strip.

Detached sidewalks are encouraged and should be parallel to the adjacent roadway. Meandering sidewalks are discouraged.

A permanent right-of-way easement shall be provided if public sidewalks are placed outside of the dedicated right-of-way. The easement shall encompass the entire area between the right-of-way line and 2-feet behind the back edge of the sidewalk. Sidewalks shall either be located wholly within the public right-of-way or wholly within an easement.

**Cul-de-sac Streets Policy:** District policy 7207.5.8 requires cul-de-sacs to be constructed to provide a minimum turning radius of 50-feet; in rural areas or for temporary cul-de-sacs the emergency service providers may require a greater radius. Landscape and parking islands may be constructed in turnarounds if a minimum 29-foot street section is constructed around the island. The pavement width shall be sufficient to allow the turning around of a standard AASHTO SU design vehicle without backing. The developer shall provide written approval from the appropriate fire department for this design element.

The District will consider alternatives to the standard cul-de-sac turnaround on a case-by-case basis. This will be based on turning area, drainage, maintenance considerations and the written approval of the agency providing emergency fire service for the area where the development is located.

- c. **Applicant’s Proposal:** The applicant is proposing to construct the internal local roads as 36-foot wide local street sections with curb, gutter, and 5-foot wide attached concrete sidewalks within 50-feet of right-of-way.

The applicant is proposing to construct a knuckle at the Road 3 and Road 2 intersection and the Road 6 and Road 2 intersection.

The applicant is proposing to terminate Road 6 in a cul-de-sac turnaround with a turning radius of 45-feet.

- d. **Staff Comments/Recommendations:** The applicant’s proposal to construct the internal local roads as 36-foot wide local street sections with curb, gutter, and 5-foot wide attached concrete sidewalks within 50-feet of right-of-way meets District policy and should be approved, as proposed.

The applicant’s proposal to construct a knuckle at the Road 3 and Road 2 intersection and the Road 6 and Road 2 intersection meets District policy and should be approved, as proposed.

The applicant’s proposal to terminate Road 6 in a cul-de-sac turnaround with a turning radius of 45-feet does not meet the District’s Cul-de-sac Streets policy which requires cul-de-sacs to be constructed to provide a minimum turning radius of 50-feet.

The applicant should be required to terminate Road 6 in a cul-de-sac turnaround with a turning radius of 50-feet.

4. Roadway Offsets

- a. **Existing Conditions:** There are no existing roadways within the site.

- b. **Policy:**  
**Collector Offset Policy:** District policy 7206.4.5, states that the preferred spacing for a new local street intersecting a collector roadway to align or offset a minimum of 330-feet from any other street (measured centerline to centerline).

**Local Offset Policy:** District policy 7207.4.2, requires local roadways to align or provide a minimum offset of 125-feet from any other street (measured centerline to centerline).

- c. **Applicant's Proposal:** The applicant is proposing to construct a new local roadway, Road 4, to intersect Joplin Road approximately 788-feet west of Star Road.

The applicant is proposing to construct the internal local streets to align or offset by a minimum of 125-feet.

- d. **Staff Comments/Recommendations:** The applicant's proposal to construct Road 4 to intersect Joplin Road 788-feet west of Star Road meets District policy and should be approved, as proposed.

The applicant's proposal to construct the internal local streets to align or offset by a minimum of 125-feet meets District policy and should be approved, as proposed.

## 5. Stub Streets

### a. Policy:

**Stub Street Policy:** District policy 7207.2.4.3 states that stub streets will be required to provide circulation or to provide access to adjoining properties. Stub streets will conform with the requirements described in Section 7207.2.4 except a temporary cul-de-sac will not be required if the stub street has a length no greater than 150-feet. A sign shall be installed at the terminus of the stub street stating that, "THIS ROAD WILL BE EXTENDED IN THE FUTURE."

In addition, stub streets must meet the following conditions:

- A stub street shall be designed to slope towards the nearest street intersection within the proposed development and drain surface water towards that intersection; unless an alternative storm drain system is approved by the District.
- The District may require appropriate covenants guaranteeing that the stub street will remain free of obstructions.

**Temporary Dead End Streets Policy:** District policy 7207.2.4.4 requires that the design and construction for cul-de-sac streets shall apply to temporary dead end streets. The temporary cul-de-sac shall be paved and shall be the dimensional requirements of a standard cul-de-sac. The developer shall grant a temporary turnaround easement to the District for those portions of the cul-de-sac which extend beyond the dedicated street right-of-way. In the instance where a temporary easement extends onto a buildable lot, the entire lot shall be encumbered by the easement and identified on the plat as a non-buildable lot until the street is extended.

- b. **Applicant Proposal:** The applicant is proposing to stub Road 1 to the site's west property line located approximately 326-feet south of the site's north property line (measured property line to centerline).
- c. **Staff Comments/Recommendations:** The applicant's proposal to stub Road 1 to the site's west property line located approximately 326-feet south of the site's north property line meets District policy and should be approved as proposed.

The applicant should install a sign at the terminus of the of the stub streets stating that, "THIS ROAD WILL BE EXTENDED IN THE FUTURE.'

A temporary turn around is not required as the stub streets are less than 150-feet in length.

## 6. Private Roads

- a. **Private Road Policy:** District policy 7212.1 states that the lead land use agencies in Ada County establish the requirements for private streets. The District retains authority and will review the proposed intersection of a private and public street for compliance with District intersection policies and standards. The private road should have the following requirements:

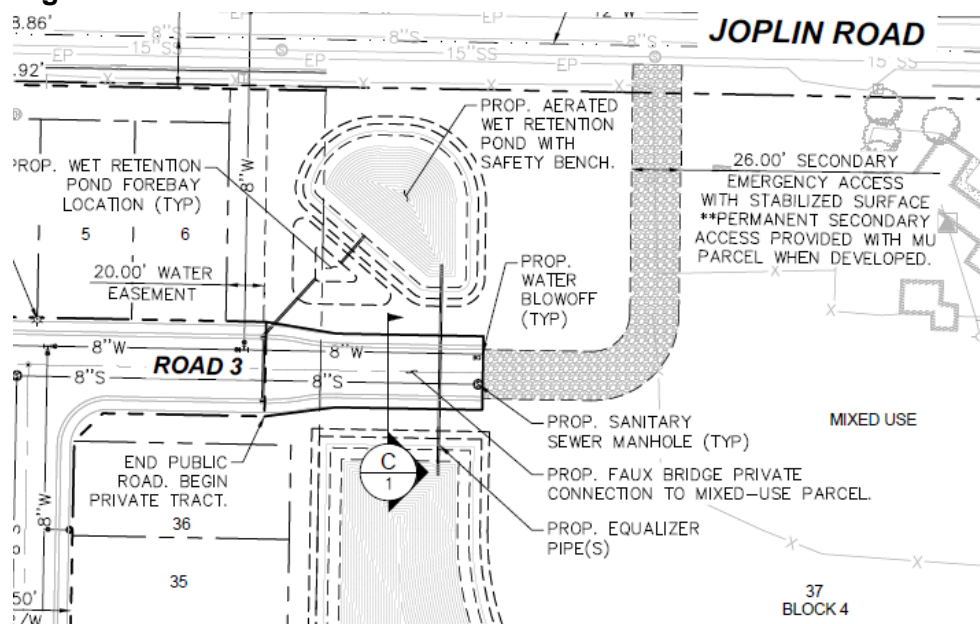
- Designed to discourage through traffic between two public streets,



- Graded to drain away from the public street intersection, and
- If a private road is gated, the gate or keypad (if applicable) shall be located a minimum of 50-feet from the near edge of the intersection and a turnaround shall be provided.

b. **Applicant Proposal:** The applicant is proposing to transition Road 3, into a private road and emergency access lane approximately 126-feet east of the Road 3/ Road 5 intersection. See Figure 1 below.

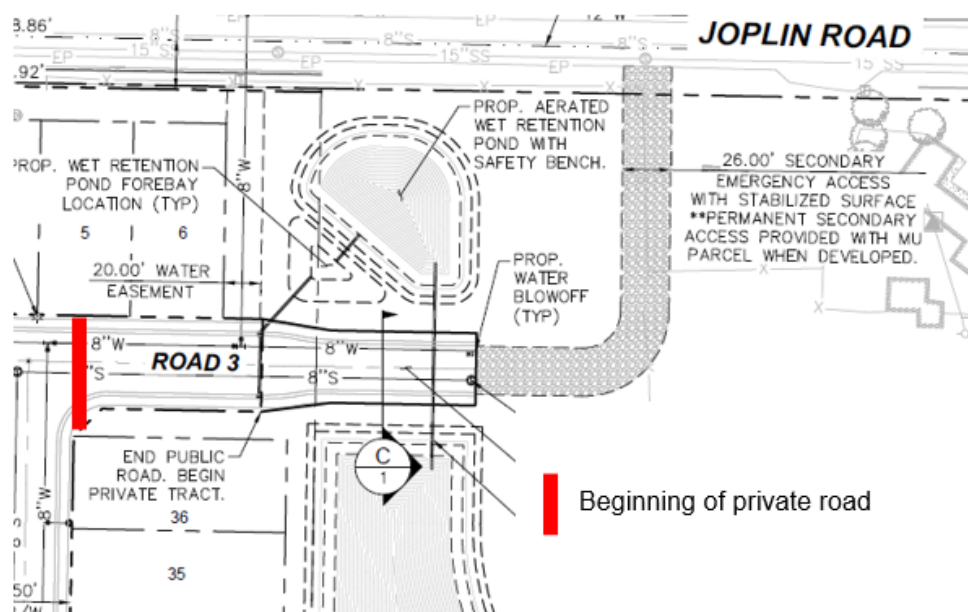
Figure 1.



c. **Staff Comments/Recommendations:** The applicant's proposal to transition Road 3, a proposed internal local road, into a private road approximately 126-feet east of the Road 3/ Road 5 intersection does not meet District policy and should not be approved as proposed.

Staff recommends that the applicant terminate Road 3 at the Road 3/Road 5 intersection and that a private drive aisle/private road be constructed. See Figure 2 below. Staff recommends that signage be installed at the drive aisle/private road to make a clear distinction between the public street and private drive aisle.

Figure 2.



If the City of Star approves the private road, the applicant shall be required to pave the private roadway its full width and at least 30-feet into the site beyond the edge of pavement of all public streets and install pavement tapers with 15-foot curb radii abutting the existing roadway edge. If private roads are not approved by the City of Star, the applicant will be required to revise and resubmit the preliminary plat to provide public standard local streets in these locations.

Street name and stop signs are required for the private road. The signs may be ordered through the District. Verification of the correct, approved name of the road is required.

ACHD does not make any assurances that the private road, which is a part of this application, will be accepted as a public road if such a request is made in the future. Substantial redesign and reconstruction costs may be necessary in order to qualify this road for public ownership and maintenance.

The following requirements must be met if the applicant wishes to dedicate the roadway to ACHD:

- Dedicate a minimum of 50-feet of right-of-way for the road.
- Construct the roadway to the minimum ACHD requirements.
- Construct a stub street to the surrounding parcels.

## 7. Driveways

### 7.1 Star Road

- a. **Existing Conditions:** There is an existing 28-foot wide paved driveway from the site onto Star Road located approximately 73-feet south of the Star Road/ Joplin Road intersection.

There is an existing 10-foot wide paved driveway from the site onto Star Road located approximately 133-feet south of the Star Road/ Joplin Road intersection.

- b. **Policy:**

**Access Points Policy:** District Policy 7205.4.1 states that all access points associated with development applications shall be determined in accordance with the policies in this section and Section 7202. Access points shall be reviewed only for a development application that is being considered by the lead land use agency. Approved access points may be relocated and/or restricted in the future if the land use intensifies, changes, or the property redevelops.

**Access Policy:** District policy 7205.4.6 states that direct access to minor arterials is typically prohibited. If a property has frontage on more than one street, access shall be taken from the street having the lesser functional classification. If it is necessary to take access to the higher classified street due to a lack of frontage, the minimum allowable spacing shall be based on Table 1a under District policy 7205.4.6, unless a waiver for the access point has been approved by the District Commission.

**Driveway Location Policy:** District policy 7205.4.5 requires driveways located on minor arterial roadways from a signalized intersection with a single left turn lane shall be located a minimum of 330-feet from the nearest intersection for a right-in/right-out only driveway and a minimum of 660-feet from the intersection for a full-movement driveway.

District policy 7205.4.5 requires driveways located on minor arterial roadways from a signalized intersection with a dual left turn lane shall be located a minimum of 330-feet from the nearest intersection for a right-in/right-out only driveway and a minimum of 710-feet from the intersection for a full-movement driveway.

**Successive Driveways:** District policy 7205.4.6 Table 1a, requires driveways located on minor arterial roadways with a speed limit of 50 MPH to align or offset a minimum of 425-feet from any existing or proposed driveway.

**Driveway Width Policy:** District policy 7205.4.8 restricts high-volume driveways (100 VTD or more) to a maximum width of 36-feet and low-volume driveways (less than 100 VTD) to a maximum width of 30-feet. Curb return type driveways with 30-foot radii will be required for high-volume driveways with 100 VTD or more. Curb return type driveways with 15-foot radii will be required for low-volume driveways with less than 100 VTD.

**Driveway Paving Policy:** Graveled driveways abutting public streets create maintenance problems due to gravel being tracked onto the roadway. In accordance with District policy, 7205.4.8, the applicant should be required to pave the driveway its full width and at least 30-feet into the site beyond the edge of pavement of the roadway and install pavement tapers in accordance with Table 2 under District Policy 7205.4.8.

**Cross Access Easements/Shared Access Policy:** District Policy 7202.4.1 states that cross access utilizes a single vehicular connection that serves two or more adjoining lots or parcels so that the driver does not need to re-enter the public street system.

- c. **Applicant’s Proposal:** The applicant is proposing to keep the two existing driveways onto Star Road.
- d. **Staff Comments/Recommendations:** The existing driveways do not meet the District’s Driveway Location policy which requires driveways located on minor arterial roadways to be located a minimum of 330-feet from the nearest intersection and should not be approved, as proposed.

Consistent with ACHD’s policy, the applicant should be required to close the two existing driveways from the site onto Star Road with 5-foot wide detached sidewalk.

7.2 Joplin Road

- a. **Existing Conditions:** There are four existing driveways from the site onto Joplin Road. The driveways are located as follows:
  - 15-foot wide paved driveway located 46-feet west of the Star Road/ Joplin Road intersection.
  - 24-foot wide unimproved driveway located 164-feet west of the Star Road/ Joplin Road intersection.



- 20-foot wide unimproved driveway located 256-feet west of the Star Road/ Joplin Road intersection.
- 12-foot wide unimproved driveway located 1,245-feet west of the Star Road/ Joplin Road intersection.

**b. Policy:**

**Access Policy:** District Policy 7205.4.1 states that all access points associated with development applications shall be determined in accordance with the policies in this section and Section 7202. Access points shall be reviewed only for a development application that is being considered by the lead land use agency. Approved access points may be relocated and/or restricted in the future if the land use intensifies, changes, or the property redevelops.

District Policy 7206.1 states that the primary function of a collector is to intercept traffic from the local street system and carry that traffic to the nearest arterial. A secondary function is to service adjacent property. Access will be limited or controlled. Collectors may also be designated at bicycle and bus routes.

**Driveway Location Policy (Signalized Intersection):** District policy 7206.4.3 requires driveways located on collector roadways near a signalized intersection to be located outside the area of influence; OR a minimum of 440-feet from the signalized intersection for a full-access driveway and a minimum of 220-feet from the signalized intersection for a right-in/right-out only driveway. Dimensions shall be measured from the centerline of the intersection to the centerline of the driveway.

**Driveway Location Policy (Stop Controlled Intersection):** District policy 7206.4.4 requires driveways located on collector roadways near a STOP controlled intersection to be located outside of the area of influence; OR a minimum of 150-feet from the intersection, whichever is greater. Dimensions shall be measured from the centerline of the intersection to the centerline of the driveway.

**Successive Driveways:** District policy 7206.4.5 Table 1, requires driveways located on collector roadways with a speed limit of 20 MPH and daily traffic volumes greater than 100 VTD to align or offset a minimum of 245-feet from any existing or proposed driveway.

**Driveway Width Policy:** District policy 7206.4.6 restricts high-volume driveways (100 VTD or more) to a maximum width of 36-feet and low-volume driveways (less than 100 VTD) to a maximum width of 30-feet. Curb return type driveways with 30-foot radii will be required for high-volume driveways with 100 VTD or more. Curb return type driveways with 15-foot radii will be required for low-volume driveways with less than 100 VTD.

**Driveway Paving Policy:** Graveled driveways abutting public streets create maintenance problems due to gravel being tracked onto the roadway. In accordance with District policy, 7206.4.6, the applicant should be required to pave the driveway its full width and at least 30-feet into the site beyond the edge of pavement of the roadway and install pavement tapers in accordance with Table 2 under District Policy 7206.4.6.

**Minor Improvements Policy:** District Policy 7203.3 states that minor improvements to existing streets adjacent to a proposed development may be required. These improvements are to correct deficiencies or replace deteriorated facilities. Included are sidewalk construction or replacement; curb and gutter construction or replacement; replacement of unused driveways with curb, gutter and sidewalk; installation or reconstruction of pedestrian ramps; pavement repairs; signs; traffic control devices; and other similar items.

- c. Applicant's Proposal:** The applicant is proposing to close the existing 12-foot wide driveway with curb, gutter, and 7-foot wide attached concrete sidewalk. The site plan does not show the

existing 20 and 24-foot wide driveway. The applicant is proposing to keep the existing 15-foot wide driveway.

- d. Staff Comments/Recommendations:** The applicant's proposal to close the existing 12-foot wide driveway with curb, gutter, and 7-foot wide attached concrete sidewalk meets District policy and should be approved, as proposed.

The existing driveways do not meet the District’s Driveway Location or Successive Driveways policies. The applicant should be required to close the four existing driveways from the site onto Joplin Road with curb, gutter, and 7-foot wide concrete sidewalk. If access to Lot 37 Block 4 is needed, then a new driveway should be constructed onto Joplin Road located a minimum of 150-feet from the Joplin Road/Star Road intersection.

8. Traffic Calming

- a. Speed Control and Traffic Calming Policy:** District policy 7207.3.7 states that the design of local street systems should discourage excessive speeds by using passive design elements. If the design or layout of a development is anticipated to necessitate future traffic calming implementation by the District, or the streets extend greater than 750-feet in length, then the District will require changes to the layout and/or the addition of passive design elements such as horizontal curves, bulb-outs, chokers, etc. The District will also consider texture changes to the roadway surface (i.e. stamped concrete) as a passive design element. These alternative methods may require maintenance and/or license agreement.
- b. Applicant’s Proposal:** The applicant is proposing to construct Road 6 to be greater than 750-feet in length.
- c. Staff Comments/Recommendations:** The applicant should be required to redesign Road 6 to be less than 750-feet or provide traffic calming on including the use of passive designed elements approved by ACHD Traffic Services.

Stop signs, speed humps/bumps, and valley gutters will not be accepted as traffic calming.

9. Tree Planters

**Tree Planter Policy:** Tree Planter Policy: The District’s Tree Planter Policy prohibits all trees in planters less than 8-feet in width without the installation of root barriers. Class II trees may be allowed in planters with a minimum width of 8-feet, and Class I and Class III trees may be allowed in planters with a minimum width of 10-feet.

10. Landscaping

**Landscaping Policy:** A license agreement is required for all landscaping proposed within ACHD right-of-way or easement areas. Trees shall be located no closer than 10-feet from all public storm drain facilities. Landscaping should be designed to eliminate site obstructions in the vision triangle at intersections. District Policy 5104.3.1 requires a 40-foot vision triangle and a 3-foot height restriction on all landscaping located at an uncontrolled intersection and a 50-foot offset from stop signs. Landscape plans are required with the submittal of civil plans and must meet all District requirements prior to signature of the final plat and/or approval of the civil plans.

11. Other Access

Star Road is classified as a minor arterial roadway and Joplin Road is classified as a collector roadway. Other than the access specifically approved with this application, direct lot access is prohibited to these roadways and should be noted on the final plat.

D. Site Specific Conditions of Approval

- 1. Redesign Road 6 to be less than 750-feet or provide traffic calming on including the use of passive designed elements for review and approval prior to plan submittal.

2. Dedicate additional right-of-way to total 50-feet from the centerline of Star Road. Compensation will be provided for this right-of-way dedication.
3. Construct 5-foot wide detached sidewalk located a minimum of 42-feet from the centerline of Star Road abutting the site, including abutting Lot 34 Block 4.
4. Dedicate additional right-of-way to total 27-feet from the centerline of Joplin Road along the entire frontage of Joplin Road abutting the site.
5. Improve the entire frontage of Joplin Road (1,265-feet) as  $\frac{1}{2}$  a 36-foot collector street section with pavement widening, curb, gutter, and 7-foot wide attached concrete sidewalk abutting the site. Provide a permanent right-of-way easement for any sidewalk placed outside of the dedicated right-of-way.
6. Construct a 26-foot wide emergency access only onto Joplin Road. The driveway should be restricted with a gate or bollards located outside of the right-of-way, as determined by the Star Fire Department.
7. Construct the internal local roadways as 36-foot local street sections with curb, gutter, and 5-foot wide attached concrete sidewalk within 50-feet of right-of-way, as proposed.
8. Construct a knuckle at the Road 3 and Road 2 intersection, as proposed.
9. Construct a knuckle at the Road 6 and Road 2 intersection, as proposed.
10. Terminate Road 6 in a cul-de-sac turnaround with a turning radius of 50-feet.
11. Construct Road 4 to intersect Joplin Road 788-feet west of Star, as proposed.
12. Construct the internal local streets to align or offset by a minimum of 125-feet, as proposed.
13. Stub Road 1 to the site's west property line located approximately 326-feet south of the site's north property line.
14. Install a sign at the terminus of the stub street stating, "THIS ROAD WILL BE EXTENDED IN THE FUTURE."
15. Terminate Road 3 at the Road 3/Road 5 intersection and construct a private road.
16. Install signage at the private road to make a clear distinction between the public road and private road.
17. Install street name and stop signs for the private road. The signs may be ordered through the District. Verification of the correct, approved name of the road is required.
18. Close the two existing driveways from the site onto Star Road with 5-foot wide detached sidewalk.
19. Close the four existing driveways from the site onto Joplin Road with curb, gutter, and 7-foot wide attached concrete sidewalk.
20. If access to Lot 34 Block 4 is necessary, then construction one driveway onto Joplin Road located a minimum of 150-feet west of Star Road. This driveway is restricted to a maximum width of 30-feet and should be paved 30-feet beyond the edge of pavement of Joplin Road. This driveway is approved for existing use only and may be remove or modified upon future development of the parcel.
21. Direct access to Star Road and Joplin Road is prohibited and should be noted on the final plat.
22. Submit civil plans to ACHD Development Services for review and approval. The impact fee assessment will not be released until the civil plans are approved by ACHD.



23. Payment of impact fees is due prior to issuance of a building permit.
24. Comply with all Standard Conditions of Approval.

## **E. Standard Conditions of Approval**

1. All proposed irrigation facilities shall be located outside of the ACHD right-of-way (including all easements). Any existing irrigation facilities shall be relocated outside of the ACHD right-of-way (including all easements).
2. Private Utilities including sewer or water systems are prohibited from being located within the ACHD right-of-way.
3. In accordance with District policy, 7203.3, the applicant may be required to update any existing non-compliant pedestrian improvements abutting the site to meet current Americans with Disabilities Act (ADA) requirements. The applicant's engineer should provide documentation of ADA compliance to District Development Review staff for review.
4. Replace any existing damaged curb, gutter and sidewalk and any that may be damaged during the construction of the proposed development. Contact Construction Services at 387-6280 (with file number) for details.
5. A license agreement and compliance with the District's Tree Planter policy is required for all landscaping proposed within ACHD right-of-way or easement areas.
6. All utility relocation costs associated with improving street frontages abutting the site shall be borne by the developer.
7. It is the responsibility of the applicant to verify all existing utilities within the right-of-way. The applicant at no cost to ACHD shall repair existing utilities damaged by the applicant. The applicant shall be required to call DIGLINE (1-811-342-1585) at least two full business days prior to breaking ground within ACHD right-of-way. The applicant shall contact ACHD Traffic Operations 387-6190 in the event any ACHD conduits (spare or filled) are compromised during any phase of construction.
8. Utility street cuts in pavement less than five years old are not allowed unless approved in writing by the District. Contact the District's Utility Coordinator at 387-6258 (with file numbers) for details.
9. All design and construction shall be in accordance with the ACHD Policy Manual, ISPWC Standards and approved supplements, Construction Services procedures and all applicable ACHD Standards unless specifically waived herein. An engineer registered in the State of Idaho shall prepare and certify all improvement plans.
10. Construction, use and property development shall be in conformance with all applicable requirements of ACHD prior to District approval for occupancy.
11. No change in the terms and conditions of this approval shall be valid unless they are in writing and signed by the applicant or the applicant's authorized representative and an authorized representative of ACHD. The burden shall be upon the applicant to obtain written confirmation of any change from ACHD.
12. If the site plan or use should change in the future, ACHD Planning Review will review the site plan and may require additional improvements to the transportation system at that time. Any change in the planned use of the property which is the subject of this application, shall require the applicant to comply with ACHD Policy and Standard Conditions of Approval in place at that time unless a waiver/variance of the requirements or other legal relief is granted by the ACHD Commission.

## **F. Conclusions of Law**

1. The proposed site plan is approved, if all of the Site Specific and Standard Conditions of Approval are satisfied.

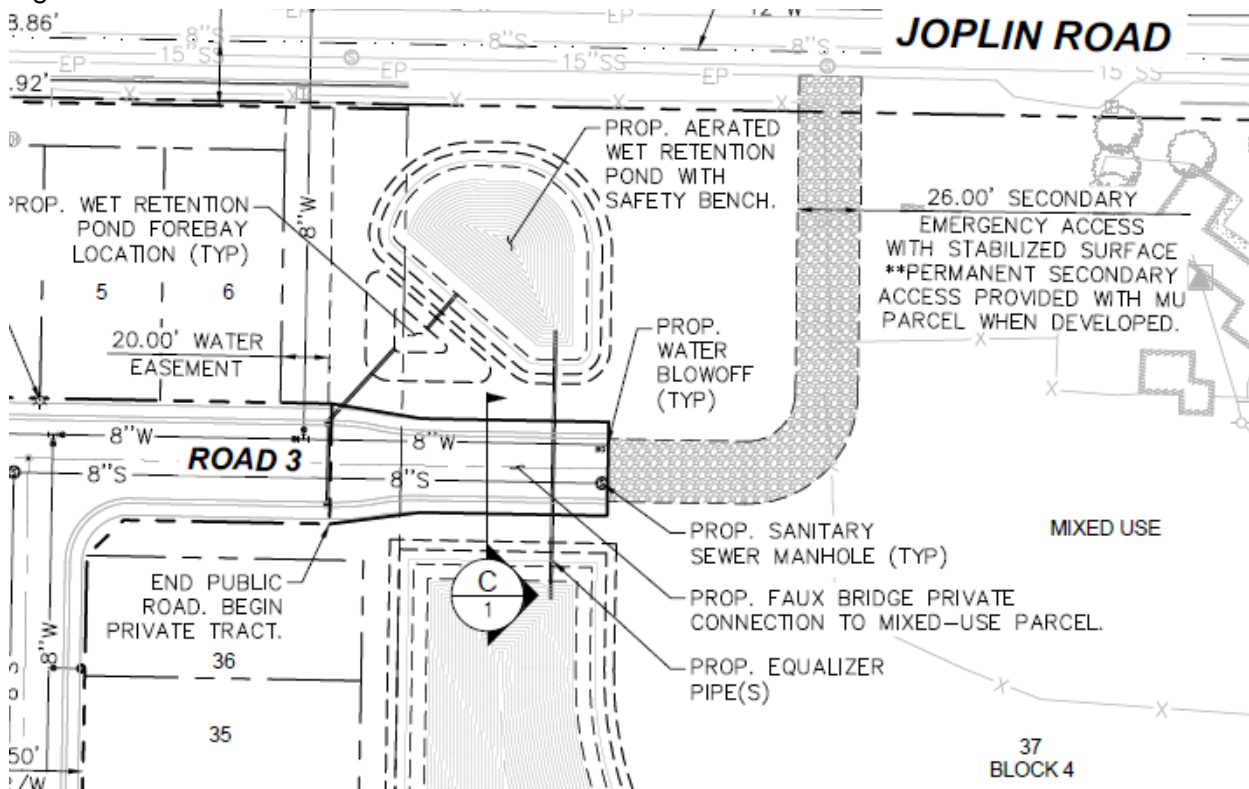
2. ACHD requirements are intended to assure that the proposed use/development will not place an undue burden on the existing vehicular transportation system within the vicinity impacted by the proposed development.

## G. Attachments

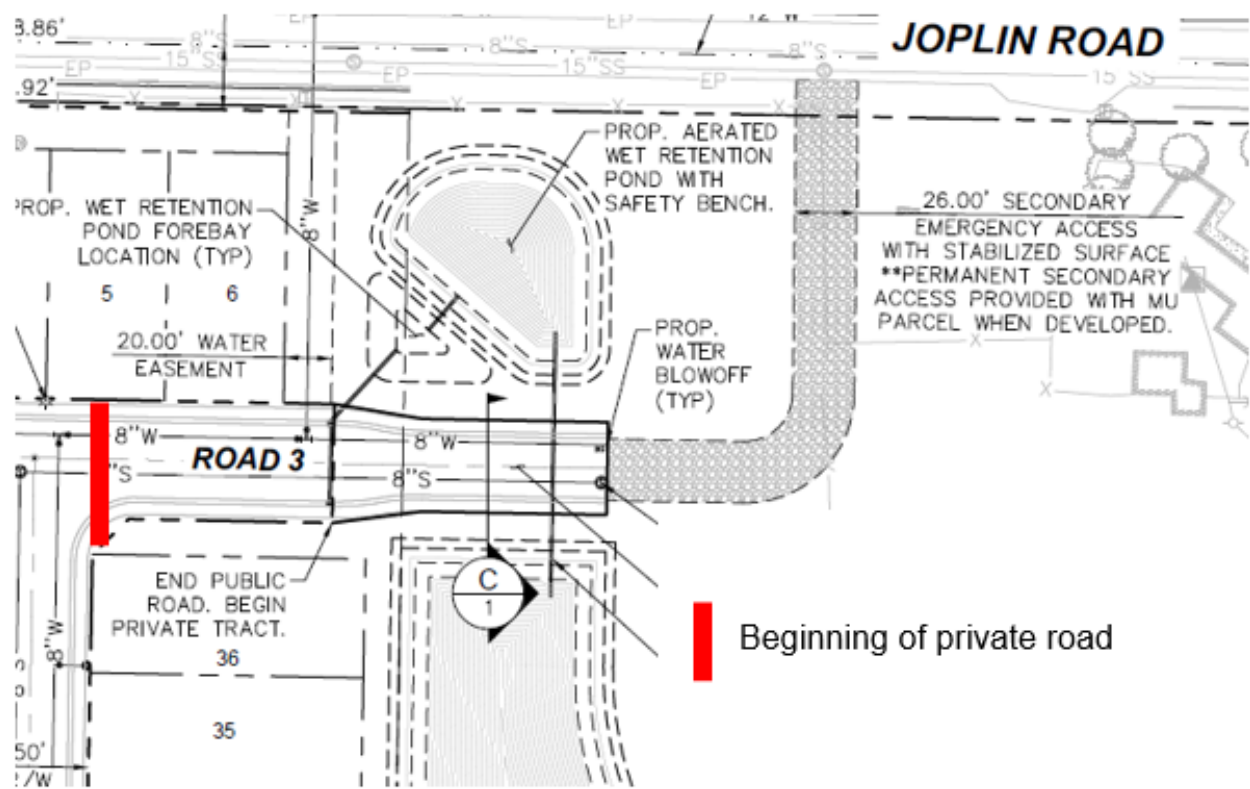
1. Figure 1 and Figure 2
2. Vicinity Map
3. Site Plan
4. Utility Coordinating Council
5. Development Process Checklist
6. Appeal Guidelines

**Figure 1 and Figure 2**

**Figure 1.**

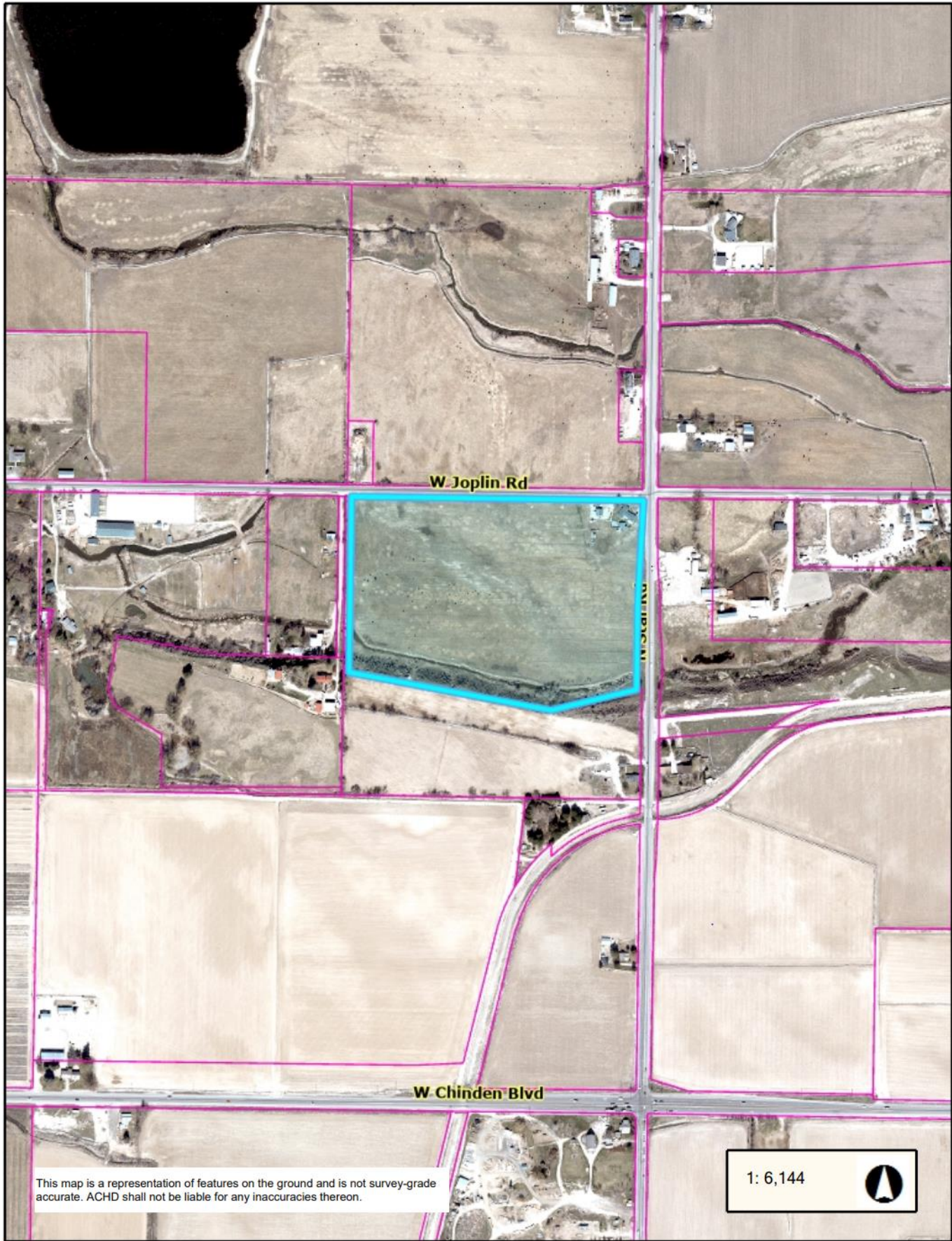


**Figure 2.**

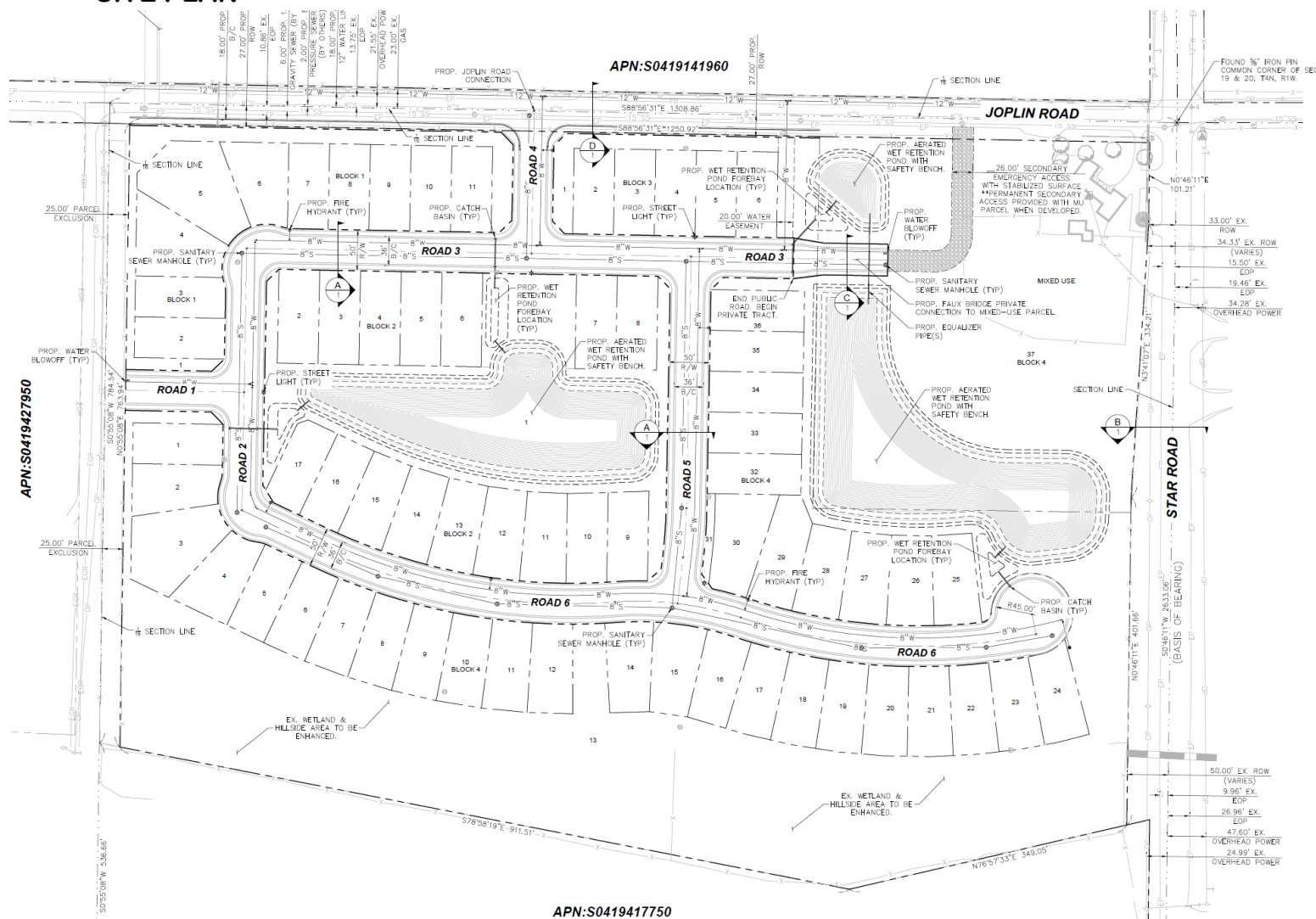




VICINITY MAP



SITE PLAN



## Ada County Utility Coordinating Council

### Developer/Local Improvement District Right of Way Improvements Guideline Request

*Purpose: To develop the necessary avenue for proper notification to utilities of local highway and road improvements, to help the utilities in budgeting and to clarify the already existing process.*

- 1) **Notification:** Within five (5) working days upon notification of required right of way improvements by Highway entities, developers shall provide written notification to the affected utility owners and the Ada County Utility Coordinating Council (UCC). Notification shall include but not be limited to, project limits, scope of roadway improvements/project, anticipated construction dates, and any portions critical to the right of way improvements and coordination of utilities.
- 2) **Plan Review:** The developer shall provide the highway entities and all utility owners with preliminary project plans and schedule a plan review conference. Depending on the scale of utility improvements, a plan review conference may not be necessary, as determined by the utility owners. Conference notification shall also be sent to the UCC. During the review meeting the developer shall notify utilities of the status of right of way/easement acquisition necessary for their project. At the plan review conference each company shall have the right to appeal, adjust and/or negotiate with the developer on its own behalf. Each utility shall provide the developer with a letter of review indicating the costs and time required for relocation of its facilities. Said letter of review is to be provided within thirty calendar days after the date of the plan review conference.
- 3) **Revisions:** The developer is responsible to provide utilities with any revisions to preliminary plans. Utilities may request an updated plan review meeting if revisions are made in the preliminary plans which affect the utility relocation requirements. Utilities shall have thirty days after receiving the revisions to review and comment thereon.
- 4) **Final Notification:** The developer will provide highway entities, utility owners and the UCC with final notification of its intent to proceed with right of way improvements and include the anticipated date work will commence. This notification shall indicate that the work to be performed shall be pursuant to final approved plans by the highway entity. The developer shall schedule a preconstruction meeting prior to right of way improvements. Utility relocation activity shall be completed within the times established during the preconstruction meeting, unless otherwise agreed upon.

**Notification to the Ada County UCC can be sent to:** 50 S. Cole Rd. Boise 83707, or Visit [iducc.com](http://iducc.com) for e-mail notification information.



# Development Process Checklist

## Items Completed to Date:

- ☒ Submit a development application to a City or to Ada County
- ☒ The City or the County will transmit the development application to ACHD
- ☒ The ACHD **Planning Review Section** will receive the development application to review
- ☒ The **Planning Review Section** will do one of the following:
  - ☐ Send a **"No Review"** letter to the applicant stating that there are no site specific conditions of approval at this time.
  - ☒ Write a **Staff Level** report analyzing the impacts of the development on the transportation system and evaluating the proposal for its conformance to District Policy.
  - ☒ Write a **Commission Level** report analyzing the impacts of the development on the transportation system and evaluating the proposal for its conformance to District Policy.

## Items to be completed by Applicant:

- ☐ For **ALL** development applications, including those receiving a **"No Review"** letter:
  - The applicant should submit one set of engineered plans directly to ACHD for review by the **Development Review Section** for plan review and assessment of impact fees. (Note: if there are no site improvements required by ACHD, then architectural plans may be submitted for purposes of impact fee assessment.)
  - The applicant is required to get a permit from Construction Services (ACHD) for ANY work in the right-of-way, including, but not limited to, driveway approaches, street improvements and utility cuts.
- ☐ Pay Impact Fees prior to issuance of building permit. Impact fees cannot be paid prior to plan review approval.

### DID YOU REMEMBER:

#### *Construction (Non-Subdivisions)*

- ☐ **Driveway or Property Approach(s)**
  - Submit a "Driveway Approach Request" form to ACHD Construction (for approval by Development Services & Traffic Services). There is a one week turnaround for this approval.
- ☐ **Working in the ACHD Right-of-Way**
  - Four business days prior to starting work have a bonded contractor submit a "Temporary Highway Use Permit Application" to ACHD Construction – Permits along with:
    - a) Traffic Control Plan
    - b) An Erosion & Sediment Control Narrative & Plat, done by a Certified Plan Designer, if trench is >50' or you are placing >600 sf of concrete or asphalt.

#### *Construction (Subdivisions)*

- ☐ **Sediment & Erosion Submittal**
  - At least one week prior to setting up a Pre-Construction Meeting an Erosion & Sediment Control Narrative & Plan, done by a Certified Plan Designer, must be turned into ACHD Construction to be reviewed and approved by the ACHD Stormwater Section.
- ☐ **Idaho Power Company**
  - Vic Steelman at Idaho Power must have his IPCO approved set of subdivision utility plans prior to Pre-Con being scheduled.
- ☐ **Final Approval from Development Services is required** prior to scheduling a Pre-Con.

## Request for Appeal of Staff Decision

1. **Appeal of Staff Decision:** The Commission shall hear and decide appeals by an applicant of the final decision made by the Development Services Manager when it is alleged that the Development Services Manager did not properly apply this section 7101.6, did not consider all of the relevant facts presented, made an error of fact or law, abused discretion or acted arbitrarily and capriciously in the interpretation or enforcement of the ACHD Policy Manual.
  - a. **Filing Fee:** The Commission may, from time to time, set reasonable fees to be charged the applicant for the processing of appeals, to cover administrative costs.
  - b. **Initiation:** An appeal is initiated by the filing of a written notice of appeal with the Secretary and Clerk of the District, which must be filed within ten (10) working days from the date of the decision that is the subject of the appeal. The notice of appeal shall refer to the decision being appealed, identify the appellant by name, address and telephone number and state the grounds for the appeal. The grounds shall include a written summary of the provisions of the policy relevant to the appeal and/or the facts and law relied upon and shall include a written argument in support of the appeal. The Commission shall not consider a notice of appeal that does not comply with the provisions of this subsection.
  - c. **Time to Reply:** The Development Services Manager shall have ten (10) working days from the date of the filing of the notice of appeal to reply to the notice of the appeal, and may during such time meet with the appellant to discuss the matter, and may also consider and/or modify the decision that is being appealed. A copy of the reply and any modifications to the decision being appealed will be provided to the appellant prior to the Commission hearing on the appeal.
  - d. **Notice of Hearing:** Unless otherwise agreed to by the appellant, the hearing of the appeal will be noticed and scheduled on the Commission agenda at a regular meeting to be held within thirty (30) days following the delivery to the appellant of the Development Services Manager's reply to the notice of appeal. A copy of the decision being appealed, the notice of appeal and the reply shall be delivered to the Commission at least one (1) week prior to the hearing.
  - e. **Action by Commission:** Following the hearing, the Commission shall either affirm or reverse, in whole or part, or otherwise modify, amend or supplement the decision being appealed, as such action is adequately supported by the law and evidence presented at the hearing.

## LEGAL NOTICE PUBLIC HEARING

Notice is hereby given that the Star City Council will hold a Public Hearing on **January 11, 2022** at the Star City Hall, 10769 W. State Street, Star, Idaho at 7:00 pm, or as soon thereafter as the matter may be heard. **COVID-19 UPDATE:** Please see City Website [www.staridaho.org](http://www.staridaho.org) for **Public Hearing instructions for Virtual Public Hearings if necessary.**

**Application:** Starpointe Subdivision  
Files #'s AZ-21-07 Annexation-Zoning  
DA-21-09 Development Agreement  
PP-21-10 Preliminary Plat

**Applicant/Representative:** Teller Bard, Kimley-Horn & Associates, 950 W. Bannock St. Suite 1100, Boise, Idaho 83702

**Owner:** W. West Development, LLC/Criterion Land Management, LLC, 7629 E. Pinnacle Peak Road #110, Scottsdale, AZ 85255

**Action:** The Applicant is seeking approval of an Annexation and Zoning (R-3-DA), a Development Agreement, and Preliminary Plat for a proposed residential subdivision consisting of 71 residential lots and 13 common lots. The property is located at 6825 N. Star Rd, 8405 W. Joplin Rd and 8755 W. Joplin Rd in Star, Idaho, and consists of 29.24 acres with a proposed density of 2.43 dwelling units per acre.

**Property Location:** The subject property is generally located on the west side of N. Star Road, between W. Chinden Blvd and W. Joplin Road. Ada County Parcel No's. S0419428100, S0418417750 & S0419428005.

**Information/Comments:** A complete copy of the applications are available at City Hall for public review. The City invites all interested parties to attend the meeting and provide public testimony. Written comments will be accepted by the City up to 2 days prior to the date of the public hearing.

Services for persons with disabilities may be made available if notice is received in advance of the meeting by calling Star City Hall at (208) 286-7247.

Shawn L. Nickel  
Planning Director and Zoning Administrator  
[snickel@staridaho.org](mailto:snickel@staridaho.org)





## CITY OF STAR

# LAND USE STAFF REPORT

**TO:** Mayor & Council

**FROM:** Shawn L. Nickel, Planning Director and Zoning Administrator *Shawn L. Nickel*

**MEETING DATE:** **January 11, 2022 – PUBLIC HEARING (originally scheduled 8-17-21)**

**FILE(S) #:** AZ-21-07 Annexation and Zoning  
DA-21-09 Development Agreement  
PP-21-10 Preliminary Plat for Starpointe Subdivision

### OWNER/APPLICANT/REPRESENTATIVE

**Property Owner/Applicant**

W. West Development, LLC  
Criterion Land Management, LLC  
7629 E. Pinnacle Peak Road, Ste. 110  
Scottsdale, AZ 85255

**Representative:**

Teller Bard  
Kimley-Horn & Associates  
950 W. Bannock Street, Ste. 1100  
Boise, ID 83702

### REQUEST

**Request:** The Applicant is seeking approval of an Annexation and Zoning (R-3-DA), a Development Agreement, and Preliminary Plat for a proposed residential subdivision consisting of 71 residential lots and 13 common lots. The property is located at 6825 N. Star Road, 8405 W Joplin Road and 8755 W. Joplin Road in Star, Idaho and consists of 29.24 acres with a proposed density of 2.36 dwelling units per acre. **This application was originally scheduled for Council on August 17, 2021, but was postponed to allow ACHD and ITD additional time to provide review comments.**

### PROPERTY INFORMATION

**Property Location:** The subject property is generally located on the west side of N. Star Road between W. Chinden Blvd and W. Joplin Road. Ada County Parcel Numbers S0419428100, S0418417750 & S041942805.

**Surrounding Land Use/Designations:**

	<b>Zoning Designation</b>	<b>Comp Plan Designation</b>	<b>Land Use</b>
<b>Existing</b>	RUT (County)	Neighborhood Residential	Single Family Residential/Agriculture
<b>Proposed</b>	R-3-DA	Neighborhood Residential	Single Family Residential/Commercial
<b>North of site</b>	RUT (County)	Neighborhood Residential	Single Family Residential/Agriculture/ Proposed Oaklawn Crossing Subdivision
<b>South of site</b>	RUT (County)	Commercial	Single Family Residential/Agriculture
<b>East of site</b>	RUT (County) R-1 (County)	CBD (Central Business District)/Neighborhood Residential	Star Road/R.C. Bean Saddlery/Pasture Proposed Inspirado Subdivision (annexation path)
<b>West of site</b>	RUT (County)	Neighborhood Residential	Single Family Residential/Agriculture

**Existing Site Characteristics:** The property currently has a home and outbuildings; the majority of the land is used as pasture.

**Irrigation/Drainage District(s):** Eureka Water Company  
6820 Joplin Road  
Meridian, ID 83646

**Flood Zone:** This property is currently located in Flood Zones X. FEMA FIRM Panels 16001C0120J & 16001C0140J. Effective Date: 6/19/2020

**Special On-Site Features:**

- ★ Areas of Critical Environmental Concern – No known areas.
- ★ Evidence of Erosion – No evidence.
- ★ Fish Habitat – None.
- ★ Floodplain – No.
- ★ Mature Trees – None.
- ★ Riparian Vegetation – None.
- ★ Steep Slopes – None.
- ★ Stream/Creek – No.
- ★ Unique Animal Life – No unique animal life has been identified.

- ✧ Unique Plant Life – No unique plant life has been identified.
- ✧ Unstable Soils – No known issues.
- ✧ Historical Assets – No historical assets have been observed.
- ✧ Wildlife Habitat – No known sensitive wildlife habitat observed.

### APPLICATION REQUIREMENTS

Pre-Application Meeting Held	February 18, 2021
Neighborhood Meeting Held	June 3, 2021
Application Submitted & Fees Paid	April 16, 2021
Application Accepted	May 18, 2021
Residents within 300' Notified	August 2, 2021; December 21, 2021
Agencies Notified	May 10, 2021
Legal Notice Published	August 5, 2021; December 22, 2021
Property Posted	August 6, 2021; December 30, 2021

### HISTORY

This property does not have any history of land use applications within the City of Star.

### CODE DEFINITIONS / COMPREHENSIVE PLAN

#### UNIFIED DEVELOPMENT CODE:

#### 8-1B-1: ANNEXATION AND ZONING; REZONE:

##### B. Standards:

1. The subject property shall meet the minimum dimensional standards of the proper district.
2. The city may require a development agreement in conjunction with the annexation and zoning, or rezone, pursuant to Idaho Code section 67-6511A, which may include a concept plan. In addition to other processes permitted by city and state code, exceptions or waivers of standards, other than use, may be permitted through execution of a development agreement. A development agreement and concept plan shall be required for any rezone to a mixed-use zone, high density zone or land which includes steep slope (land over 25%) or floodway.
3. The termination of a development agreement shall result in the reversal of the official zoning map amendment approval and applicable development approval for any undeveloped portion of property subject to the development agreement. The undeveloped property subject to the development agreement shall be rezoned to the district classification as designated by the development agreement. When no designation is provided, the property shall revert to its



original zoning or, if the original designation no longer exists, to the closest current equivalent zoning as determined by the current Comprehensive Plan Land Use Map designation.

4. An amendment or termination of a previously recorded development agreement shall be recorded in the office of the county recorder by the clerk.

5. An approved development agreement must be executed within ninety (90) days of the meeting at which the development agreement is approved by the city council. A one-time administrative extension of maximum thirty (30) days may be granted by the zoning administrator. Additional extensions may be approved by majority vote of the city council. Failure to execute the development agreement within the required timeframe will result in the denial of all related applications.

C. Required Findings: The council shall review the application at the public hearing. In order to grant an annexation and zoning or rezone, the council shall make the following findings:

1. The map amendment complies with the applicable provisions of the comprehensive plan;
2. The map amendment complies with the regulations outlined for the proposed district;
3. The map amendment shall not be materially detrimental to the public health, safety, and welfare; and
4. The map amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city.
5. The annexation (as applicable) is in the best interest of city.

## **8-1E-1: DEFINITIONS - TERMS DEFINED**

TRANSITIONAL LOT OR PROPERTY: The size of a new residential lot when being proposed adjacent to an established residential use. The ratio for lots adjacent to properties shall be determined on a case-by-case basis, when considering the size of the development potential for the existing use. This shall not be required if separated by an existing roadway or large canal where the distance between new structures and existing structures equal or exceed 100 feet.

## **8-3A-1: ZONING DISTRICTS AND PURPOSE ESTABLISHED:**

R RESIDENTIAL DISTRICT: To provide regulations and districts for various residential neighborhoods. Gross density in a Residential (R) district shall be determined according to the numeral following the R. The numeral designates the maximum number of dwelling units per acre. In zoning designations of R-1, R-2, R-3, R-4 and R-5, housing shall be single family detached unless approved with a PUD or development agreement. Connection to municipal water and sewer facilities are required for all subdivision and lot split applications submitted after the effective date hereof in all districts exceeding one dwelling unit per acre. Wells and

septic systems may be permitted for larger lots in this land use designation that are not adjacent to municipal services, as determined by the Sewer District, and if approved by the applicable Health Department. Private streets may be approved in this district for access to newly subdivided or split property. This district does allow for some non-residential uses as specified in 8-3A-3.

**DA DEVELOPMENT AGREEMENT:** This designation, following any zoning designation noted on the official zoning map of the city (i.e., C-2-DA), indicates that the zoning was approved by the city with a development agreement, with specific conditions of zoning.

### 8-3A-3: USES WITHIN ZONING DISTRICTS

The following table lists principal permitted (P), accessory uses (A), conditional (C), or prohibited (N) uses.

<b><u>ZONING DISTRICT USES</u></b>	<b>A</b>	<b>R-R</b>	<b>R</b>
Accessory structure	A	A	A
Dwelling:			
Multi-family 1	N	N	C
Secondary 1	A	A	A
Single-family attached	N	N	C
Single-family detached	P	P	P
Two-family duplex	N	N	P

**8-3A-4: ZONING DISTRICT DIMENSIONAL STANDARDS:**

Zoning District	Maximum Height Note Conditions	Minimum Yard Setbacks Note Conditions			
		Front (1)	Rear	Interior Side	Street Side
R-3	35'	15' to living area/side load garage 20' to garage face	15'	5' per story (2)	20'

Notes:

1. Interior side yard setbacks for lots with 50' or less of lot width shall be allowed 5' interior side yard setbacks for one and two-story structures.
2. Front yard setback shall be measured from the face of the garage to the face of the sidewalk, allowing for 20' of parking on the driveway without overhang onto the sidewalk.

**8-4E-2: STANDARDS FOR COMMON OPEN SPACE AND SITE AMENITY REQUIREMENTS:**

A. Open Space and Site Amenity Requirement (see also Chapter 8 "Architectural Review"):

1. The total land area of all common open space shall equal or exceed fifteen percent (15%) of the gross land area of the development. Ten percent (10%) of that area shall be usable open space.
2. Each development is required to have at least one site amenity.
3. One additional site amenity shall be required for each additional twenty (20) acres of development area, plus one additional amenity per 75 residential units.
4. Developments with a density of less than 1 dwelling units per acre may request a reduction in total required open space and amenities to the Council. Developments with a density of less than 2 dwelling units per acre may request a 50% reduction in total required open space to the Council.

B. Qualified Open Space: The following may qualify to meet the common open space requirements:

1. Any open space that is active or passive in its intended use, and accessible or visible by all residents of the development, including, but not limited to:



- a. Open grassy area of at least fifty feet by one hundred feet (50' x 100') in area;
  - b. Qualified natural areas;
  - c. Ponds or water features where active fishing, paddle boarding or other activities are provided (50% qualifies towards total required open space, must be accessible by all residents to qualify.) ponds must be aerated;
  - d. A plaza.
2. Additions to a public park or other public open space area.
3. The buffer area along collector and arterial streets may be included in required overall common open space for residential subdivisions.
4. Parkways along local residential streets with detached sidewalks that meet all the following standards may count toward the common open space requirement:
- a. The parkway is a minimum of eight feet (8') in width from street curb to edge of sidewalk and includes street trees as specified otherwise herein.
  - b. Except for alley accessed dwelling units, the area for curb cuts to each residential lot or common driveway shall be excluded from the open space calculation. For purposes of this calculation, the curb cut area shall be a minimum area of twenty-six feet (26') by the width of the parkway.
  - c. Stormwater detention facilities do not qualify to meet the common area open space requirements, unless all of the following is met:
    - 1. Must be at least fifty feet by one hundred feet (50' x 100') in area;
    - 2. Specifically designed as a dual use facility, as determined by the administrator, to include minimal slopes, grass throughout, and guarantee of water percolation within 24 hours of storm event.
    - 3. Is located in a development that has a second usable open space area that contains a qualified site amenity as herein defined.
5. Visual natural space, including open ditches, wetlands, slopes or other areas that may not be readily accessible to residents, and is provided with open style fencing, may qualify for up to 20% of the required open space total.
- C. Qualified Site Amenities: Qualified site amenities shall include, but not be limited to, the following:
- 1. Clubhouse;
  - 2. Fitness facilities, indoors or outdoors;

3. Public art;
4. Picnic area; or
5. Recreation amenities:
  - a. Swimming pool.
  - b. Children's play structures.
  - c. Sports courts.
  - d. Additional open space in excess of 5% usable space.
  - e. RV parking for the use of the residents within the development.
  - f. School and/or Fire station sites if accepted by the district.
  - g. Pedestrian or bicycle circulation system amenities meeting the following requirements:
    - (1) The system is not required for sidewalks adjacent to public right of way;
    - (2) The system connects to existing or planned pedestrian or bicycle routes outside the development; and
    - (3) The system is designed and constructed in accord with standards set forth by the city of Star;
- D. Location: The common open space and site amenities shall be located on a common lot or an area with a common maintenance agreement.

### **COMPREHENSIVE PLAN:**

#### **8.2.3 Land Use Map Designations:** Neighborhood Residential

Suitable primarily for single family residential use. Densities in the majority of this land use area are to range from 3.01 units per acre to 5 units per acre. Densities not exceeding 1 to 2 units per acre are to be encouraged in areas of the floodplain, ridgeline developable areas, hillside developable areas, and where new residential lots are proposed adjacent to existing residential lots of one acre and larger where those existing larger lots are not likely to be subdivided in the future.

**8.3 Goal:**  
Encourage the development of a diverse community that provides a mix of land uses, housing types, and a variety of employment options, social and recreational opportunities, and where possible, an assortment of amenities within walking distance of residential development.

### 8.3 Goal:

Encourage the development of a diverse community that provides a mix of land uses, housing types, and a variety of employment options, social and recreational opportunities, and where possible, an assortment of amenities within walking distance of residential development.

### 8.4 Objectives:

- Implement the Land Use Map and associated policies as the official guide for development.
- Manage urban sprawl in order to minimize costs of urban services and to protect rural areas.
- Encourage land uses that are in harmony with existing resources, scenic areas, natural wildlife areas, and surrounding land uses.

### 8.5.3 Policies Related Mostly to the Urban Residential Planning Areas:

- A. The Neighborhood Residential Land Use is to encourage urban style development densities to limit urban sprawl.
- B. Low densities within the Neighborhood Residential Land Use are to be designed within the floodplain, ridgeline developable areas, hillside developable areas and where new residential lots are proposed adjacent to existing residential lots of one acre and larger where those existing larger lots are not likely to be subdivide in the future.

### 8.5.4 Polices Related to the Special Transition Overlay Areas:

- A. Development adjacent to and within the Special Transition Overlay Area is to provide for an appropriate transition between existing and new home sites where new urban development is being planned adjacent to previously approved and constructed rural county developments of years past.
- B. Site layout is to provide for a transition in density and lot sizing with all policies regarding compatibility herein applying.
- C. Modified street sections, such as with no curbs gutters or sidewalks, should be encouraged for adjacent compatibility where determined appropriate.
- D. When an urban density residential development is planned with lots that directly abut lots within a Special Transition Overlay Area an appropriate transition is to be



provided for the two abutting residential lot types. A transition must take into consideration site constraints that provide transitional lots and/or open space area avoiding urban lots directly abutting Special Transition Overlay Area lots.

- E. Larger setbacks should be required for new lots planned to abut existing Special Transition Overlay Area lots.

8.5.9 Additional Land Use Component Policies:

- Encourage flexibility in site design and innovative land uses.
- Work with Ada County Highway District (ACHD), Canyon Highway District #4 (CHD4), and Idaho Department of Transportation (ITD) for better coordination of roadway and access needs.
- Support well-planned, pedestrian-friendly developments.
- Dark sky provision should be adopted within the code to assure down style lighting in all developments and Star should consider joining the International Dark Sky Association.

18.4 Implementation Policies:

- F. Development Agreements allow the city to enter into a contract with a developer upon rezoning. The Development Agreement may provide the city and the developer with certain assurances regarding the proposed development upon rezoning.

PROJECT OVERVIEW

ANNEXATION & REZONE:

The applicant is requesting approval of an annexation and rezone application to change the zoning designation on 29.24 acres from Rural Urban Transitional (RUT) to Residential (R-3). This zoning district would allow for a maximum residential density of 3 dwelling units per acre. The property is located in an area that will be serviceable with central sewer and water provided by Star Sewer and Water District in the near future. Star Sewer and Water will be extending services along Joplin Road from the new sewer lift station completing construction on the west side of Star Road. The property will be accessed by a public road and currently has frontage on Star Road. All roads in the development will be public. The rezone request includes a development agreement that will address future density and development standards.

## PRELIMINARY PLAT:

The Preliminary Plat submitted contains 82 total lots, 69 single family residential lots and 13 common lots on 29.24 acres which equates to 2.36 dwelling units per acre. The lots will have access and frontage from public streets. The residential lots range in size from 8,400 square feet to 19,956 square feet with the average buildable lot being 13,052 square feet. All roads will be built to ACHD, City of Star and Star Fire District standards. The submitted preliminary plat is showing a 50 ft wide right of way with paved streets measuring 33 feet from back of curb to back of curb. Sidewalks are proposed to be 5 feet wide and detached throughout the development with an 8-foot landscape strip. The UDC requires all streets to have a minimum street width of 36 feet. The applicant has not provided documentation that street names have been obtained and approved. Applicant shall obtain and provide to the City Street name approval documentation from the Ada County Street Naming Committee prior to signature of the final plat.

The application states that the proposed overall open space provided is 5.92 acres (20.3%), including at least 2.92 acres (10%) usable open space. Some of the usable open space is "visual" in nature. In order to qualify as open space, open style fencing must be provided. Therefore, Lots 38-43, 45, 51, Block 1, and Lots 4-5, and 11, Block 3 shall be conditioned to have open style fencing along the rear and/or side property lines adjacent to the common lot located along the southern boundary of the subdivision. The current Unified Development Code, Section 8-4E-2 requires a development of this size to have a minimum of 3 site amenities. The applicant is proposing a park with a gazebo and swinging benches and a pond. There is also a large open area on the north of the property. These amenities satisfy the code requirement for development amenities.

## ADDITIONAL DEVELOPMENT FEATURES:

- Gravel Extraction of Pond

The development will include the excavation of a pond for a future amenity to the development. It is assumed that the materials from the pond will be used on-site. Details including but not limited to noise, potential off-site haul routes, if applicable, operation hours, length of time, dust control and other issues shall be discussed with Council and conditioned appropriately with the approval of the application.

- Ponds

All future water features within the development shall be designed and maintained in a manner that protects the public safety. This will include aerators to prevent algae and mosquito issues, safety ring stations throughout the water feature locations, safety shelves and erosion consideration.

- Sidewalks  
Internal sidewalks are proposed at five-foot (5') widths and will be detached throughout the development.
- Lighting  
Streetlights shall reflect the "Dark Sky" criteria with all lighting. The same streetlight design shall continue throughout the entire development. *The applicant has submitted a streetlight plan and cut sheet that DOES NOT meet City of Star requirements.* **Applicant must provide a streetlight design/cut sheet and location plan for City approval. This will be required at submittal of the final plat.**
- Street Names  
**Applicant has not provided documentation from Ada County that the street names are acceptable and have been approved. This will be required at final plat.**
- Landscaping - As required by the Unified Development Code, Chapter 8, Section 8-8C-2-M (2) Street Trees; A minimum of one street tree shall be planted for every thirty-five (35) linear feet of street frontage. The applicant shall use "Treasure Valley Tree Selection Guide", as adopted by the Unified Development Code. Section 8-8C-2, J5 states that a minimum of one deciduous shade tree per four thousand (4,000) square feet of common area shall be provided. The submitted landscape plan appears to satisfy these requirements.
- Setbacks – **The applicant is requesting a side yard set-back waiver of 5 feet for one and two-story homes. For clarification, street side setback requirements do not apply when adjacent to a common lot.**
- Block lengths – All blocks appear to meet the 750' block length requirement.
- Mailbox Cluster – **Applicant has submitted a mailbox review request to the Meridian Postmaster. To date, staff has not been provided with an approval letter from the Postmaster. The applicant shall provide this information to the City prior to signing the final plat.**
- Phasing – The applicant has stated that this development will be completed in two phases.

## DEVELOPMENT AGREEMENT

Through the Development Agreement process, the applicant is proposing to work with the City and neighboring property owners to provide further insurances that the development will be



built as presented and/or modified by the Council through the review process. Items that should be considered by the applicant and Council include the following:

- Density;
- ITD Proportionate Share Fees;
- Emergency Access
- Gravel Extraction Operation
- Pond Operation and Maintenance
- Reduced Street Widths
- Setback Reductions

#### AGENCY RESPONSES

ITD	August 11, 2021
Star Fire District	August 9, 2021
DEQ	May 21, 2021
ACHD	January 4, 2022 - Draft
Keller and Associates	August 6, 2021
Central District Health	May 12, 2021

#### PUBLIC RESPONSES

No Public Comments Have Been Received.

#### STAFF RECOMMENDATION

Based upon the information provided to staff in the applications and agency comments received to date, the proposed annexation and zoning request and associated applications including the preliminary plat meets the requirements, standards and intent for development as they relate to the Comprehensive Plan and Unified Development Code. The proposed maximum allowed density of 2.36 dwelling unit per acre is below the range of 3-5 dwelling units per acre allowed in the Neighborhood Residential Comprehensive Plan Land Use Map. Staff is supportive of proposed diversity in lot sizes, housing sizes and density that the (R-3) zoning designation will provide.

The Council should consider the entire record and testimony presented at their scheduled public hearing prior to rendering its decision on the matter. Should the Council vote to approve the applications, either as presented or with added or revised conditions of approval, Council shall direct staff to draft findings of fact and conclusions of law for the Council to consider at a future date. A development agreement will also be brought back to the Council for review of proposed Conditions of Approval for the rezone.

## FINDINGS

The Council may **approve**, **conditionally approve**, **deny** or **table** this request. In order to approve these applications, the Unified Development Code requires that Council must find the following:

### **ANNEXATION/REZONE FINDINGS:**

1. The map amendment complies with the applicable provisions of the Comprehensive Plan.

*The purpose of the Star Comprehensive Plan is to promote the health, safety, and general welfare of the people of the City of Star and its Impact Area. Some of the prime objectives of the Comprehensive Plan include:*

- ✓ *Protection of property rights.*
- ✓ *Adequate public facilities and services are provided to the people at reasonable cost.*
- ✓ *Ensure the local economy is protected.*
- ✓ *Encourage urban and urban-type development and overcrowding of land.*
- ✓ *Ensure development is commensurate with the physical characteristics of the land.*

*The goal of the Comprehensive Plan for Land Use is to encourage the development of a diverse community that provides a mixture of land uses, housing types, and a variety of employment options, social and recreational opportunities, and where possible provides an assortment of amenities within walking distance of a residential development. The Council must find compliance with the Comprehensive Plan.*

2. The map amendment complies with the regulations outlined for the proposed district, specifically, the purposes statement.

*The Council must find that the proposal complies with the proposed district and purpose statement. The purpose of the Estate Residential District is to provide for development suitable primarily for residential use. Densities in this land use area are to range from 1 unit per acre to 3 units per acre. Densities not exceeding 1 to 2 units per acre are to be encouraged in areas of the floodplain, ridgeline developable areas, hillside developable areas, and where new residential lots are proposed adjacent to existing residential lots of one acre and larger where those existing larger lots are not likely to be subdivided in the future. Clustering is encouraged to preserve open space.*

3. The map amendment shall not be materially detrimental to the public health, safety, and welfare; and

*The Council must find that there is no indication from the material submitted by any political agency stating that this annexation and zoning of this property will be materially detrimental to the public health, safety or welfare.*

4. The map amendment shall not result in an adverse impact upon the delivery of services by

any political subdivision providing public services within the city including, but not limited to, school districts.

*The Council must find that it has not been presented with any information from agencies having jurisdiction that public services will be adversely impacted other than traffic, which will continue to be impacted as the City grows.*

5. The annexation is in the best interest of the city.

*The Council must find that this annexation is reasonably necessary for the orderly development of the City.*

#### **PRELIMINARY PLAT FINDINGS:**

1. The plat is in compliance with the Comprehensive Plan.

*The City must find that this Plat follows designations, spirit and intent of the Comprehensive Plan regarding residential development and meets several of the objectives of the Comprehensive Plan such as:*

1. *Designing development projects that minimize impacts on existing adjacent properties, and*
2. *Managing urban sprawl to protect outlying rural areas.*

2. Public Services are available or can be made available and are adequate to accommodate the proposed development.

*The City must find that Agencies having jurisdiction on this parcel were notified of this action, and that it has not received notice that public services are not available or cannot be made available for this development.*

3. There is public financial capability of supporting services for the proposed development;

*The City must find that they have not been notified of any deficiencies in public financial capabilities to support this development.*

4. The development will not be detrimental to the public health, safety or general welfare;

*The City must find that it has not been presented with any facts stating this Preliminary Plat will be materially detrimental to the public health, safety and welfare. Residential uses are a permitted use.*

5. The development preserves significant natural, scenic or historic features;

*The City must find that there are no known natural, scenic, or historic features that have been identified within this Preliminary Plat.*

#### **CONDITIONS OF APPROVAL**

1. The approved Preliminary Plat for the Starpointe Subdivision shall comply with all statutory requirements of applicable agencies and districts having jurisdiction in the City of Star.

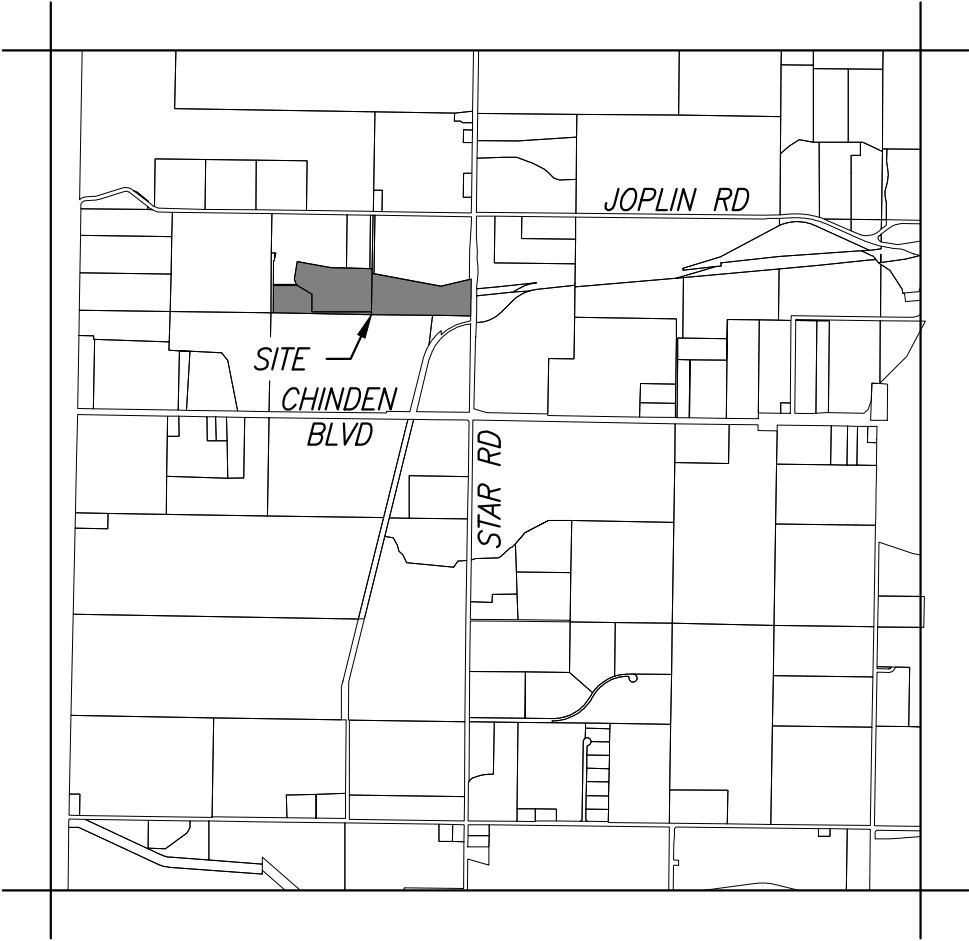


2. **The applicant shall enter into a Development Agreement with the City, agreeing to proportionate share assessment by ITD regarding impacts to the State Highway System. ITD has calculated the fees to be \$TBD. These fees will be collected by the City of Star, by phase, prior to final plat signature. The development agreement shall be signed and recorded as part of the ordinance for annexation and zoning and shall contain the details of the fees to be collected.**
3. **All public streets shall have a minimum street width of 36' and shall be constructed to ACHD standards.**
4. **The applicant shall submit a Temporary Use application to the City for approval prior to the start of excavation of any pond. The excavation shall comply with all requirements set forth in Section 8-5-19C of the Star Unified Development Code pertaining to Accessory Pits.**
5. **A revised landscape plan shall be submitted at the time of final plat showing open style fencing along the rear and/or side property line adjacent to the common lot located along the southern boundary of the subdivision for Lots 38-43, 45, 51, Block 1, and Lots 4-5, and 11, Block 3 of the approved preliminary plat.**
6. Streetlights shall comply with the Star City Code and shall be of the same design throughout the entire subdivision. Streetlights shall be continuous throughout the subdivision and shall be maintained by the Homeowners Association. **Streetlights shall be installed and energized prior to issuing of building permits.** Design shall follow Code with requirements for light trespass and "Dark Skies" lighting. **Applicant/Owner shall submit a streetlight plan and design prior to Final Plat approval. Streetlights shall comply with the Star City Code regarding light trespass and "Dark Sky" initiative.**
7. Street trees along the private street and landscaping along Brandon Road shall be installed per Chapter 8, including Section 8-8C-2-M(2) Street Trees.
8. The property with the approved Preliminary Plat shall be satisfactorily weed abated, preventing a public nuisance, per Star City Code.
9. All signed Irrigation District Agreements with the Irrigation Districts shall be provided to the City of Star with each subsequent Final Plat application.
10. Pressurized irrigation systems shall comply with the Irrigation District(s) and the City of Star Codes. Plans for pressurized irrigation systems shall be submitted to, and approved by the City of Star Engineer, prior to installation.
11. A plat note supporting the "Right to Farm Act" as per Idaho Code Title 22, Chapter 45, shall be shown on the Final Plat.
12. A copy of the CC&R's shall be submitted to the City of Star at Final Plat.
13. A letter from Ada County shall be provided approving the street names in the development and all names shall be reflected correctly on all pages of the final plat, before the mylar will be signed.
14. **A letter from the US Postal Service shall be given to the City at Final Plat stating the subdivision is in compliance with the Postal Service.**
15. A form signed by the Star Sewer & Water District shall be submitted to the City prior to the signature of the Final Plat stating that all conditions of the District have been met, including annexation into the District.

16. A plat note shall state that development standards for residential development shall comply with the effective building and zoning requirements at time of building permit issuance, unless amended in the Development Agreement or CUP conditions.
17. Development standards for single family residential units shall comply with effective building and zoning requirements at time of building permit issuance, or as approved through the Development Agreement or as stated herein.
18. All common areas shall be owned and maintained by the Homeowners Association.
19. The applicant shall provide a sign, to be located at all construction entrances, indicating the rules for all contractors that will be working on the property starting at grading and running through home sales that addresses items including but not limited to dust, music, dogs, starting/stopping hours for contractors (7a.m. start time). **Sign shall be approved by the City prior to start of construction.**
20. A sign application is required for any subdivision signs.
- 21. Owner/Developer will agree to install a 2" (High Density Polyethylene) HDPE SDR-11 roll pipe in the shared utility trench to be used for future fiber optic and/or copper telecommunication cables.**
- 22. Any additional Condition of Approval as required by Staff and City Council.**

**COUNCIL DECISION**

The Star City Council \_\_\_\_\_ File Number AZ-21-07/DA-21-09/PP-21-10 for Starpointe Subdivision on \_\_\_\_\_, 2022.



T4N, R1W, SEC. 19





## PRELIMINARY PLAT APPLICATION

\*\*\*All information must be filled out to be processed.

FILE NO.: \_\_\_\_\_  
Date Application Received: \_\_\_\_\_ Fee Paid: \_\_\_\_\_  
Processed by: City: \_\_\_\_\_

### Applicant Information:

**PRIMARY CONTACT IS:** Applicant ☐ Owner ☐ Representative ☒

Applicant Name: W. West Development, LLC/Criterion Land Management, LLC  
Applicant Address: 7629 E Pinnacle Peak Road #110, Scottsdale, AZ Zip: 85255  
Phone: (480) 401-0800 Email: randy@criterionland.com

Owner Name: W. West Development, LLC/Criterion Land Management, LLC  
Owner Address: 7629 E Pinnacle Peak Road #110, Scottsdale, AZ Zip: 85255  
Phone: (480) 401-0800 Email: randy@criterionland.com

Representative (e.g., architect, engineer, developer):  
Contact: Teller Bard Firm Name: Kimley-Horn & Associates  
Address: 950 W Bannock Street, Suite 1100, Boise, Idaho Zip: 83702  
Phone: (208) 297-2885 Email: teller.bard@kimley-horn.com

### Property Information:

Subdivision Name: StarPointe  
Site Location: 1,500' north of the NWC of the Chinden Boulevard & Star Road intersection  
Approved Zoning Designation of Site: R-3  
Parcel Number(s): S0419428100, S0418417750, S0419428005

### Zoning Designations:

	Zoning Designation	Comp Plan Designation	Land Use
Existing	RUT	Neighborhood Residential	Agricultural
Proposed	R-3	Neighborhood Residential	Residential
North of site	RUT	Neighborhood Residential/Mixed	Agricultural
South of site	RUT	Commercial	Agricultural
East of site	RUT	Residential/Commercial/Mixed	Agricultural
West of site	RUT	Neighborhood Residential	Agricultural

**SITE DATA:**

Total Acreage of Site - 29.24  
 Breakdown of Acreage of Land in Contiguous Ownership - 29.24  
 Total Acreage of Site in Special Flood Hazard Area - 0  
 Dwelling Units per Gross Acre - 2.43 DU/AC  
 Minimum Lot Size - 8,400 SF  
 Minimum Lot Width - 70'

Total Number of Lots - 84  
 Residential - 71  
 Commercial - 0  
 Industrial - 0  
 Common - 13

Total Number of Units - 71  
 Single-family - 71  
 Duplex - \_\_\_\_\_  
 Multi-family - \_\_\_\_\_

Percent of Site and Total Acreage of Common Area - 20.3 % / 5.92 acres  
 Percent of Common Space to be used for drainage - 0.65%  
 Describe Common Space Areas (amenities, landscaping, structures, etc.) - Ramada,  
pathways, tot lot, picnic areas.  
 Proposed Dedicated Lots & Acreage (school, parks, etc): N/A

Public Streets - 4,601 Private Streets - 0  
 Describe Pedestrian Walkways (location, width, material) - Primarily concrete pathways  
meandering through open space and along all roadway.  
 Describe Bike Paths (location, width, material) - N/A

**FLOOD ZONE DATA: (This Info Must Be Filled Out Completely Prior to Acceptance):**

Total Acreage of Site in Special Flood Hazard Area - 0 AC

- a. A note must be provided on the final plat documenting the current flood zone in which the property or properties are located. The boundary line must be drawn on the plat in situations where two or more flood zones intersect over the property or properties being surveyed.
- b. FEMA FIRM panel(s): #160xxxxxxC, 160xxxxxxE, etc.: 16001C0120J, 16001C0140J,  
 FIRM effective date(s): mm/dd/year 06/19/2020  
 Flood Zone(s): Zone X, Zone A, Zone AE, Zone AH, etc.: Zone X  
 Base Flood Elevation(s): AE       .0 ft., etc.: N/A
- c. Flood Zones are subject to change by FEMA and all land within a floodplain is regulated by Chapter 10 of the Star City Code.

- d. Please see link for help with FEMA information <https://msc.fema.gov/portal/search>.
- e. All maps will delineate flood plain lines.

**PUBLIC SERVICES** (Describe what services are available and agency providing service):

Potable Water - Star Sewer & Water District

Irrigation Water- Creason Lateral, Boise Project, Boise Kuna, Nampa & Meridian

Sanitary Sewer- Star Sewer & Water District

Fire Protection - Star Fire

Schools - West Ada School District

Roads - ACHD

**SPECIAL ON-SITE FEATURES** (Yes or No – If yes explain in your narrative):

Areas of Critical Environmental Concern - No

Floodplain - No

Evidence of Erosion - No

Fish Habitat - No

Historical Assets - No

Mature Trees - No

Riparian Vegetation - No

Steep Slopes - No

Stream/Creek - No

Unstable Soils - No

Unique Animal Life - No

Unique Plant Life - No

**Application Requirements:**

(Applications are required to contain one copy of the following unless otherwise noted. **When combining with other applications (Annexation, CUP, etc.) please include one paper copy for all applications**)

Applicant (√)	Description	Staff (√)
X	Pre-application meeting with Planning Department required prior to neighborhood meeting.	
X	Copy of neighborhood meeting notice sent to property owners within 300 feet and meeting sign-in sheet. <b>(Please contact the City for addresses &amp; labels)</b> (Applicants are required to hold a neighborhood meeting to provide an opportunity for public review of the proposed project prior to the submittal of an application.)	
X	Completed and signed Preliminary Plat Application	
X	Fee: Please contact the City for current fee. Fees may be paid in person with check or electronically with credit card. Please call City for electronic payment. Additional service fee will apply to all electronic payments.	
X	Narrative explaining the project. (must be signed by applicant)	
X	Legal description of the property (word.doc and pdf version with engineer's seal)	
X	Recorded warranty deed for the subject property	
X	If the signature on this application is not the owner of the property, an <b>original</b> notarized statement (affidavit of legal interest) from the owner stating the applicant is authorized to submit this application.	
X	Approval of the proposed subdivision name from Ada County Surveyor's office.	
X	One (1) 8½" X 11" copy and electronic copy in pdf. format of vicinity map showing the location of the subject property	
X	One (1) full-size copy and one (1) 11" X 17" copy of the Preliminary Plat	
X	Electronic copy in pdf. format of Preliminary Plat	
X	One (1) full-size copy and one (1) 11" X 17" copy of the landscape plan	
X	Electronic copy in pdf. format of landscape plan	
X	Electronic copy in pdf. format of preliminary site grading & drainage plans	
X	Phasing plan shall be included in the application if the project is to be phased.	



X	Letter of authorization from the local Post Office approving mailbox delivery to subdivision including location(s) of mailbox clusters. Locations shall be indicated on Preliminary Plat.	
X	List of name(s) and addresses of all canal or irrigation ditches within or contiguous to the proposed development.	
X	One (1) copy of names and addresses printed on address labels, of property owners within three hundred feet (300') of the external boundaries of the property being considered as shown on record in the County Assessor's office. Please contact the City to request addresses and labels.	
X	Site report of the highest seasonal groundwater elevation prepared by a registered soils scientist. (If requested by City Engineer)	
X	Special Flood Information – Must be included on Preliminary Plat and Application form.	
X	One (1) 8½" X 11" copy and electronic copy in pdf format of streetlight <b>design</b> and <b>location</b> information. Streetlights shall meet all City "Dark Sky" requirements.	
X	Written confirmation that a traffic impact study is not required and/or has been submitted for review to Ada County Highway District/Canyon Highway District No. 4/Idaho Transportation Department (if applicable).	
X	One (1) copy of the Electronic versions of submitted application including neighborhood meeting information, signed application, narrative, legal description, warranty deed, vicinity map, preliminary plat, landscape plan, preliminary site grading & drainage plans, irrigation district information, streetlight design & location, confirmation of a traffic impact study <u>shall be submitted in original pdf format (no scans for preliminary plat, landscape plans or grading and drainage plans) on a thumb drive only (no discs)</u> with the files named with project name and plan type. We encourage you to also submit a colored version of the preliminary plat and/or landscape plan for presentation purposes prior to City Council.	
X	Signed Certification of Posting with pictures. (see attached posting requirements and certification form) – To be completed by application after acceptance of application. Staff will notify applicant of hearing and posting date.	
X	Property shall be annexed into Star Sewer and Water District prior to Final Plat approval. Please contact SSWD for details.	

### FEE REQUIREMENT:

**\*\* I have read and understand the above requirements. I further understand fees will be collected at the time of filing an application. I understand that there may be other fees associated with this application incurred by the City in obtaining reviews or referrals by architect, engineering, or other professionals necessary to enable the City to expedite this application. I understand that I, as the applicant, am responsible for all payments to the City of Star.**

Applicant/Representative Signature

Date



April 16, 2021

Shawn Nickel  
City of Star Planning Director and Zoning Administrator  
10769 W. State Street,  
Star, ID 83669

**Re: StarPointe Subdivision– Annexation, Rezone, Preliminary Plat**

Dear Shawn,

On behalf of W. West Development, we are pleased to present you with the complete applications addressing the annexation, preliminary plat and rezone request from RUT to R-3, associated with Ada County Assessor parcel #'s S0419417750, S0419428100, S0419427800 and a portion of S0419428005. This proposed subdivision, referred to as StarPointe, is located on approximately 29.24 acres south of the southwest corner of Joplin Road and Star Road. After on-going coordination with City of Star planning staff and local neighbors, considering the City's recent Comprehensive Plan Update and Zoning Code, our planning and development team has thoughtfully designed the StarPointe Subdivision to include 69 residential lots and 15 common lots. The development provides a generous 20.3% of its total area to open space with a large central amenity area and enhanced passive open space areas. The following narrative and supporting documents have been prepared for your review and approval.

It should be noted that this developer is not only looking to create a high-quality community at StarPointe, but is also bringing forward the annexation, rezoning and development plans for the neighboring Inspirado and Oaklawn Crossing communities. This investment within the City of Star is a unique opportunity to take a wholistic approach to the planning of almost 180 acres located within this prime growth area. Having the ability to create compatible developments that take in the consideration of varying topography, access and property sizes all while ensuring a balance of housing types, mixture of uses, and a high-quality character, will be a benefit to the developments themselves and the City of Star.

Thank you for your time and consideration. We believe the StarPointe community will be a great addition to the City of Star and will complement existing growth opportunities in the surrounding neighborhoods and area. Please feel free to contact us if you have any questions or require additional information.

Sincerely,

Deborah Nelson  
Partner

**GIVENS  
PURSLEY** LLP

Keith Nichter  
Planning Manager

**Kimley»Horn**

## PROJECT OVERVIEW

The StarPointe Subdivision is located on approximately 29.24 acres located, within unincorporated Ada County and the City of Star's Area of City Impact, south of the southwest corner of Joplin Road and Star Road. The subject property and the surrounding parcels in this area are zoned Rural-Urban Transition (RUT) within the County. In addition to the coordinated annexation, the project team is requesting a concurrent preliminary plat and rezone of the Property from RUT to R-3 to be consistent with the recently approved City initiated Comprehensive Plan update. This residential zoning of the property will include 69 single-family detached residential lots, with widths ranging from 70'-90' and depths ranging from 120'-140', along with 15 common lots to include community open space and amenities to be owned and maintained by a community homeowners association (HOA).



Figure 1. Vicinity Map

## CONFORMANCE TO THE COMPREHENSIVE PLAN

The updated City of Star Comprehensive Plan (December 2020) sets the stage for the StarPointe residential development with the future land use designation of Neighborhood Residential, as seen in *Figure 2. City of Star Comprehensive Plan Future Land Use Map*.

According to the Comprehensive Plan, the Neighborhood Residential designation is “suitable primarily for single-family residential use” and the proposed R-3 zoning district is listed as an allowed City classification within the Zoning Compatibility Matrix.

This land use designation, as defined in the Comprehensive Plan, serves as a planning tool to assist the City in sustaining a reasonable growth and development pattern. StarPointe identifies this land use pattern consistent with the goals of the City of Star. With this direction, StarPointe has taken the following steps to ensure compatibility with the Comprehensive Plan and the following goals.



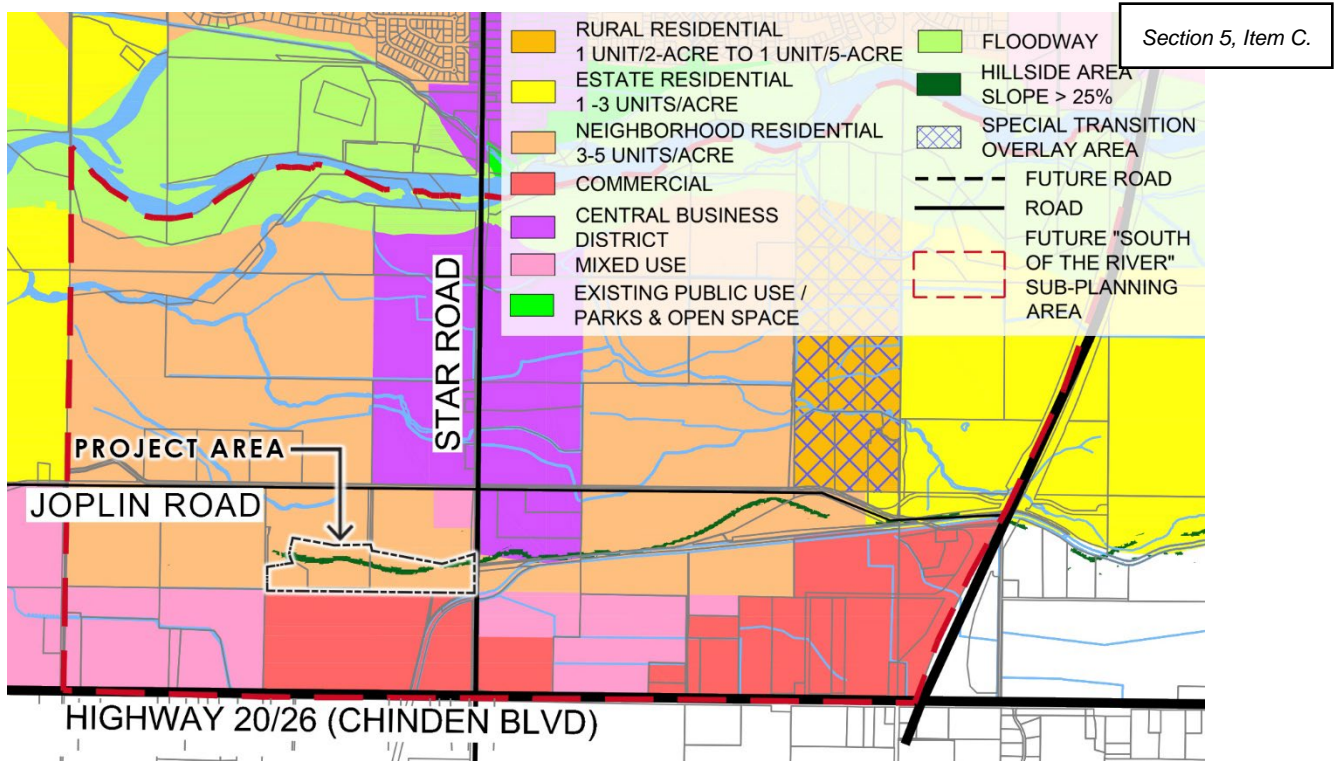


Figure 2. City of Star Comprehensive Plan Future Land Use Map

**5.3 Goal:** Manage population growth consistent with community goals and objectives as expressed within the Comprehensive Plan. Enhance the quality and character of the community while providing and improving amenities and services.

Response: StarPointe looks to implement a plan with a variety of housing opportunities for differing population needs. This variety can be seen through a range of products, from custom homes to varying sizes of large-lot luxury residential homes.

**7.3 Goal:** Enhance and develop Star's economy which will build a stronger community.

Response: StarPointe will help provide additional rooftops necessary to strengthen the market and generate investment momentum within the surrounding "South of the River" Sub Area Plan, which is being developed by the City for the area planned to be the future downtown of Star and its future supporting periphery. StarPointe will contribute towards the Sub Areas goal of providing a diversity of residential neighborhoods to allow for Stars growth. StarPointe plays its role in this growth, seeing "residents need to have employment opportunities as well as a diverse choice of housing and retail services to maintain the city as a vital community." Star Comprehensive Plan.

**8.3 Goal:** Encourage the development of a diverse community that provides a mix of land uses, housing types, and a variety of employment options, social and recreational opportunities, and where possible, an assortment of amenities within walking distance of residential development.

Response: As mentioned above, StarPointe will allow for a variety of housing options. In addition, multiple large open spaces including lawn areas, a large pond with an activated fountain, a shade ramada, picnic benches, and a seat wall to overlook the pond, will all be centrally located to encourage walking and allow for community interactions and gatherings. These are key elements of both the Comprehensive Plan and the ongoing “South of the River” Sub Area Plan.

Until the Sub Area Plan is adopted by the City, it has been determined that development will be permitted in accordance with the other sections of the Comprehensive Plan. Although, StarPointe has been proactive to incorporate elements from the Sub Area Plan, to ensure compatibility, including the location of residential development along the bench and the proposed collector roadway, which allows for future connectivity and acts as a buffer to the mix of uses planned to the south of the property. Additionally, StarPointe will provide regional pedestrian connectivity along this proposed internal collector alignment, in the form of a shaded detached trail, to help facilitate access to the future mixed-use and commercial developments.

**15.3 Goal:** *Encourage diverse developments that provide a mix of housing types and products and, where possible, an assortment of amenities within walking distance of residential development.*

Response: With a mix of single-family residential lot sizes, StarPointe allows for an opportunity to develop a variety of housing types, built around a central amenity, offering choices for a range of income groups and family sizes from young professionals to larger families to empty nesters.

**18.3 Goal:** *The Star Comprehensive Plan and related ordinances are to be working documents used by citizens and city leaders to shape the future of Star.*

Response: The Development Agreement is one of many ways provided by the City to implement the Comprehensive Plan. StarPointe looks to incorporate the necessary variations in development requirements, subject to approval, to encourage the innovative development to address the growing demands of the community. These variations will encourage the conservation and more efficient use of open spaces and consistency in the development type and character of the proposed housing types.

## APPLICATIONS

The StarPointe project team has had on-going dialogue with the City of Star in regards to this Property, throughout the last year and through the City’s Comprehensive Plan update process, which included two pre-application conferences to discuss these proposals on May 20, 2020 and February 18, 2021. A neighborhood meeting was held on June 3rd, 2020 at the Star Community Church Meeting Room.

The project team understands the importance that all citizen outreach and input plays in the development process. We are committed to encouraging and allowing residents and neighbors to express their thoughts, help them understand the proposal and attempt to address their questions and concerns.

ANNEXATION

The StarPointe project team been working with the City of Star on a City-wide annexation path, from the existing Stonebriar subdivision to the northeast through private property and the adjacent entitlement proposal of Inspirado, all of which provide a continuous path of annexation into the City of Star. The updated City of Star Comprehensive Plan anticipated these annexations and designated the property’s future land use as Neighborhood Residential (NR), suitable primarily for single family residential use. StarPointe proposes to create and annex a consistent residential community into the City of Star. The annexation will not negatively impact the provision of public services, public health, safety, or welfare. In addition, the annexation of this Property will unlock additional potential to the surrounding area and increase the already high-quality standard of life within the City of Star.

A legal description has been prepared for the annexation (Appendix A) and the project team will continue to work with the City to solidify the annexation path throughout these approvals. Accompanying this annexation, StarPointe will also seek approval of a development agreement for the subject property to include the proposed concept plan (Appendix B) and some minor proposed amended development standards (Figure 3). While StarPointe plans to adhere to the majority of the required R-3 standards, this proposed amended standard will allow for modified side yard setbacks and clarification of the proposed 5’ side yard setbacks adjacent to the street where the project proposes common landscape tracts.

Zoning District	Maximum Height Note Conditions	Front (1)	Rear	Interior Side	Street Side
R-3	35'	15' to Living Area/Side Load Garage 20' Garage Face	15'	<del>5' 5'-Per Story (2)</del>	20' or 5' Adjacent to a Common Area Strip

- Notes:
- 1. Front yard setback shall be measured from the face of the garage to the face of the sidewalk, allowing for 20 feet of parking on the driveway without overhang onto the sidewalk.
  - ~~2. Interior side yard setbacks for lots with 50 feet or less of lot width shall be allowed 5 feet interior side yard setbacks for one and two-story structures.~~

Figure 3. Amended Development Standards



ZONING

The StarPointe community proposes a new zoning designation to accommodate this proposed upscale residential development. Currently, zoned in the County as Rural-Urban Transition (RUT), the development will be rezoned to the City of Stars Residential District (R-3). Consistent with the City of Star’s Future Land Use designation for the property, we believe that the proposed StarPointe rezoning fulfills the vision of the Comprehensive Plan and addresses a need for a mix of single-family residential opportunities within the area.

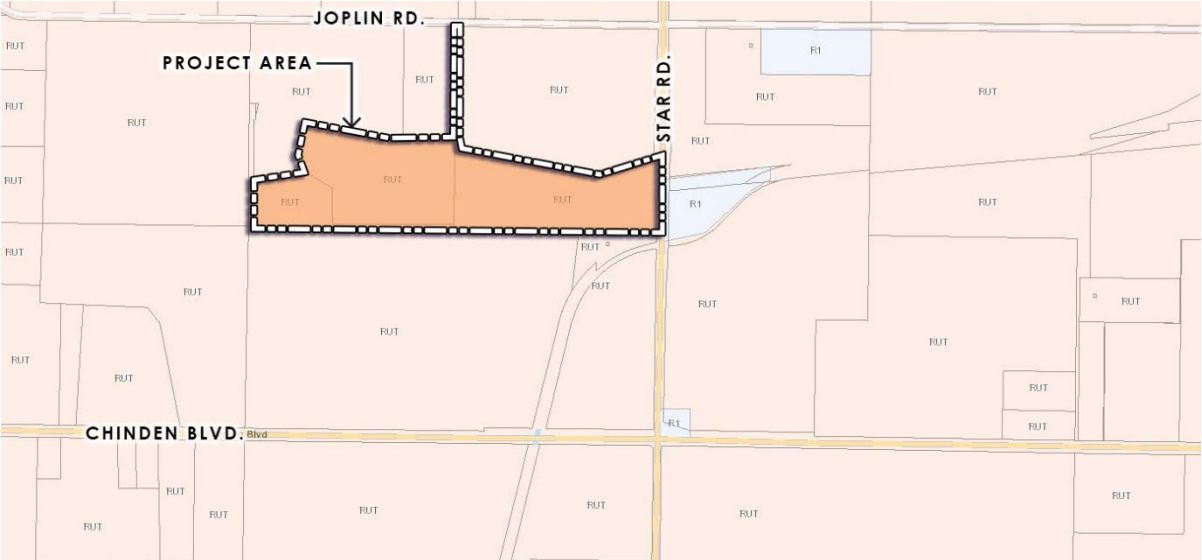


Figure 4. Existing Zoning

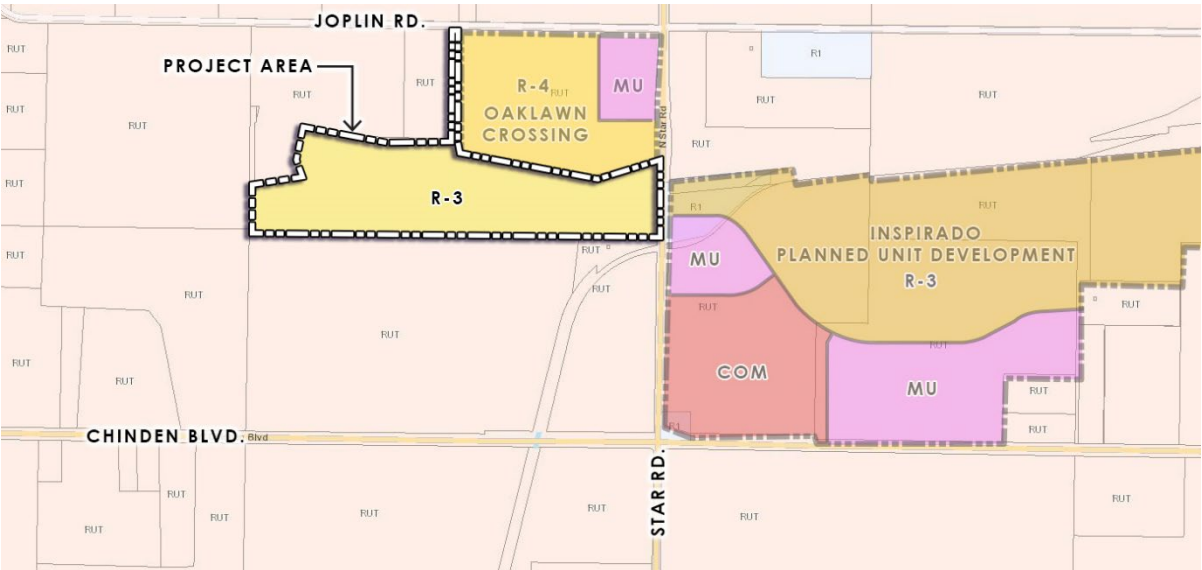


Figure 5. Proposed Zoning Map

### PRELIMINARY PLAT

The StarPointe annexation and zoning applications are accompanied by a concurrent preliminary plat application for the proposed development. Consistent with the preliminary plat data below, this R-3 community will consist of 69 single-family lots and 15 common lots containing the community open spaces and amenities.

#### Preliminary Plat Data

Existing Zoning RUT

Proposed Zoning: R-3

Gross Acreage: 29.24 Ac

Net Acreage: 28.89 Ac

Total Lots: 84

Common Lots: 15

Residential Lots: 69

Gross Density: 2.36 du/ac

Total Open Space: 5.92 Ac (20.3%)

Total Common Open Space: 2.30 Ac (14.7%)

Buffer Open Space: 0.74 Ac

Pond Open Space (50%) Qualified: 1.47 Ac

Usable Open Space: 2.62 Ac

Visual Natural Open Space: 0.27 Ac

Typical Lot Width: 70'-90'

Typical Lot Area: 8,400-12,600 Sf

### DEVELOPMENT PLAN

StarPointe has been developed in the interest of advancing the City of Star's growth goals and providing the public with additional high-quality residential opportunities. The community is well designed and will be constructed, operated, and maintained to be compatible with its surroundings and appealing in appearance, while creating another great community in the City of Star.

The proposed development will be a complementary addition to planned surrounding land uses and the unique site context, taking advantage of the viewsheds provided by the change in topography along the northern bench. The current streets and planned future surrounding improvements are adequate and suitable to facilitate the anticipated traffic of this development. Based on the configuration of the property, a second point of access will be provided as emergency access to Joplin Road, until the time future connectivity is available. The proposed StarPointe community, as further described below, is in conformance with the comprehensive plan, and utility infrastructure is sufficient for the project.

### ARCHITECTURAL ELEMENTS & SINGLE-FAMILY HOUSING

The architecture style of StarPointe, consistent with the character images below, will largely be a mix of contemporary forms and modern styles. An elegant and plentiful blend of materials ranging from stone to stucco and board-and-batten siding materials are planned with stylish natural colors.

With a variety of housing types, the proposed custom home sites generally will offer a larger single-family residential option on a +/-70' wide lot with a range of home sizes from 2,000-4,000 square feet. Similar to the homes in the surrounding new developments, heights will be restricted to two-stories and a maximum building height of 35 feet.

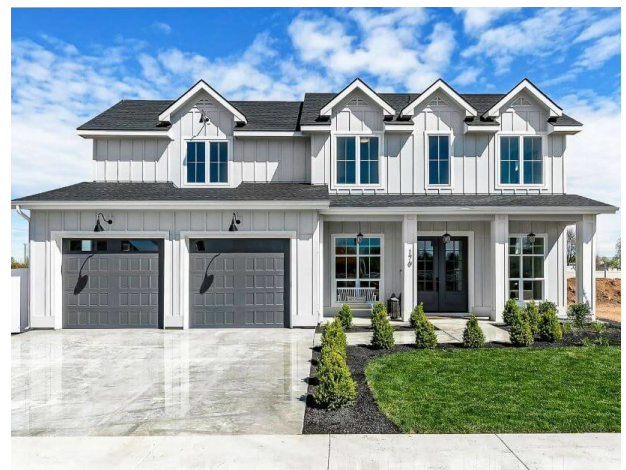


Figure 6. Custom Homes Character Images



Luxury home sites will offer the largest single-family residential option within Inspirado, on a +/-70'-90' wide lot with a range of home sizes from 2,000-4,000 square feet. Similarly, heights will be restricted to two-stories and a maximum building height of 35 feet.



Figure 7. Luxury Homes Character Images

### PROJECT AMENITIES AND OPEN SPACE

The StarPointe Subdivision is planned to incorporate an appealing amenity package that will provide connectivity and recreation opportunities within the community. In addition, it has been designed to accommodate an attractive landscape buffer along Star Road, while also creating an abundant amount of open space. Overall, the development exceeds the required 15% open space requirement and provides a generous 20.3% of its total area to open space. Of the community open space, 44.2% of that is designated as usable and 55.8% of that is considered passive. Passive open spaces include open lawn areas, a

large pond with an activated fountain, and an adjacent shade ramada with picnic benches and a seat wall to overlook the pond. Active areas include community sidewalks and open space corridors through the community, encouraging residents to stay active and to interact. Opportunities to sit and rest, or talk with a neighbor, are provided with bench seating. These amenities are customized to current homebuyer preferences and contribute to creating a sense of community among the future residents.

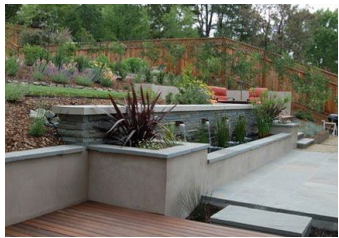


Figure 8. Amenity Examples and Character Imagery



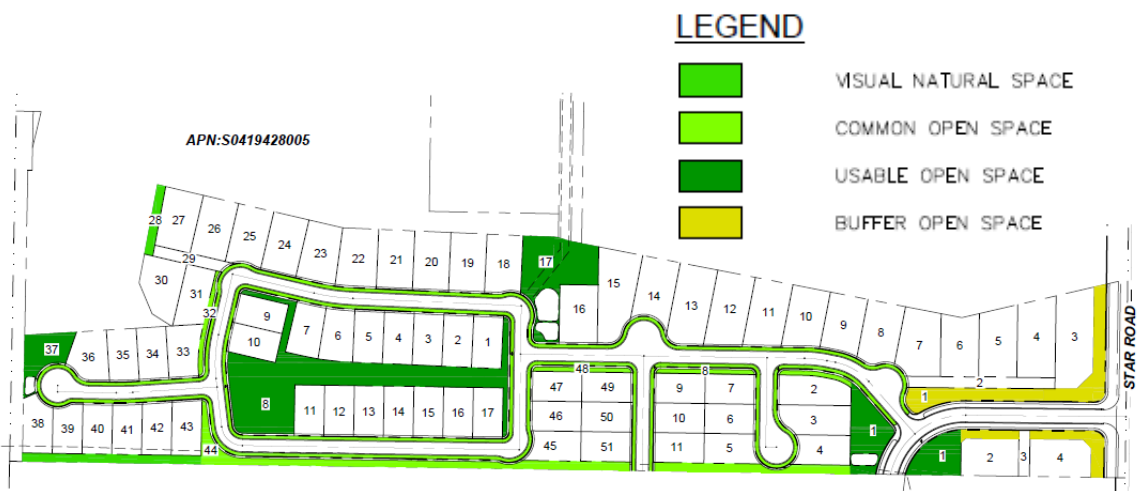


Figure 9. Open Space Map

## SERVICES

StarPointe is located within the West Ada School District. StarPointe is serviced by Star Elementary, Star Middle School, Eagle High School and Owyhee High School, which is planned to open in August of 2021.

The local police department is located at City Hall and the Ada County Sheriff's Department pays a proportionate share of the cost of the relevant facilities. The Star Fire District has one fire station currently located nearby at 11665 W. State Street. Also, within the planning area Star Fire District has a second station located at the northwest corner of Highway 44 and Kingsbury Road.

## UTILITIES

Water and sewer service for the project is provided by Star Sewer Water District (SSWD). Water and sewer facilities in Star Road and Joplin Road - including a lift station on the north side of Joplin Road near the northwest corner of the project - are under construction by SSWD and will extend water and sewer service to the project site. This project will connect to an existing 21-inch sewer stub in Joplin Road and an existing 12-inch water stub at the Star Road and Joplin Road intersection.

## IRRIGATION

Irrigation service for the project is provided Nampa Meridian Irrigation District via the Creason Lateral. Presently, the lateral runs northwesterly across the site and will be piped to maintain downstream service.

## DRAINAGE

Stormwater runoff will be routed through the streets to multiple collection points across the site. Infiltration basins and forebays will be provided at each concentration point for water treatment - see AHCD BMP-11.



CONCLUSION

As shown, the StarPointe development will introduce an attractive & well-designed community to the area. The development will provide a blend of appealing single-family homes and substantial open space areas with views. The proposed R-3 zoning classification aligns with the development's goals and the City of Star's planned growth. The site's open spaces and amenities will work together to create an active and interconnected community. Our design team has carefully considered the input of existing neighbors and service providers and believe with these positive characteristics, approval of the StarPointe community is in the best interests of the City. Accordingly, the developer and design team respectfully request your approval of the annexation, rezone and preliminary plat applications for StarPointe.

Thank you for your time and consideration. We look forward to working with the City of Star on the execution and deliverance of this high-quality project. Please feel free to contact us if you have any questions or require additional information.

Sincerely,



Deborah Nelson  
Partner

GIVENS  
PURSLEY<sub>LLP</sub>



Keith Nichter  
Planning Manager

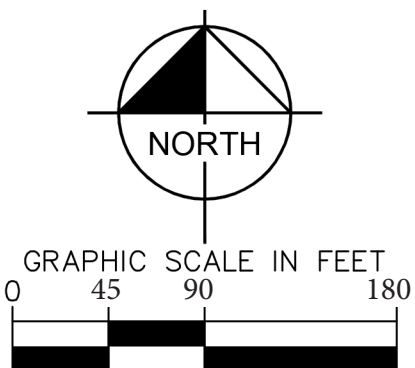
Kimley»Horn



SITE DATA

PARCEL #: S0419428100, S0418417750, S041948005  
GROSS AREA: 29.24 ACRES  
NET AREA: 28.89 ACRES  
EXISTING ZONING: RUT  
PROPOSED ZONING: R-3  
PROPOSED LOT COUNT: 84  
PROPOSED OPEN SPACE: 2.62 ACRES

THIS PLAN IS FOR CONCEPTUAL PURPOSES ONLY & REQUIRES DETAILED SITE PLANNING, ENGINEERING & CITY/COUNTY APPROVALS. ACREAGE & DENSITY IS ESTIMATED. LANDSCAPING/AMENITY DESIGN IS ILLUSTRATIVE ONLY.





STARPOINTE LEGAL DESCRIPTION

A PORTION OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 19 , TOWNSHIP 4 NORTH, RANGE 1 WEST, B.M., ADA COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN ALUMINUM CAP MONUMENT MARKING THE SECTION CORNER COMMON TO SECTIONS 19, 20, 29 AND SECTION 30, TOWNSHIP 4 NORTH, RANGE 1 WEST, B.M., FROM WHICH A 5/8"IRON PIN MARKING THE 1/4 CORNER COMMON TO SECTIONS 19 AND 20, TOWNSHIP 4 NORTH, RANGE 1 WEST, B.M., BEARS NORTH 00°46'11" EAST, 2,633.05 FEET; THENCE NORTH 00°46'11" EAST, 1316.52 TO THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4; THENCE ON THE SOUTH BOUNDARY LINE OF NORTHEAST 1/4 OF THE SOUTHEAST 1/4, NORTH 89°08'47" WEST, 22.00 FEET TO THE REAL POINT OF BEGINNING;

THENCE CONTINUING NORTH 89°08'47" WEST, 1,290.28 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4;

THENCE ON THE SOUTH BOUNDARY LINE OF THE OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4, NORTH 89°09'04" WEST, 1,282.43 FEET TO THE EAST BOUNDARY LINE OF A PARCEL OF LAND CONVEYED BY A DEED RECORDED ON JANUARY 17, 1995 AS INSTRUMENT NO. 95003073, RECORDS OF ADA COUNTY, IDAHO;

THENCE ON SAID EAST BOUNDARY LINE, NORTH 01°04'16" EAST, 296.99 FEET;

THENCE LEAVING SAID EAST BOUNDARY LINE, NORTH 86°23'15" EAST, 345.67 FEET TO THE EXTERIOR BOUNDARY LINE OF PARCELS 1 AND 2 CONVEYED BY A DEED RECORDED ON SEPTEMBER 29, 1995 AS INSTRUMENT NO. 95071678, RECORDS OF ADA COUNTY, IDAHO;

THENCE ON SAID EXTERIOR BOUNDARY LINE THE FOLLOWING EIGHT (8) COURSES AND DISTANCES:

NORTH 57°31'41" WEST, 53.70 FEET;

NORTH 22°49'04" WEST, 79.06 FEET;

NORTH 10°37'22" EAST, 234.94 FEET;

SOUTH 76°53'22" EAST, 447.69 FEET;

SOUTH 87°29'16" EAST, 507.64 FEET;

NORTH 00°55'08" EAST, 775.15 FEET TO THE NORTH BOUNDARY LINE OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4;

SOUTH 88°57'26" EAST, 30.00 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4;

SOUTH 00°55'08" WEST, 784.54 FEET ON THE EAST BOUNDARY OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4;

THENCE LEAVING SAID EAST BOUNDARY LINE, SOUTH 78°58'19" EAST, 936.90 FEET;

THENCE NORTH 76°57'33" EAST, 377.88 FEET TO THE EAST RIGHT-OF-WAY LINE OF N. STAR ROAD;

THENCE ON SAID EAST RIGHT-OF-WAY LINE, SOUTH 00°46'11" WEST, 461.90 FEET TO THE REAL POINT OF BEGINNING.

CONTAINING 28.905 ACRES, MORE OR LESS.

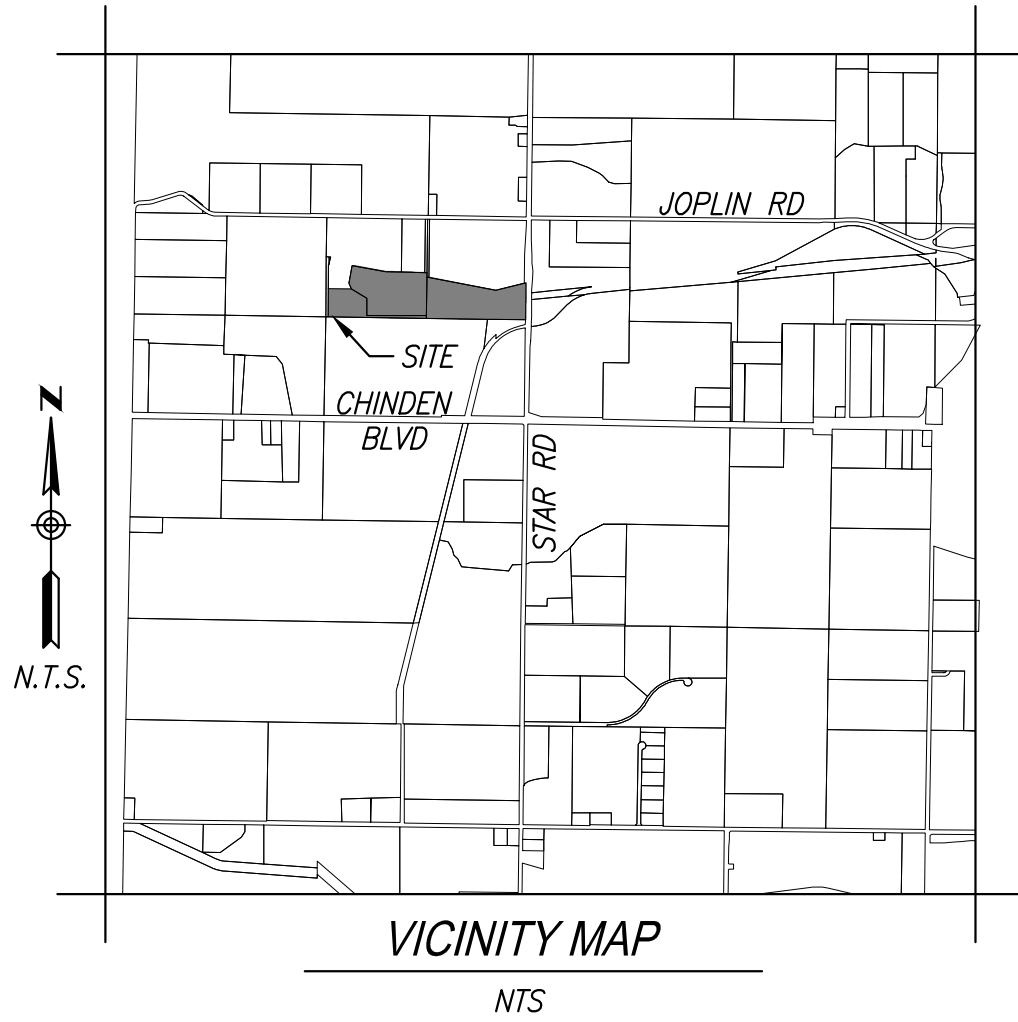
END OF DESCRIPTION.

PRELIMINARY PLAT NOTES

1. CONTOUR AND SPOT ELEVATION DATA IS REFERENCE TO NAVD '88 DATUM.
2. ALL STREETS PROPOSED IN THIS DEVELOPMENT ARE PUBLIC STREETS AND SHALL BE CONSTRUCTED IN ACCORDANCE WITH ACHD STANDARD FOR PUBLIC STREETS.
3. BLOCK 1 LOT 1, BLOCK 1 LOT 2, BLOCK 1 LOT 17, BLOCK 1 LOT 28, BLOCK 1 LOT 29, BLOCK 1 LOT 32, BLOCK 1 LOT 37, BLOCK 1 LOT 44, BLOCK 1 LOT 48, BLOCK 2 LOT 8, BLOCK 3 LOT 1, BLOCK 3 LOT 8, BLOCK 4 LOT 1, BLOCK 4 LOT 3, AND BLOCK 4 LOT 5 ARE COMMON LOTS TO BE OWNED AND MAINTAINED BY THE STARPOINTE SUBDIVISION HOMEOWNERS ASSOCIATION. THESE LOTS SHALL BE USED FOR HOMEOWNER PEDESTRIAN ACCESS AND LANDSCAPING AND ARE SUBJECT TO A BLANKET EASEMENT ACROSS SAID LOTS FOR PUBLIC UTILITIES, IRRIGATION, AND LOT DRAINAGE.
4. STORMWATER RUNOFF GENERATED ON THIS SITE SHALL HAVE A QUALITY CONTROL TREATMENT PRIOR TO BEING CONVEYED TO ONSITE STORAGE FACILITIES.
5. PUBLIC UTILITIES SHALL INCLUDE WATER, SEWER, ELECTRIC POWER, NATURAL GAS, TELEPHONE, AND CABLE TELEVISION.
6. THIS SUBDIVISION WILL RECEIVED PRESSURE IRRIGATION FROM A PRESSURE IRRIGATION SYSTEM OWNED AND MAINTAINED BY THE HOA.
7. DOMESTIC WATER SERVICE AND FIRE PROTECTION SHALL BE PROVIDED BY THE STAR WATER AND SEWER DISTRICT.
8. SANITARY SEWER COLLECTION SHALL BE PROVIDED BY THE STAR SEWER AND WATER DISTRICT.
9. THIS DEVELOPMENT RECOGNIZES IDAHO CODE SECTION 22-4503, RIGHT TO FARM ACT, WHICH STATES: "NO AGRICULTURAL OPERATION, AGRICULTURAL FACILITY OR EXPANSION THEREOF SHALL BE OR BECOME A NUISANCE, PRIVATE OR PUBLIC, BY ANY CHANGED CONDITIONS IN OR ABOUT THE SURROUNDING NONAGRICULTURAL ACTIVITIES AFTER IT HAS BEEN IN OPERATION FOR MORE THAN ONE (1) YEAR, WHEN THE OPERATION WAS NOT A NUISANCE AT THE TIME IT BEGAN OR WAS CONSTRUCTED. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY WHENEVER A NUISANCE RESULTS FROM THE IMPROPER OR NEGLIGENT OPERATION OF ANY AGRICULTURAL OPERATION, AGRICULTURAL FACILITY OR EXPANSION THEREOF."
10. THE OWNER SHALL COMPLY WITH IDAHO CODE, SECTION 31-3805 OR ITS PROVISIONS THAT MAY APPLY TO IRRIGATION RIGHTS.
11. BUILDING SETBACKS AND DIMENSIONAL STANDARDS IN THIS SUBDIVISION SHALL BE IN COMPLIANCE WITH CITY OF STAR CODE UNLESS OTHERWISE MODIFIED BY CONDITIONAL USE PERMIT.
12. THE BOTTOM ELEVATION OF BUILDING FOOTINGS SHALL BE SET A MINIMUM OF 12 INCHES ABOVE THE HIGHEST ESTABLISHED NORMAL GROUNDWATER ELEVATION.
13. ANY RE-SUBDIVISION OF THIS PLAT SHALL COMPLY WITH THE MOST RECENTLY APPROVED SUBDIVISION STANDARDS OF THE CITY OF MERIDIAN AT THE TIME OF THE RE-SUBDIVISION.
14. ALL LOT LINES COMMON TO PUBLIC STREETS ARE HEREBY DESIGNATED TO HAVE A TEN (10) FOOT PERMANENT EASEMENT FOR PUBLIC UTILITIES, IRRIGATION, AND LOT DRAINAGE, UNLESS OTHERWISE DIMENSIONED.
15. UNLESS OTHERWISE SHOWN AND DIMENSIONED, EACH LOT WILL HAVE A PERMANENT EASEMENT FOR PUBLIC UTILITIES, IRRIGATION AND LOT DRAINAGE OVER THE FIVE (5) FEET ADJACENT TO ANY INTERIOR SIDE LOT LINE, AND OVER THE TEN (10) FEET ADJACENT TO ANY REAR LOT LINE OR SUBDIVISION BOUNDARY.MAINTENANCE OF ANY IRRIGATION AND DRAINAGE PIPES OR DITCHES CROSSING A LOT IS THE RESPONSIBILITY OF THE LOT OWNER UNLESS SUCH RESPONSIBILITY IS ASSUMED BY AN IRRIGATION/DRAINAGE ENTITY.
16. MAINTENANCE OF ANY IRRIGATION AND DRAINAGE PIPES OR DITCHES CROSSING A LOT IS THE RESPONSIBILITY OF THE LOT OWNER UNLESS SUCH RESPONSIBILITY IS ASSUMED BY AN IRRIGATION/DRAINAGE ENTITY.
17. RESTRICTIVE COVENANTS WILL BE IN EFFECT FOR THIS SUBDIVISION.

STARPOINTE  
PRELIMINARY PLAT

A PORTION OF THE SE 1/4 OF SECTION 19 & SW 1/4 OF SECTION 20,  
TOWNSHIP 4 NORTH, RANGE 1 WEST  
ADA COUNTY, IDAHO



Sheet List Table	
Sheet Number	Sheet Title
01	COVER SHEET
02	EXISTING CONDITIONS
03	PROPOSED CONDITIONS
04	HORIZONTAL CONTROL
05	LOT DATA
06	PRELIMINARY IRRIGATION
07	PRELIMINARY IRRIGATION
08	PRELIMINARY IRRIGATION

OWNER/DEVELOPER

W. WEST DEVELOPMENT, LLC  
CRITERION LAND MANAGEMENT, LLC  
7629 E PINNACLE PEAK ROAD #110  
SCOTTSDALE, ARIZONA 85255  
TELEPHONE: (480) 401-0800  
CONTACT: RANDAL CLARNO  
EMAIL: RANDY@CRITERIONLAND.COM

CIVIL ENGINEER

KIMLEY-HORN AND ASSOCIATES, INC.  
950 W BANNOCK STREET, SUITE 1100  
BOISE, IDAHO 83702  
PHONE: (208) 297-2885  
CONTACT: TELLER BARD, PD  
EMAIL: TELLER.BARD@KIMLEY-HORN.COM

LAND SURVEYOR

IDAHO SURVEY GROUP  
9955 W. EMERALD ST.  
BOISE, IDAHO 83704  
PHONE: (208) 846-8570  
CONTACT: CODY MCCAMMON, PLS  
EMAIL: CODYM@IDAHOSURVEY.COM

LEGEND

	PHASE LINE		PROPOSED FIRE HYDRANT
	PROPOSED CL/SECTION LINE		PROPOSED GATE VALVE
	PROPOSED SWALE		SIDEWALK RAMP
	PROPOSED BOUNDARY		PROP. STORM DRAIN
	ROAD RIGHT OF WAY		PROP. CATCH BASIN
	LOT LINE		EXISTING CATCH BASIN
	EASEMENT		EXISTING SEWER MAIN
	PROPOSED SEWER		EXISTING WATER MAIN
	PROPOSED WATER (3' COVER)		EXISTING EDGE OF PAVEMENT
	PROPOSED INFILTRATION POND		EXISTING EDGE OF GRAVEL ROAD
	STORM WATER INFRASTRUCTURE EASEMENT		EXISTING FENCE
	PROPOSED CURB		EXISTING OVERHEAD POWER
	PROPOSED STORM DRAIN MANHOLE		EXISTING GAS LINE
	PROPOSED CATCH BASIN		EXISTING GEOTECHNICAL TEST HOLE
	PROPOSED SEWER MANHOLE		PROPOSED SEEPAGE BED
			PROPOSED STREETLIGHT

PRELIMINARY PLAT DATA

EXISTING ZONING RUT  
PROPOSED ZONING: R-3

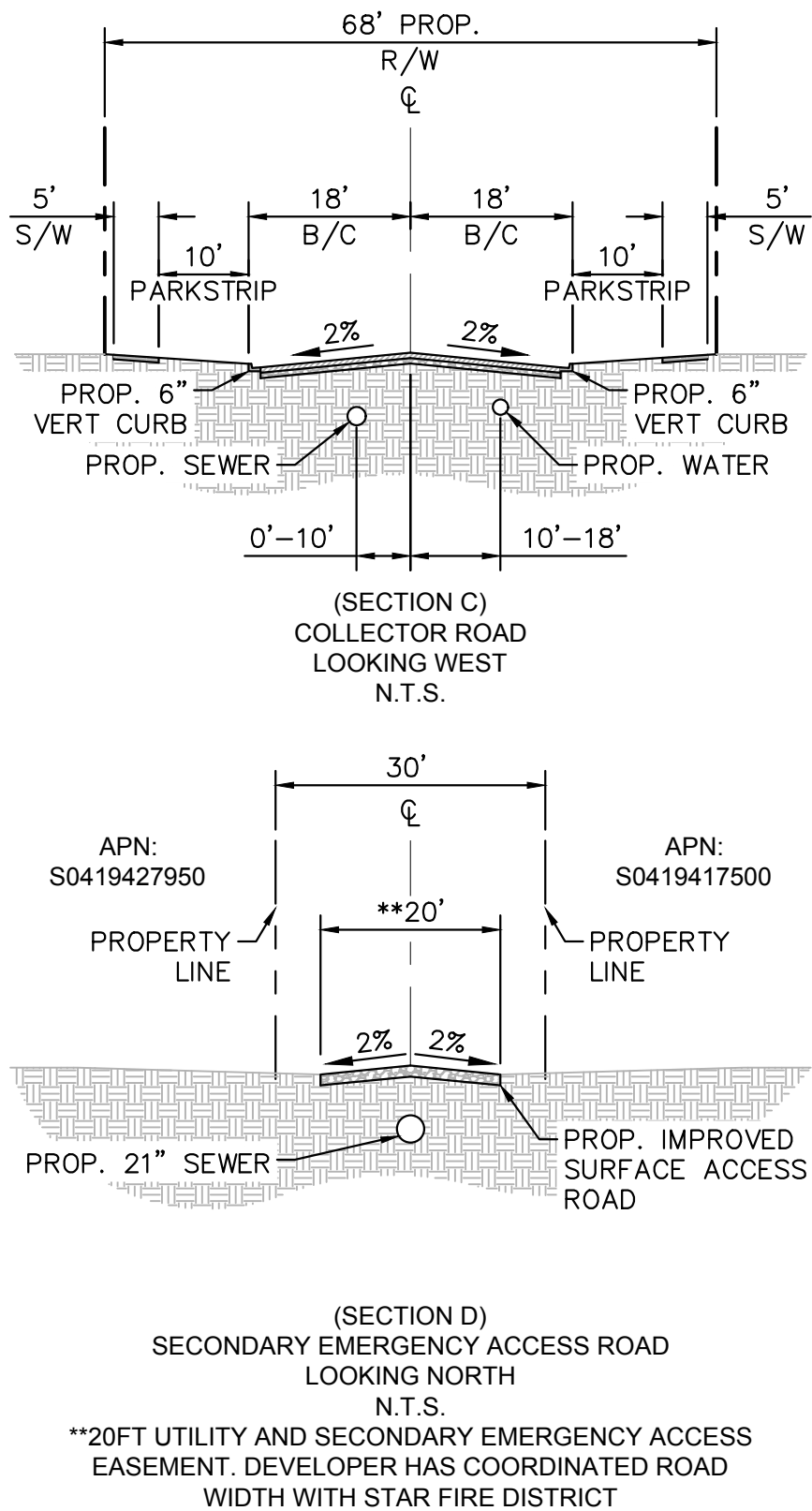
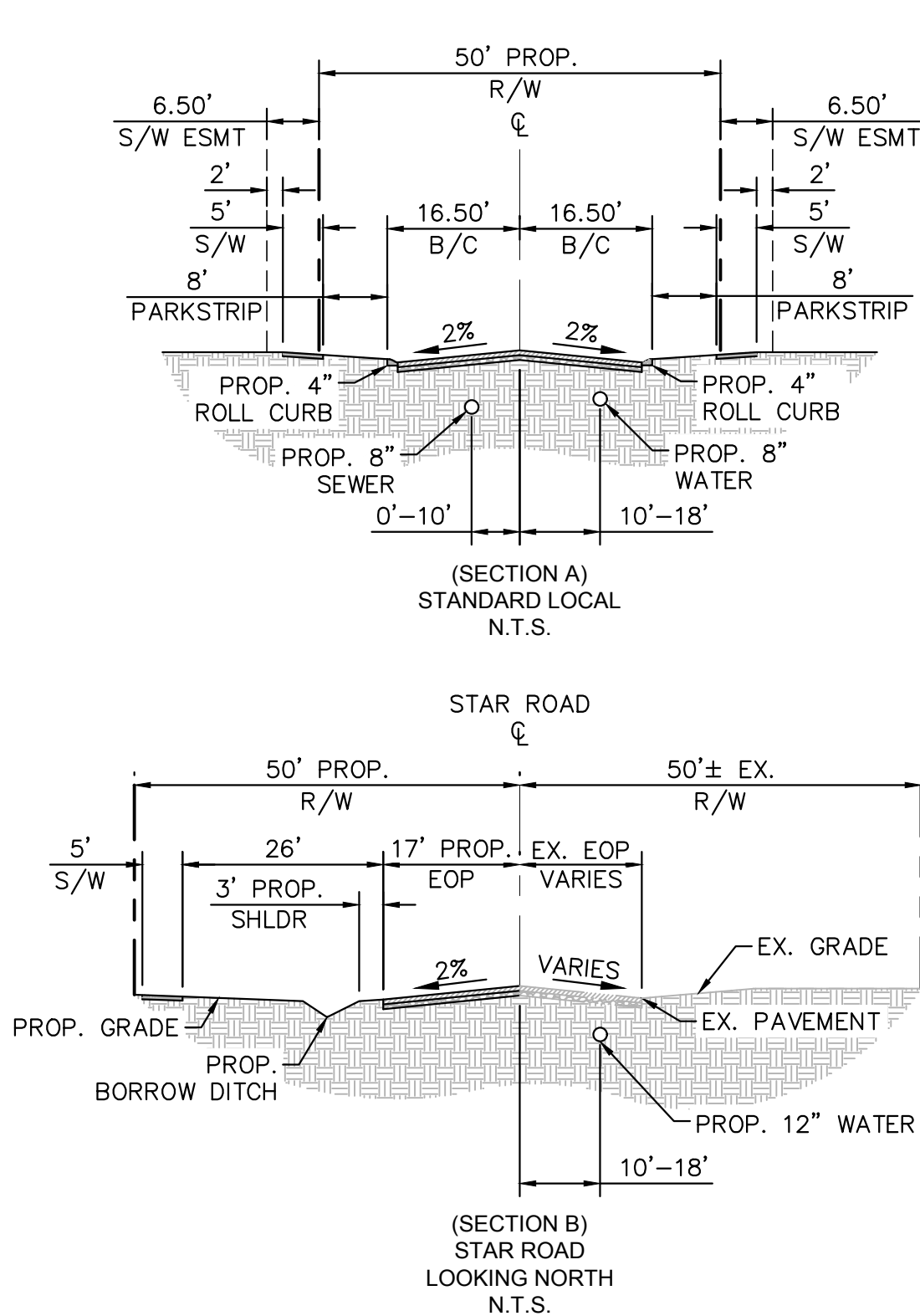
GROSS ACREAGE: 29.24 AC  
NET ACERAGE: 28.89 AC

BUFFER OPEN SPACE: 0.74 AC  
COMMON OPEN SPACE: 2.30 AC  
USABLE OPEN SPACE: 2.62 AC  
VISUAL NATURAL OPEN SPACE: 0.27 AC

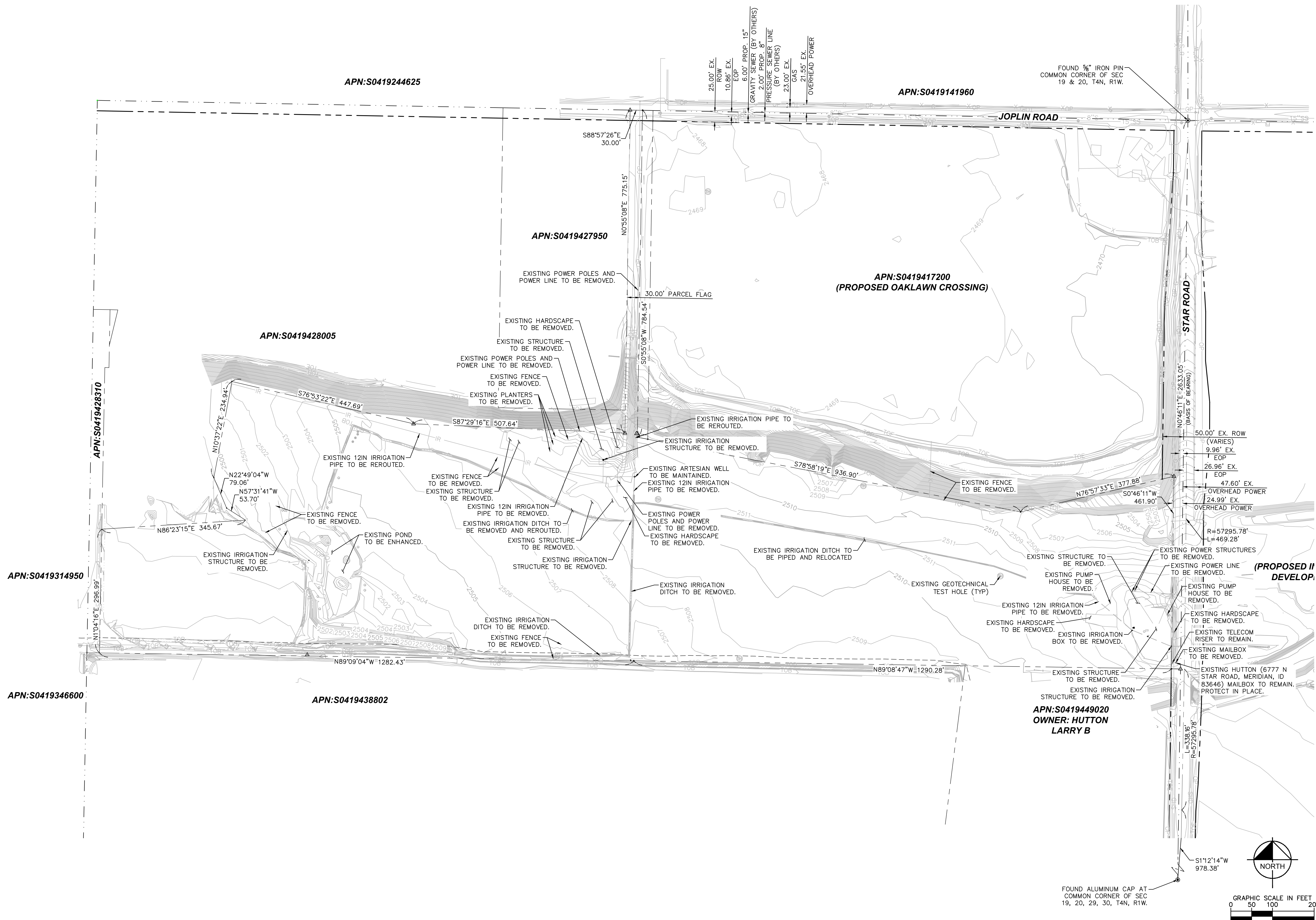
TOTAL OPEN SPACE: 5.92 AC (20.3% OF GROSS)

TOTAL LOTS: 84  
RESIDENTIAL LOTS: 71  
COMMON LOTS: 13  
GROSS DENSITY: 2.43 DU/AC

TYPICAL LOT AREA: 8,400 SF  
TYPICAL LOT WIDTH: 70'

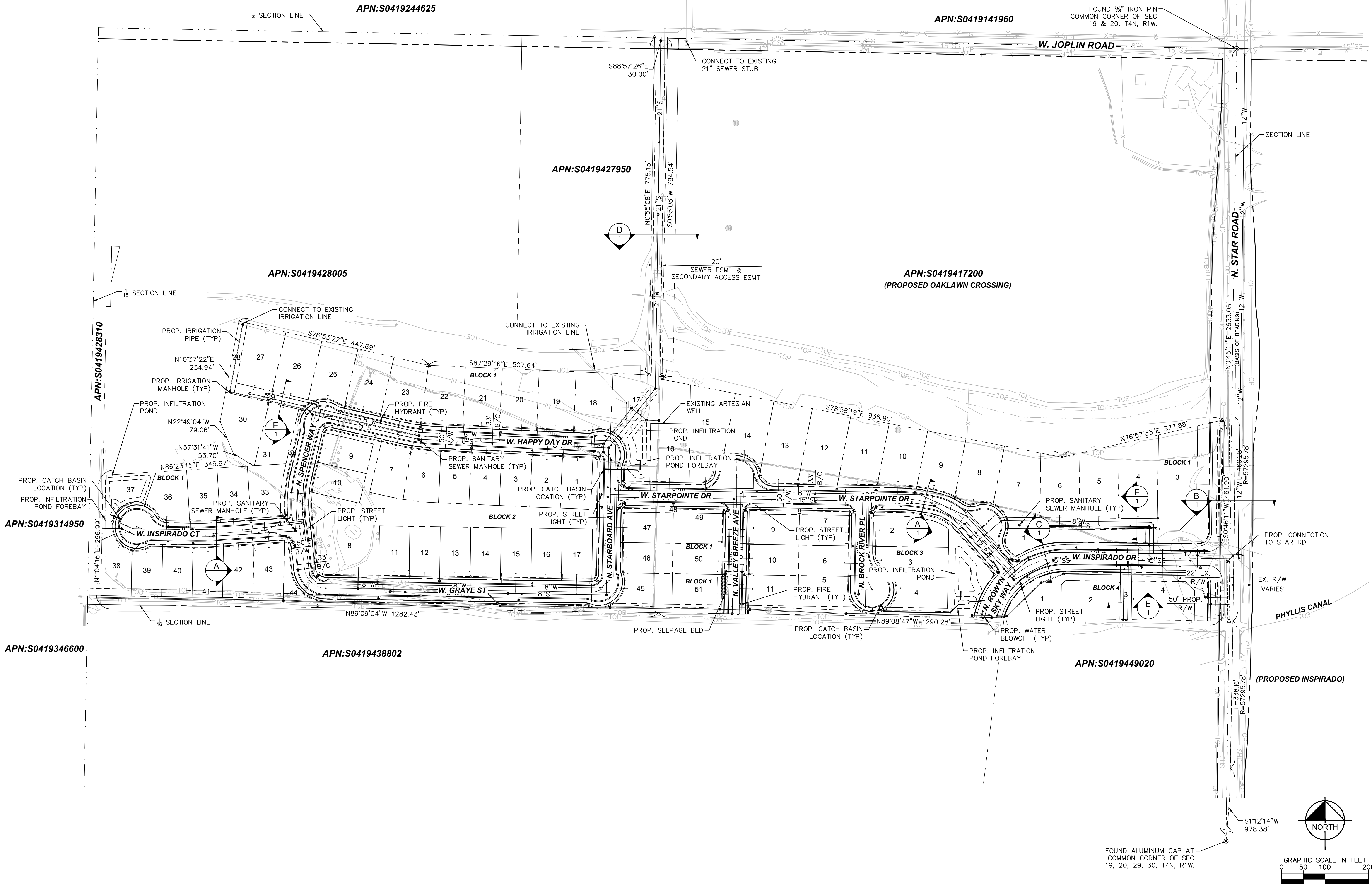








K:\PHX\_Civil\291015013 - Cathey-Harrison\CAADD\Preliminary\Plot\5013-PP-UT.dwg Aug 10, 2021 Nick Angieri  
XREFS: 5013-BW 5013-TP 5013-PA 5013-VF 5013-GRR 5013-BW-PH1 5013-BW-PH2  
UP AND MINOR REVISIONS TO THIS DOCUMENT WITHOUT WRITTEN AUTHORIZATION AND ADAPTATION BY KIMLEY-HORN AND ASSOCIATES, INC. SHALL BE WITHOUT LIABILITY TO KIMLEY-HORN AND ASSOCIATES, INC.



Section 5, Item C.	
NO	REVISION
NO	BY DATE APP

**Kimley»Horn**

© 2021 KIMLEY-HORN AND ASSOCIATES, INC.  
950 Bonrock Street, Suite 1100  
Boise, Idaho 83702 (208) 297-2885

SCALE (H): 1"=100'  
SCALE (V): NONE  
DESIGNED BY: ITC  
DRAWN BY: ITC  
CHECKED BY: TRB  
DATE: 8/10/2021

STARPOINTE

PROPOSED CONDITIONS

STAR, IDAHO

EXPIRES 10/31/21  
PROJECT NO. 291015013  
DRAWING NAME 5013-PP-UT  
04 OF 08

228







LOT AREA TABLE			
LOT NUMBER	BLOCK #	LOT AREA (SF)	LOT AREA (AC)
1	BLOCK 1	24,145	0.55
2	BLOCK 1	9,094	0.21
3	BLOCK 1	19,956	0.46
4	BLOCK 1	16,368	0.38
5	BLOCK 1	14,411	0.33
6	BLOCK 1	12,960	0.30
7	BLOCK 1	15,034	0.35
8	BLOCK 1	13,135	0.30
9	BLOCK 1	12,263	0.28
10	BLOCK 1	12,799	0.29
11	BLOCK 1	14,231	0.33
12	BLOCK 1	15,684	0.36
13	BLOCK 1	16,924	0.39
14	BLOCK 1	13,271	0.30
15	BLOCK 1	18,258	0.42
16	BLOCK 1	12,600	0.29
17	BLOCK 1	52,147	1.20
18	BLOCK 1	11,709	0.27
19	BLOCK 1	11,900	0.27
20	BLOCK 1	11,900	0.27
21	BLOCK 1	11,900	0.27
22	BLOCK 1	12,746	0.29
23	BLOCK 1	12,297	0.28
24	BLOCK 1	11,900	0.27
25	BLOCK 1	11,717	0.27
26	BLOCK 1	11,900	0.27
27	BLOCK 1	12,330	0.28
28	BLOCK 1	3,323	0.08
29	BLOCK 1	4,623	0.11
30	BLOCK 1	12,353	0.28
31	BLOCK 1	9,745	0.22
32	BLOCK 1	3,565	0.08
33	BLOCK 1	9,475	0.22
34	BLOCK 1	8,750	0.20
35	BLOCK 1	8,700	0.20
36	BLOCK 1	10,039	0.23
37	BLOCK 1	10,563	0.24
38	BLOCK 1	8,961	0.21
39	BLOCK 1	8,099	0.19
40	BLOCK 1	8,400	0.19
41	BLOCK 1	8,473	0.19
42	BLOCK 1	8,819	0.20
43	BLOCK 1	9,201	0.21
44	BLOCK 1	32,325	0.74
45	BLOCK 1	8,471	0.19
46	BLOCK 1	8,394	0.19
47	BLOCK 1	8,400	0.19
48	BLOCK 1	3,503	0.08
49	BLOCK 1	8,400	0.19
50	BLOCK 1	8,400	0.19
51	BLOCK 1	8,400	0.19


LOT AREA TABLE			
LOT NUMBER	BLOCK #	LOT AREA (SF)	LOT AREA (AC)
1	BLOCK 2	8,750	0.20
2	BLOCK 2	8,750	0.20
3	BLOCK 2	8,750	0.20
4	BLOCK 2	8,750	0.20
5	BLOCK 2	8,750	0.20
6	BLOCK 2	9,327	0.21
7	BLOCK 2	9,283	0.21
8	BLOCK 2	63,384	1.46
9	BLOCK 2	8,402	0.19
10	BLOCK 2	8,381	0.19
11	BLOCK 2	8,400	0.19
12	BLOCK 2	8,400	0.19
13	BLOCK 2	8,400	0.19
14	BLOCK 2	8,400	0.19
15	BLOCK 2	8,400	0.19
16	BLOCK 2	8,400	0.19
17	BLOCK 2	8,400	0.19

LOT AREA TABLE			
LOT NUMBER	BLOCK #	LOT AREA (SF)	LOT AREA (AC)
1	BLOCK 3	26,512	0.61
2	BLOCK 3	11,285	0.26
3	BLOCK 3	11,404	0.26
4	BLOCK 3	9,001	0.21
5	BLOCK 3	8,641	0.20
6	BLOCK 3	8,400	0.19
7	BLOCK 3	8,400	0.19
8	BLOCK 3	3,503	0.08
9	BLOCK 3	8,400	0.19
10	BLOCK 3	8,400	0.19
11	BLOCK 3	8,400	0.19

LOT AREA TABLE			
LOT NUMBER	BLOCK #	LOT AREA (SF)	LOT AREA (AC)
1	BLOCK 4	12,868	0.30
2	BLOCK 4	11,926	0.27
3	BLOCK 4	2,824	0.06
4	BLOCK 4	12,706	0.29
5	BLOCK 4	6,467	0.15

CURVE TABLE						
CURVE	RADIUS	LENGTH	CHORD BEARING	CHORD	DELTA	TANGENT
C1	15.00'	23.56'	N45°51'13"E	21.21'	90°00'00"	15.00'
C2	15.00'	23.56'	S44°08'47"E	21.21'	90°00'00"	15.00'
C3	50.00'	46.36'	S25°42'42"E	44.72'	53°07'48"	25.00'
C4	50.00'	64.35'	S89°08'47"E	60.00'	73°44'23"	37.50'
C5	50.00'	78.54'	N8°59'01"E	70.71'	90°00'00"	50.00'
C6	50.00'	20.18'	N47°34'53"W	20.05'	23°07'48"	10.23'
C7	50.00'	52.36'	N29°08'47"W	50.00'	60°00'00"	28.87'
C8	15.00'	23.56'	N45°51'13"E	21.21'	90°00'00"	15.00'
C9	275.00'	48.84'	S84°03'33"E	48.77'	10°10'29"	24.48'
C10	115.00'	75.49'	S60°09'57"E	74.14'	37°36'44"	39.16'
C11	15.00'	21.03'	S1°12'02"E	19.35'	80°19'06"	12.66'
C12	214.00'	104.06'	S25°01'42"W	103.04'	27°51'38"	53.08'
C13	280.00'	46.17'	S85°03'33"E	46.11'	10°10'29"	23.15'
C14	100.00'	49.86'	S64°41'14"E	49.35'	28°34'09"	25.46'
C15	25.00'	39.19'	S45°40'30"W	35.30'	89°48'38"	24.92'
C16	214.00'	117.86'	S74°49'45"W	116.18'	31°30'08"	60.36'
C17	15.00'	20.83'	N81°08'27"W	19.20'	79°33'44"	12.49'
C18	35.00'	39.66'	N8°53'42"W	37.57'	64°55'45"	22.27'
C19	50.00'	15.14'	N14°53'41"E	15.08'	17°20'58"	7.63'
C20	50.00'	26.69'	N9°04'18"W	26.37'	30°35'00"	13.67'
C21	50.00'	36.40'	N54°12'59"W	35.60'	41°42'22"	19.05'
C22	50.00'	38.64'	N88°12'29"W	37.68'	44°16'38"	20.34'
C23	35.00'	33.89'	N82°36'39"W	32.58'	55°28'18"	18.40'
C24	165.00'	21.66'	N58°38'06"W	21.64'	7°31'12"	10.84'
C25	165.00'	47.74'	N70°41'00"W	47.57'	16°34'37"	24.04'
C26	325.00'	22.77'	N80°58'44"W	22.77'	4°00'51"	11.39'
C27	325.00'	34.94'	N86°03'59"W	34.93'	6°09'38"	17.49'
C28	35.00'	39.47'	N56°50'30"W	37.41'	64°36'35"	22.13'
C29	35.00'	8.69'	N17°25'28"W	8.67'	14°13'30"	4.37'
C30	50.00'	105.13'	N70°32'50"W	86.81'	120°28'15"	87.43'
C31	50.00'	32.46'	S30°37'05"W	31.89'	37°11'54"	16.83'
C32	35.00'	48.16'	S51°26'10"W	44.45'	78°50'05"	28.77'
C33	15.00'	23.34'	N44°34'24"W	21.05'	89°08'47"	14.78'
C34	35.00'	14.05'	N11°30'00"W	13.96'	23°00'00"	7.12'
C35	55.00'	84.88'	N21°12'43"W	76.70'	88°25'25"	53.51'
C36	55.00'	41.00'	N86°46'43"W	40.06'	42°42'35"	21.50'
C37	35.00'	12.61'	S82°11'22"W	12.54'	20°38'44"	6.37'
C38	475.00'	43.93'	N84°50'18"W	43.91'	5°17'56"	21.98'
C39	475.00'	43.93'	N79°32'21"W	43.92'	5°17'58"	21.98'
C40	35.00'	12.37'	N66°46'02"W	12.30'	20°14'41"	6.25'
C41	55.00'	44.38'	S57°45'34"W	43.18'	46°13'46"	23.48'
C42	55.00'	37.24'	S79°43'51"W	36.53'	38°47'23"	19.36'
C43	55.00'	43.62'	S15°36'50"W	42.49'	45°26'39"	23.03'
C44	35.00'	12.37'	S3°00'51"W	12.30'	20°14'41"	6.25'
C45	325.00'	91.40'	S5°04'49"W	91.09'	16°06'45"	46.00'
C46	15.00'	23.24'	S41°24'45"W	20.99'	88°46'36"	14.68'
C47	15.00'	0.15'	S86°05'39"W	0.15'	0°35'13"	0.08'
C48	475.00'	36.98'	S87°37'06"W	36.98'	4°27'40"	18.50'
C49	35.00'	35.45'	N60°08'03"W	33.95'	58°02'03"	19.41'
C50	50.00'	34.34'	N50°47'39"W	33.67'	39°21'16"	17.88'

CURVE	RADIUS	LENGTH	CHORD BEARING	CHORD	DELTA	TANGENT
C51	50.00'	111.91'	S45°24'39"W	89.97'	128°14'10"	103.05'
C52	50.00'	51.42'	S48°10'02"E	49.18'	58°55'11"	28.24'
C53	50.00'	42.23'	N78°10'33"E	40.99'	48°23'39"	22.47'
C54	525.00'	40.88'	N88°37'06"E	40.87'	4°27'40"	20.45'
C55	15.00'	1.11'	N88°30'57"E	1.11'	4°15'23"	0.56'
C56	15.00'	21.65'	S48°00'37"E	19.82'	82°41'30"	13.20'
C57	75.00'	107.97'	S47°54'28"E	98.89'	82°29'12"	65.76'
C58	35.00'	12.36'	S79°01'54"E	12.30'	20°14'22"	6.25'
C59	55.00'	44.39'	N87°58'07"E	43.19'	46°14'22"	23.48'
C60	55.00'	80.86'	N22°43'53"E	73.77'	84°14'05"	49.73'
C61	35.00'	1.63'	N18°03'08"W	1.63'	2°40'03"	0.81'
C62	35.00'	10.73'	N7°55'57"W	10.69'	17°34'19"	5.41'
C63	15.00'	23.56'	N45°51'13"E	21.21'	90°00'00"	15.00'
C64	15.00'	23.56'	S44°08'47"E	21.21'	90°00'00"	15.00'
C65	340.00'	110.22'	N3°49'25"E	109.74'	18°34'25"	55.60'
C68	25.00'	35.99'	N47°54'28"W	32.96'	82°29'12"	21.92'
C69	275.00'	61.25'	N0°17'03"W	61.12'	12°45'37"	30.75'
C70	275.00'	95.04'	N3°14'10"E	94.57'	19°48'04"	48.00'
C71	15.00'	23.56'	N58°07'25"E	21.21'	89°58'26"	14.99'
C72	525.00'	35.59'	S78°49'53"E	35.58'	3°53'02"	17.80'
C73	525.00'	61.52'	S84°07'50"E	61.49'	6°42'52"	30.80'
C74	15.00'	23.13'	S43°19'02"E	20.90'	88°20'29"	14.57'
C75	15.00'	23.56'	S45°51°04"W	21.21'	89°59'43"	15.00'
C77	634.58'	44.12'	N78°49'43"W	44.11'	4°00'48"	22.23'
C79	649.98'	76.17'	S84°07'50"E	76.13'	6°42'53"	38.13'
C82	146.00'	190.14'	S53°16'20"W	176.98'	74°36'58"	111.25'
C83	25.00'	39.35'	N44°19'30"W	35.41'	90°11'22"	25.08'

		<b>STARPOINTE</b>  <b>LOT DATA</b>  <b>STAR, IDAHO</b>		<b>Kimley»»Horn</b> © 2021 KIMLEY—HORN AND ASSOCIATES, INC. 950 Barnack Street, Suite 1100 Boise, Idaho 83702 (208) 297-2885		SCALE (H): 1"=100' SCALE (V): NONE DESIGNED BY: JTC DRAWN BY: JTC CHECKED BY: TRB DATE: 8/10/2021		NO. _____ REVISION _____ BY DATE APP. _____	
05 OF 08		Section 5, Item C.							





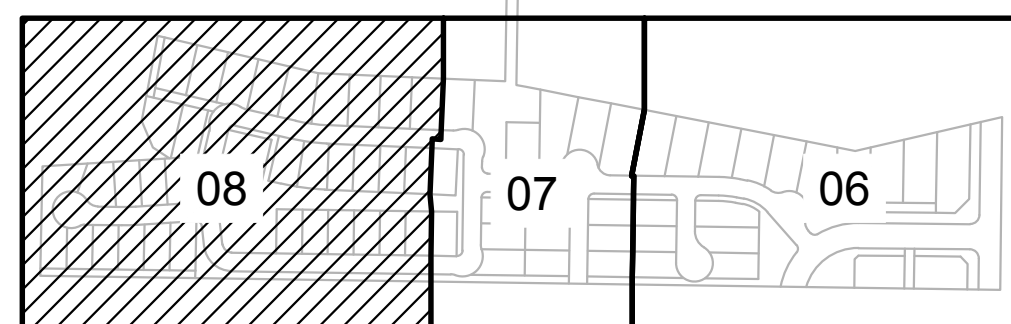
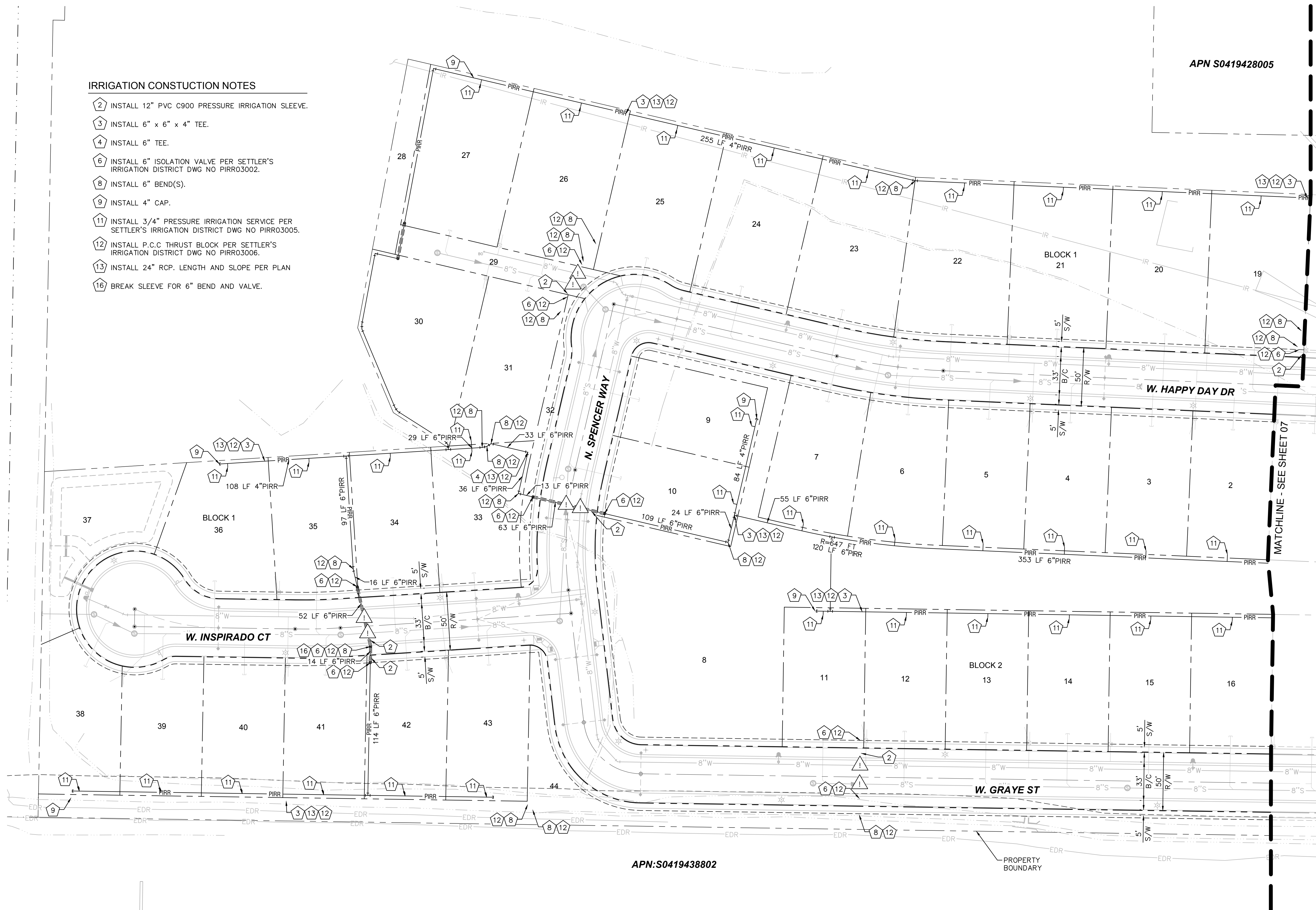




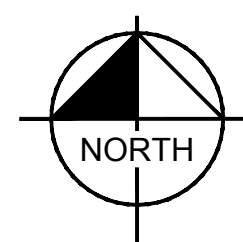
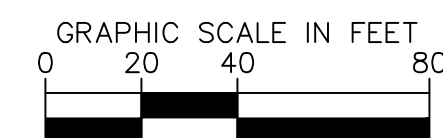


## IRRIGATION CONSTRUCTION NOTES

- 2 INSTALL 12" PVC C900 PRESSURE IRRIGATION SLEEVE.
- 3 INSTALL 6" x 6" x 4" TEE.
- 4 INSTALL 6" TEE.
- 6 INSTALL 6" ISOLATION VALVE PER SETTLER'S IRRIGATION DISTRICT DWG NO PIRRO3002.
- 8 INSTALL 6" BEND(S).
- 9 INSTALL 4" CAP.
- 11 INSTALL 3/4" PRESSURE IRRIGATION SERVICE PER SETTLER'S IRRIGATION DISTRICT DWG NO PIRRO3005.
- 12 INSTALL P.C.C THRUST BLOCK PER SETTLER'S IRRIGATION DISTRICT DWG NO PIRRO3006.
- 13 INSTALL 24" RCP. LENGTH AND SLOPE PER PLAN
- 16 BREAK SLEEVE FOR 6" BEND AND VALVE.

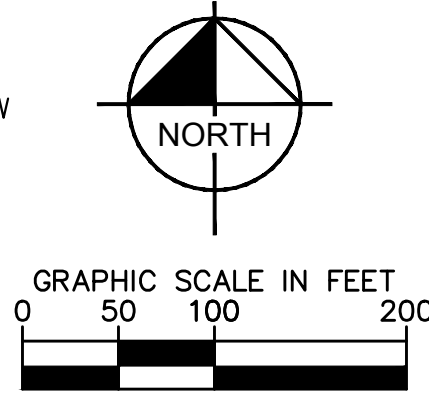
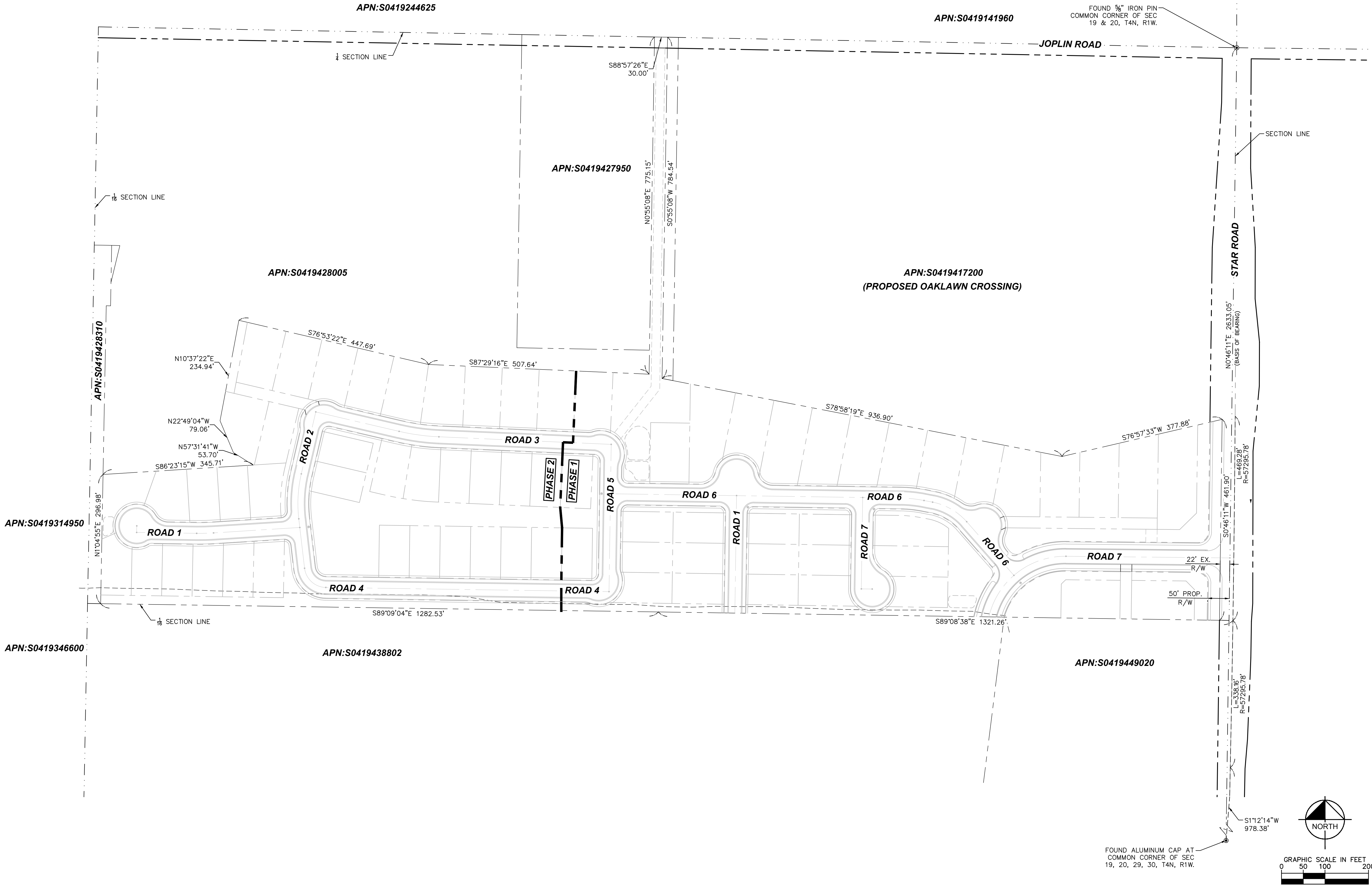


KEY MAP  
N.T.S.





K:\PHX\_Civil\291015013 - Cathey-Harrison\CAD\ Preliminary Plot\5013-PP-PH.dwg Apr 15, 2021 Ian Connair  
XREFS: 5013-TB-PP 5013-BW 5013-VF  
NOTES: THIS DRAWING IS PRESENTED HEREIN, AS AN INSTRUMENT OF SERVICE, IS INTENDED ONLY FOR THE SPECIFIC PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED. REUSE  
OF AND MODIFICATION OF THIS DOCUMENT WITHOUT WRITTEN AUTHORIZATION AND ADAPTATION BY KIMLEY-HORN AND ASSOCIATES, INC. SHALL BE WITHOUT LIABILITY TO KIMLEY-HORN AND ASSOCIATES, INC.



STARPOINTE PHASING PLAN STAR, IDAHO		KIMLEY»Horn © 2021 KIMLEY-HORN AND ASSOCIATES, INC. 950 Bonmock Street, Suite 1100 Boise, Idaho 83702 (208) 297-2885		Section 5, Item C.	
SCALE (H): 1"=100' SCALE (V): NONE DESIGNED BY: ITC DRAWN BY: ITC CHECKED BY: TRB DATE: 4/15/2021		PROJECT NO. 291015010 DRAWING NAME 5013-PP-PH		REVISION NO. BY DATE APP.	
PROFESSIONAL ENGINEER LICENSED 1994 4/15/21 STATE OF IDAHO TELLER BARD EXPIRES 10/31/21		06 OF 06			



August 6, 2021

Mayor Trevor Chadwick  
City of Star  
P.O. Box 130  
Star, ID 83669

**Re: Starpointe Subdivision Preliminary Plat Application**

Dear Mayor:

Keller Associates, Inc. has reviewed the Preliminary Plat for the Starpointe Subdivision dated April 15, 2021. We reviewed the applicant's package to check conformance with the City's Subdivision Ordinance and coordinated our review with Shawn L. Nickel. We have the following comments based on our review.

1. Many bearings shown on the plans are not consistent between sheets. It appears that Sheet 03 has the most correct bearings. There is one bearing on that sheet listed as S76°57'33"W, but it should be N76°57'33"E. Please update this bearing on Sheet 03 and the bearings on the rest of the plans to match this sheet.
2. Please label Lot 3 Block 4. It appears not to be labeled on any sheet.
3. Street lights are required to be provided at every intersection, cul-de-sac, and road corner. Please add street lights at the following intersections: Spencer/Graye, Spencer/Happy Day, Happy Day/Starboard, Starboard/Graye, and Inspirado/Star. Please also add street lights at the cul-de-sacs at Brock River and Inspirado. Streetlighting shall be in accordance with ISPWC and the City of Star Supplementals. Cut sheet for lights and light poles shall be approved in writing by the City prior to installation.
4. Historic irrigation lateral, drain, and ditch flow patterns shall be maintained unless approved in writing by the local irrigation district or ditch company.
5. Potable water cannot be used for irrigation purposes. A separate pressure irrigation system will be required.
6. Finish grades at subdivision boundaries shall match existing finish grades. Runoff shall be maintained on subdivision property unless otherwise approved.
7. 10-foot easements for pressure irrigation lines will need to be shown once the applicant determines the alignment location(s) for the facilities. Show all ditch and drainage easements.

We recommend that **conditions 1–3 listed above be addressed prior to approval of the Preliminary Plat.** Any variance or waivers to the City of Star standards, ordinances, or policies must be specifically approved in writing by the City. Approval of the above-referenced Preliminary Plat does not



relieve the Registered Professional Land Surveyor or the Registered Professional Engineer of those responsibilities.

If you have any questions, please do not hesitate to call Keller Associates at (208) 288-1992.

Sincerely,

**KELLER ASSOCIATES, INC.**



Ryan V. Morgan, P.E.  
City Engineer

cc: File



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MIDDLETON RURAL FIRE DISTRICT

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STAR FIRE PROTECTION DISTRICT

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DATE: August 9, 2021

TO: City of Star, Planning & Zoning

FROM: Victor Islas, Deputy Chief

SUBJECT: Fire District Review

PROJECT NAME: Starpointe Subdivision (AZ-21-07, DA-21-09, PP-21-10)

**Fire District Summary Report:**

**Overview:** This development can be serviced by the Star Fire Protection District. This development shall comply with the 2018 International Fire Code (IFC) and any codes set forth by the City of Star, Idaho.

**Fire Response Time:** This development will be served by the Star Fire Protection District Station 51, located at 11655 W. State St., Star, Idaho. Station 51 is 4 miles with a travel time of 2 minutes under ideal driving conditions to the proposed entrance of the development off Star Rd.

**Accessibility:** Roadway Access, Traffic, Radio Coverage

Access roads shall be provided and maintained following Appendix D and Section 503 of the IFC. Access shall include adequate roadway widths, signage, turnarounds, and turning radius for fire apparatus.

Access road design shall be designed and constructed to allow for evacuation simultaneously with emergency response operations.

All access roads in this development shall remain clear and unobstructed during construction of the development. Additional parking restrictions may be required as to always maintain access for emergency vehicles. Hydrants shall always remain unobstructed per city code.

One- or two-family dwelling residential developments: Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall provide with at least two separate and approved fire apparatus access roads.

The fire district requires that Autoturn models be submitted for review. Autoturn models should be reflect the utilization of a 36' long fire engine and a 50' long ladder truck.

Traffic calming devices will require approval by the Fire District.

An unobstructed vertical clearance of no less than 13 feet 6 inches shall be always maintained.



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**MIDDLETON RURAL FIRE DISTRICT**

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**STAR FIRE PROTECTION DISTRICT**

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The applicant shall work with City of Star, Ada County and Fire District to provide an address identification plan and signage which meets the requirements set forth by each agency. Addressing shall be placed in a position that is plainly legible and visible from the street or road fronting the property, as set forth in International Fire Code Section 505.1

Upon commencement of initial construction of a new structure, a clear visible freestanding sign or post shall be erected and maintained in place until the permanent address numerals are attached or otherwise displaced upon the premises at completion.

**Review Note:**

Meeting was held with the Teller Brad to discuss Secondary Access as an emergency only. The exhibit provided to the Fire District with the emergency access off of Chinden Boulevard will meet the intent of the code. The access shall be protected from unauthorized vehicles using MaxiForce collapsible bollards. The access shall also be marked with signs on both ends of the access point reading "Emergency and Authorized Vehicles ONLY".

**Water Supply:**

Water supply requirements will be followed as described in Appendix B of the 2015 International Fire Code unless agreed upon by the Fire District.

1. Fire Flow: One- and two-family dwellings not exceeding 3,600 square feet require a fire-flow of 1,000 gallons per minute for a duration of 1 hours to service the entire project. One- and two-family dwellings in excess of 3,600 square feet require a minimum fire flow as specified in Appendix B of the International Fire Code.
2. Water Supply: Acceptance of the water supply for fire protection will be by the Fire District and water quality by the Star Sewer & Water District for bacteria testing.
3. Water Supply: Final Approval of the fire hydrant locations shall be by the Star Fire Protection District or their designee in accordance with International Fire Code Section (IFC) 508.5.4 as follows:
  - a. Fire hydrants shall have a Storz LDH connection in place of the 4 ½" outlet. The Storz connection may be integrated into the hydrant, or an approved adapter may be used on the 4 1/2" outlet.
  - b. Fire hydrants shall have the Storz outlet face the main street or parking lot drive aisle.
  - c. Fire hydrants shall be placed on corners when spacing permits.
  - d. Fire hydrants shall not have any vertical obstructions to outlets within 10'.
  - e. Fire hydrants shall be placed 18" above finished grade to the center of the Storz outlet.
  - f. Fire hydrants shall be provided to meet the requirements of the City of Star and Star Sewer and Water District Standards.
  - g. Show all proposed or existing hydrants for all new construction or additions to existing buildings within 1,000 feet of the project.

**Inspections:**

Final inspection by the Fire District of the above listed including hydrant flow must be completed before building permits are issued





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MIDDLETON RURAL FIRE DISTRICT

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STAR FIRE PROTECTION DISTRICT

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**Additional Comments:**

Side Setback as per City Code. Any modification to setback will require review and approval by the Fire District.

Streetlights shall be turned on once residential building begins, Lighting is essential in assisting first responders with identifying entrances safely while responding to calls for service.



**STATE OF IDAHO**  
DEPARTMENT OF  
ENVIRONMENTAL QUALITY

Section 5, Item C.

1445 N Orchard Street, Boise, ID 83706  
(208) 373-0550

Brad Little, Governor  
Jess Byrne, Director

May 21, 2021

By e-mail: [snickel@staridaho.org](mailto:snickel@staridaho.org)

City of Star  
P.O. Box 130  
Star, Idaho 83669

Subject: Starpointe Subdivision, AZ-21-07/DA-21-09/PP-21-10

Dear Mr. Nickel:

Thank you for the opportunity to respond to your request for comment. While DEQ does not review projects on a project-specific basis, we attempt to provide the best review of the information provided. DEQ encourages agencies to review and utilize the Idaho Environmental Guide to assist in addressing project-specific conditions that may apply. This guide can be found at: [deq.idaho.gov/assistance-resources/environmental-guide-for-local-govts](https://deq.idaho.gov/assistance-resources/environmental-guide-for-local-govts).

The following information does not cover every aspect of this project; however, we have the following general comments to use as appropriate:

**1. AIR QUALITY**

- Please review IDAPA 58.01.01 for all rules on Air Quality, especially those regarding fugitive dust (58.01.01.651), trade waste burning (58.01.01.600-617), and odor control plans (58.01.01.776).
- All property owners, developers, and their contractor(s) must ensure that reasonable controls to prevent fugitive dust from becoming airborne are utilized during all phases of construction activities per IDAPA 58.01.01.651.
- DEQ recommends the city/county require the development and submittal of a dust prevention and control plan for all construction projects prior to final plat approval. Dust prevention and control plans incorporate appropriate best management practices to control fugitive dust that may be generated at sites.
- Citizen complaints received by DEQ regarding fugitive dust from development and construction activities approved by cities or counties will be referred to the city/county to address under their ordinances.

- Per IDAPA 58.01.01.600-617, the open burning of any construction waste is prohibited. The property owner, developer, and their contractor(s) are responsible for ensuring no prohibited open burning occurs during construction.
- For questions, contact David Luft, Air Quality Manager, at (208) 373-0550.

## **2. WASTEWATER AND RECYCLED WATER**

- DEQ recommends verifying that there is adequate sewer to serve this project prior to approval. Please contact the sewer provider for a capacity statement, declining balance report, and willingness to serve this project.
- IDAPA 58.01.16 and IDAPA 58.01.17 are the sections of Idaho rules regarding wastewater and recycled water. Please review these rules to determine whether this or future projects will require DEQ approval. IDAPA 58.01.03 is the section of Idaho rules regarding subsurface disposal of wastewater. Please review this rule to determine whether this or future projects will require permitting by the district health department.
- All projects for construction or modification of wastewater systems require preconstruction approval. Recycled water projects and subsurface disposal projects require separate permits as well.
- DEQ recommends that projects be served by existing approved wastewater collection systems or a centralized community wastewater system whenever possible. Please contact DEQ to discuss potential for development of a community treatment system along with best management practices for communities to protect ground water.
- DEQ recommends that cities and counties develop and use a comprehensive land use management plan, which includes the impacts of present and future wastewater management in this area. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.

For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0550.

## **3. DRINKING WATER**

- DEQ recommends verifying that there is adequate water to serve this project prior to approval. Please contact the water provider for a capacity statement, declining balance report, and willingness to serve this project.
- IDAPA 58.01.08 is the section of Idaho rules regarding public drinking water systems. Please review these rules to determine whether this or future projects will require DEQ approval.
- All projects for construction or modification of public drinking water systems require preconstruction approval.
- DEQ recommends verifying if the current and/or proposed drinking water system is a regulated public drinking water system (refer to the DEQ website at: [deg.idaho.gov/water-quality/drinking-water.aspx](http://deg.idaho.gov/water-quality/drinking-water.aspx)). For non-regulated systems, DEQ recommends annual testing for total coliform bacteria, nitrate, and nitrite.



- If any private wells will be included in this project, we recommend that they be tested for total coliform bacteria, nitrate, and nitrite prior to use and retested annually thereafter.
- DEQ recommends using an existing drinking water system whenever possible or construction of a new community drinking water system. Please contact DEQ to discuss this project and to explore options to both best serve the future residents of this development and provide for protection of ground water resources.
- DEQ recommends cities and counties develop and use a comprehensive land use management plan which addresses the present and future needs of this area for adequate, safe, and sustainable drinking water. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.

For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0550.

#### 4. SURFACE WATER

- Please contact DEQ to determine whether this project will require a National Pollution Discharge Elimination System (NPDES) Permit. A Construction General Permit from EPA may be required if this project will disturb one or more acres of land, or will disturb less than one acre of land but are part of a common plan of development or sale that will ultimately disturb one or more acres of land.
- If this project is near a source of surface water, DEQ requests that projects incorporate construction best management practices (BMPs) to assist in the protection of Idaho's water resources. Additionally, please contact DEQ to identify BMP alternatives and to determine whether this project is in an area with Total Maximum Daily Load stormwater permit conditions.
- The Idaho Stream Channel Protection Act requires a permit for most stream channel alterations. Please contact the Idaho Department of Water Resources (IDWR), Western Regional Office, at 2735 Airport Way, Boise, or call (208) 334-2190 for more information. Information is also available on the IDWR website at: <https://idwr.idaho.gov/streams/stream-channel-alteration-permits.html>
- The Federal Clean Water Act requires a permit for filling or dredging in waters of the United States. Please contact the US Army Corps of Engineers, Boise Field Office, at 10095 Emerald Street, Boise, or call 208-345-2155 for more information regarding permits.

For questions, contact Lance Holloway, Surface Water Manager, at (208) 373-0550.

#### 5. SOLID WASTE, HAZARDOUS WASTE AND GROUND WATER CONTAMINATION

- **Solid Waste.** No trash or other solid waste shall be buried, burned, or otherwise disposed of at the project site. These disposal methods are regulated by various state regulations including Idaho's Solid Waste Management Regulations and Standards (IDAPA 58.01.06), Rules and Regulations for Hazardous Waste (IDAPA 58.01.05), and Rules and Regulations for the Prevention of Air Pollution (IDAPA 58.01.01). Inert and other approved materials are also defined in the Solid Waste Management Regulations and Standards

- **Hazardous Waste.** The types and number of requirements that must be complied with under the federal Resource Conservation and Recovery Act (RCRA) and the Idaho Rules and Standards for Hazardous Waste (IDAPA 58.01.05) are based on the quantity and type of waste generated. Every business in Idaho is required to track the volume of waste generated, determine whether each type of waste is hazardous, and ensure that all wastes are properly disposed of according to federal, state, and local requirements.
- **Water Quality Standards.** Site activities must comply with the Idaho Water Quality Standards (IDAPA 58.01.02) regarding hazardous and deleterious-materials storage, disposal, or accumulation adjacent to or in the immediate vicinity of state waters (IDAPA 58.01.02.800); and the cleanup and reporting of oil-filled electrical equipment (IDAPA 58.01.02.849); hazardous materials (IDAPA 58.01.02.850); and used-oil and petroleum releases (IDAPA 58.01.02.851 and 852). Petroleum releases must be reported to DEQ in accordance with IDAPA 58.01.02.851.01 and 04. Hazardous material releases to state waters, or to land such that there is likelihood that it will enter state waters, must be reported to DEQ in accordance with IDAPA 58.01.02.850.
- **Ground Water Contamination.** DEQ requests that this project comply with Idaho's Ground Water Quality Rules (IDAPA 58.01.11), which states that "No person shall cause or allow the release, spilling, leaking, emission, discharge, escape, leaching, or disposal of a contaminant into the environment in a manner that causes a ground water quality standard to be exceeded, injures a beneficial use of ground water, or is not in accordance with a permit, consent order or applicable best management practice, best available method or best practical method."

For questions, contact Albert Crawshaw, Waste & Remediation Manager, at (208) 373-0550.

## 6. ADDITIONAL NOTES

- If an underground storage tank (UST) or an aboveground storage tank (AST) is identified at the site, the site should be evaluated to determine whether the UST is regulated by DEQ. EPA regulates ASTs. UST and AST sites should be assessed to determine whether there is potential soil and ground water contamination. Please call DEQ at (208) 373-0550, or visit the DEQ website [deq.idaho.gov/waste-mgmt-remediation/storage-tanks.aspx](http://deq.idaho.gov/waste-mgmt-remediation/storage-tanks.aspx) for assistance.
- If applicable to this project, DEQ recommends that BMPs be implemented for any of the following conditions: wash water from cleaning vehicles, fertilizers and pesticides, animal facilities, composted waste, and ponds. Please contact DEQ for more information on any of these conditions.

Response to Request for Comment

May 21, 2021

Page 5

We look forward to working with you in a proactive manner to address potential environmental impacts that may be within our regulatory authority. If you have any questions, please contact me, or any of our technical staff at (208) 373-0550.

Sincerely,

A handwritten signature in black ink that reads "Aaron Scheff". The signature is written in a cursive, flowing style.

Aaron Scheff  
Regional Administrator  
DEQ-Boise Regional Office

EDMS#: 2021AEK93





Ada County Transmittal  
Division of Community and Environmental Health

Section 5, Item C.

Rezone # \_\_\_\_\_

Conditional Use # \_\_\_\_\_

Preliminary / Final / Short Plat PP-21-10

Starpointe

- ☐ ACZ
- ☐ Boise
- ☐ Eagle
- ☐ Garden City
- ☐ Meridian
- ☐ Kuna
- ☒ Star

- ☐ 1. We have No Objections to this Proposal.
- ☐ 2. We recommend Denial of this Proposal.
- ☐ 3. Specific knowledge as to the exact type of use must be provided before we can comment on this Proposal.
- ☐ 4. We will require more data concerning soil conditions on this Proposal before we can comment.
- ☐ 5. Before we can comment concerning individual sewage disposal, we will require more data concerning the depth of:
  - ☐ high seasonal ground water
  - ☐ waste flow characteristics
  - ☐ bedrock from original grade
  - ☐ other \_\_\_\_\_
- ☐ 6. This office may require a study to assess the impact of nutrients and pathogens to receiving ground waters and surface waters.
- ☐ 7. This project shall be reviewed by the Idaho Department of Water Resources concerning well construction and water availability.
- ☒ 8. After written approvals from appropriate entities are submitted, we can approve this proposal for:
  - ☒ central sewage
  - ☐ community sewage system
  - ☐ community water well
  - ☐ interim sewage
  - ☒ central water
  - ☐ individual sewage
  - ☐ individual water
- ☒ 9. The following plan(s) must be submitted to and approved by the Idaho Department of Environmental Quality:
  - ☒ central sewage
  - ☐ community sewage system
  - ☐ community water
  - ☐ sewage dry lines
  - ☒ central water
- ☐ 10. This Department would recommend deferral until high seasonal ground water can be determined if other considerations indicate approval.
- ☐ 11. If restroom facilities are to be installed, then a sewage system MUST be installed to meet Idaho State Sewage Regulations.
- ☐ 12. We will require plans be submitted for a plan review for any:
  - ☐ food establishment
  - ☐ swimming pools or spas
  - ☐ child care center
  - ☐ beverage establishment
  - ☐ grocery store
- ☒ 13. Infiltration beds for storm water disposal are considered shallow injection wells. An application and fee must be submitted to CDH.
- ☐ 14. \_\_\_\_\_

Reviewed By: Ron Bolyard

Date: 5/12/21



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Your Economic Opportunity**

**IDAHO TRANSPORTATION DEPARTMENT**

P.O. Box 8028 • Boise, ID 83707-2028  
(208) 334-8300 • itd.idaho.gov

August 11, 2021

Shawn Nickel  
City Planner  
P.O. Box 130  
Star, Idaho 83669

**VIA EMAIL**

<b>Development Application</b>	<b>AZ-21-07, DA-21-09, PP-21-10</b>
<b>Project Name</b>	<b>STARPOINTE SUBDIVISION</b>
<b>Project Location</b>	6825 North Star Road and 8744 West Joplin Road, north of US-20/26 milepost 33.00
<b>Project Description</b>	Annexation and Zoning (R-3-DA), a development agreement, and preliminary plat for a proposed residential subdivision consisting of 71 residential lots and 13 common lots
<b>Applicant</b>	Teller Bard, Kinley-Horn & Associates

The Idaho Transportation Department (ITD) reviewed the referenced annexation, zoning, development agreement, and preliminary plat applications and has the following comments:

1. This project does not abut the State Highway system.
2. ITD and the City of Star have entered into an interagency agreement to collect proportionate share from new developments to mitigate traffic impacts from incoming developments. Proportionate share for each development is calculated based off of number of trips added to State Highway system. The number of trips generated can be determined using the Institute of Transportation Engineers (ITE) Trip Generation Manual. ITD requires trip distribution information to determine where trips generated by developments access the State Highway system.
3. No trip distribution information was provided; without trip distribution information ITD must assume the worst case scenario that all trips generated will utilize the Star Road/ US-2026 intersection. The proposed subdivision is adding 70 trips to the Star Road/ US-2026 in the PM Peak at buildout. Proportionate share is based on the PM site trips through the intersection of US-2026/ Star Road which is approximately 0.84% percent of the traffic utilizing the intersection in 2040. The US-20/26 corridor study did not forecast AM peak hour trips so PM peak trips were used to calculate proportionate share. The construction of the cost of design, construction, and right-of-way for a future continuous flow



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intersection (CFI) at the Star Road/ US-2026 is estimated to cost \$15,675,134 (see attached). The applicant will only be responsible for contributing their proportionate share of \$131,671 (0.84%).

4. In order to provide a more accurate and potentially lower estimate, the applicant could provide ITD specific trip distribution numbers. ITD suggests the applicant contact COMPASS to have a model run conducted to determine trip distribution. ITD would be willing to accept trip distribution numbers provided by COMPASS or a licensed civil engineer.
5. Idaho Code 40-1910 does not allow advertising within the right-of-way of any State Highway.
6. The Idaho Administrative Procedure Act (IDAPA) 39.03.60 governs advertising along the State Highway system. The applicant may contact Justin Pond, Right-of-Way Section Program Manager, at (208) 334-8832 for more information.
7. ITD objects to this development. ITD will remove the objection if the governing board requires, and the applicant agrees to, the execution of a Development Agreement with the City of Star binding the contribution of the proportionate share amount of \$131,671.

If you have any questions, you may contact me at (208) 334-8338.

Sincerely,

Sarah Arjona  
Development Services Coordinator  
[Sarah.Arjona@itd.idaho.gov](mailto:Sarah.Arjona@itd.idaho.gov)



# Starpointe Subdivision

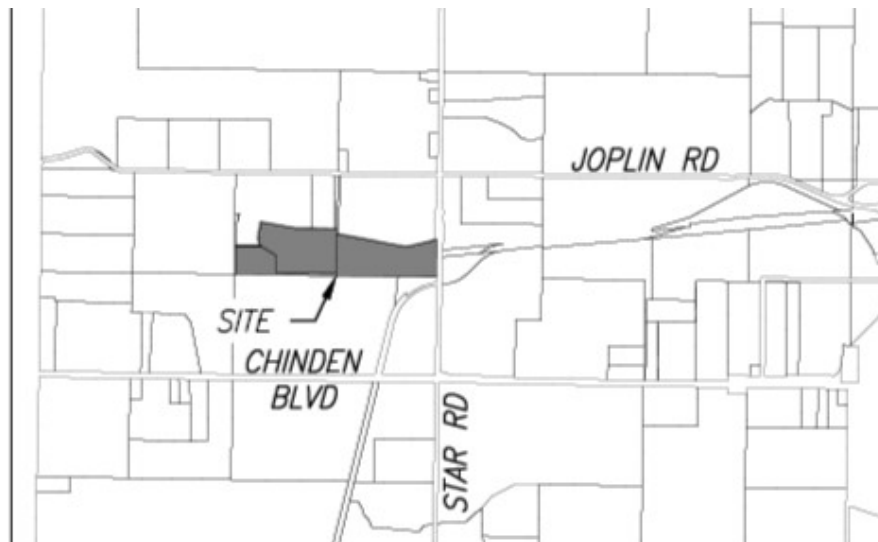
## Proportionate Share Contribution

(8/11/2021)

Section 5, Item C.

71 Units  
Single Family Homes  
ITE Code (210) Single Family

AM Trip Rate = 0.74  
PM Trip Rate = 0.99



A trip distribution diagram was not provided to the department. ITD must assume a worst-case scenario that all 71 residential units will head south on Star Road to the US-2026 / Star Road intersection. Per the US-2026 Corridor Plan, this intersection's ultimate configuration is to be a continuous flow intersection (CFI). ITD estimated the design and construction of a CFI at US-2026 / Star Road as approximately \$15,675,134.

Proportionate share is based on the PM site trips through the intersection of US-2026 / Star Road compared to the number of PM trips in 2040. The US-2026 Corridor Plan did not forecast AM Peak hour trips.

### Site Traffic

#### PM Peak

71 units x 0.99 = 70 trips

**Total Traffic 2040 @ US-2026 / Star Road**

Movement	EBT	EBR	WBT	WBR	NBT	SBT	SEL2	NWL2	NEL2	SWL2
Volume (vph)	2202	151	2417	382	1088	629	504	456	236	235

<i>Proportionate Share Calculations</i>		
<i>PM Site = 70</i>	<i>PM Total = 8,300</i>	<i>PM % = 0.84</i>
		<i>Avg % = 0.84</i>
<i>US 20/26 &amp; Star Rd Cost Estimate</i>		<i>\$15,675,134</i>
<i>Proportionate Share Contribution</i>		<i>\$131,671</i>
<i>Approx. per housing unit</i>		<i>\$1,855</i>

Proportionate share contribution of 0.84% is \$131,671.

## Conceptual Cost Estimate

Section 5, Item C.

Estimated By: Regan Hansen  
 Checked By:  
 Location: US 20/26; Star Rd CFI

Date: 5/14/2021  
 Date:

### Scope:

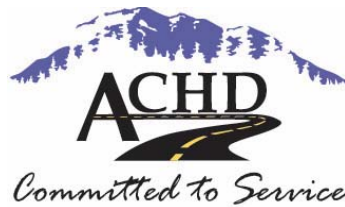
Widen US 20/26 (Chinden Ave) at the intersection with Star Rd and re-configure intersection into full CFI in accordance with the conceptual design layout from KN 7826. Pavement widening is tapered to match the roadway to the east and west of the intersection in the proposed lane configuration that will be constructed under KN 20367 and the subsequent phase 1 widening to the west of the intersection. Pavement widening on the Star Road legs tie into an assumed 5-lane cross-section in accordance with the ACHD Master Street Plan. Sidewalks on the north side of US 20/26 are reconstructed at the intersection to tie in with the sidewalks to be constructed with KN 20367; sidewalks on the south side of US 20/26 are constructed to the extent of the roadway widening to the ultimate 6 lane buildout.

Right-of-way acquisitions will be completed under KN 20367.

Item	Quantity	Unit Price	Cost	Note
<b>SECTION 1</b>				
205-005A EXCAVATION	25% *		\$ 718,364.97	*301-409
301-005A GRANULAR SUBBASE *	56,947.00 TON	\$ 17.00	\$ 968,099.00	KN 13492
303-021A 3/4" AGGR TY A FOR BASE *	29,452.00 TON	\$ 13.94	\$ 410,560.88	KN 13387
405-435A SUPERPAVE HMA PAV INCL ASPH&ADD CL SP-3 *	18,685.00 TON	\$ 80.00	\$ 1,494,800.00	KN 13492
509-010A NON-STRUCTURAL CONC CLASS 30	6,494.00 SY	\$ 70.00	\$ 454,580.00	KN 13476
614-015A SIDEWALK	7,345.00 SY	\$ 60.00	\$ 440,700.00	KN 22165
615-256A CURB TYPE 1	12,425.00 FT	\$ 16.00	\$ 198,800.00	KN 13476
615-494A CURB & GUTTER TYPE 4	9,005.00 FT	\$ 30.00	\$ 270,150.00	KN 13476
616-030A OVERHEAD BRIDGE SIGN STRUCTURE	4.00 EA	\$ 160,000.00	\$ 640,000.00	KN13476
619-010A ILLUMINATION TY 2	1.00 LS	\$ 600,000.00	\$ 600,000.00	KN 13476
656-005A TRAFFIC SIGNAL INSTALLATION	1.00 LS	\$ 800,000.00	\$ 800,000.00	KN 13476
675-005A SURVEY	1.00 LS	\$ 75,000.00	\$ 75,000.00	KN 13476
SP Traffic Control	1.00 LS	\$ 360,000.00	\$ 360,000.00	KN 13476
SP Drainage Items	1.00 LS	\$ 500,000.00	\$ 500,000.00	KN 13476
SP ITS Items	1.00 LS	\$ 350,000.00	\$ 350,000.00	KN 13476
Mobilization	10%		\$ 828,105.49	
SECTION 1 Sub-Total			\$ 9,109,160.34	
<b>SECTION 2</b>				
CN Change Order / Quantity Variance	5%		\$ 455,458.02	
CN Non-Bid Items	3.5%		\$ 318,820.61	
SECTION 2 Sub-Total			\$ 774,278.63	
<b>SUMMARY</b>				
Sub-Total: SECTION 1 & SECTION 2			\$ 9,883,438.96	
Contingency - Scoping Level	30%		\$ 2,965,031.69	
<b>TOTAL CONSTRUCTION COST</b>			<b>\$12,848,470.65</b>	

Summary of Project Costs		Amount	Note
Construction		\$ 12,848,470.65	
Design Services	10%	\$ 1,284,847.07	
Construction Services	12%	\$ 1,541,816.48	
Right-of-Way	0.00 ACRES	\$ -	KN 20367
<b>Total Cost</b>		<b>\$15,675,134.20</b>	





**Project/File:** **Starpointe Subdivision/ SPP21-0013/ AZ-21-07, DA-21-09, PP-21-10**  
 This is an annexation/rezone, development agreement, and preliminary plat application to allow for the development of 84 lots, on 29.24 acres.

**Lead Agency:** City of Star

**Site address:** 6825 N. Star Road, 8405 W. Joplin Road and 8755 W. Joplin Road

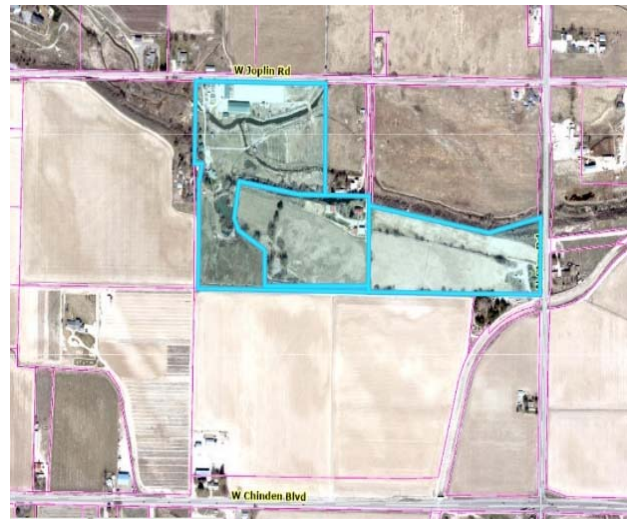
**Staff Approval:** XXXX, 202X

**Applicant:** W. West Development, LLC/  
 Criterion Land Management, LLC  
 7629 E. Pinnacle Peak Road,  
 #110  
 Scottsdale, Arizona 85255

**Representative:** Kimley-Horn & Associates  
 Teller Bard  
 950 W. Bannock Street, Suite 1100  
 Boise, Idaho 83702

**Staff Contact:** Mindy Wallace, AICP  
 Phone: 387-6178  
 E-mail: mwallace@achdidaho.org

Renata Ball-Hamilton  
 Phone: 387-6171  
 E-mail: rhamilton@achdidaho.org



## A. Findings of Fact

- Description of Application:** The applicant is requesting approval of a rezone from RUT (Rural Urban Transitioning) to R-3-DA (Residential), annexation, a development agreement, and preliminary plat for the development of the Starpointe Subdivision. This is a development with 71 residential lots and 13 common lots, on 29.24 acres.

The proposal is consistent with the City of Star's Future Land Use Map, which designates this area as Mixed Use.

**2. Description of Adjacent Surrounding Area:**

Direction	Land Use	Zoning
North	Neighborhood Residential/ Mixed Use	RUT
South	Commercial	RUT
East	Neighborhood Residential	RUT
West	Neighborhood Residential	RUT

**3. Site History:** ACHD has not previously reviewed this site for a development application.

**4. Adjacent Development:** The following developments are pending or underway in the vicinity of the site:

- Oaklawn Crossing Subdivision, a 71-lot subdivision located directly north of the site, was approved by ACHD on August 26, 2021.

**5. Transit:** Transit services are not available to serve this site.

**6. New Center Lane Miles:** The proposed development includes 0.89 centerline miles of new public road.

**7. Impact Fees:** There will be an impact fee that is assessed and due prior to issuance of any building permits. The assessed impact fee will be based on the impact fee ordinance that is in effect at that time. The impact fee assessment will not be released until the civil plans are approved by ACHD.

**8. Capital Improvements Plan (CIP)/ Integrated Five Year Work Plan (IFYWP):**

- Star Road is listed in the CIP to be widened to 5-lanes from Chinden Boulevard to State Street between 2031 and 2035. The bridge crossing of the Phillis Canal is not currently listed as part of the road widening project and it not included in the CIP.
- The intersection of Star Road and Chinden Boulevard is listed in the CIP to be widened to 5-lanes on the north leg, 5-lanes on the south, 7-lanes east, and 7-lanes on the west leg, and signalized between 2031 and 2035.
- The intersection of Star Road and State Street is listed in the CIP to be widened to 4-lanes on the north leg, 5-lanes on the south, 6-lanes east, and 6-lanes on the west leg, and signalized between 2026 and 2030.

**9. Roadways to Bikeways Master Plan:** ACHD's Roadways to Bikeways Master Plan (BMP) was adopted by the ACHD Commission in May of 2009 and was update in 2018. The plan seeks to implement the Planned Bicycle Network to support bicycling as a viable transportation option for Ada County residents with a wide range of ages and abilities, maintain bicycle routes in a state of good repair in order to ensure they are consistently available for use, promote awareness of existing bicycle routes and features and support encouragement programs and to facilitate coordination and cooperation among local jurisdictions in implementing the Roadways to Bikeways Plan recommendations.

The BMP identifies Star Road as level 3 facility and Joplin Road as a level 2 facility that will be constructed as part of a future ACHD project.

## B. Traffic Findings for Consideration

1. **Trip Generation:** This development is estimated to generate 670 vehicle trips per day; 71 vehicle trips per hour in the PM peak hour, based on the Institute of Transportation Engineers Trip Generation Manual, 10<sup>th</sup> edition.

2. **Condition of Area Roadways**

Traffic Count is based on Vehicles per hour (VPH)

Roadway	Frontage	Functional Classification	PM Peak Hour Traffic Count	PM Peak Hour Level of Service
Star Road	820-feet	Minor Arterial	504	Better than "E"
Joplin Road	1,265-feet	Collector	N/A	N/A

\* Acceptable level of service for a two-lane minor arterial is "E" (575 VPH).

\* Acceptable level of service for a two-lane collector is "D" (425 VPH).

3. **Average Daily Traffic Count (VDT)**

Average daily traffic counts are based on ACHD's most current traffic counts.

- The average daily traffic count for Star Road between Joplin Road and Chinden Blvd. (US 20/26) was 12,481 on 1/20/2021.
- There are no current traffic counts for this portion of Joplin Road.

## C. Findings for Consideration

1. **Star Road**

- a. **Existing Conditions:** Star Road is improved with 2-travel lanes, 32 to 36-feet of pavement (15-feet from centerline), and no curb, gutter or sidewalk abutting the site. There is 77 to 84-feet of right-of-way for Star Road (32-feet from centerline).

- b. **Policy:**

**Arterial Roadway Policy:** District Policy 7205.2.1 states that the developer is responsible for improving all street frontages adjacent to the site regardless of whether or not access is taken to all of the adjacent streets.

**Master Street Map and Typology Policy:** District Policy 7205.5 states that the design of improvements for arterials shall be in accordance with District standards, including the Master Street Map and Livable Streets Design Guide. The developer or engineer should contact the District before starting any design.

**Street Section and Right-of-Way Width Policy:** District Policies 7205.2.1 & 7205.5.2 state that the standard 5-lane street section shall be 72-feet (back-of-curb to back-of-curb) within 96-feet of right-of-way. This width typically accommodates two travel lanes in each direction, a continuous center left-turn lane, and bike lanes on a minor arterial and a safety shoulder on a principal arterial.

**Right-of-Way Dedication:** District Policy 7205.2 states that The District will provide compensation for additional right-of-way dedicated beyond the existing right-of-way along arterials listed as impact fee eligible in the adopted Capital Improvements Plan using available impact fee revenue in the Impact Fee Service Area.



No compensation will be provided for right-of-way on an arterial that is not listed as impact fee eligible in the Capital Improvements Plan.

The District may acquire additional right-of-way beyond the site-related needs to preserve a corridor for future capacity improvements, as provided in Section 7300.

**Sidewalk Policy:** District Policy 7205.5.7 requires a concrete sidewalk at least 5-feet wide to be constructed on both sides of all arterial streets. A parkway strip at least 6-feet wide between the back-of-curb and street edge of the sidewalk is required to provide increased safety and protection of pedestrians. Consult the District’s planter width policy if trees are to be placed within the parkway strip. Sidewalks constructed next to the back-of-curb shall be a minimum of 7-feet wide.

Detached sidewalks are encouraged and should be parallel to the adjacent roadway. Meandering sidewalks are discouraged.

A permanent right-of-way easement shall be provided if public sidewalks are placed outside of the dedicated right-of-way. The easement shall encompass the entire area between the right-of-way line and 2-feet behind the back edge of the sidewalk. Sidewalks shall either be located wholly within the public right-of-way or wholly within an easement.

**Frontage Improvements Policy:** District Policy 7205.2.1 states that the developer shall widen the pavement to a minimum of 17-feet from centerline plus a 3-foot wide gravel shoulder adjacent to the entire site. Curb, gutter, and additional pavement widening may be required (See Section 7205.5.5).

**ACHD Master Street Map:** ACHD Policy Section 3111.1 requires the Master Street Map (MSM) guide the right-of-way acquisition, arterial street requirements, and specific roadway features required through development. This segment of Star Road is designated in the MSM as a Residential Arterial with 5-lanes within 100-feet of right-of-way.

- c. **Applicant Proposal:** The applicant is proposing to dedicate additional right-of-way to total 50-feet from the centerline of Star Road abutting the site. The applicant is proposing to improve Star Road with pavement widening to total 17-feet from centerline and a 3-foot wide gravel shoulder. The applicant is proposing to construct 5-foot wide detached concrete sidewalk located 43-feet from the centerline of Star Road.
- d. **Staff Comments/Recommendations:** The applicant’s proposal meets District policy and should be approved, as proposed.

2. **Road 7 – New Collector**

- a. **Existing Conditions:** There are no collector roadways within the site.
- b. **Policy:**
  - Collector Street Policy:** District policy 7206.2.1 states that the developer is responsible for improving all collector frontages adjacent to the site or internal to the development as required below, regardless of whether access is taken to all of the adjacent streets.
  - Master Street Map and Typologies Policy:** District policy 7206.5 states that if the collector street is designated with a typology on the Master Street Map, that typology shall be considered for the required street improvements. If there is no typology listed in the Master Street Map, then standard street sections shall serve as the default.
  - Street Section and Right-of-Way Policy:** District policy 7206.5.2 states that the standard right-of-way width for collector streets shall typically be 50 to 70-feet, depending on the location and width of the sidewalk and the location and use of the roadway. The right-of-way width may be reduced, with District approval, if the sidewalk is located within an easement; in which case

the District will require a minimum right-of-way width that extends 2-feet behind the back-of-curb on each side.

The standard street section shall be 46-feet (back-of-curb to back-of-curb). This width typically accommodates a single travel lane in each direction, a continuous center left-turn lane, and bike lanes.

**Residential Collector Policy:** District policy 7206.5.2 states that the standard street section for a collector in a residential area shall be 36-feet (back-of-curb to back-of-curb). The District will consider a 33-foot or 29-foot street section with written fire department approval and taking into consideration the needs of the adjacent land use, the projected volumes, the need for bicycle lanes, and on-street parking.

**Sidewalk Policy:** District policy 7206.5.6 requires a concrete sidewalk at least 5-feet wide to be constructed on both sides of all collector streets. A parkway strip at least 6-feet wide between the back-of-curb and street edge of the sidewalk is required to provide increased safety and protection of pedestrians. Consult the District's planter width policy if trees are to be placed within the parkway strip. Sidewalks constructed next to the back-of-curb shall be a minimum of 7-feet wide.

Detached sidewalks are encouraged and should be parallel to the adjacent roadway. Meandering sidewalks are discouraged.

A permanent right-of-way easement shall be provided if public sidewalks are placed outside of the dedicated right-of-way. The easement shall encompass the entire area between the right-of-way line and 2-feet behind the back edge of the sidewalk. Sidewalks shall either be located wholly within the public right-of-way or wholly within an easement.

- c. **Applicant Proposal:** The applicant is proposing to construct a new collector roadway within the site, Road 7, as a 36-foot wide collector roadway with vertical curb, gutter, a 10-foot wide planter strip, and 5-foot wide detached concrete sidewalk within 68-feet of right-of-way.
- d. **Staff Comments/Recommendations:** The applicant's proposal meets District policy and should be approved, as proposed. The applicant may reduce the right-of-way to extend 2-feet behind the back of curb and provide a permanent right-of-way easement for the detached sidewalk. The right-of-way should extend 2-feet behind the back of the sidewalk or back of curb.

### 3. Internal Local Roads

- a. **Existing Conditions:** There are no internal local roadways within the site.

- b. **Policy:**

**Local Roadway Policy:** District Policy 7207.2.1 states that the developer is responsible for improving all local street frontages adjacent to the site regardless of whether or not access is taken to all of the adjacent streets.

**Street Section and Right-of-Way Policy:** District Policy 7207.5 states that right-of-way widths for all local streets shall generally not be less than 47-feet wide and that the standard street section shall be 33-feet (back-of-curb to back-of-curb).

**Standard Urban Local Street—33-foot Street Section and Right-of-way Policy:** For the City of Kuna and City of Star: Unless otherwise approved by Kuna or Star, the standard street section shall be 36-feet (back-of-curb to back-of-curb) for developments with any buildable lot that is less than 1 acre in size. This street section shall include curb, gutter, and minimum 5-foot wide concrete sidewalks on both sides and shall typically be constructed within 50-feet of right-of-way.

**Continuation of Streets Policy:** District Policy 7207.2.4 states that an existing street, or a street in an approved preliminary plat, which ends at a boundary of a proposed development shall be extended in that development. The extension shall include provisions for continuation of storm drainage facilities. Benefits of connectivity include but are not limited to the following:

- Reduces vehicle miles traveled.
- Increases pedestrian and bicycle connectivity.
- Increases access for emergency services.
- Reduces need for additional access points to the arterial street system.
- Promotes the efficient delivery of services including trash, mail, and deliveries.
- Promotes appropriate intra-neighborhood traffic circulation to schools, parks, neighborhood commercial centers, transit stops, etc.
- Promotes orderly development.

**Sidewalk Policy:** District Policy 7207.5.7 states that five-foot wide concrete sidewalk is required on both sides of all local street, except those in rural developments with net densities of one dwelling unit per 1.0 acre or less, or in hillside conditions where there is no direct lot frontage, in which case a sidewalk shall be constructed along one side of the street. Some local jurisdictions may require wider sidewalks.

The sidewalk may be placed next to the back-of-curb. Where feasible, a parkway strip at least 8-feet wide between the back-of-curb and the street edge of the sidewalk is recommended to provide increased safety and protection of pedestrians and to allow for the planting of trees in accordance with the District's Tree Planting Policy. If no trees are to be planted in the parkway strip, the applicant may submit a request to the District, with justification, to reduce the width of the parkway strip.

Detached sidewalks are encouraged and should be parallel to the adjacent roadway. Meandering sidewalks are discouraged.

A permanent right-of-way easement shall be provided if public sidewalks are placed outside of the dedicated right-of-way. The easement shall encompass the entire area between the right-of-way line and 2-feet behind the back edge of the sidewalk. Sidewalks shall either be located wholly within the public right-of-way or wholly within an easement.

**Cul-de-sac Streets Policy:** District policy 7207.5.8 requires cul-de-sacs to be constructed to provide a minimum turning radius of 50-feet; in rural areas or for temporary cul-de-sacs the emergency service providers may require a greater radius. Landscape and parking islands may be constructed in turnarounds if a minimum 29-foot street section is constructed around the island. The pavement width shall be sufficient to allow the turning around of a standard AASHTO SU design vehicle without backing. The developer shall provide written approval from the appropriate fire department for this design element.

The District will consider alternatives to the standard cul-de-sac turnaround on a case-by-case basis. This will be based on turning area, drainage, maintenance considerations and the written approval of the agency providing emergency fire service for the area where the development is located.

- c. **Applicant's Proposal:** The applicant is proposing to construct the internal local roads as 33-foot wide local street sections with curb, gutter, an 8-foot wide planter strip, and 5-foot wide detached concrete sidewalks within 50-feet of right-of-way.

The applicant is proposing to construct 5 knuckles throughout the site.

The applicant is proposing to terminate Road 1 and 7 in cul-de-sac turnarounds.



- d. **Staff Comments/Recommendations:** The applicant's proposal meets District policy and should be approved, as proposed. The applicant may reduce the right-of-way to extend 2-feet behind the back of curb and provide a permanent right-of-way easement for the detached sidewalk. The right-of-way should extend 2-feet behind the back of the sidewalk or back of curb.

The City of Star typically requires local streets to be constructed as 36-foot wide street sections with curb, gutter, and 5-foot wide concrete sidewalk. If required by the City of Start, a 36-foot wide street section is approved, as part of this application.

The applicant's proposal to construct cul-de-sac turnarounds at the terminus of Roads 1 and 7 meet District policy and to construct 5 knuckles throughout the site should be approved, as proposed. The cul-de-sac turnaround should be designed to provide a minimum turning radius of 50-feet. Coordinate the radius of the knuckles with Development Review staff prior to plan submittal.

#### 4. Roadway Offsets

- a. **Existing Conditions:** There are no roadways within the site.

- b. **Policy:**

**Collector Offset Policy:** District policy 7205.4.2 states that the optimum spacing for new signalized collector roadways intersecting minor arterials is one half-mile.

District policy 7206.4.2 states that the optimum spacing for unsignalized collectors intersecting minor arterial roadways is 1,320-feet.

**Local Offset Policy:** District policy 7207.4.2, requires local roadways to align or provide a minimum offset of 125-feet from any other street (measured centerline to centerline).

- c. **Applicant's Proposal:** The applicant is proposing to construct a new collector roadway, Road 7, to intersect Star Road located approximately 704-feet south of Joplin Road.

The applicant is proposing to construct the internal local streets to align or offset by a minimum of 125-feet.

- d. **Staff Comments/Recommendations:** The applicant's proposal to construct Road 7 to intersect Star Road 704-feet south of Joplin Road does not meet District policy which requires new collector roadways intersecting minor arterials to be located at the half mile. However, staff recommends a modification of policy to allow the applicant's proposal due to the fact that this site does not have frontage on a lesser classified street, has a limited amount of frontage on Star Road, Road 7 is proposed to align with a new collector roadway proposed to be constructed on the east side of Star Road across from the site, as part of the Inspradio subdivision currently under review by ACHD, and it appears that this may be the best location for a new street intersection onto Star Road given the sight distance, grade, and topographic constraints created by the Phyllis Canal and Star Road bridge crossing of the canal.

To ensure the new collector roadway is constructed in a location that provides adequate sight distance for the safety of the traveling public, a sight distance analysis was required for the proposed intersection. However, the submitted analysis was inconclusive, as the sight distance analysis was not prepared meeting ACHD's policy and staff was unable to field verify the recommendations of the analysis.

Therefore, staff recommends conditional approval of the location of the Road 7 intersection with Star Road. Prior to plan submittal for any phase of the project and to receive final approval for the location of the Road 7 intersection, the applicant should be required to submit a revised sight distance analysis that includes both a northbound and southbound sight distance analysis

prepared according to ACHD's policy standards, and notes whether or not the irrigation district will allow modifications to the canal bank to reduce the berms and vegetation within the canal easement for the Phyllis canal to meet sight distance requirements. The location of Road 7 may need to be modified based on the findings and recommendation of the analysis.

Modifications to this intersection may also be required based on the findings and recommendations of the traffic impact study and preliminary plat application currently under review for the proposed Inspirado Subdivision located directly east of the site.

The roadway offsets proposed for the internal local street meet District policy and should be approved, as proposed.

## 5. Stub Streets

### a. Policy:

**Stub Street Policy:** District policy 7207.2.4.3 states that stub streets will be required to provide circulation or to provide access to adjoining properties. Stub streets will conform with the requirements described in Section 7207.2.4 except a temporary cul-de-sac will not be required if the stub street has a length no greater than 150-feet. A sign shall be installed at the terminus of the stub street stating that, "THIS ROAD WILL BE EXTENDED IN THE FUTURE."

In addition, stub streets must meet the following conditions:

- A stub street shall be designed to slope towards the nearest street intersection within the proposed development and drain surface water towards that intersection; unless an alternative storm drain system is approved by the District.
- The District may require appropriate covenants guaranteeing that the stub street will remain free of obstructions.

**Temporary Dead End Streets Policy:** District policy 7207.2.4.4 requires that the design and construction for cul-de-sac streets shall apply to temporary dead end streets. The temporary cul-de-sac shall be paved and shall be the dimensional requirements of a standard cul-de-sac. The developer shall grant a temporary turnaround easement to the District for those portions of the cul-de-sac which extend beyond the dedicated street right-of-way. In the instance where a temporary easement extends onto a buildable lot, the entire lot shall be encumbered by the easement and identified on the plat as a non-buildable lot until the street is extended.

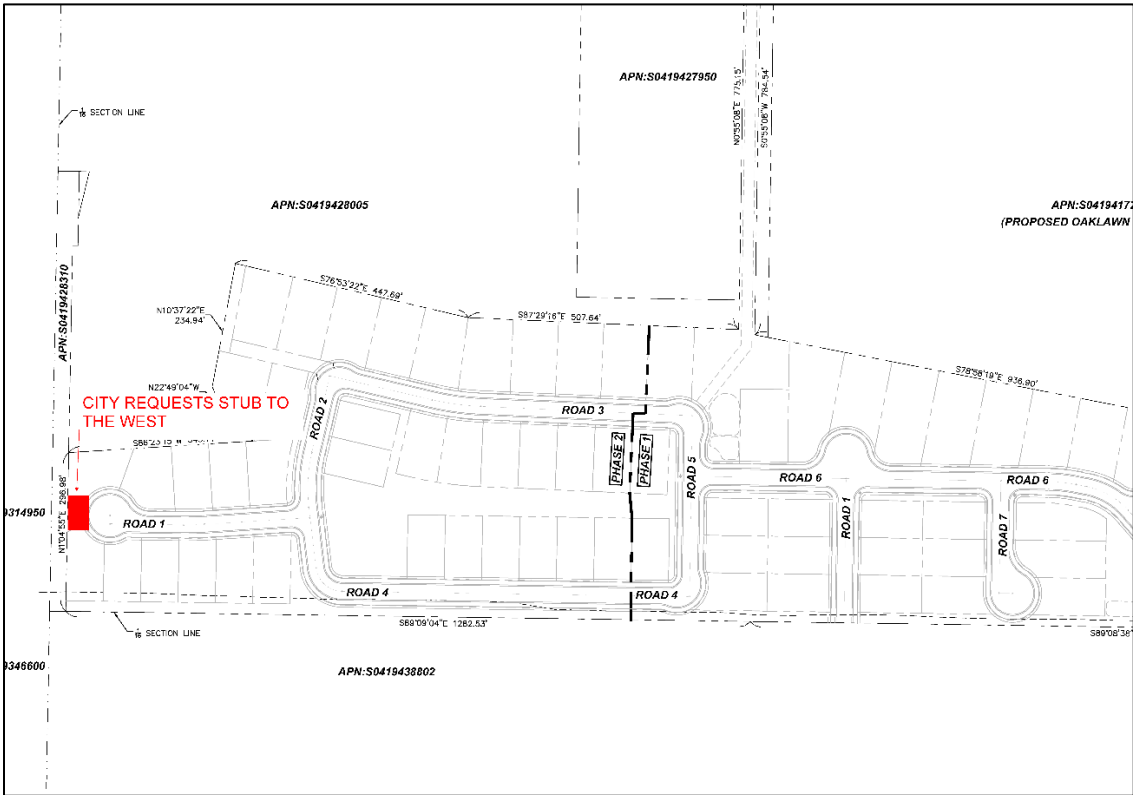
- b. Applicant Proposal:** The applicant is proposing to stub Road 7, a collector roadway, to the site's south property line located approximately 524-feet west of the site's east property line (measured property line to centerline).

The applicant is proposing to stub Road 1 to the site's south property line located approximately 1,115-feet west of the site's east property line (measured property line to centerline).

- c. Staff Comments/Recommendations:** The applicant's proposal to stub Road 7 to the site's south property line located approximately 524-feet west of the site's east property line meets District policy and should be approved as proposed. A temporary turn around is not required as the stub streets are less than 150-feet in length.

The applicant's proposal to stub Road 1 to the site's south property line located approximately 1,115-feet west of the site's east property line, meets District policy and should be approved, as proposed. Because this stub street will extend greater than 150-feet in length the construct of a temporary cul-de-sac turnaround is required. The temporary turnaround should be constructed meeting the dimensional requirements of a standard cul-de-sac. The applicant should grant a temporary turnaround easement to the District for those portions of the cul-de-sac which extend beyond the dedicated street right-of-way. In the instance where a temporary easement extends onto a buildable lot, the entire lot shall be encumbered by the easement and identified on the plat as a non-buildable lot until the street is extended.

To provide additional connectivity, consistent with ACHD policy and at the request of the City Star, the applicant should be required to one additional stub street to the west, as shown below. If the stub street is greater than 150-feet in length, then a temporary turnaround should be required.



The applicant should be required to install a sign at the terminus of each of the stub street stating that, “THIS ROAD WILL BE EXTENDED IN THE FUTURE.”

6. Driveways

6.1 Star Road

- a. **Existing Conditions:** There is an existing 19-foot wide unimproved driveway from the site onto Star Road located approximately 158-feet north of the site’s south property line.

b. **Policy:**

**Access Points Policy:** District Policy 7205.4.1 states that all access points associated with development applications shall be determined in accordance with the policies in this section and Section 7202. Access points shall be reviewed only for a development application that is being considered by the lead land use agency. Approved access points may be relocated and/or restricted in the future if the land use intensifies, changes, or the property redevelops.

**Access Policy:** District policy 7205.4.6 states that direct access to minor arterials is typically prohibited. If a property has frontage on more than one street, access shall be taken from the street having the lesser functional classification. If it is necessary to take access to the higher classified street due to a lack of frontage, the minimum allowable spacing shall be based on Table 1a under District policy 7205.4.6, unless a waiver for the access point has been approved by the District Commission.

**Driveway Location Policy:** District policy 7205.4.5 requires driveways located on minor arterial roadways from a signalized intersection with a single left turn lane shall be located a minimum of



330-feet from the nearest intersection for a right-in/right-out only driveway and a minimum of 660-feet from the intersection for a full-movement driveway.

District policy 7205.4.5 requires driveways located on minor arterial roadways from a signalized intersection with a dual left turn lane shall be located a minimum of 330-feet from the nearest intersection for a right-in/right-out only driveway and a minimum of 710-feet from the intersection for a full-movement driveway.

**Successive Driveways:** District policy 7205.4.6 Table 1a, requires driveways located on minor arterial roadways with a speed limit of 50 MPH to align or offset a minimum of 425-feet from any existing or proposed driveway.

**Driveway Width Policy:** District policy 7205.4.8 restricts high-volume driveways (100 VTD or more) to a maximum width of 36-feet and low-volume driveways (less than 100 VTD) to a maximum width of 30-feet. Curb return type driveways with 30-foot radii will be required for high-volume driveways with 100 VTD or more. Curb return type driveways with 15-foot radii will be required for low-volume driveways with less than 100 VTD.

**Driveway Paving Policy:** Graveled driveways abutting public streets create maintenance problems due to gravel being tracked onto the roadway. In accordance with District policy, 7205.4.8, the applicant should be required to pave the driveway its full width and at least 30-feet into the site beyond the edge of pavement of the roadway and install pavement tapers in accordance with Table 2 under District Policy 7205.4.8.

**Cross Access Easements/Shared Access Policy:** District Policy 7202.4.1 states that cross access utilizes a single vehicular connection that serves two or more adjoining lots or parcels so that the driver does not need to re-enter the public street system.

- c. **Applicant's Proposal:** The applicant is proposing to close the existing driveway from the site onto Star Road with 5-foot wide detached concrete sidewalk.
- d. **Staff Comments/ Recommendations:** The applicant's proposal to close the existing driveway from the site onto Star Road with 5-foot wide detached concrete sidewalk meets District Policy and should be approved as proposed.

## 6.2 Joplin Road

- a. **Existing Conditions:** There is 1 driveway onto Joplin Road from the site located 1,335-feet west of the Star Road.

- b. **Policy:**

**Access Policy:** District Policy 7205.4.1 states that all access points associated with development applications shall be determined in accordance with the policies in this section and Section 7202. Access points shall be reviewed only for a development application that is being considered by the lead land use agency. Approved access points may be relocated and/or restricted in the future if the land use intensifies, changes, or the property redevelops.

District Policy 7206.1 states that the primary function of a collector is to intercept traffic from the local street system and carry that traffic to the nearest arterial. A secondary function is to service adjacent property. Access will be limited or controlled. Collectors may also be designated at bicycle and bus routes.

**Successive Driveways:** District policy 7206.4.5 Table 1, requires driveways located on collector roadways with a speed limit of 20 MPH and daily traffic volumes greater than 100 VTD to align or offset a minimum of 245-feet from any existing or proposed driveway.

**Driveway Width Policy:** District policy 7206.4.6 restricts high-volume driveways (100 VTD or more) to a maximum width of 36-feet and low-volume driveways (less than 100 VTD) to a maximum width of 30-feet. Curb return type driveways with 30-foot radii will be required for high-

volume driveways with 100 VTD or more. Curb return type driveways with 15-foot radii will be required for low-volume driveways with less than 100 VTD.

**Driveway Paving Policy:** Graveled driveways abutting public streets create maintenance problems due to gravel being tracked onto the roadway. In accordance with District policy, 7206.4.6, the applicant should be required to pave the driveway its full width and at least 30-feet into the site beyond the edge of pavement of the roadway and install pavement tapers in accordance with Table 2 under District Policy 7206.4.6.

- c. **Applicant's Proposal:** The applicant is proposing to reconstruct the existing driveway onto Joplin Road as a 20-foot wide paved emergency access only driveway.
- d. **Staff Comments/Recommendations:** The applicant's proposal to construct a 20-foot wide emergency access only onto Joplin Road is approved, as proposed. The driveway should be restricted with a gate or bollards located outside of the right-of-way, as determined by the Star Fire Department.

## 7. Tree Planters

**Tree Planter Policy:** Tree Planter Policy: The District's Tree Planter Policy prohibits all trees in planters less than 8-feet in width without the installation of root barriers. Class II trees may be allowed in planters with a minimum width of 8-feet, and Class I and Class III trees may be allowed in planters with a minimum width of 10-feet.

## 8. Landscaping

**Landscaping Policy:** A license agreement is required for all landscaping proposed within ACHD right-of-way or easement areas. Trees shall be located no closer than 10-feet from all public storm drain facilities. Landscaping should be designed to eliminate site obstructions in the vision triangle at intersections. District Policy 5104.3.1 requires a 40-foot vision triangle and a 3-foot height restriction on all landscaping located at an uncontrolled intersection and a 50-foot offset from stop signs. Landscape plans are required with the submittal of civil plans and must meet all District requirements prior to signature of the final plat and/or approval of the civil plans.

## 9. Other Access

Star Road is classified as a minor arterial roadway and Joplin Road is classified as a collector roadway. Other than the access specifically approved with this application, direct lot access is prohibited to these roadways and should be noted on the final plat.

## D. Site Specific Conditions of Approval

1. Prior to plan submittal for any phase of the project and to receive final approval for the location of the Road 7 intersection with Star Road, submit a revised sight distance analysis that includes both a northbound and southbound sight distance analysis prepared according to ACHD's policy standards, and notes whether or not the irrigation district will allow modifications to canal bank to reduce the berms and vegetation within the canal easement for the Phyllis canal to meet sight distance requirements at the intersection. The location of Road 7 may need to be modified based on the findings and recommendation of the analysis.

Modifications to the Road 7 intersection with Star Road may also be required based on the findings and recommendations of the traffic impact study and preliminary plat application currently under review for the proposed Inspirado Subdivision located directly east of the site.

2. Dedicate additional right-of-way to total 50-feet from the centerline of Star Road, as proposed. Compensation will be provided for this right-of-way dedication.
3. Widen the pavement on Star Road to total 17-feet from centerline and construct a 3-foot wide gravel shoulder as proposed.

4. Construct 5-foot wide detached concrete sidewalk located a minimum of 43-feet from the centerline of Star Road as proposed.
5. Construct a 20-foot wide paved emergency access only driveway onto Joplin Road located 1,335-feet west of Star Road. Restrict the driveway with a gate or bollards located outside of the right-of-way, as determined by the Star Fire Department.
6. Construct the internal local roads as 33-foot wide local street sections with curb, gutter, an 8-foot wide planter strip and 5-foot wide detached concrete sidewalks within 50-feet of right-of-way as proposed. The right-of-way may be reduced to 2-feet behind the back of curb and provide a permanent right-of-way easement for the detached sidewalk. The right-of-way shall extend 2-feet behind the back of the sidewalk or back of curb.

If required by the City of Star, the use of a 36-foot wide street section on the internal local streets is approved.

7. Construct cul-de-sac turnarounds at the terminus of Roads 1 and 7 with a minimum radius of 50-feet.
8. Construct 5 knuckles throughout the site as proposed. Coordinate the radius of the knuckles with Development Review staff prior to plan submittal.
9. Construct one collector stub street to the south, Road 7, located 524-feet west of the site's east property line. Install a sign at the terminus of the stub street which states, "THIS ROAD WILL BE EXTENDED IN THE FUTURE."
10. Construct one stub street to the south, Road 1, located approximately 1,115-feet west of the site's east property line. Construct a temporary cul-de-sac turnaround at the terminus of the stub street. The temporary turnaround shall be constructed meeting the dimensional requirements of a standard cul-de-sac. Grant a temporary turnaround easement to the District for portions of the cul-de-sac which extend beyond the dedicated street right-of-way. In the instance where a temporary easement extends onto a buildable lot, the entire lot shall be encumbered by the easement and identified on the plat as a non-buildable lot until the street is extended. Install a sign at the terminus of the stub street which states, "THIS ROAD WILL BE EXTENDED IN THE FUTURE."
11. Construct one stub street to the west, Road 7, as shown on the image on page 9 above. Install a sign at the terminus of the stub street which states, "THIS ROAD WILL BE EXTENDED IN THE FUTURE."
12. Direct access to Star Road and Joplin Road is prohibited and should be noted on the final plat.
13. Close the driveways from the site onto Joplin Road.
14. Submit civil plans to ACHD Development Services for review and approval. The impact fee assessment will not be released until the civil plans are approved by ACHD.
15. Payment of impact fees is due prior to issuance of a building permit.
16. Comply with all Standard Conditions of Approval.

## **E. Standard Conditions of Approval**

1. All proposed irrigation facilities shall be located outside of the ACHD right-of-way (including all easements). Any existing irrigation facilities shall be relocated outside of the ACHD right-of-way (including all easements).
2. Private Utilities including sewer or water systems are prohibited from being located within the ACHD right-of-way.



3. In accordance with District policy, 7203.3, the applicant may be required to update any existing non-compliant pedestrian improvements abutting the site to meet current Americans with Disabilities Act (ADA) requirements. The applicant's engineer should provide documentation of ADA compliance to District Development Review staff for review.
4. Replace any existing damaged curb, gutter, and sidewalk and any that may be damaged during the construction of the proposed development. Contact Construction Services at 387-6280 (with file number) for details.
5. A license agreement and compliance with the District's Tree Planter policy is required for all landscaping proposed within ACHD right-of-way or easement areas.
6. All utility relocation costs associated with improving street frontages abutting the site shall be borne by the developer.
7. It is the responsibility of the applicant to verify all existing utilities within the right-of-way. The applicant at no cost to ACHD shall repair existing utilities damaged by the applicant. The applicant shall be required to call DIGLINE (1-811-342-1585) at least two full business days prior to breaking ground within ACHD right-of-way. The applicant shall contact ACHD Traffic Operations 387-6190 in the event any ACHD conduits (spare or filled) are compromised during any phase of construction.
8. Utility street cuts in pavement less than five years old are not allowed unless approved in writing by the District. Contact the District's Utility Coordinator at 387-6258 (with file numbers) for details.
9. All design and construction shall be in accordance with the ACHD Policy Manual, ISPWC Standards and approved supplements, Construction Services procedures and all applicable ACHD Standards unless specifically waived herein. An engineer registered in the State of Idaho shall prepare and certify all improvement plans.
10. Construction, use and property development shall be in conformance with all applicable requirements of ACHD prior to District approval for occupancy.
11. No change in the terms and conditions of this approval shall be valid unless they are in writing and signed by the applicant or the applicant's authorized representative and an authorized representative of ACHD. The burden shall be upon the applicant to obtain written confirmation of any change from ACHD.
12. If the site plan or use should change in the future, ACHD Planning Review will review the site plan and may require additional improvements to the transportation system at that time. Any change in the planned use of the property which is the subject of this application, shall require the applicant to comply with ACHD Policy and Standard Conditions of Approval in place at that time unless a waiver/variance of the requirements or other legal relief is granted by the ACHD Commission.

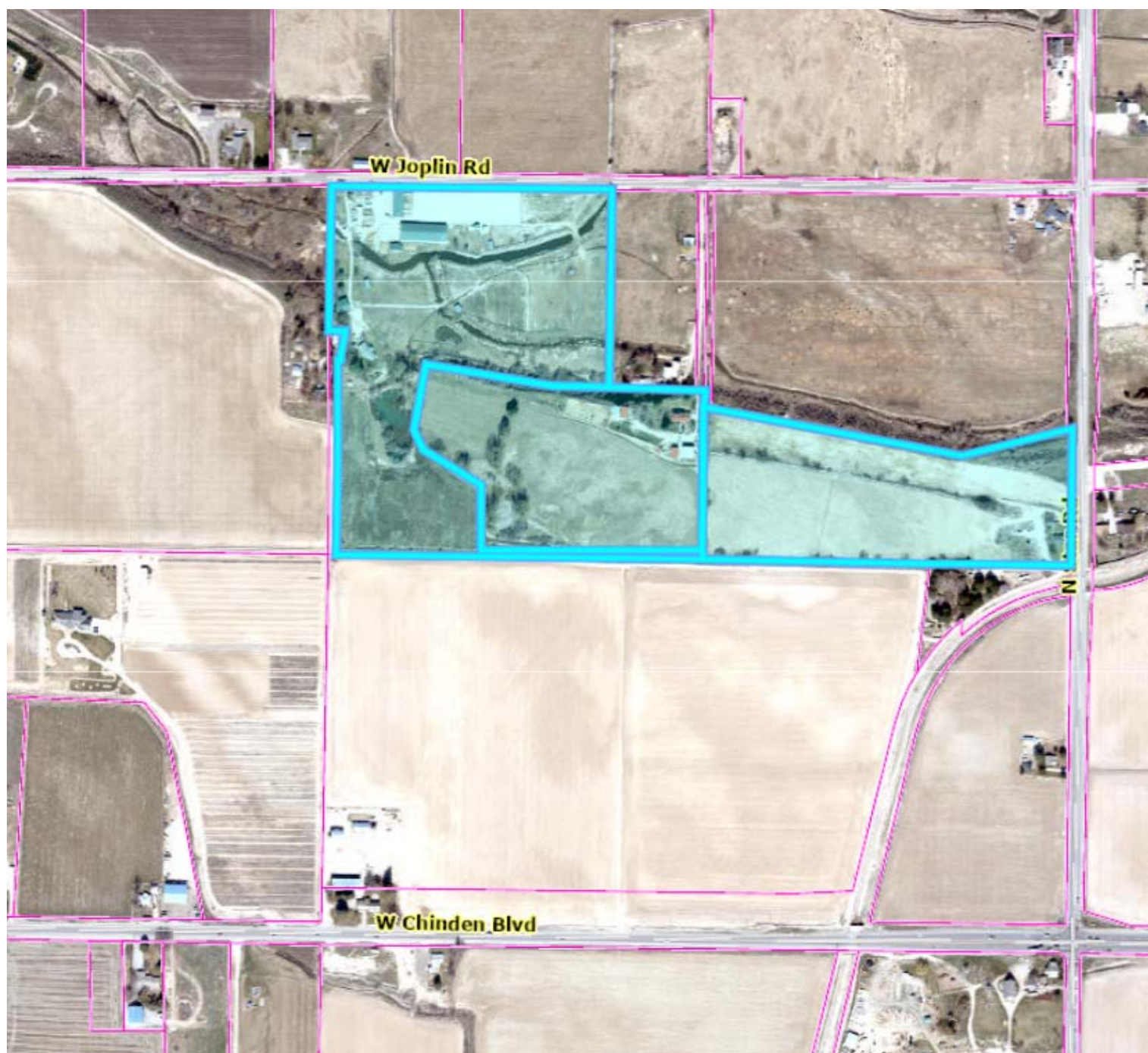
## **F. Conclusions of Law**

1. The proposed site plan is approved, if all of the Site Specific and Standard Conditions of Approval are satisfied.
2. ACHD requirements are intended to assure that the proposed use/development will not place an undue burden on the existing vehicular transportation system within the vicinity impacted by the proposed development.

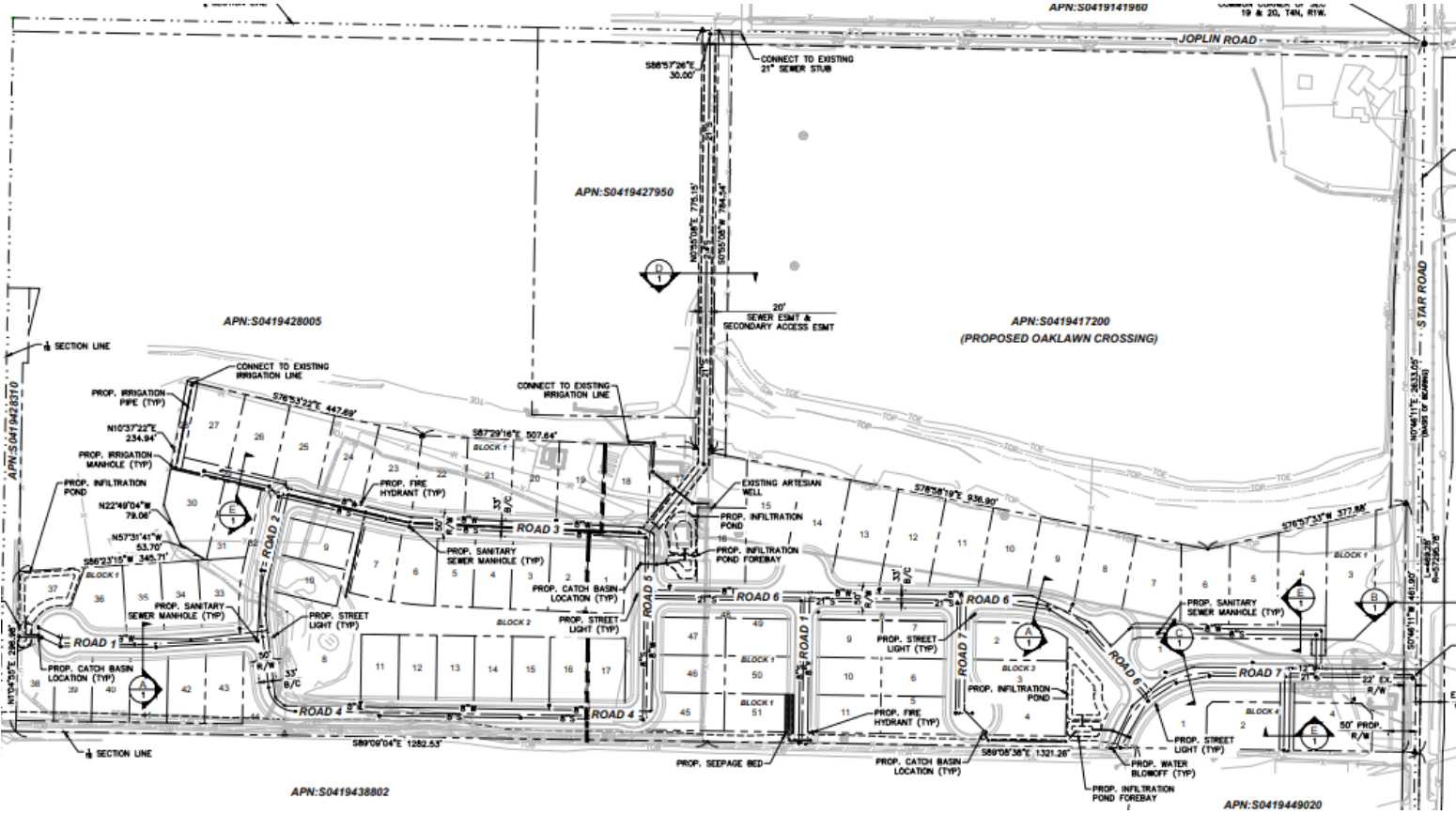
## **G. Attachments**

1. Vicinity Map
2. Site Plan
3. Utility Coordinating Council
4. Development Process Checklist
5. Request for Reconsideration Guidelines OR Appeal Guidelines

# VICINITY MAP



SITE PLAN





## Ada County Utility Coordinating Council

### Developer/Local Improvement District Right of Way Improvements Guideline Request

*Purpose: To develop the necessary avenue for proper notification to utilities of local highway and road improvements, to help the utilities in budgeting and to clarify the already existing process.*

- 1) **Notification:** Within five (5) working days upon notification of required right of way improvements by Highway entities, developers shall provide written notification to the affected utility owners and the Ada County Utility Coordinating Council (UCC). Notification shall include but not be limited to, project limits, scope of roadway improvements/project, anticipated construction dates, and any portions critical to the right of way improvements and coordination of utilities.
- 2) **Plan Review:** The developer shall provide the highway entities and all utility owners with preliminary project plans and schedule a plan review conference. Depending on the scale of utility improvements, a plan review conference may not be necessary, as determined by the utility owners. Conference notification shall also be sent to the UCC. During the review meeting the developer shall notify utilities of the status of right of way/easement acquisition necessary for their project. At the plan review conference each company shall have the right to appeal, adjust and/or negotiate with the developer on its own behalf. Each utility shall provide the developer with a letter of review indicating the costs and time required for relocation of its facilities. Said letter of review is to be provided within thirty calendar days after the date of the plan review conference.
- 3) **Revisions:** The developer is responsible to provide utilities with any revisions to preliminary plans. Utilities may request an updated plan review meeting if revisions are made in the preliminary plans which affect the utility relocation requirements. Utilities shall have thirty days after receiving the revisions to review and comment thereon.
- 4) **Final Notification:** The developer will provide highway entities, utility owners and the UCC with final notification of its intent to proceed with right of way improvements and include the anticipated date work will commence. This notification shall indicate that the work to be performed shall be pursuant to final approved plans by the highway entity. The developer shall schedule a preconstruction meeting prior to right of way improvements. Utility relocation activity shall be completed within the times established during the preconstruction meeting, unless otherwise agreed upon.

**Notification to the Ada County UCC can be sent to:** 50 S. Cole Rd. Boise 83707, or Visit [iducc.com](http://iducc.com) for e-mail notification information.

# Development Process Checklist

## Items Completed to Date:

- ☒ Submit a development application to a City or to Ada County
- ☒ The City or the County will transmit the development application to ACHD
- ☒ The ACHD **Planning Review Section** will receive the development application to review
- ☒ The **Planning Review Section** will do one of the following:
  - ☐ Send a **"No Review"** letter to the applicant stating that there are no site specific conditions of approval at this time.
  - ☒ Write a **Staff Level** report analyzing the impacts of the development on the transportation system and evaluating the proposal for its conformance to District Policy.
  - ☐ Write a **Commission Level** report analyzing the impacts of the development on the transportation system and evaluating the proposal for its conformance to District Policy.

## Items to be completed by Applicant:

- ☐ For **ALL** development applications, including those receiving a **"No Review"** letter:
  - The applicant should submit one set of engineered plans directly to ACHD for review by the **Development Review Section** for plan review and assessment of impact fees. (Note: if there are no site improvements required by ACHD, then architectural plans may be submitted for purposes of impact fee assessment.)
  - The applicant is required to get a permit from Construction Services (ACHD) for **ANY** work in the right-of-way, including, but not limited to, driveway approaches, street improvements and utility cuts.
- ☐ Pay Impact Fees prior to issuance of building permit. Impact fees cannot be paid prior to plan review approval.

### DID YOU REMEMBER:

#### *Construction (Non-Subdivisions)*

#### ☐ **Driveway or Property Approach(s)**

- Submit a "Driveway Approach Request" form to ACHD Construction (for approval by Development Services & Traffic Services). There is a one week turnaround for this approval.

#### ☐ **Working in the ACHD Right-of-Way**

- Four business days prior to starting work have a bonded contractor submit a "Temporary Highway Use Permit Application" to ACHD Construction – Permits along with:
  - a) Traffic Control Plan
  - b) An Erosion & Sediment Control Narrative & Plat, done by a Certified Plan Designer, if trench is >50' or you are placing >600 sf of concrete or asphalt.

#### *Construction (Subdivisions)*

#### ☐ **Sediment & Erosion Submittal**

- At least one week prior to setting up a Pre-Construction Meeting an Erosion & Sediment Control Narrative & Plan, done by a Certified Plan Designer, must be turned into ACHD Construction to be reviewed and approved by the ACHD Stormwater Section.

#### ☐ **Idaho Power Company**

- Vic Steelman at Idaho Power must have his IPCO approved set of subdivision utility plans prior to Pre-Con being scheduled.

#### ☐ **Final Approval from Development Services is required** prior to scheduling a Pre-Con.

## Request for Appeal of Staff Decision

1. **Appeal of Staff Decision:** The Commission shall hear and decide appeals by an applicant of the final decision made by the Development Services Manager when it is alleged that the Development Services Manager did not properly apply this section 7101.6, did not consider all of the relevant facts presented, made an error of fact or law, abused discretion or acted arbitrarily and capriciously in the interpretation or enforcement of the ACHD Policy Manual.
  - a. **Filing Fee:** The Commission may, from time to time, set reasonable fees to be charged the applicant for the processing of appeals, to cover administrative costs.
  - b. **Initiation:** An appeal is initiated by the filing of a written notice of appeal with the Secretary and Clerk of the District, which must be filed within ten (10) working days from the date of the decision that is the subject of the appeal. The notice of appeal shall refer to the decision being appealed, identify the appellant by name, address and telephone number and state the grounds for the appeal. The grounds shall include a written summary of the provisions of the policy relevant to the appeal and/or the facts and law relied upon and shall include a written argument in support of the appeal. The Commission shall not consider a notice of appeal that does not comply with the provisions of this subsection.
  - c. **Time to Reply:** The Development Services Manager shall have ten (10) working days from the date of the filing of the notice of appeal to reply to the notice of the appeal, and may during such time meet with the appellant to discuss the matter, and may also consider and/or modify the decision that is being appealed. A copy of the reply and any modifications to the decision being appealed will be provided to the appellant prior to the Commission hearing on the appeal.
  - d. **Notice of Hearing:** Unless otherwise agreed to by the appellant, the hearing of the appeal will be noticed and scheduled on the Commission agenda at a regular meeting to be held within thirty (30) days following the delivery to the appellant of the Development Services Manager's reply to the notice of appeal. A copy of the decision being appealed, the notice of appeal and the reply shall be delivered to the Commission at least one (1) week prior to the hearing.
  - e. **Action by Commission:** Following the hearing, the Commission shall either affirm or reverse, in whole or part, or otherwise modify, amend or supplement the decision being appealed, as such action is adequately supported by the law and evidence presented at the hearing.



## LEGAL NOTICE PUBLIC HEARING

Notice is hereby given that the Star City Council will hold a Public Hearing on **January 11, 2022** at the Star City Hall, 10769 W. State Street, Star, Idaho at 7:00 pm, or as soon thereafter as the matter may be heard. **COVID-19 UPDATE:** Please see City Website [www.staridaho.org](http://www.staridaho.org) for **Public Hearing instructions for Virtual Public Hearings if necessary.**

**Application:** Star River Meadows Subdivision Annexation  
Files #'s AZ-21-17 Annexation-Zoning

**Applicant/Representative:** Jim Perry, Woodbridge Pacific Group. 6225 N Meeker Pl, Boise, ID 83713

**Owner:** Same

**Action:** The Applicant is seeking approval of an Annexation and Zoning (R-3) for the annexation of the existing Star River Meadows Subdivision into the City of Star. The annexation of the subdivision includes a total of 13 existing residential lots and associated common lots. The properties included in this annexation are located on River Ranch Lane in Star, Canyon County, Idaho, and consists of approximately 4.8 acres.

**Property Location:** The subject property is generally located south of W. State Street (Hwy 44) at Bent Lane.

Services for persons with disabilities may be made available if notice is received in advance of the meeting by calling Star City Hall at (208) 286-7247.

Shawn L. Nickel  
Planning Director and Zoning Administrator  
[snickel@staridaho.org](mailto:snickel@staridaho.org)



CITY OF STAR

**LAND USE STAFF MEMO**

**TO:** Mayor & Council

**FROM:** City of Star, Idaho – Planning & Zoning Department *Shawn T. Smith*

**MEETING DATE:** **January 11, 2022 – PUBLIC HEARING (Tabled to February 1, 2022)**

**FILE(S) #:** AZ-21-17 Annexation and Zoning of Star River Meadows Subdivision

**OWNER/APPLICANT/REPRESENTATIVE**

<b>Owner:</b> Hallmark Homes 1895 N. Lakes Place Meridian, ID 83646	<b>Owner:</b> Oakmont Signature Homes, LLC 2502 N. Constance Place Eagle, ID 83616	<b>Owner:</b> WPG Star Meadows, LLC 27271 Las Ramblas, Ste. 100 Mission Viejo, CA 92691
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**Applicant/Representative:**  
Woodbridge Pacific Group  
Jim Perry  
6225 N. Meeker Place  
Boise, ID 83713

**STATUS**

**This application is being tabled to February 1, 2022 to allow staff to properly publish the public hearing in the newspaper.**

Notice is hereby given that the Star City Council will hold a Public Hearing on December 21, 2021 at Star City Hall 10760 W State Street, at 7:00 PM. For more information, please contact the Mayor as the meeting is open to the public. The meeting is subject to the 2019 UPD. For more information, please visit [www.starcitymo.org](http://www.starcitymo.org) or visit [www.starcitymo.org](http://www.starcitymo.org) for virtual Public Hearing Instructions.

**Section 5, Item E.**

**Application:** Unified Development Code Text Amendment

**Applicant:** City of Star

**Action:** The following Sections of the Unified Development Code will be reviewed for amendment and added as new Code Chapters:

CHAPTER 1 THROUGH CHAPTER 8: UPDATES TO INCLUDE ADMINISTRATIVE AND REGULATORY PROCESSES, APPLICATION CRITERIA, IMPLEMENTATION, PURPOSES, DEFINITIONS, APPLICABILITY, ZONING DISTRICT STANDARDS AND REGULATIONS, SPECIFIC USE STANDARDS, SUBDIVISION REGULATIONS, PLANNED UNIT DEVELOPMENTS, DESIGN AND DEVELOPMENT STANDARDS FOR SIGNS, BICYCLE PARKING, LANDSCAPE AND BUFFER AREA STANDARDS, LIGHTING AND STREETLIGHT STANDARDS, SIDEWALK STANDARDS UPDATE; AND ESTABLISHMENT OF DESIGN REVIEW AND DEVELOPMENT STANDARDS; ESTABLISHMENT OF A HORIZONTAL APARTMENT/BUILD TO RENT ORDINANCE; ESTABLISHMENT OF AN AREA OF CITY IMPACT ORDINANCE.

**Information/Comments:** A complete copy of the Ordinance is available at City Hall for public review. The City invites all interested parties to attend the meeting and provide public testimony. Written comments will be accepted by the City until noon on the day before the public hearing.

Assistance for persons with disabilities will be provided. To make arrangements please contact City Clerk Jacob Qualls at 208-338-2711 at least 24 hours prior to the meeting.

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Published Thursday, December 2, 2021



## LEGAL NOTICE PUBLIC HEARING

Notice is hereby given that the Star City Council will hold a Public Hearing on December 21, 2021 at Star City Hall, 10769 W. State Street, at 7:00 pm, or as soon thereafter as the matter may be heard. COVID-19 UPDATE: Please see City Website [www.staridaho.org](http://www.staridaho.org) for Virtual Public Hearing Instructions.

**Application:** Unified Development Code Text Amendment

**Applicant:** City of Star

**Action:** The following Sections of the Unified Development Code will be reviewed for amendment and added as new Code Chapters:

CHAPTER 1 THROUGH CHAPTER 8: UPDATES TO INCLUDE ADMINISTRATIVE AND REGULATORY PROCESSES, APPLICATION CRITERIA, IMPLEMENTATION, PURPOSES, DEFINITIONS, APPLICABILITY, ZONING DISTRICT STANDARDS AND REGULATIONS, SPECIFIC USE STANDARDS, SUBDIVISION REGULATIONS, PLANNED UNIT DEVELOPMENTS, DESIGN AND DEVELOPMENT STANDARDS FOR SIGNS, BICYCLE PARKING, LANDSCAPE AND BUFFER AREA STANDARDS, LIGHTING AND STREETLIGHT STANDARDS, SIDEWALK STANDARDS UPDATE; AND ESTABLISHMENT OF DESIGN REVIEW AND DEVELOPMENT STANDARDS; ESTABLISHMENT OF A HORIZONTAL APARTMENT/BUILD TO RENT ORDINANCE; ESTABLISHMENT OF AN AREA OF CITY IMPACT ORDINANCE.

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Assistance for persons with disabilities will be provided—to make arrangements please call City Clerk Jacob Qualls at 208-286-7247 at least 24 hours prior to the hearing.

Jacob M. Qualls  
City Clerk

**UNIFIED DEVELOPMENT CODE REVISIONS**  
**DECEMBER 21, 2021 CITY COUNCIL**

**CHAPTER 1**

**ADMINISTRATION**

**ARTICLE A. APPLICATION PROCESSING**

- 8-1A-1: PURPOSE:**
- 8-1A-2: DUTIES AND AUTHORITY:**
- 8-1A-3: APPLICATION PROCESS:**
- 8-1A-4: ADMINISTRATIVE PROCESS:**
- 8-1A-5: PROCEDURES FOR HEARINGS ON ADMINISTRATIVE DECISIONS:**
- 8-1A-6: PUBLIC HEARING PROCESS:**
- 8-1A-7: TIME COMPUTATION:**
- 8-1A-8: INDEFINITE DEFERRAL PROCESS:**
- 8-1A-9: REQUEST FOR RECONSIDERATION:**
- 8-1A-10: APPEAL; FORM AND CONTENT:**
- 8-1A-11: FEES:**

**8-1A-1: PURPOSE:**

The purpose of this chapter is to set forth the roles, responsibilities, and processes in the administration of permits as authorized by this title consistent with Idaho Code section 67-6502 et seq., as amended.

**8-1A-2: DUTIES AND AUTHORITY:**

A. Planning Administrator: The administrator shall be appointed by the mayor and confirmed by a majority of the city council as the administrative official for this unified development code. For the purpose of this Title, Planning Administrator shall also refer to their authorized planning staff. The administrator or his or her authorized staff shall administer and enforce this title and fulfill all the duties imposed by law including, but not limited to:

1. The administrator shall make interpretations in the enforcement and administration of this title including, but not limited to, those in this article and the following:
  - a. Conduct investigations of structures and use of property, as are necessary, to determine compliance with the regulations of this title;
  - b. Order the abatement of violations of this title and aid in prosecuting such violations;
  - c. Withhold any zoning compliance certificates on any property where structures or uses are in violation of this unified development code; and
  - d. Enforce penalties for violations in accord with this title.
  - e. Implement, administer, and enforce this Title, including interpretations of vagueness, and waiver of standards based upon those interpretations, so long as that interpretation is not in direct violation or conflict with the public health, safety, and welfare, and where those standards are not subject to City Council approval.

2. The administrator shall provide information to the public on planning and zoning matters.
3. The administrator shall receive and examine all applications including, but not limited to, with the consent of the owner, enter upon any property to make examinations and surveys; maintain records of all materials and correspondence related to land use applications; transmit to outside agencies and provide written notice to surrounding property owners on all council hearings; maintain land use records of the council hearings and actions thereon. By signing the required application(s), the owner provides consent for the administrator to enter their property for inspection.
4. The administrator shall transmit to the council all required applications related to this title.

### **8-1A-3: APPLICATION PROCESS:**

#### **A. Application Requirements:**

1. General requirements: Applications shall be on forms provided by the city and be accompanied by a fee as established by the city council.

#### **B. Determination of Completeness:**

1. An application shall contain all information deemed necessary by the administrator and as required by this code.
2. Upon receipt of a complete application, the administrator will issue a notice of application acceptance and completion. Incomplete applications will not be accepted by the City.
3. The administrator shall begin processing the application once the application is deemed complete.
4. Except for applications requiring administrative review, once the application is complete, the City will notify the applicant in writing of the scheduled public hearing date. Scheduling of applications for public hearing shall be at the sole discretion of the administrator.

5. Pre-application meetings are required for all zoning applications.

C. Request for City Council Review: An applicant, an affected person or a city council member may ask the city council to review any decision of the administrator by following the provisions set forth in section 8-1A-5.

### **8-1A-4: ADMINISTRATIVE PROCESS:**

A. The administrator and/or city council may recommend/require conditions of approval that are deemed necessary to protect the public health, safety, and welfare and prevent undue adverse impacts on surrounding properties.

B. Where notice is required, the administrator shall notify all property owners of record (as listed in the current records of the county assessor) of time and place, and a summary of the application, within a minimum of three hundred feet (300') of the external boundaries of subject property. The administrator may determine, or other applications provided for in this title may require, that notice be sent to property owners of record whose properties are farther than the required minimum radius.



1. The following uses shall also require notice within one thousand feet (1,000') of the property being considered:

- Adult business/adult entertainment
- Airport/aircraft landing field (public or private)
- Asphalt plant
- Bar/tavern/lounge/drinking establishment
- Chemical manufacturing plant
- Concrete batch plant
- Feedlot
- Flammable substance storage
- Junkyard
- Manufacturing plant
- Meatpacking plant
- Mine, pit or quarry including accessory pit, requiring administrative or conditional use approval
- Power Plant
- Processing plant
- RV Park
- Salvage yard
- Shooting range (outdoor)
- Vehicle wrecking yard
- Wireless communications facility

C. Where notice is required, the administrator shall notify all pertinent agencies.

D. The administrator shall provide the applicant written findings of fact and conclusions of law (written decision) in accord with Idaho Code section 67-6519 stating the reasons for the decision reached. All conditions of approval shall be attached to the written decision.

E. Written notice of the administrator's decision shall be sent to the applicant. Any affected person(s) aggrieved by the administrator's decision may submit a written request for city council review in accord with section 8-1A-5. The administrator's decision is not final until the end of the fifteen (15) day appeal period.

F. Affected Persons. An affected person is a person having a bona fide interest in real property which may be adversely affected by the approval, denial or failure to act upon an application for a subdivision, variance, special use permit and such other applications required or authorized by this Code. See Idaho Code Section 67-6521.

### **8-1A-5: PROCEDURES FOR HEARINGS ON ADMINISTRATIVE DECISIONS:**

A. Request for an Interpretation of an Ordinance: In the administration of this title, an interpretation of an ordinance may be made by the administrator.

B. Requests for City Council Review of a Decision of the Administrator: All requests for review shall be filed in writing with the city clerk within fifteen (15) days after the written decision is issued. The request shall include the following information:

1. The decision being requested for review;
2. The name and address of the person requesting the review and their interest in the matter; and
3. The specific grounds upon which the request is made.

C. Hearing Scheduled: The city clerk shall schedule the hearing before the city council at the next public hearing date, following the notice requirements provided by subsection 8-1A-6E.

D. City Council: The city council, by majority vote, in reviewing the administrator's decision, may uphold, deny, amend or modify the decision by imposing additional or different conditions and limitations.

1. If the decision of the administrator is upheld, the city council shall issue a written decision stating the decision and the reasons for the decision.
2. If the decision of the administrator is overruled, amended or modified, the council shall issue a written decision and send the matter back to the administrator for action consistent with the council's decision.

E. Notification: Within ten (10) days, after a decision has been rendered by the city council, the administrator shall send a copy of the written decision to the individual requesting the city council review and the applicant, as may be applicable.

#### **8-1A-6: PUBLIC HEARING PROCESS:**

A. The following applications require public hearings: Annexation and zoning, comprehensive plan text amendments, comprehensive plan map amendments, conditional use permits, floodplain text amendments, planned unit developments, preliminary plats, unified development code text amendments, vacations, variances, and zoning map amendments.

B. Preapplication Meeting: Applications requiring a public hearing require a preapplication meeting with the administrator prior to holding a neighborhood meeting.

C. Neighborhood Meetings:

1. Required: If a public hearing is required, applicants are required to hold a neighborhood meeting to present the proposed project to the neighbors, answer questions and receive comments prior to the submittal of an application.
2. Notice: It shall be the sole duty of the applicant to provide written notice of the neighborhood meeting to all property owners of record (to be obtained from the County Assessor's office) within the radius required in subsection 8-1A-4B of this article.
3. Advance Notice and Timing of Meeting: Notice of the meeting shall be provided at least seven (7) days prior to the meeting. The meeting shall be held not more than three (3) months nor less than two (2) business days prior to the submittal of an application.
4. Hours Stipulated for Holding Meeting: Neighborhood meetings shall start on Saturday between ten o'clock (10:00) A.M. and seven o'clock (7:00) P.M., or on a weekday between six o'clock (6:00) P.M. and eight o'clock (8:00) P.M. The meeting shall not be on a Sunday, a

holiday, a holiday weekend, or on the day before a holiday or holiday weekend.

5. Location: Neighborhood meetings shall be held at one of the following locations: on the subject property; at the nearest available public meeting place including, but not limited to, a fire station, library, school, church or community center; or at an office space with suitable meeting facilities, if the facilities are within the corporate limits of the City of Star.

6. Written Verification: The application materials shall include a copy of the provided neighborhood meeting notice, a copy of the neighborhood radius list and map, and written verification of the neighborhood meeting, which shall include an attendance roster.

D. Posting of Public Hearing Notice by Applicants:

1. All applicant shall post the subject property, except posting is not required for a unified development code text amendment and/or comprehensive plan text amendment.

2. Time: Not less than ten (10) days prior to the hearing, the applicant shall post a copy of the public hearing notice of the application on the property under consideration and provide an affidavit of posting, with dated photos, to the administrator.

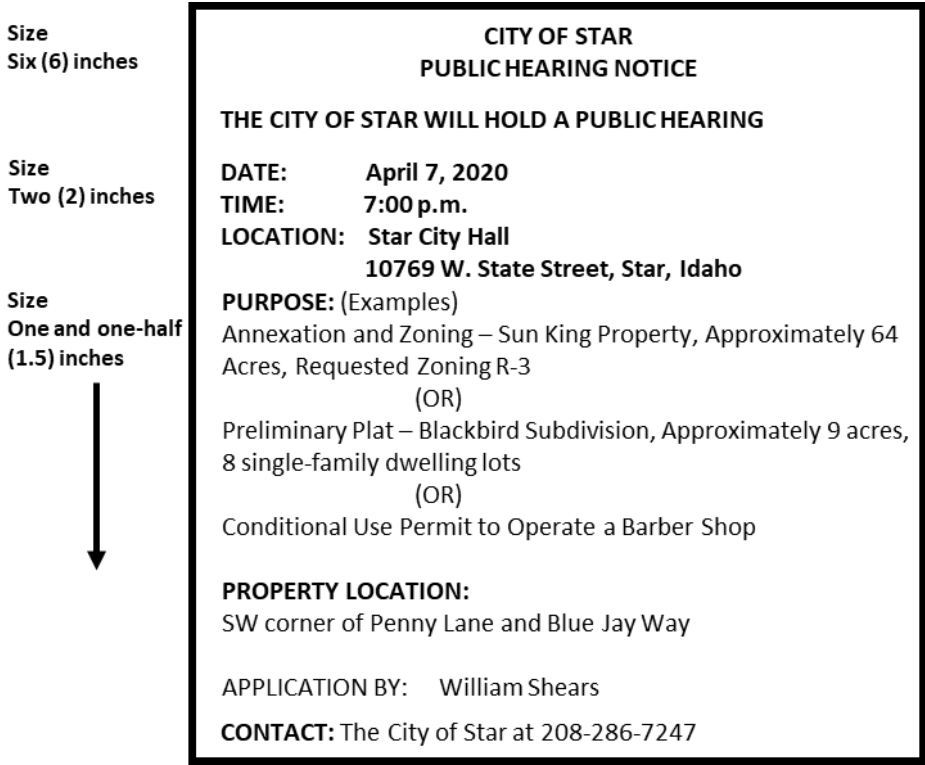
3. Notice:

a. Sign Material: The sign(s) shall consist of four foot by four foot (4' x 4') plywood or other hard surface mounted on two (2) four inch by four inch (4" x 4") posts, or attached to another administrator approved support in such a manner that it is perpendicular to the roadway along which the sign is posted and the bottom of the sign is at least three feet (3') above the ground.

b. Purpose and Contents of Sign: Centered at the top of the four-foot by four-foot (4' x 4') signboard(s) in six-inch (6") letters shall be the words "City of Star Public Hearing Notice". In addition, each sign will inform the public of the nature of the hearing, the date, time and address of the hearing location, detailed information of the proposal to be considered, a city contact number, the location of the development and the name of the applicant, and if applicable, the proposed development. Each sign shall be painted white, and the letters shall be painted black and shall appear on both sides. An example of this sign is set forth below:

FIGURE 8-1A-6(a)  
PUBLIC HEARING NOTICE SIGN EXAMPLE





- c. Sign Placement: The signs shall be posted on the land being considered along each roadway that is adjacent to the subject property boundaries. The sign(s) shall be located on the property, outside of the public right of way. If the sign cannot be placed on the property and still be clearly visible, the sign may be placed within the right of way if the applicant can obtain the consent of the owner of the right of way (ITD/ACHD/CHD4).
- d. Proof of Posting: The applicant shall submit a notarized statement and a photograph of the posting to the city no later than seven (7) days prior to the public hearing attesting to where and when the sign(s) were posted. Unless the certificate is received by such date, the public hearing will be canceled.
- e. Sign Removal: The signs shall be removed no later than three (3) days after the public hearing for which the sign had been posted. A fine may be initiated for failure to remove sign. Fine amount to be determined by Council.
- f. Failure to post the property properly or within the required timeframe will result in cancelation of the public hearing and an additional posting which will be paid for by the applicant.

**E. Mailing and Publishing of The Public Hearing Notice:**

1. Legal Notice: At least fifteen (15) days prior to the public hearing, the city shall publish a notice of the time and place and a summary of the application in the official newspaper of the city or as required by law.
2. Radius:
  - a. Time Of Notice: At least fifteen (15) days prior to the public hearing, the city shall send a notice by first class mail of the time and place, and a summary of the application to all property owners of record (to be obtained from the County Assessor's office) within the radius required in subsection 8-1A-4B of this article.
  - b. Notice to Other Jurisdictions: The administrator shall send notice of the application to other

jurisdictions with interest and/or authority over the application, allowing thirty (30) days to respond, including, but not limited to, the following:

- (1) Other jurisdictions with joint jurisdiction;
- (2) Appropriate utility companies, irrigation companies or districts and drainage districts;
- (3) Health and transportation authorities; and
- (4) School districts.
- (5) See Idaho Code 67-6511(2)(b) for statutory alternate forms of notice
- (6) Staff reports will be available to the public five (5) days prior to the public hearing.
- (7) Letters from the public are required to be received by noon on the previous working day prior to the public hearing.
- (8) Letters from agencies having jurisdiction are required to be received a minimum of seven (7) days prior to the public hearing.

#### F. Public Hearing:

1. Procedures for Legislative public hearings: Public hearings in legislative matters brought pursuant to requirements established by the Local Land Use Planning Act should take place after the City has provided notice as required by law. Prior to publishing notice of a legislative public hearing, a draft of the legislative proposal (Ordinance, Comprehensive Plan Amendment or Unified Development Code Amendment) should be prepared and be available for public inspection no later than the day the notice of public hearing is published.
2. Procedures For Quasi-Judicial Public Hearings: Quasi-judicial hearings involve site-specific decisions (such as rezoning specific property) as opposed to legislative hearings which require decisions that have a broad application (such as a change in the text of a comprehensive plan or zoning ordinance, which does not necessarily affect one (1) specific parcel of land). Quasi-judicial public hearings should follow the order of events set forth below.
  - a. Mayor/Council President or designee announces the item for Council consideration and opens the public hearing. The Council shall not begin deliberations until all testimony and evidence has been presented. No person shall be permitted to speak at a public hearing until such person has been recognized by the Mayor/Council President. If there is a question of "conflict of interest", as defined by Idaho Code section 67-6506, for any Councilmember, it shall be disclosed at the beginning of the hearing and, if the Council finds a conflict of interest exists, the disclosing Councilmember shall step away from the Council and not participate in deliberations or decisions for that item, and shall rejoin the Council after action on that item is concluded. Any information received by a Councilmember other than during the public hearing shall be disclosed at the beginning of the hearing. Any late-arriving reports or public input may cause a delay in the proceedings while council reviews the new information.
  - b. Applicant describes the application and reasons it complies or does not comply with plans, ordinances and standards.
  - c. The planning and zoning official or designee reports why the application complies or does not comply with plans, ordinances and standards.

- d. Individuals/spokespersons testify why an application complies or does not comply with plans, ordinances and standards. Speakers shall not be interrupted by the audience. Questions from the decision makers should be asked of the person testifying before that person leaves the podium whenever possible. Public officials, when recognized, shall be allowed to question the speaker and the speaker shall be limited to answer questions asked. The question and answer period shall not be included in the speaker's time limit. Any person not conforming to these procedures may be prohibited from speaking during a public meeting. Should any person refuse to comply with such prohibition, he or she may be removed from the room by order of the Hearing Officer. Testimony should be in the following order:
- i. Those testifying the application complies,
  - ii. Those identifying subjects not discussed in the application, applicant's testimony or planning and zoning official report,
  - iii. Those testifying the application does not comply,
  - iv. Rebuttal testimony from the applicant. Decision-makers should ask any final questions. Only information from the record can be rebutted. If the applicant testifies about new facts, then others testifying must be given an opportunity to respond to the new facts.
- e. The Chairperson/Mayor closes the public comment portion of the hearing by declaration or Commission/Council motion.
- f. Council deliberates toward a decision. Council may ask the planning and zoning official or designee questions during this time.
- g. The Council continues the matter for additional information or makes a verbal decision by majority vote, followed by a signed written decision that is legally considered a "final decision" that can be appealed by an affected person. The final decision should include a reasoned statement that explains the criteria and standards considered relevant, the relevant contested facts relied on, the rationale for the decision based on the applicable criteria and provisions of plans, ordinances or standards, pertinent constitutional principles and factual information contained in the record.
- h. The Council shall decide, an application is approved, approved with conditions, or denied. If denied, the Council shall identify what the applicant can modify in the application in order to be approved.
- i. When a final decision has been made, the City shall send a copy of the final decision promptly by electronic mail, or first-class postage prepaid U.S. mail, to the applicant and to an affected property owner who has requested notice of the final decision.



- j. Applicants, or an affected property owner as defined in Idaho Code 67-6521, shall have fourteen (14) days after a final decision to request reconsideration by the final-decision maker, and must identify specific deficiencies in a final decision. Failure to request reconsideration may invalidate a subsequent judicial appeal. After considering the identified deficiencies, the final decision about the reconsidered request shall be issued and distributed to the applicant and to an affected property owner who has requested notice of the final decision.
3. If the council finds that it does not have sufficient information to make a decision, it may continue the public hearing. The council may also choose to conduct a study session with all parties of record to address questions and issues related to the application.
4. The council may require or recommend conditions of approval that it deems necessary to protect the public health, safety, and welfare and/or to prevent undue adverse impacts on surrounding properties.
5. After the public hearing is conducted, the council may approve, approve with conditions, deny, table to a date certain, or remand to the administrator, the application request.
6. The council action shall be made within seventy (70) days after receiving all information to make a decision or seventy (70) days from the last meeting where the application is considered if additional information is not needed.
7. The administrator shall provide the applicant written findings of fact and conclusions of law in accord with Idaho Code sections 67-6519 and 67-6535 stating the reasons for the decision reached. Conditions of approval shall be attached to the written decision.

**8-1A-7: TIME COMPUTATION:**

In computing any period of time prescribed or allowed by this title, the City shall count calendar days. The written decision date shall be the date of the hearing at which written findings are adopted by the city council. If no hearing is held on the matter, the written decision date shall be the date written notice of such decision is mailed to the applicant.

**8-1A-8: INDEFINITE DEFERRAL PROCESS:**

When action on an application has been deferred indefinitely at the applicants' request, the applicant shall pay an additional fee to cover the cost of re-advertising before the application is scheduled for a public hearing.

**8-1A-9: REQUEST FOR RECONSIDERATION:**

A. Unified Development Code: Any applicant or affected person seeking judicial review of compliance with the provisions of this section must first seek reconsideration of the final decision within fourteen (14) days, as required by Idaho Code 67-6535.

To request reconsideration, an applicant or affected person must meet the following criteria:

- 1. The requesting party must have been a party in the underlying action in one of the following: the city; the property owner of the subject property; the applicant for the project; or other

affected party; and

2. The request must be in writing, accompanied by the appropriate fee, and presented to the City no more than fourteen (14) calendar days after the council action and final decision have been rendered; and

3. The request must state a basis for the request and a brief statement of issues and decision that the requesting party is asking to be reconsidered; and

4. The request must include but is not limited to: the party requesting reconsideration has relevant information; and the relevant information was not previously presented and is in response to something brought up at the previous hearing; and the information was not previously available.

B. Consideration: The council will consider the request and provide a written decision to the requesting party within sixty (60) days of receipt of the request for reconsideration.

D. If the City Council Approves the Request: The requesting party must pay the fee for a new public hearing within ten (10) calendar days of council's reconsideration. If the payment is not made to the city clerk within the specified time frame, the city council shall be notified at their next regularly scheduled meeting and the request for reconsideration shall be rescinded.

E. All Noticing Shall Be Done in The Same Manner As All Public Hearings: If the applicant for reconsideration is not the property owner, they may post the notice of hearing sign that is required by ordinance in the right of way, if they have permission of the appropriate authority. The city council may waive this requirement, excepting publication costs. The city council shall consider all relevant facts regarding the reasons the property has not been properly posted and may direct any reasonable measures it wants to assure that the public has appropriate notice. The new hearing shall be conducted in the same manner as all public hearings.

F. Public Hearing: The administrator will schedule a new public hearing for the application as allowed by this code and all noticing requirements shall be mandatory. The public hearing shall be limited to a discussion of the new information and the ultimate decision shall be a final action of the city council. No request for reconsideration may be accepted by the administrator on the decision of the city council from this hearing.

G. Number of Requests: One request for reconsideration by any party as stated in subsection A1 of this section, may be sought on any project.

#### **8-1A-10: APPEAL; FORM AND CONTENT:**

Any city council decision may be appealed to a court of appropriate jurisdiction in accordance with the procedures established in Idaho Code.

#### **8-1A-11: FEES:**

In the application of fees for the review of permit applications, the following rules shall apply:

A. Basis for Calculation: For any application involving more than one classification of a petition

or application, the filing fee shall be the sum of the total fee(s) of each individual application(s).

B. Fees Nonrefundable: Once an application has been deemed complete by the administrator and noticing has occurred, fees to be charged for the various procedures stated above are not refundable.

C. Land Use Application Fees: Land use application fees shall be set and adopted by resolution of the city council.

D. The applicant shall be responsible for all other additional review fees associated with the review of the application(s). This includes but is not limited to City engineer, legal and agencies having jurisdiction. The applicant shall also be responsible for any outside agency review fees.

E. Applicant shall be responsible for all costs associated with re-noticing of public hearings when applicants actions result in the meetings is being postponed, i.e. failure to properly notice the site or applicants request for postponement of public hearing.



ARTICLE B

APPLICATION CRITERIA

- 8-1B-1: ANNEXATION AND ZONING; REZONE:
- 8-1B-2: CERTIFICATE OF ZONING COMPLIANCE:
- 8-1B-3: COMPREHENSIVE PLAN AMENDMENTS:
- 8-1B-4: CONDITIONAL USES:
- 8-1B-5: UNIFIED DEVELOPMENT CODE TEXT AMENDMENTS:
- 8-1B-6: VARIANCE:

8-1B-1: ANNEXATION AND ZONING; REZONE:

A. Process:  
Annexation and Zoning or Rezone Initiated By Property Owner: The applicant shall complete a pre-application conference with the administrator prior to submittal of an application for an annexation and zoning and/or rezone. An application and fees shall be submitted to the administrator on forms provided by the city.

- B. Standards:
1. The subject property shall meet the minimum dimensional standards of the proper district.
  2. The city may require a development agreement in conjunction with the annexation and zoning, or rezone, pursuant to Idaho Code section 67-6511A, which may include a concept plan. In addition to other processes permitted by city and state code, exceptions or waivers of standards, other than use, may be permitted through execution of a development agreement. A development agreement and concept plan shall be required for any rezone to a mixed-use zone, high density zone or land which includes steep slope (land over 25%) or floodway.
  3. The termination of a development agreement shall result in the reversal of the official zoning map amendment approval and applicable development approval for any undeveloped portion of property subject to the development agreement. The undeveloped property subject to the development agreement shall be rezoned to the district classification as designated by the development agreement. When no designation is provided, the property shall revert to its original zoning or, if the original designation no longer exists, to the closest current equivalent zoning as determined by the current Comprehensive Plan Land Use Map designation.
  4. An amendment or termination of a previously recorded development agreement shall be recorded in the office of the county recorder by the clerk.
  5. An approved development agreement must be executed within ninety (90) days of the meeting at which the development agreement is approved by the city council. A one-time administrative extension of maximum thirty (30) days may be granted by the zoning administrator. Additional extensions may be approved by majority vote of the city council. Failure to execute the development agreement within the required timeframe will result in the denial of all related applications.
  6. Applicant may be responsible to participate in reimbursement costs associated with traffic studies, in proportionate share contributions that may be established with transportation authorities, relative to traffic signals, access, and/or construction improvements associates with State Highways 16, 20/26 & 44.

C. Required Findings: The council shall review the application at the public hearing. In order to grant an annexation and zoning or rezone, the council shall make the following findings:

1. The map amendment complies with the applicable provisions of the comprehensive plan;
2. The map amendment complies with the regulations outlined for the proposed district;
3. The map amendment shall not be materially detrimental to the public health, safety, and welfare; and
4. The map amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city.
5. The annexation (as applicable) is in the best interest of city.

### **8-1B-2: CERTIFICATE OF ZONING COMPLIANCE:**

A. Purpose: The purpose of the certificate of zoning compliance (CZC) is to ensure that all construction, alterations and/or the establishment of a new use complies with all of the provisions of this title, and any applicable conditions of approval, before any work on the structure is started and/or the use is established.

B. Applicability: These provisions apply to all requests for permits that involve construction, interior/exterior alterations and/or the change in or establishment of a new use.

C. Process: A certificate of zoning compliance shall be issued by the administrator when there is a demonstration that the development complies with all provisions of this title, and any applicable conditions of approval.

1. No certificate of zoning compliance shall be issued for any use on a property in violation of this title or on a property that contains structures or uses in violation of this title.
2. The certificate of zoning compliance shall be invalid:
  - a. If the certificate was secured in violation of a state or federal law;
  - b. Upon violation of any regulations of this title on the subject property; or
  - c. If the conditions of the certificate of zoning compliance have been violated. All further work shall cease on a project until the violation has been remedied.
3. Certificate of zoning compliances issued in conjunction with a proposed use shall expire if said use has not commenced within one year of the date of issuance of the certificate of zoning compliance.
  - a. Certificate of zoning compliances issued in conjunction with construction or alteration of a structure shall expire if said construction or alteration has not commenced within one year of the date of issuance of the certificate of zoning compliance.
  - b. The certificate of zoning compliance may require inspections and approvals specified in the approval of the application.

D. Zoning Certificate Not Required: No zoning certificate shall be required for any of the following specified uses and structures when such uses are permitted in the district:

1. Lawful accessory uses, not requiring any other permit or license;
2. Lawful signs of a type for which no building permit and/or no sign permit are required.
3. Application is for a Conditional Use Permit.

E. Temporary Uses: A zoning certificate shall be required for temporary buildings, temporary display and retail sale of merchandise, model homes, and construction project trailers, activities, and/or uses incidental to the construction of a building or group of buildings on the same or adjacent premises. A zoning certificate shall also be required for seasonal uses (e.g., fireworks stands, Christmas tree lots, fruit and vegetable stands marketing locally grown produce). Other uses which clearly are not associated with a holiday, the growing season, or a construction project may be considered for approval by the administrator. The timeframe for approval shall be determined by the administrator based on the specific use, not to exceed one (1) year.

F. Zoning Certificate Prohibited: No zoning certificate shall be issued, granted or approved for multi-family residential use, Build-To Rent neighborhoods, Horizontal Apartments, childcare facility, school, manufactured home community or mobile home park unless all irrigation ditches, laterals and canals crossing, intersecting and lying adjacent, or contiguous to, such uses are covered or fenced. Upon application, the council may waive this restriction in whole or in part if it is found that covering or fencing will not serve the public purpose in an individual case.

1. The proposed use shall not allow for placement of any structure, vehicle, sign, etc., within a vision triangle, required setback, required parking stall (except as permitted for temporary, outdoor display sale of merchandise), service drive area, dedicated trash dumpster location, sidewalk, or any other position on a lot which may interfere with vehicular or pedestrian circulation, or the normal functions of other uses on the property, or be potentially hazardous to the public.

2. The proposed use must be in conformance with the zoning district which it is proposed to be located in (e.g., retail sales in a commercial zone).

3. The approval shall contain language stating that the certificate does not exempt the applicant from having to comply with regulations administered and enforced by other city, state, and federal agencies.

4. Uses which may not be considered for temporary approval.

5. No permit, except in the case of seasonal uses or uses incidental to construction, shall be issued for structures or uses which are intended to be placed upon unimproved property.

6. Seasonal uses shall:

a. Obtain from the property owner a signed and notarized affidavit acknowledging that the applicant has the authority to use the property.

b. Require that the property owner will be accountable for any debris or refuse left on the property more than three (3) days after the applicant leaves the premises with the business and shall be responsible to pay any additional cleanup costs to the city.

c. Moreover, an applicant who fails to clean the lot when the operation concludes shall be guilty of a misdemeanor as defined by Idaho Code section 18-113 (as amended).

d. Revocation: Upon violation of any of the conditions or terms of the zoning certificates issued pursuant to this chapter, the administrator may cause the certification to be revoked. The administrator shall be authorized to revoke any zoning certificates issued by the city.

e. Zoning Certificate, Lapse: A zoning certificate shall lapse and become void whenever the building permit or license either lapses or is revoked, or whenever the use of occupancy specified has ceased to exist or has been suspended for one hundred eighty (180) calendar days or longer.

f. Time Extension: The administrator may grant a one-time extension not to exceed sixty (60) days.



**8-1B-3: COMPREHENSIVE PLAN AMENDMENTS:****A. Process:**

1. Comprehensive Plan Amendment Initiated by The City: The city council may propose amendments to the comprehensive plan following notice and public hearing procedures in section 67-6509 of the Idaho Code.
2. Comprehensive Plan Amendment Initiated by A Property Owner: The applicant shall complete a preapplication conference with the administrator prior to submittal of an application for a comprehensive plan amendment. An application and fees shall be submitted to the administrator on application forms provided by the city.
3. Public Hearing: The city council shall conduct at least one public hearing in accordance with this chapter and in accordance with the procedures in section 67-6509 of the Idaho Code.

**B. Required Findings:** The council shall review the application at the public hearing. In order to adopt a new comprehensive plan or grant an amendment to the existing comprehensive plan, the council shall make the following findings:

1. The proposed amendment is consistent with the other elements of the comprehensive plan.
2. The proposed amendment provides an improved guide to future growth and development of the city.
3. The proposed amendment is internally consistent with the goals, objectives and policies of the comprehensive plan and the comprehensive plan future land use map.
4. The proposed amendment is consistent with this unified development code.
5. The proposed amendment is in the best interest of the city of Star.
6. The proposed amendment includes a justification letter for the amendment addressing the following criteria and the Council finds that the amendment is in compliance with the stated criteria:
  - a. A specific description of the change being requested.
  - b. Specific information on any property(s) involved.
  - c. A description of the condition or situation which warrants a change being made in the plan.
  - e. A detailed list of all applicable comprehensive plan goals, policies, and objectives that the proposed change would help implement or policies that must also be amended as part of the proposed change.
  - f. A proposed development plan for any land involved.
  - h. An analysis showing the estimated impact that the proposed change is expected to have on existing and planned infrastructure.
  - i. If the amendment will impact more individuals than the applicant submitting the application a detailed description of the efforts made to inform other parties potentially impacted by the change of the application is to be provided.
  - j. Any other data and information required by the city for their evaluation of the request.

**8-1B-4: CONDITIONAL USES:**

**A. Purpose:** The purpose of this section is to establish procedures that allow for a particular use on a specific property subject to specific terms and conditions of approval.

B. Applicability: The provisions of this section apply to all uses identified as conditional use within this title. In addition to other processes permitted by city and state code, exceptions or waivers of standards, other than use, may be permitted through issuance of a conditional use permit, development agreement or PUD.

C. Process:

1. The applicant shall complete a pre-application conference with the administrator prior to submittal of an application for a conditional use.
2. A neighborhood meeting shall be held by the applicant pursuant to Section 8-1A-6C of this title.
3. An application and appropriate application fees shall be submitted to the City on forms provided by the city.
4. Prior to issuing the conditional use permit, the administrator may require additional information, including studies, concerning the social, economic, fiscal or environmental effects of the proposed conditional use.

D. Standards: In approving any conditional use, the city council may prescribe appropriate conditions, bonds and safeguards in conformity with this title that:

1. Minimize adverse impact of the use on other property.
2. Control the sequence and timing of the use.
3. Control the duration of the use.
4. Assure that the use and the property in which the use is located is maintained properly.
5. Designate the location and nature of the use and the property development.
6. Require the provision for on site or off-site public facilities or services.
7. Require more restrictive standards than those generally required in this title.
8. Require mitigation of adverse impacts of the proposed development upon service delivery by any political subdivision, including school districts, that provides services within the city.

E. Findings: The council shall base its determination on the conditional use permit request upon the following:

1. That the site is large enough to accommodate the proposed use and meet all the dimensional and development regulations in the district in which the use is located.
2. That the proposed use shall meet the intent of the Star comprehensive plan and be in compliance with the requirements of this title.
3. That the design, construction, operation and maintenance will be compatible with other uses in the general neighborhood and with the existing or intended character of the general vicinity.
4. That the proposed use, if it complies with all conditions of the approval imposed, will not adversely affect other property in the vicinity.
5. That the proposed use will be served adequately by essential public facilities and services such as highways, streets, schools, parks, police and fire protection, drainage structures, refuse disposal, water, and sewer.
6. That the proposed use will not create excessive additional costs for public facilities and services and will not be detrimental to the economic welfare of the community.
7. That the proposed use will not involve activities or processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.

8. That the proposed use will not result in the destruction, loss or damage of a natural, scenic or historic feature considered to be of major importance as determined by the City.

#### F. Time Limitations and Extensions:

1. A conditional use permit, upon council approval, shall be valid for a maximum period of twenty-four (24) months unless otherwise approved by the City Council. During this time, the applicant shall commence the use as permitted in accord with the conditions of approval, satisfy the requirements set forth in the conditions of approval, and acquire building permits and commence construction of permanent footings or structures on or in the ground. Once all requirements are satisfied, permits are acquired and the use is commenced, the conditional use permit will become permanent unless otherwise revoked by the city council.

2. A conditional use permit that also requires platting: The final plat must be recorded within this twenty-four (24) month period.

a. For projects with multiple phases, the twenty-four (24) month deadline shall apply to the first phase. In the event that the development is made in successive contiguous segments or multiple phases, such phases shall be constructed within successive intervals of one year from the original date of approval. If the successive phases are not submitted within the one-year interval, the conditional use approval of the future phases shall be null and void.

3. Time Extension. Upon written request and filed by the applicant prior to the termination of the period in accord with this subsection F, the administrator may authorize a single, administrative time extension to commence the use not to exceed one (1), twelve (12) month period. The administrator may require the conditional use comply with the current provisions of this chapter. Additional requests must be approved by the council.

a. Council approval of requests for time extension for an approved conditional use shall be determined by the city council at a public hearing and will not be granted if any of the following conditions exist:

(1) Significant amendments to the comprehensive plan or this unified development code have been adopted that change the basis under which the conditional use permit was granted.

(2) Significant changes in land use have occurred in the area that will impact or be impacted by the project.

(3) Hazardous conditions have developed or have been discovered that will impact the project.

4. Community facilities and/or services are no longer adequate to serve the project.

a. The city council may place additional requirements, modify the previous approval or deny the request for time extension.

b. No more than one-time extension may be granted to a single conditional use.

#### G. Transfers and Modifications:

1. Conditional use permits are an entitlement to the specific property on which the approval was granted and upon property sale the entitlement transfers to the new owner(s) without further application or approval, provided, however, the new owner(s) shall be bound by the same conditions of approval as the original permit holder(s). This is for a specific use and may not be used for other applications.

2. A conditional use permit is not transferable from one property to another.

3. All requested modifications to an approved conditional use shall be considered by the city council at a public hearing. The city council may modify the conditions, limitations and/or scope of the permit.



**H. Revocation:**

1. A conditional use permit may be revoked or modified by the city council, upon notice and public hearing, for breach or violation of any condition of approval or limitation of the permit.
2. If the city council decides to revoke a conditional use permit, either on its own action or upon complaint to the city council, the administrator shall notify the permit holder of its intention to revoke the conditional use permit and provide the permit holder with the opportunity to contest the revocation.
3. Fifteen (15) days' prior notice of the hearing shall be given to the permit holder and all property owners of record (to be obtained from the County Assessor's office) within the radius required in subsection 8-1A-4B of this article-
4. The council shall make findings of fact and conclusions of law supporting its decision to revoke the conditional use permit. If the council decides not to revoke the conditional use permit, no findings of fact and conclusions of law shall be made.
5. An affected person may appeal the decision of the city council under the administrative procedure act of the state of Idaho, Idaho Code title 67, chapter 52.

**8-1B-5: UNIFIED DEVELOPMENT CODE TEXT AMENDMENTS:**

A. Unified Development Code Amendment Initiated by A Property Owner: The applicant shall complete a pre-application conference with the administrator prior to submittal of an application for a unified development code text amendment. An application and fees shall be submitted to the administrator on forms provided by the city.

B. Unified Development Code Amendment Initiated by the City: The city may initiate a code amendment with public notice as required herein.

C. Required Findings: In order to grant a text amendment to this unified development code, the council shall review the proposed text amendment at a public hearing and make the following findings:

1. The text amendment complies with the applicable provisions of the comprehensive plan;
2. The text amendment shall not be materially detrimental to the public health, safety, and welfare; and
3. The text amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city including.

**8-1B-6: VARIANCE:**

A. Authority to Grant Variances: The council may authorize, in specific cases, such variance from the terms of this title as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this title would result in unnecessary hardship. No nonconforming use of neighboring lands, structures or buildings in the same district and no permitted or nonconforming use of lands, structures or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this title would result in unnecessary, non-financial hardship.

**B. Process:**

1. The applicant shall complete a pre-application conference with the administrator prior to submittal of an application for a variance.
2. A neighborhood meeting shall be held by the applicant pursuant to Section 8-1A-6C of this title.
3. An application and fees shall be submitted to the administrator on forms provided by the city.

**C. Standards:** The variance shall comply with Idaho Code section 67-6516. A variance may be considered as a waiver of development standards when associated with a conditional use permit, development agreement or planned unit development.

**D. Required Findings:** In order to grant a variance, the council shall review the application at a public hearing and use its discretion to make the following findings:

1. The variance does not grant a right or special privilege that is not otherwise allowed in the district;
2. The variance relieves an undue hardship because of characteristics of the site, which must be other than financial in nature; and
3. The variance is not detrimental to the public health, safety, and welfare.

## ARTICLE C. SURETY AGREEMENTS

### 8-1C-1: PROCESS:

### 8-1C-2: PENALTY FOR FAILURE TO COMPLETE CONSTRUCTION:

#### **8-1C-1: PROCESS:**

A. The city may withhold building, electrical or plumbing permits, or certificates of occupancy on the lots or land being developed or subdivided, or the structures constructed thereon, if the improvements required under this title have not been constructed or installed, or if such improvements are not functioning properly.

B. All improvements related to public life, safety and health shall be completed prior to occupancy of the structures. Those improvements include water, sewer, power facilities, streetlights, parking lot paving and striping.

C. In the event that an applicant and/or owner cannot complete the nonlife, non-safety and non-health improvements, such as landscaping, pressurized irrigation, ~~street lights~~, fencing, and other site amenities, within the time specified in the final plat approval or prior to occupancy, a surety agreement may be approved in accord with the procedures set forth in this chapter.

- a. Landscaping and pressurized irrigation must be installed as soon as allowed by weather or other relevant conditions.
- b. Streetlights must be installed and energized before any ~~occupancy building~~ permit is issued for the development.
- c. For fencing or other site amenities, the applicant shall provide the City with copies of paid receipts indicating purchase and order of said amenities, along with a schedule date for delivery and installation.

D. The amount of surety called for shall be equal to not less than one hundred fifty percent (150%) of the cost of completing the required improvements. The estimated cost for all items shall be provided by the applicant and reviewed and approved by the city engineer.

E. The surety shall be in the form of an irrevocable letter of credit or a cash deposit. In all cases the surety shall be drawn solely in favor of, and payable to, the order of the city of Star, in accord with the regulations contained in the surety agreement by and between the guarantor and the city of Star.

F. Where a surety is accepted by the city and deposited as provided by this article, the city may release temporary occupancy of a structure or structures. The term of the temporary occupancy shall be determined by the city engineer and/or administrator. The term shall not exceed ninety (90) days in length. A one-time administrative extension of maximum thirty (30) days may be granted by the zoning administrator. Additional extensions may be approved by majority vote of the city council.

G. Where a surety is accepted by the city and deposited as provided by this article, the surety



shall be released subject to the following regulations:

1. The owner shall submit a written request to the city to return the surety. The request shall include the following documents:
  - a. A statement from the owner that the required improvements are complete.
  - b. Two (2) complete sets of full-size prints of the as built plans and specifications for all improvements.
2. The city engineer and ~~or~~ administrator shall verify and certify that the required improvements, as detailed in the surety agreement, have been installed. The as built plans shall be reviewed and approved by the city engineer.
3. Upon certification of the city engineer and the administrator, the city shall release the sureties heretofore deposited in the manner and to the extent as provided for in the surety agreement in accord with the regulations of this article.

### **8-1C-3: PENALTY FOR FAILURE TO COMPLETE CONSTRUCTION:**

In the event an applicant and/or owner shall, in any case, fail to complete the public improvements in the time period required, the city council may proceed to have such work completed and recover the city's costs by any legal means available, including pursuing the remedies provided by the financial guarantees.

## ARTICLE D

### IMPLEMENTATION PROVISIONS

#### **8-1D-1: PURPOSE:**

#### **8-1D-2: APPLICABILITY:**

#### **8-1D-3: INTERPRETATION:**

#### **8-1D-4: ERRORS IN LEGAL DESCRIPTIONS OF PROPERTY:**

#### **8-1D-5: REFERENCES:**

#### **8-1D-6: PRESERVATION OF PRIVATE PROPERTY RIGHTS:**

#### **8-1D-7: SAVING CLAUSE:**

#### **8-1D-8: VIOLATIONS:**

#### **8-1D-9: CODE ENFORCEMENT:**

#### **8-1D-10: CITY ABATEMENT OPTION AND ASSOCIATED CHARGES:**

#### **8-1D-11: PENALTIES:**

#### **8-1D-1: PURPOSE:**

- A. Carry out the policies of the comprehensive plan by classifying and regulating the uses of property and structures within the incorporated areas of the city of Star;
- B. Establish districts within the city of Star in accord with the adopted comprehensive plan in conformance with Idaho Code section 67-6511;
- C. Provide standards for the orderly growth and development of the city of Star. As required by Idaho Code section 67-6511, such standards include, but are not limited to, those regulating:
  - 1. The height, number of stories, size, design, construction, reconstruction, alteration, repair or location of structures.
  - 2. Size, minimum lot dimensions, landscape buffers, size of required yards, and density of residential properties.
  - 3. The use of structures and property;
- D. Ensure the most appropriate use of properties;
- E. Protect property rights and enhance property values;
- F. Provide a method of administration and prescribe penalties for the violations of regulations hereafter described as authorized by the constitution and laws of the state of Idaho; and
- G. Protect and promote health, safety and the general welfare of the public.

#### **8-1D-2: APPLICABILITY:**

- A. No person, company, or public agency shall construct, alter, move, or change the use of a structure or undertake any development unless:
  - 1. The proposed use, structure, or division of property complies with this title.

2. Any required approval is first obtained as provided by chapter 1, "Administration", of this title, and any applicable conditions of approval are met.

B. Nothing in this title shall eliminate the need for obtaining any other required permits, including, but not limited to, building permits, plumbing, electrical, or mechanical permits, grading permits, or any permit, approval, or entitlement required by other titles of this code, other political subdivisions of the state of Idaho, agencies of the state of Idaho, or federal agencies.

C. All properties in the Star city corporate limits shall comply with the regulations of this title unless otherwise preempted by federal, state or municipal law.

D. The prosecution of violations that occurred under previous land use regulations and that remain a violation under this title shall continue until resolved.

### **8-1D-3: INTERPRETATION:**

#### **A. Language:**

1. Terminology: When used in this title, all words used in the present tense shall include the future; words used in the singular number shall include the plural number and the plural the singular, unless the natural construction of the sentence indicates otherwise. The word "shall" is mandatory, and the word "may" is permissive.

2. Number Of Days: See section 8-1A-7 of this title.

3. Minimum Requirements: When interpreting and applying the regulations of this title, all regulations shall be considered to be minimum requirements, unless stated otherwise. Proposed uses shall comply with all applicable regulations and standards unless specifically exempt elsewhere in this title.

4. Defined Terms: Terms defined within this title shall have their defined meaning when used elsewhere in this title. For the purpose of readability and clarity, such terms are not shown in initial caps.

5. Section Headings: Section headings or captions are for reference purposes only and shall not be used in the interpretation of this title.

6. References: All references to state or federal laws and/or regulations shall refer to such laws and/or regulations as they may be amended over time.

#### **B. Measurements:**

1. Structure height shall be measured in accord with the Star city building code as set forth in title 7 of this code.

2. Linear distance shall be measured in a horizontal line; it shall not be measured along an inclined surface or line. For uses that have a separation standard, the distance shall be measured from the nearest customer entrance of the proposed use to the nearest property line of the specified use. The measurement is to be conducted in a radial fashion by the specified number of feet (e.g., 300 feet, 1,000 feet).

C. District Boundaries: Where uncertainty exists about the location of any district boundary shown on the official zoning map, the following rules shall be used to resolve the uncertainty:



1. Where a district boundary approximately follows a property line, such property line shall be construed as the district boundary.
2. Where a district boundary approximately follows a street, alley, or railroad line, such street, alley, centerline, or the extension of such line shall be construed as the district boundary.
3. Where a district boundary approximately follows a watercourse, the centerline of the watercourse shall be construed to be such boundary. In the event of a change in the watercourse shoreline, the boundary shall be construed as moving with the actual shoreline.
4. Where a district boundary does not obviously coincide with any of the above lines (property; street, alley, or railroad line; watercourse), or where it is not designated by dimensions, it shall be deemed to be located along the nearest section, quarter section, or sixteenth section line.

**D. Conflicting Regulations:**

1. In case of conflict between the text and the maps of this title, the text shall prevail.
2. If conflicts occur between different regulations of this title, or between this title and other regulations of this code, the most restrictive regulation shall apply.
3. It is not intended that this title interfere with, abrogate, or annul any easements, covenants, or other agreements between parties; however, where this title imposes a greater restriction upon the use of structures or premises or upon the height of structures, or requires larger space than is imposed or required by ordinances, rules or regulations, or by easements, covenants, or agreements, the regulations of this title shall govern.

**E. Undesignated Uses:** If a proposed use of property is not specifically listed in chapter 3, "District Regulations", of this title the use shall be prohibited, except as follows: the administrator may determine that a proposed use not listed in chapter 3, "District Regulations", of this title is equivalent to a principal permitted or conditional use. In making the determination, the administrator shall consider the following:

1. The impacts on public services and activities associated with the proposed use are substantially similar to those of one or more of the uses listed in the applicable base districts as allowed;
2. The proposed use shall not involve a higher level of activity or density than one or more of the uses listed in the applicable base districts as allowed;
3. The proposed use is consistent with the purpose of the district in which the use is proposed to be located; and
4. The proposed use is in substantial conformance with goals and objectives of the comprehensive plan.

**8-1D-4: ERRORS IN LEGAL DESCRIPTIONS OF PROPERTY:**

Where a property has not been zoned because of an error in a legal description, the following shall apply:

- A. If the error is caused by the city, the error shall be corrected and duly processed by the city as soon as the error is discovered.
- B. If the error is caused by the applicant and/or owner, the applicant shall provide a new legal description and will be responsible for all additional costs resulting from the error.

**8-1D-5: REFERENCES:**

References in this title to other ordinances or codes of the city of Star and statutes of the state of Idaho are provided solely for the coordination of this title with such other ordinances and statutes. Any amendments to cited codes that are adopted subsequent to the adoption of this title shall be applicable to this title.

**8-1D-6: PRESERVATION OF PRIVATE PROPERTY RIGHTS:**

A. This title shall be interpreted to equally protect citizens from the undue encroachment on their private property by their neighbors' use of their private property and equally protect each citizen's right to use of their property without creating undue burden upon their neighbors.

B. In the administration of this title, every person shall be secure in their premises, and no employee of the city shall enter upon, investigate, or search any of the premises of any citizen without the consent of such citizen or order issued by a court of proper jurisdiction. For consent of an applicant with an active application with the City, please refer to Section 8-1A-2A (3).

C. Every citizen of Star city shall have the right to appear in person or be represented by their agent before the council in the proper order of business to appeal a decision pursuant to the procedures contained in chapter 1, "Administration", of this title.

D. In the enforcement of this title, it shall be deemed to apply equally to each citizen and each property in similar circumstances and shall not be enforced to discriminate between one individual and/or another individual or other group as compared to all others.

**8-1D-7: SAVING CLAUSE:**

Should any section, clause, or regulation of this title be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this title as a whole, or any part thereof, other than the part so declared to be invalid, each section, clause, or regulation hereof being declared severable.

**8-1D-8: VIOLATIONS:**

A. It is a violation of this unified development code for any person to initiate or maintain or cause to be initiated or maintained the use of any structure, land or real property within the city of Star without first obtaining proper permits or authorizations required for the use by this title.

B. It is a violation of this unified development code for any person to use, construct, locate, demolish or cause to be used, constructed, located, or demolished any structure, land or property within the city of Star in any manner that is not permitted by the terms of any permit or authorization issued pursuant to this title or previous codes.

C. It is a violation of this unified development code for any person to not comply with specific

conditions of approval within any city adopted Findings of Fact and Conclusions of Law as stated in, but not limited to, a conditional use permit, final plat, or planned development, or within an approved administrative approval including, but not limited to certificate of zoning compliance, temporary use, design review, sign permit or home occupation, as set forth in this title.

D. It is a violation of this unified development code to misrepresent any material fact in any application, plans or other information submitted to obtain any land use authorization as set forth in this title.

E. It is a violation of this unified development code for anyone to fail to comply with the requirements of the development code, as set out in the specific sections of this title.

F. It shall be unlawful and a violation of this unified development code for any person to use, construct, locate, initiate, alter or maintain any structure, land or real property, or cause any structure, land or real property to be used, constructed, located, initiated, altered or maintained in any manner which violates, omits, or fails to conform to any applicable procedure, standard, or requirement established by this title for the zoning district in which such structure, land, or real property is located.

G. See 8-1D-11 Penalties.

#### **8-1D-9: CODE ENFORCEMENT:**

A. Duty to Enforce: It shall be the duty of the administrator to interpret this title.

1. It shall be the duty of the administrator and/or designee to enforce the regulations of this title. The administrator or designee may call upon the services of the police, fire, parks or other appropriate city or other regulatory agencies or service provider including Idaho Transportation Department (ITD), Ada County Highway District (ACHD), [Canyon Highway District #4 \(CHD4\)](#) irrigation districts or sewer and water districts, Central District Health Department, Department of Environmental Quality (DEQ), etc., to assist in enforcement.

2. It is the intent of this title to place the obligation of complying with its requirements upon the owner, occupier or other person responsible for the condition of the land and buildings within the scope of this title.

B. Investigation:

1. The administrator or designee shall investigate any structure or use which he or she reasonably believes does not comply with the standards and requirements of this title.

2. If, after investigation, it is determined that the standards or requirements of this title have been violated, the administrator or designee shall serve a notice of violation upon the owner, tenant or other person responsible for the condition. The notice of violation shall state separately each standard or requirement violated; shall state what corrective action, if any, is necessary to comply with the standards or requirements; and shall set a reasonable time for compliance. The notice shall state that any further violation may result in criminal prosecution and/or civil penalties.



3. The notice shall be served upon the owner, tenant or other person responsible for the condition by personal service, registered mail, or certified mail with return receipt requested addressed to the last known address of such person. If, after a time and effort is made to serve or mail notice without success, then notice may be made by publication in the newspaper of record for the city of Star. The administrator or designee will record all efforts made to effect service in person or by mail as part of their investigative report.

**C. Extension of Compliance Date:**

1. The administrator or designee may grant a reasonable extension of time for compliance with any notice or order, whether pending or final, upon finding that substantial progress toward compliance has been made and that the public will not be adversely affected by the extension. Such extension of time shall not exceed ninety (90) days.
2. An extension of time may be revoked by the administrator if it is shown that any of the following are true:
  - a. The conditions at the time the extension was granted have changed.
  - b. The administrator or designee determines that a party is not performing corrective actions as agreed.

**8-1D-10: CITY ABATEMENT OPTION AND ASSOCIATED CHARGES:**

Nuisances which remain unabated after notice, may, at the option of the city, be removed, abated or destroyed by the city or its agents, after the following steps have been taken:

A. Second Notice: If after fifteen (15) calendar days from the date a written notice is personally delivered to the property owner, or mailed to the property owner's address as shown in current official county assessor records, no abatement of the nuisance has occurred, the administrator or designee shall provide a second fifteen (15) day notice to be delivered to the property owner by certified mail or personal service, which shall indicate the following:

1. That if the property owner fails to abate the nuisance, the city shall take steps to abate the same.
2. That if the city abates the nuisance, all costs and expenses of abatement shall be billed and assessed against the property owner, and if unpaid, shall become collectable as a special assessment with property taxes.
3. That the property owner has a right to appear before the city council to show cause as to why he or she should not be forced to abate or pay for abatement of the nuisance; furthermore, that if the property owner desires such a hearing, a request for hearing, in writing, shall be given to the city administrator or designee prior to expiration of the fifteen (15) day notice, and that abatement by the city will proceed if the property owner has not exercised this option to request a hearing.
4. If said certified notice is returned as undeliverable, or is unclaimed by the property owner, nothing shall preclude the city from exercising its abatement option as specified herein.

B. Authorization to Remove: When the fifteen (15) day notice has expired without a request for hearing, the administrator or designee is authorized to remove, abate or destroy the nuisance. The administrator is authorized to utilize city personnel to abate the nuisance or to contact the mayor in regard to contracting for an outside party to abate the nuisance.

C. Statement of Charges Mailed: If the city abates any nuisance under the provisions of this section, a statement of charges billed to the property owner shall be mailed or personally delivered to the property owner.

D. Authority to Employ Labor: The mayor, with approval of the city council, is hereby given the power and authority to employ such labor as is necessary to carry out the provisions of this chapter.

E. Special Assessment: If payment is not received from the property owner within thirty (30) days, the amount billed shall, in accordance with state law, be assessed as a special assessment collectible against the subject property as other state, county and municipal taxes.

F. Hearing: If the property owner requests a hearing to show cause before the city council, the hearing shall, if feasible, be placed on the agenda of the next regularly scheduled city council meeting. The decision of the city council shall be final. A ten (10) day period shall be given to the property owner after the council decision so that the property owner shall have an additional opportunity to abate the nuisance or to pursue any legal remedies or defenses at the district court level.

#### **8-1D-11: PENALTIES:**

Any person owning or occupying any lots, lands or premises within such incorporated limits of the city who shall fail, refuse or neglect to continuously keep abated, cut down, obliterated or destroyed all such harmful, unsightly and injurious weeds and noxious weeds, grasses and growth above named in the manner prescribed, and according to the provisions of this section of this chapter shall be deemed guilty of a misdemeanor. Each and every day any such person shall fail, refuse or neglect to comply with the provisions of this chapter it shall be deemed a separate and distinct offense against the provisions of this chapter and each such separate offenses shall be punishable as provided in this code.

A. A violation of the provisions of this title is declared a misdemeanor. Any person violating or failing to comply with any of the provisions of this title shall be subject to criminal prosecution and upon conviction shall be fined as defined in section 1-4-1, "General Penalty", of this code. Each day of noncompliance with any of the provisions of this title shall constitute a separate offense.

B. Notwithstanding the provisions of subsection A of this section, the city may civilly prosecute any violation of this code and seek all available remedies that may include, but are not limited to, abatement of the noncompliant conditions, revocation of existing permits for noncompliance, civil damages for enforcement, or any other remedy as allowed by law.

C. The city may file a lien upon any real property owned by convicted person if they fail to comply with the penalty as set forth in this section.

ARTICLE E

DEFINITIONS

**8-1E-1: TERMS DEFINED:**  
**8-1E-2: FIGURES – SETBACKS, REQUIRED YARDS AND PROPERTY TYPE:**

**8-1E-1: TERMS DEFINED:**

As used in this title, each of the terms defined shall have the meaning given in this section unless a different meaning is clearly required by the content. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. The most current version of the "Merriam-Webster's Unabridged Dictionary of The English Language" shall be considered as providing accepted meanings.

**ABANDONED:** To cease or discontinue a use or activity for twelve (12) months without apparent intent to resume.

**ACCESSORY STRUCTURE:** A detached structure that is incidental and subordinate to the principal structure and is located upon the same property. The structure shall not receive a building permit prior to the primary structure being built and will not be permitted without a primary structure. The term accessory structure shall include, but not be limited to, the following: private garage, storage structure, workshop, pool house, and/or greenhouse. New accessory structures are not allowed in the CBD district. A maximum of two (2) accessory structures shall be allowed on any residential parcel or lot.

**ACCESSORY USE:** A use that is incidental and subordinate to the principal use and is conducted upon the same property.

**ADMINISTRATOR:** The administrator of the Star city planning and zoning department or an authorized representative, including their staff. Also referred to as the zoning administrator.

**ADULT BUSINESS/ADULT ENTERTAINMENT:** Modeling, posing, exhibition, display or exposure of any type whether through book, pictures, electronic media, film, displays, live performance, dance or modeling that has as its dominant theme, or is distinguished or characterized by an emphasis on any one or more of the following: a) any actual or simulated specified sexual activities; b) exposure of male or female anatomical areas; c) the removal of articles of clothing; d) appearing nude or seminude; and/or e) the use of the terms "X", "XX", "XXX" or any series of the letter "X", "erotic", "adult entertainment", "sex" or "nude".

**AGRICULTURE, FORESTRY, FISHING:** Tilling of soil, aquaculture, raising crops, livestock, farming, dairying and animal husbandry including all uses customarily accessory and incidental thereto; but excluding animal slaughterhouses, fertilizer works, bone yards and commercial feedlots. Establishments primarily engaged in growing crops, raising animals, harvesting timber, and harvesting fish and other animals from a farm, ranch, or their natural habitats.



**ALTERATIONS, STRUCTURAL:** Any change, other than incidental repairs, which would prolong the life of the supporting members of a building or structures, such as bearing walls, columns, beams, and girders.

**ALTERNATIVE COMPLIANCE:** An administrative determination that a specific application achieves or exceeds specific requirements as set forth in this title. Consideration of alternative compliance is limited in circumstances as identified in this title.

**ANIMAL CARE FACILITY:** Any parcel of land or lot, structure, or portion thereof, that is designed or used for the boarding, care, grooming, diagnosis or treatment of animals, including, but not limited to, sick, ailing, infirm or injured animals, and those that are in need of medical or surgical attention. The term animal care shall include, but not be limited to, an animal clinic, animal hospital, or veterinary office or kennel.

**ANTENNA:** A transmitting or receiving device used in telecommunication that radiates or captures radio or other signals, including omnidirectional or whip, directional or panel, parabolic or dish, and ancillary antennas.

**APARTMENT:** A room, or suite of rooms, in a multiple-family structure or dwelling unit, providing living, sleeping, eating, cooking and sanitation to a single family, for rent, lease, let or hire to be used as a single dwelling.

**ARTERIAL:** See definition of Street, Arterial.

**ARTIST STUDIO:** The use of the site for small scale, craftsman operated production of materials, assembly of parts, or the blending of materials, including metal and/or plastics, for the purpose of creating art. This would include frame shops as an accessory use.

**ARTS, ENTERTAINMENT AND RECREATION FACILITIES:** The use of a site or facility for entertainment, spectator sports or recreational activities. The use includes, but is not limited to amusement parks, motion picture and performing arts theaters, racetracks, sports fields, golf courses, fitness clubs, museums, zoos, marinas, bowling, video and other games and amusements. For wedding and corporate events see events center.

**ASPHALT PLANT:** An establishment where asphalt, tar, gravel and other materials are combined to produce pavement and other related products.

**AUCTION FACILITY:** An establishment primarily engaged in retailing a general line of new and used merchandise on an auction basis.

**AUTOMATED TELLER MACHINE (ATM):** A pedestrian oriented banking device operated by a financial institution for use by its customers for conducting transactions. The machines may be located at or within the financial institutions, or in other locations. ATMs for use by customers in vehicles are included in the definition of "drive-through establishment/drive-up window service".

**AUTOMOTIVE HOBBY:** A use involving the restoration, maintenance and/or preservation of

motor vehicles for personal enjoyment of owner or occupant.

**AUTOMOTIVE MECHANICAL AND ELECTRICAL REPAIR AND MAINTENANCE:**

Establishments primarily engaged in providing mechanical or electrical repair and maintenance services for automotive vehicles, such as passenger cars, trucks and vans, and all trailers. These establishments may specialize in a single service or may provide a wide range of these services.

**AWNING:** A projecting cover extending over a door, window or wall section with support attached to the structures and used as cover, protection, or as decoration.

**BAKERY:** Establishments primarily engaged in making and preparing bakery products.

**BAR/TAVERN/LOUNGE/DRINKING ESTABLISHMENT:** The use of a site primarily for the sale or dispensing of alcohol by the drink or glass. The use includes, but is not limited to, lounge, nightclub, and tavern.

**BARBERSHOP/STYLING SALON:** An establishment where the following services are allowed by licensed professionals: haircutting, shampooing, shaves, perms, hair coloring, manicuring, tanning booths, including cosmetology of hair and makeup.

**BARRIER:** A vertical element including, but not limited to, a fence, wall, structure, or a combination thereof, that completely surrounds an area and controls access to such area.

**BASEMENT:** The bottom floor of a dwelling unit, all or partly underground, having at least one-half ( $\frac{1}{2}$ ) of its height below the average level of the adjoining grade.

**BED AND BREAKFAST:** A professionally run facility providing up to six (6) rooms for temporary overnight accommodations, and where the owner/innkeeper is resident on the property. A bed and breakfast provides breakfast for overnight guests but does not provide a restaurant and/or bar. For accommodations similar but not limited to an Airbnb or VRBO, see short-term rental.

**BERM:** An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.

**BEVERAGE BOTTLING PLANT:** An establishment that produces consumable liquids (alcoholic or nonalcoholic) in bottles and/or cans.

**BLOCK:** Land containing a lot or lots in a subdivision completely surrounded by public rights of way or boundaries of the subdivision.

**BOARDING HOUSE:** An establishment other than a hotel, motel or short-term rental, where meals and/or lodging are provided with or without compensation, to more than two (2) but less than twelve (12) unrelated persons. A boarding house shall include, but not be limited to, a rooming house, shelter, convent, monastery, dormitory, fraternity, sorority, etc. A boarding house does not provide a restaurant or a bar.

**BREWERY:** The use of a site that brews/manufactures/distributes such beverages as beer, ale and cider. The use may include the ancillary sale or dispensing of said beverages by the drink, glass or growler.

**BREW PUB:** An establishment, restaurant or bar that usually serves food and brews and sells beer or similar alcoholic drink that is made on the premises. Typically, they do not bottle and sell other than in very small take home quantities. They do not distribute their beer.

**BUILD-TO-RENT (BTR): A community, or a 15% or larger part of a community, of single-family residences offered for rental only in a professionally managed community, including single-family detached homes and townhouses.**

**BUILDABLE AREA:** The space remaining on a lot after the minimum open space requirements have been complied with.

**BUILDING HEIGHT:** The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the midpoint between the top of the peak and the fascia line for gable, hip and gambrel roofs.

**BUILDING ENVELOPE:** The area on a property exclusive of the required yards, setbacks, buffers, and unbuildable areas.

**BUILDING MATERIAL, GARDEN EQUIPMENT, AND SUPPLIES:** The use of a site for the retail sale and service of merchandise used in home and garden improvements. The use includes home and garden centers; hardware stores; lawn and garden equipment supply stores; paint and wallpaper stores; lumberyards; nursery, garden and farm supply stores. See also nursery, garden center and farm supplies.

**BUILDING OFFICIAL:** The officer or other designated authority charged with the administration and enforcement of the building code as established by title 7 of this code or the building official's duly authorized representative.

**CALIPER:** A measurement of the diameter of the trunk of a deciduous tree. The caliper of the trunk shall be measured six inches (6") above the ground for all trees up to and including four-inch (4") caliper size, and twelve inches (12") above the ground for larger sizes.

**CAMPGROUND:** An area or ground on which tents/yurts, buildings, cabins or spaces, RVs, campers, are provided for temporary shelter, lodging or accommodation.

**CANOPY:** A roof-like structure projecting from the exterior surface of a building, may be attached to the building or freestanding, constructed of a supporting framework and covered with nonrigid materials.

**CARETAKER UNIT:** A dwelling unit for a person or persons hired to look after or take charge of goods, property or a person; or, a recreational vehicle or motor vehicle equipped as living



quarters parked at a construction site, on a non-permanent basis, for the purpose of providing security during nonworking hours. This definition shall not include tents/yurts.

**CEMENT OR CLAY PRODUCTS MANUFACTURING:** An establishment where pottery, decorative shapes or other similar products are made.

**CEMETERY:** The use of a site for the interment of human and/or animal remains or cremated remains. The use includes burial parks, mausoleum for vault or crypt interments, columbarium for cinerary interments or a combination thereof.

**CERTIFICATE OF OCCUPANCY (CO):** Official certification that a building and site conform to the provisions of building and city codes.

**CERTIFICATE OF ZONING COMPLIANCE (CZC):** An approval issued by the administrator that certifies that a structure or use, including accessory uses, meets the requirements of this title.

**CHEMICAL MANUFACTURING PLANT:** A factory where chemicals are produced and/or stored.

**CHILD CARE FACILITY:** Any structure or place where nonmedical care, protection or supervision is regularly provided to children under twelve (12) years of age, for periods of less than twenty-four (24) hours per day, while the parents or guardians are not on the premises. For the purpose of persons with disabilities of any age, this section shall also apply. There are four (4) types of childcare facilities distinguished by the number of individuals served:

- A. Child Care center: More than twelve (12).
- B. Child Care, group: More than six (6) but no greater than twelve (12).
- C. Child Care, family: Six (6) or fewer.
- D. Preschool/Early Learning – Maximum of twenty-five (25) children.

**CHURCH OR PLACE OF RELIGIOUS WORSHIP:** An establishment that by design and construction is primarily intended for conducting organized religious services, meetings, and associated activities and that is recognized as a religious corporation or society of the state of Idaho with a state tax exempt status in accord with Idaho Code section 63-602B.

**CIVIC, SOCIAL AND FRATERNAL ORGANIZATIONS:** A facility owned or operated by an organized association of persons for a social, literary, political, educational or recreational purpose primarily for the exclusive use of members and their guests; and not primarily operated for profit nor to render a service that is customarily carried on as a business.

**COLD STORAGE:** An establishment that provides storage of perishable foods, furs, and like items in a frozen or refrigerated state.

**COLLOCATION:** The use of a single tower to support more than one wireless telecommunication service provider's equipment, or the mounting of an antenna to a preexisting structure.

**COMMERCIAL USE:** An occupancy of a building, structure or other property which involves any retail sale, wholesale distribution, office, entertainment service, recreational area, restaurant, room for rent, manufacturing, hybrid production facility or other nonresidential use. Large-scale apartment complexes, Build-To Rent neighborhoods, or Horizontal Apartments are considered commercial property because space is leased out to others as part of a rental business. However, this definition shall not include home occupations, churches, public schools, hospitals, public civic centers or public recreation facilities, or other facilities owned by, or operated strictly for the benefit of the public.

**COMMON DRIVE:** An access shared by adjacent property owners that is privately owned and maintained.

**CONCRETE BATCH PLANT:** An establishment that combines cement, sand and gravel to produce concrete.

**CONDITIONAL USE:** A use that, owing to some special characteristics attendant to its operation or installation (for example, potential danger, hours of operation, or noise), is allowed in a district subject to approval by the council and subject to special requirements in conformance with this title and as enabled by Idaho Code section 67-6512.

**CONDOMINIUM:** An apartment house, office building or other multiple-unit complex, the units of which are individually owned, each owner receiving a recordable deed to the individual unit purchased, including the right to sell, mortgage, etc., that unit and sharing in joint ownership of any common grounds, passageways, etc.

**CONFERENCE/CONVENTION CENTER:** A facility that is designed, constructed, and devoted to hosting conferences, exhibitions, large meetings, seminars, and training sessions.

**CONTRACTOR'S YARD:** Any area of land used by a contractor for storage, maintenance, or processing incidental to the business of building, hauling, excavation, demolition, or similar activity and including any area of land used for minor preinstallation work or repair of machinery used for any of the above listed activities.

**CONVENIENCE STORE:** Establishments known as convenience stores or food marts primarily engaged in retailing a limited line of goods that generally includes milk, bread, beverages, and snacks. The establishment may include fuel pumps.

**DAIRY FARM:** An operation whose principal function is the production of milk.

**DEDICATION:** The setting apart of land or interests in land for public use, charitable, religious, or educational purposes.

**DENSITY, GROSS:** The ratio of the total number of dwelling units within a development divided by the total area, including streets; alleys; easements; waterways; and common spaces.

**DENSITY, NET:** The ratio of the total number of dwelling units within a development divided by the total area, excluding streets; alleys; easements; waterways; and common spaces, and any other area not devoted to the residential use.

**DEVELOPMENT:** Any construction or installation of a structure, or any change in use of a structure, or any subdivision of property, or any change in the use of the land that creates additional demand and/or need for public facilities.

**DEVELOPMENT AGREEMENT:** A written agreement as a condition of annexation or rezone between the council and an owner or applicant concerning the use or development of a property in accord with Idaho Code section 67-6511A and chapter 1, "Administration", of this title.

**DISTILLERY:** The use of a site that distills/manufactures distilled beverages. The use may include the ancillary sale or dispensing of liquor by the drink or glass.

**DISTRICT OR ZONE:** The zoning district classification, listed in chapter 3 of this title, in effect on any given property.

**DRIVE-THROUGH ESTABLISHMENT/DRIVE-UP WINDOW SERVICE:** The use of a portion of a structure where business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle. The term drive-through establishment shall include, but not be limited to, providing food or beverage service, bank services, and/or prescription processing. The term drive-through establishment shall not include fuel sales facility or "vehicle washing facility" as herein defined.

**DUSTLESS MATERIALS:** Hard surfaces used for driveways, loading and parking including, but not limited to, concrete, asphalt, grasscrete, pavers, grass, specifically treated gravel, and bricks. Treated gravel shall include an acceptable application treatment as determined by the administrator.

**DWELLING, MULTI-FAMILY:** A structure, or portion thereof, that contains three (3) or more dwelling units or apartments, where all such units are located on the same property. For the purposes of this title, a multi-family dwelling shall be deemed multi-family development.

**DWELLING OR DWELLING UNIT:** Any structure, or portion thereof, providing independent living facilities for one "family" as herein defined, including provisions for living, sleeping, eating, cooking, and sanitation.

**DWELLING, SECONDARY:** A habitable dwelling unit established in conjunction with and subordinate to a single-family dwelling unit. The term shall include guesthouse and granny flat. See also guesthouse/granny flat/mother-in-law quarters.

**DWELLING, SINGLE-FAMILY ATTACHED:** A structure containing two (2) or more dwelling units attached by a common wall or walls, where each dwelling unit is located on a separate



property. May be referred as townhomes.

**DWELLING, SINGLE-FAMILY DETACHED:** A detached structure that accommodates a single dwelling.

**DWELLING, TWO-FAMILY DUPLEX:** A structure containing two (2) dwelling units attached by a common wall, where both dwelling units are located on the same property.

**EDUCATION INSTITUTION, PRIVATE:** The use of a site for education purposes not financially supported by the state of Idaho. The use includes, but is not limited to, elementary and secondary schools; institutions of higher learning; professional, technical and trade schools; driving schools; fine arts schools and studios. For pre-elementary schools, see childcare facility.

**EDUCATION INSTITUTION, PUBLIC:** The use of a site for education financially supported by the state of Idaho. The use includes, but is not limited to, elementary and secondary schools; institutions of higher learning; and vocational schools.

**EQUIPMENT SALES, RENTAL AND SERVICES:** The use of a site for the sale, rental or servicing of tools, trucks, tractors, construction equipment, agricultural implements, or similar industrial equipment.

**EVENTS CENTER. PUBLIC & PRIVATE, INDOOR OR OUTDOOR:** A use of a property and/or structure for public or private gatherings to include wedding receptions, corporate events or other organized events where food service is provided, amplified music is present and area for a large amount of parking is required.

**FABRICATION SHOP:** An establishment in which welding work, machining to size, assembling of materials and converting one form of metal or other materials such as plastic, into another to produce products and structures. See also definition of Manufacturing Plant.

**FACADE:** The front or face of a building or structure.

**FAMILY:** A. A person living alone or two (2) or more persons related by blood or marriage;

B. Eight (8) or fewer unrelated mentally and/or physically handicapped or elderly persons residing in a dwelling under staff supervision, provided that no more than two (2) staff members reside in the dwelling at any one time.

**FARM:** Buildings and premises used for the raising and processing of agricultural products.

**FARMERS' MARKET:** Typically found outdoors, where multiple vendors sell directly to the consumer. Vendors may sell a variety of items not limited to fruits and vegetables; plants and trees; handmade items including crafts, jewelry, baked goods, etc. The sale of animals is not a part of this definition. Also referred to as a Saturday or outdoor market. All vendors are subject to city permits. See Temporary Uses.

**FEEDLOT:** A concentrated animal feeding operation (CAFO).

**FENCE:** An enclosure or barrier constructed of wood, masonry, stone, wire, metal or other materials manufactured specifically to be used to enclose, screen or separate areas. Walls, latticework, and screens are considered fences. Items such as wooden pallets, firewood logs, or manufactured items such as skis, are not considered fencing material.

**FINANCIAL INSTITUTION:** The use of a site for lending, exchanging and handling money or currency for customers. The use includes, but is not limited to, credit unions, savings and loan, commercial banks, cash machines, insurance agents, and loan establishments.

**FIREWORKS STAND:** A temporary structure used for retail business of selling fireworks. (See also definition of Temporary Use.)

**FLAG:** Any fabric or bunting containing distinctive colors, patterns, or emblems used as a symbol of a government, political subdivision, or other such entity. Any fabric or bunting containing distinctive colors, patterns, or symbols used to communicate business identification and/or attract, distract, hold, direct or focus public attention.

**FLAGPOLE:** A pole, usually made of metal, on which a flag is hoisted and displayed. See sign ordinance for regulations related to flag poles.

**FLAMMABLE SUBSTANCE STORAGE:** An establishment, or portion thereof, wherein combustible substances (as defined by the fire code) are stored.

**FLEX SPACE:** Allows for uses that generally require substantial amounts of storage and working area as well as office and/or showroom space. This use is not intended to permit warehousing or manufacturing that has high levels of truck activity. Loading docks shall be at the rear of the structure, shall be screened from view from street and neighboring uses, and loading ramps shall be a maximum of two feet (2') high to discourage tractor trailer use. Examples of uses include, but are not limited to, lighting/plumbing fixture showrooms, small merchandise assembly, and low intensity sales and distribution facilities. Gross floor area of each building used as "flex space" shall be a maximum of thirty thousand (30,000) square feet. Hours of operation shall be based on specific districts.

**FLOODPLAIN:** The relatively flat area or low land adjoining the channel of a river, stream, lake or other body of water which has been, or may be, covered by water of a flood of one percent (1%) chance in any given year. The floodplain includes the channel, floodway or floodway fringes, as established pursuant to engineering practices of the U.S. army corps of engineers.

**FLOOR AREA, GROSS:** The measure of total square footage of habitable space of a structure.

**FOOD PRODUCTS, PROCESSING:** The use of a site for producing, manufacturing, processing or storage of food products. The use includes, but is not limited to, bakery, beverages, coffee roasting, ice, snacks, fruits, vegetables, spices, confectionery, and dairy products. Excluded uses are animal products, seafood, milling and refining.

**FOOD STAND:** A temporary, immobile structure, booth, stall, counter or the like operated by a vendor standing on or within the frame of the structure, booth, stall, counter or the like. Goods sold from a stand may include, but are not limited to, perishable and nonperishable food items, merchandise, and sundries. (See also definition of Temporary Use.)

**FOOTPRINT:** Area of the ground covered by a structure, including the foundation and all areas enclosed by exterior walls and/or footings.

**FULL CUTOFF SHIELD:** In its installed position, a light fixture with a full cutoff shield will not allow any direct light above a horizontal plane and no more than five percent (5%) of the total light output may come from the zone from fifteen degrees (15°) below the horizontal to the horizontal plane.

**GARAGE:** An enclosed accessory building designed for private storage or parking of noncommercial vehicles. A private garage attached to, or part of, the main building is considered to be part of the main use but may not be built prior to the primary structure.

**GASOLINE, FUELING AND CHARGING STATION:** An establishment known as a gasoline or fueling station primarily engaged in one of the following: a) retailing automotive fuels (e.g., diesel fuel, gasohol, gasoline) b) electric charging stations; or c) retailing these fuels in combination with activities, such as providing repair services. May also include convenience stores.

**GLARE:** Light emitted from a fixture with intensity great enough to cause visual discomfort, eye fatigue, reduction in a viewer's ability to see, and in extreme cases, momentary blindness.

**GOLF COURSE:** An area of land laid out for the game of golf with a series of nine (9) or eighteen (18) holes, each including tee, fairway and putting green, and often one or more natural or artificial hazards, and which may include a driving range and clubhouse with restaurant and bar.

**GOVERNMENT OFFICE:** An enterprise or office authorized by a federal, state, local or foreign government to conduct public business and assistance as provided in applicable federal, state, or local code or constitution. (See definition of Public Or Quasi-Public Use.)

**GRADE:** The elevation of the natural or finished surface of the ground adjacent to the midpoint of any exterior wall of a building or structure.

**GRAND OPENING:** A promotional activity used by newly established businesses, within two (2) months after occupancy, to inform the public of their location and service available to the community. Grand opening does not mean an annual or occasional promotion of retail sales by a business.

**GREENHOUSE:** A building whose roof and sides are made largely of transparent or translucent materials and in which the temperature and humidity can be regulated for the cultivation of plants. This use is accessory to a residential or principally permitted use.



**GREENHOUSE, COMMERCIAL:** Any greenhouse used for the purpose of growing goods for wholesale or retail sales.

**GROSS LAND AREA:** The total area of the land being developed, exclusive of required street buffers and buffers between incompatible land uses. The calculation for required open space in residential subdivisions and multi-family residential development is based on the gross land area of the land being developed.

**GUESTHOUSE/GRANNY FLAT/MOTHER-IN-LAW QUARTERS:** An additional site built house on a lot or parcel of land that: is owned by the owner of the lot or parcel containing the owner's residence; does not have its own separate house number (address); has inhabitable space not greater than 50% of the footprint of the primary dwelling; and is located within or attached to the primary dwelling, as a detached structure, or above a detached structure, such as a garage. (See Secondary Dwelling Unit Specific Standards).

**HARDSHIP:** An unusual situation on an individual property that will not permit the property owner to enjoy the full utilization of their property as is enjoyed by others in the same district. A hardship can exist only when it is not self-created and is not financially based. Examples of hardship include unusual shape of the property, natural features, or other exceptional physical conditions on the property.

**HEALTHCARE AND SOCIAL SERVICES:** The use of a site for ambulatory healthcare services. Included in this use are offices of dentists; physicians; chiropractors; optometrists; mental health practitioners; physical, occupational and speech therapists; audiologists; outpatient care centers; family planning centers, medical and diagnostic laboratories, imaging centers, kidney dialysis centers; blood and organ banks.

**HEIGHT:** The vertical distance measured from finished grade to the top of the pole, structure, or tower, including the antenna. See also Building Height.

**HELIPORT:** A publicly or privately-owned area of land that is used or intended for the landing and takeoff of helicopters, including the necessary accessory structures of facilities for storing and maintenance of helicopters.

**HILLSIDE DEVELOPMENT:** Parcel, lot, tract, or other defined area of land that has a ground slope of ten percent (10%) or more.

**HISTORIC PRESERVATION:** The research, documentation, protection, restoration and rehabilitation of buildings, structures, objects, districts, areas and site significance in the history, architecture, archaeology or culture of this community, the state or the nation.

**HISTORIC PROPERTY:** Any building, structure, area or site that is significant in the history, architecture, archaeology or culture of this community, the state or the nation.

**HOME OCCUPATION:** An occupation, profession, activity, or use that is clearly an incidental and secondary use of a residential dwelling unit and that does not alter the exterior of the

property or affect the residential character of the neighborhood. Must be approved by the HOA if applicable.

HORIZONTAL APARTMENTS: Clusters of single-family homes, multi-family homes, or townhomes in rental communities that developed as individual residences. All such units may or may not be located on the same property

HOSPITAL: A medical institution licensed by the state that is devoted to the maintenance and operation of facilities for the medical or surgical care of patients twenty-four (24) hours a day and may include air transport facilities. The term hospital does not include healthcare and social services, nursing and residential care facility, or establishments that forcibly confine patients.

HOTEL/MOTEL: An establishment that provides lodging to the public for a fee as defined by Idaho Code 67-4711, excluding boarding houses, bed and breakfast establishments or short-term rentals as herein defined. This classification may include incidental eating or drinking services.

IMPACT AREA: The land established and adopted by ordinance by the city council, within the unincorporated area of the county, shown on the comprehensive plan future land use map and as defined in Idaho state code section 67-6509.

IMPERVIOUS SURFACE: A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration or absorption by water. It includes surfaces such as compacted sand or clay as well as most conventionally surfaced streets, roofs, sidewalks and parking lots.

INDUSTRIAL UNIT: Any structure or land use which is used for the manufacture, processing, fabrication and testing of goods and materials and includes the production of power. It does not refer to the growing of agricultural products or the raising of livestock.

INDUSTRY, HEAVY: A. A use engaged in the basic processing and manufacturing of materials or products, predominately from extracted or raw materials;

B. A use engaged in storage or manufacturing processes using flammable or explosive materials;

C. Storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

INDUSTRY, INFORMATION: The use of a site for processing data. The use includes, but is not limited to, publishing industries such as newspapers, books, music, internet and software; recording and broadcasting studios; data processing centers, call centers, internet providers and other information systems.

INDUSTRY, LIGHT: A use engaged in the manufacture, processing, fabrication, assembly, treatment, and/or packaging of finished products or parts, predominantly from previously prepared materials.

**INSTITUTION:** An establishment which aids individuals in need of mental, therapeutic, rehabilitative counseling or other correctional services.

**JUNK:** Discarded, used, or secondhand materials, including, but not limited to, used machinery, scrap copper, brass, iron, steel, other ferrous and nonferrous metals, tools, appliances, implements, vehicles or portions thereof, furniture, beds and bedding, rags, glass, plastic, cordage, rubber, building materials (excluding lumber), or other waste that has been abandoned from its original use and may be used again in its present or in a new form.

**JUNKYARD:** See definition of Vehicle Wrecking Yard/Junkyard.

**KENNEL:** Any lot or premises or portion, indoors or outdoors, on which more than four (4) dogs or cats are maintained, harbored, possessed, boarded, bred or cared for or kept for sale. See specific uses.

**LABORATORY:** A place for scientific research: Where research and testing is carried out.

**LABORATORY, MEDICAL:** An establishment where medical, dental, and optical equipment and supplies, or drugs and related chemicals are manufactured.

**LAGOON:** An open structure or containment area designed to treat liquid manure or sewage through biodegradation by bacteria.

**LANDSCAPE MAINTENANCE:** Watering, weeding, pruning, mowing, litter removal, pest control, and removal/repair of vandalism as needed to maintain a neat and orderly appearance.

**LARGE SCALE:** When applied to multi-family dwellings, Build-To Rent neighborhoods, or Horizontal Apartments, is any community larger than 4 rental units.

**LAUNDROMAT:** A. An establishment that provides washing, drying, and/or ironing machines for hire;

B. An establishment that provides washing, drying and/or ironing services to walk-in retail customers.

**LAUNDRY AND DRY CLEANING:** An establishment that washes large quantities of laundry or dry cleaning for patrons, may also be combined with a laundromat.

**LIGHT INDUSTRY:** See definition of Industry, Light.

**LIGHTING, DIRECT:** Lighting, the source of which is visible to a viewer and/or which is reflected from the surface of a sign or building. This definition shall include exposed neon lights and tubing.

**LIGHTING, INDIRECT OR INTERNAL:** Lighting for which the source of light is located in such a manner that the light must travel through a translucent material other than the bulb or tube necessary to enclose the light source, which material has the effect of dispersing the light before



it strikes the eye of the viewer.

**LIVE/WORK UNIT:** A unit or units consisting of both commercial/office and residential components and constructed as separate units under a condominium regime or as a single unit. The “work” component is restricted to specific uses within the CBD and MU zoning district. The “live” component may be located on the street level (on the side or behind the work component) or any other level of the building.

**LIVING AREA:** The area of a residential dwelling as measured in square feet, excluding the garage.

**LOADING SPACE:** Space, logically and conveniently located for pick-ups and deliveries, scaled to delivery vehicles expected to be used and accessible to such vehicles. Required off street loading space is not to be included as required off street parking space. All off street loading spaces shall be located totally outside of any street or alley right of way. Lighting associated with the use shall be directed away from any residential use or district.

**LOT:** A parcel of land and/or a portion of a subdivision, of sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street or on an approved private street and may consist of:

A. A single lot of record;

B. A portion of a recorded subdivision or a property intended as a unit for transfer of ownership or for development.

**LOT, COMMON:** A lot held in common ownership among all owners of the subdivision and separate from individual building lots.

**LOT, CORNER:** A lot located at the intersection of two (2) or more streets.

**LOT FRONTAGE:** The front of the property, measured along the street from side property line to side property line. On corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage.

**LOT, INTERIOR:** A lot which abuts only one street.

**LOT, FLAG:** A property in the shape of a flag on a pole where access to the street is from a narrow right of way. Flag lots may only be permitted upon approval from the Fire District.

**LOT LINE, FRONT:** The line separating the lot or parcel from the street on which it takes access, excluding alleys.

**LOT LINE, REAR:** The property line opposite and most distant from the front property line. Where the lot or parcel is irregular and the property lines converge, the rear property line shall be

deemed to be a line at a point where the side property lines are not less than twenty feet (20') apart.

**LOT LINE, SIDE:** Any property line other than a front or rear property line. A property line adjoining a street is called a street side property line. A property line adjoining another property is called an interior side property line.

**LOT, NONCONFORMING:** A parcel of land which was created prior to the provisions of the city of Star's Unified Development Code but was in compliance with the zoning and subdivision ordinance(s) that were in effect at the time such parcel was created.

**LOT-LINE OR PARCEL BOUNDARY ADJUSTMENT:** The adjustment of the boundary between properties where: a) the dimensions of the properties are not reduced below the minimum dimensional standards for the applicable district; b) there is no increase in the original number of properties; and c) no easements, public streets, private roads or publicly dedicated areas are affected.

**MANAGEMENT COMPANY:** A company conducting the operation, control, maintenance, and oversight of an Apartment or Condominium Community, a Build-to-Rent community, or a Horizontal Apartment community.

**MANUFACTURED HOME:** A. A dwelling constructed according to HUD/FHA construction and safety standards and as defined by Idaho Code section 39-4105.

B. A rehabilitated dwelling certified by the state of Idaho department of labor and industry, building safety division.

**MANUFACTURED HOME PARK:** A multi-family residential development developed exclusively for siting manufactured homes on individual spaces that are rented or leased.

**MANUFACTURING PLANT:** Shall include the processing, packaging, or assembly of products, and incidental storage, sales, and distribution of such products, but excluding those uses as defined in heavy industry.

**MEATPACKING PLANT:** An establishment maintained for canning, curing, smoking, salting, packing, freezing, storing or other similar uses in which meat products are processed for commercial sale.

**MEDICAL CLINIC:** A building used for the care, diagnosis, and treatment of persons who seek medical/surgical attention. This does not include medical care facilities which provide board, room or regular hospital services.

**MINING, Pit or Quarry and Accessory Pits:** Establishments that extract naturally occurring mineral solids, such as coal, gravel and ores; liquid minerals, such as crude petroleum; and gases, such as natural gas. The term mining is used in the broad sense to include quarrying, well operations, beneficiating (e.g., crushing, screening, washing, and flotation), and other preparation

customarily performed at the mine site, or as a part of mining activity. Water amenities, such as ponds, created as a part of an approved subdivision, shall be reviewed as an accessory pit, but shall not be considered mining, unless materials are removed from the project site.

**MIXED USE DEVELOPMENT:** The development of a tract of land or building or structure which includes uses from two (2) or more of the land use categories such as residential, commercial, office, light industrial, public space or agricultural.

**MOBILE HOME:** A transportable structure suitable for year-round single-family occupancy and having water, electrical and sewage connections similar to those of conventional dwellings. This definition applies only to units constructed prior to June 15, 1976.

**MONOPOLE:** A cylindrical shaped pole, usually made of steel, that has no visible break in shape or appearance, other than tapering, which is secured to the ground in a manner to stand vertically upright.

**MORTUARY:** An establishment in which deceased human bodies are kept and prepared for burial or cremation.

**MOTEL:** See definition of Hotel/Motel.

**MULTI-FAMILY DEVELOPMENT:** Development where there are ~~three (3)~~ two (2) or more dwelling units or apartments located on the same ~~property parcel or lot, or 15% or more Build-to-Rent dwellings or Horizontal Apartments are located within the same subdivision.~~ A multi-family dwelling may or may not be present on the property.

**MULTI-FAMILY DWELLING:** ~~See definition of Dwelling, Multi-Family. A freestanding building composed of two or more separate living units, with each unit having its own bedroom, kitchen and bathroom facilities.~~

**NEIGHBORING PROPERTIES:** Abutting properties and any properties separated from the subject property solely by a roadway or dedicated easement. (See Transitional Lot.)

**NONCONFORMING PROPERTY:** A property that lawfully existed prior to the effective date of this title, but that does not now conform to the standards for the district in which it is located.

**NONCONFORMING STRUCTURE:** A structure that was lawfully constructed and/or existing prior to the effective date of this title but that does not conform to the standards for the district in which it is located.

**NONCONFORMING USE:** A use that lawfully existed prior to the effective date of this title but that does not now conform to the allowed uses for the district in which it is located. For the purposes of this title, nonconforming parking lot design and landscaping shall be deemed a nonconforming use.

**NURSERY, GARDEN CENTER AND FARM SUPPLY:** An establishment that primarily engages in retailing nursery and garden products, such as trees, shrubs, plants, seeds, bulbs, and sod. Also included are establishments primarily engaged in retailing farm supplies, such as



animal feed. See also Building Materials.

**NURSING AND RESIDENTIAL CARE FACILITY:** The use of a site for providing assistance to individuals needed to perform the routines of daily life. The use includes, but is not limited to, children's treatment facility, assisted care, skilled nursing facility, residential care facility, and drug and alcohol treatment facility. The number of rooms within such a facility are not to be calculated as residential density.

**OFFICE SECURITY FACILITY:** An establishment utilized by security personnel in the fulfillment of their job to protect local properties, businesses, individuals, and/or the community at large.

**OPEN SPACE, DEVELOPED:** An area of open land used for recreational opportunities and that provides either active or passive recreational facilities. The term shall not include streets, parking areas, unusable drainage areas as determined by the administrator, or structures for habitation.

**OPEN SPACE, NATURAL:** An area of open land, with little or no land disturbance, preserved, enhanced and/or restored in order to maintain the natural, scenic, ecological, cultural, hydrological, geological, or agricultural values of the land. Natural open space may include trails and park bench style seating; interpretive signage and kiosks for educational purposes; and agricultural activities.

**OPEN SPACE, USABLE AREA:** Among other useable open space areas as may be determined by the Council, the following areas shall be included into the calculation for "Usable Area of Open Space": Active recreational facilities, trails, pathways, park bench style seating, interpretive signage and kiosks for educational purposes, picnic areas, community gardens, courses or courts, children's play areas, dog play areas. Landscape buffer areas, not required pursuant to other sections of this title, may be considered, in part, as useable open space provided a pathway or other usable amenity is located within and incorporated into the buffer area. This shall include detached sidewalk buffers. Up to fifty percent (50%) of the total area of water bodies (i.e., ponds) within a development may be considered usable area provided only if there is a finding that the ponds employ active recreation capabilities such as fishing, rafting, canoeing, and the like and is available to all residents of the subdivision. All ponds shall be aerated. Irrigation ditches, drainage ditches and the like, shall not be considered water bodies and therefor shall not be a part of the usable open space area calculations, unless left as natural open space, as herein defined, and provided with either open style fencing, pathways, or both.

**PARKING LOT/PARKING GARAGE:** A site/building for parking vehicles for a fee.

**PARKING SPACE, OFF STREET:** An area adequate for parking an automobile with dimensions conforming to the requirements of this title.

**PARKS, PUBLIC AND PRIVATE:** A public or private open space that is primarily used for active recreation.

**PAWNSHOP:** An enclosed building where all business is conducted for the loaning of money,

purchase, sale or exchange of used items. (See Specific Use Standards)

**PENNANT:** Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind. The display of a single pennant, unattached to another, may be regarded as a type of decorative flag.

**PERSONAL AND PROFESSIONAL SERVICES:** The use of a site for the provision of individualized services generally related to personal needs. Personal service uses include, but are not limited to, beauty and healthcare services such as salons, hair, nail and skin care, spa, and barbers; locksmiths; and repairs such as footwear and leather goods, and watches. Professional service uses include, but are not limited to architects, landscape architects and other design services; computer designers; consultants; accountants; lawyers; media advisors; photography studios; realtors and title companies.

**PHARMACY:** An establishment where medical prescriptions are filled and sold. An establishment where medical supplies, over the counter drugs, and a variety of other merchandise is sold.

**PHOTOGRAPHIC STUDIO:** An establishment or building utilized for the creation and/or production of pictures on photographic, reproduction or electronic media.

**PLANNED UNIT DEVELOPMENT (PUD):** Property planned as a unit that demonstrates innovation and creativity in site design to protect natural features, preserve open space and create public amenities. A well-designed urban type development characterized by a wide mix of uses, on site amenities, trip capture, and connectivity within the community; conservation of open space and preservation of environmental attributes; an emphasis on community character and forming a sense of community. A PUD may contain a specific use exception for uses not allowed in the zoning district and may allow for a density bonus.

**PORTABLE CLASSROOMS/MODULAR BUILDING:** A building or building component, other than a manufactured home, which is constructed according to standards contained in the international building code, as adopted, which is of closed construction and is either entirely or substantially prefabricated or assembled at a place other than the building site, used for private/public education facilities.

**POWER PLANT:** An electricity generating facility regulated by the federal energy regulatory commission including, but not limited to, fossil fuel, geothermal, hydroelectric, biomass, solar and wind energy conversion facilities.

**PRINCIPAL USE:** The use of land or a structure allowed outright in a specific district as distinguished from an accessory or conditional use. Principal uses shall be subject to review through the CZC process.

**PROCESSING PLANT:** A building where the act of converting material from one form to another occurs.

**PROFESSIONAL OFFICES:** Offices and related spaces maintained and used as a place of business, such as doctors, dentists, engineers, attorneys, architects, accountants and other persons providing professional services.

**PUBLIC INFRASTRUCTURE:** The use of a site for a public infrastructure including, but not limited to a) power substation, electric substation, grid switching site, electric transmission line; b) public well and/or water reservoir; and c) municipal wastewater and treatment facility.

**PUBLIC UTILITY YARD:** A yard where facilities such as utility shops, garages, or storage areas are located that are owned and operated by a public utility.

**RECREATIONAL VEHICLE:** A portable structure primarily designed as temporary living accommodation for recreational, camping, and travel use and as defined in Idaho Code section 49-119.

**RECREATIONAL VEHICLE PARK:** A premises upon which two (2) or more parking sites are located, established, or maintained for occupancy by recreational vehicles for temporary use for recreation or vacation purposes. Density allowances of the specific zoning district shall not be used to calculate the number of parking sites for the park.

**RECYCLING CENTER:** An establishment that is not a junkyard and in which recoverable resource materials, such as paper products, glassware, and metal cans, are collected, sorted, flattened, crushed, or bundled within a completely enclosed structure prior to shipment to others who use such resource materials to manufacture new products.

**RESEARCH ACTIVITIES:** A use that has facilities or laboratories for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the facility.

**RESTAURANT:** A. The use of a site for the primary purpose of food preparation, having kitchen and cooking facilities, and where meals are regularly served to the public for compensation.

B. Establishments with a liquor and/or beer and wine license that includes a restaurant certificate and that meet the definition of restaurant as set forth in Idaho administrative code.

**RETAIL STORE/RETAIL SALES AND SERVICES:** The use of a site that offers merchandise to the public for monetary compensation. The use includes, but is not limited to, convenience stores; food stores; apparel and accessories stores; book, computer, and music stores; electronics and appliances; florists; furniture and home furnishings; general merchandise stores; health and personal care stores; hobby, office supplies, stationery and gift stores; specialty stores; sporting goods; and used merchandise stores.

**RETIREMENT HOME:** A residential establishment shared by eight (8) or more persons, fifty-five (55) years or older, or their immediate family, where care and supervision are not provided.



**SAND AND/OR GRAVEL YARD:** A commercial establishment where sand and gravel, soil and soil blends, decorative rock and aggregate are produced, and/or washed and/or sold. See also Mining.

**SELF-SERVICE USES:** Any commercial use in which there is not an attendant on the site during all hours of operation, including, but not limited to, automated teller machines, laundromats, vehicle washing, fuel sales facilities, and storage facilities.

**SETBACK LINE:** The minimum required distance between the property line and the nearest structure. See figure 8-1E-2.

**SHOOTING RANGE:** Any facility designed and operated for the safe practice of shooting rifles, shotguns, pistols, black powder devices, archery or any other similar device, which may include any accessory uses and structures normally associated with this activity.

**SHOPPING CENTER:** A group of three (3) or more retail sale or service commercial establishments, attached or detached that are planned, developed, owned and/or managed as units related in location, size and type of shops to the trade area the unit serves.

**SHORT-TERM RENTAL:** A short-term rental refers to the rental of part or all of any legally permitted dwelling unit for fewer than 30 consecutive days. Also referred to as an Airbnb, VRBO or a hostel.

**SITE PLAN:** A plan, to scale, showing existing and proposed uses, structures and improvements proposed for a property as required by the regulations involved. Such plans include property lines, streets, driveways, parking, building sites, landscaping, open space, and utility easements.

**SOIL STABILIZATION:** The state of having sufficient vegetation and gradual slopes to prevent soil erosion and sedimentation onto adjacent features such as streets, sidewalks, driveways, parking areas, lawns, or water bodies.

**SOLID WASTE TRANSFER STATION:** The use of a site for the collection and temporary storage of solid waste for subsequent transport to a permanent disposal location.

**STABLE:** An equine boarding facility in which horses, and sometimes other large types of livestock, are kept. The facility may include, but is not limited to, a barn, riding arena(s) and/or pasture facilities.

**STORAGE FACILITIES, OUTDOOR:** The commercial use of a site where equipment, registered vehicles, inventory, supplies, or other similar items are stored, including a building with a roof but without walls completely enclosing the building.

**STORAGE FACILITY, SELF-SERVICE:** A structure or group of structures with a controlled access and fenced compound that contains individual, compartmentalized, or controlled units that are leased or sold to store material (including, but not limited to, goods, wares, merchandise, or vehicles) and may include an area of outdoor storage for vehicles and equipment. As a part of

this use, a dwelling unit caretaker's unit, which may include an office, shall be permitted for a person or persons hired to manage the property.

**STREET FRONTAGE:** The distance measured along the property line, which fronts upon a street or alley or other principal thoroughfare that provides vehicular access to a property.

**STROBE LIGHT:** An attention getting device that emits a repetitive light; independent of, or as part of a sign. For the purposes of this code, strobe light shall not be considered an animated sign.

**SUBDIVISION:** A. The division of a lot or parcel of land, into two (2) or more lots for the purpose of conveyance of ownership or for building development; and the recorded plat thereof; or

B. The platting of one lot or parcel for the purposes of remedying a prior illegal division of property or as deemed appropriate by the administrator and/or city engineer.

**SWIMMING POOL COMMERCIAL/PUBLIC:** An artificial pool of water intended for recreation by human beings, including all pertinent equipment. This includes a public or private facility that charges a fee to use the pool and the pool meets all health requirements.

**TELEVISION STATION:** A facility that broadcasts audio and video over the airwaves, which is properly licensed. This does not include the transmission tower.

**TEMPORARY LIVING QUARTERS:** A "manufactured home" as herein defined, permitted as a temporary dwelling for a member of the immediate family on the same property as the principal permitted use. May also be considered as a temporary living use in an existing dwelling while a new dwelling is being constructed on the same property, provided that once a new dwelling is completed and prior to an occupancy permit, the temporary living quarters is removed.

**TEMPORARY USE:** The use of a site on a seasonal basis and for a short period of time. The use includes, but is not limited to, Christmas tree lots, construction buildings, firework stands, food service vehicles, model homes, produce stands, snow cone stands, and pumpkin stands.

**TERMINAL, FREIGHT OR TRUCK:** The use of a site where freight brought by truck or rail is transferred. The use may include the storage or repair of trucks or railcars. The use excludes the long term or permanent storage of freight.

**TRANSITIONAL LOT OR PROPERTY:** The size of a new residential lot when being proposed adjacent to an established residential use. The ratio for lots adjacent to properties shall be determined on a case by case basis, when considering the size of the development potential for the existing use. This shall not be required if separated by an existing roadway or large canal where the distance between new structures and existing structures equal or exceed 100 feet.

**TOWER, LATTICE:** A tower made of an open metal framework consisting of strips of metal overlapped in a pattern to achieve strength and height.

**TRAILER:** A vehicle without motor power designed for carrying persons or property on its own structure and to be drawn by a vehicle with motor power. The term "trailer" shall include coach, boat trailer, semitrailer, travel trailer, or utility trailer.

**TREES, CLASS I, II, III:** The classes of trees are defined for the purposes of this title by the "Tree Guide" as provided by Boise City and the 2018 Treasure Valley Tree Selection Guide (or most recent version). In general, class I trees are smaller ornamental trees, class II trees are medium/large trees appropriate for street tree planting, and class III trees are very large trees.

**TRUCK:** A motor vehicle exceeding eight thousand (8,000) pounds' gross weight designed, used or maintained primarily for the transportation of commercial property.

**TRUCK STOP:** An establishment that sells and supplies motor fuel, lubricating oils, tires, and/or grease to on premises trade, primarily to trucking industry. This use may also include accessory vehicle repair shops, vehicle washing facilities, convenience store and/or restaurant.

**TURF FARM:** A property for agricultural use that is five (5) acres in size or greater and is used for the purpose of growing turf.

**UPLIGHTING:** Lighting that is directed in such a manner as to shine light rays onto a solid surface, including a building or sign

**USE, CHANGE OF:** A change of use shall include, but not be limited to, an expansion, alteration, or change in occupancy.

**UTILITY:** Electrical, natural gas, water, wastewater, sewer, telephone, satellite and cable services and facilities.

**VARIANCE:** A relief from development standards as allowed by this title and as enabled by Idaho Code section 67-6516.

**VEHICLE:** Shall include, but not limited to, automobile, truck, motorcycle, recreational vehicle, or as otherwise defined in Idaho Code section 49-123 which includes every device in, upon, or by which any person or property is or may be transported or drawn (e.g., travel trailers) upon a public highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks. This shall include electric scooters.

**VEHICLE, COMMERCIAL:** Any currently licensed and operable motor vehicle, as defined by Idaho Code section 49-123.

**VEHICLE EMISSION TESTING:** A mobile or stationary area where vehicle emissions testing is performed as required by the state of Idaho (see also definition of Temporary Use).

**VEHICLE IMPOUND YARD:** The use of a site for the temporary storage of vehicles to be claimed by the owners. Shall not be used as a vehicle repair or wrecking yard.



**VEHICLE, INOPERABLE:** A vehicle that cannot move under its own power or does not meet the minimum legal requirements necessary for the motor vehicle to be operated in a safe and lawful manner upon the roadways and highways in the state of Idaho, as set forth in Idaho Code title 49.

**VEHICLE REPAIR, MAJOR:** The use of a site for major vehicle rebuilding or reconditioning. The use includes engine rebuilding; major reconditioning of worn or damaged motor vehicles; and collision service, including body, frame, or fender straightening or repair.

**VEHICLE REPAIR, MINOR:** The use of a site for minor vehicle maintenance and repair. The use includes vehicle repair garages, muffler shops, tire sales and installations, transmission shops, and wheel and brake shops.

**VEHICLE SALES OR RENTAL AND SERVICE:** The sale, trade, or lease of new or used vehicles in operating condition and any repair work or minor service. Repair work or minor service shall include, but not be limited to, replacement of parts (e.g., tires, shocks, brakes, mufflers, windshields, radiators, upholstery), oil change, minor engine repair, tune up, and accessory sales of replacement parts. Any operation specified under the definition of "vehicle repair, major" is excluded.

**VEHICLE WASHING FACILITY:** The use of a site where a vehicle may be washed, waxed, detailed, or vacuumed by the owner of the vehicle or employees on the site.

**VEHICLE WRECKING YARD/JUNKYARD/SALVAGE YARD:** Any area, lot, land, or parcel where two (2) or more vehicles without current registration or two (2) or more inoperable or dismantled vehicles that are not in operating condition (or parts thereof) are stored, dumped, dismantled, partially dismantled or wrecked; or as defined by Idaho Code section 40-111, the use of a site that is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard, garbage dumps and sanitary fills. The following uses are excluded from this definition: agricultural equipment on a "farm" as herein defined and vehicles stored or dismantled within a completely enclosed structure.

Property whereupon junk, waste, vehicles, discarded or salvaged materials/parts are primarily stripped of parts in preparation for future storage, destruction, or rebuilding. This connotes that vehicles within such areas are inoperable either physically and/or legally (i.e., licensed and registered). While, expectedly, storage of items will occur by nature of this kind of use, this use classification/definition does not expect that such will become the primary activity conducted from the site. Specific examples of such uses include, but are not limited to, the following: automobile wrecking yards.

**VETERINARY OFFICE:** See definition of Animal Care Facility.

**VICINITY MAP:** A drawing which sets forth by dimensions or other means the relationship of the proposed developments to other nearby developments or landmarks and community facilities and services within the general area in order to better locate and orient the subject property.

**VINEYARD:** A property in agriculture that is five (5) acres in size or greater, used for the purpose of growing and cultivating grapevines. See also wineries.

**VISION TRIANGLE:** The boundaries of an area at the intersection of: a) two (2) public streets; b) the intersection of a public street and driveway; c) the intersection of a public street and alley; or d) at the crossing of a railroad over a street, where visual observations are limited and specified by this title for the purpose of protecting public health and safety. This shall be defined by the highway authority having jurisdiction.

**WALKWAY:** A public way for nonvehicular use only, whether or not along the side of a road.

**WALL AREA:** The total square footage of an exterior wall and determined by multiplying the total linear elevation of the building (or the leased portion thereof) by the distance from the roofline to pedestrian grade.

**WAREHOUSE AND STORAGE:** A structure used primarily for storing materials and/or freight, including, but not limited to, goods, wares, merchandise, or vehicles.

**WATER AMENITY:** Any body of water either natural or manmade, which either exists or is proposed to be improved as a part of the development, in which its banks in all places adjacent to and located on said development are no steeper than one foot (1') vertical per every four feet (4') horizontally (1:4) and which has a depth and velocity in all places adjacent to and located on said development such that the product of the maximum depth (feet) multiplied by the peak velocity (feet per second) does not exceed four (4).

**WHOLESALE SALES:** The use of a site for selling, distributing, or brokering merchandise to retailers, business users, or other wholesalers. This use can include incidental retail sales to the general public.

**WINERY:** The use of a site that manufactures alcoholic beverages from the fermented juice of grapes, fruits or other liquid bearing plants. The use may include the ancillary sale or dispensing of beverages by the drink or glass and including retail sales to the general public. See also vineyard.

**WIRELESS COMMUNICATION FACILITY:** A steel monopole, guywire tower, lattice tower or other similar structure designed to support directional antennas, parabolic dishes or antennas, microwave dishes, in addition to associated ground equipment and other similar equipment used in the wireless communications industry.

**WOODWORKING SHOP:** An establishment where wood is modified into finished product to be sold.

**YARD, FRONT:** A yard extending between the side lot lines across the front of a lot and from the front lot line to the front of the principal building.

**YARD, REAR:** An area extending across the full width of the property and lying between the

rear property line and the nearest line of the principal structure. See figure 8-1E-2.

**YARD, REQUIRED:** An area that extends along a property line to a depth or width specified in the setback regulations for the district in which the property is located. See figure 8-1E-2.

**YARD, SIDE:** An area extending from the front yard to the rear yard between the side property line and the nearest line of the principal structure. See figure 8-1E-2.

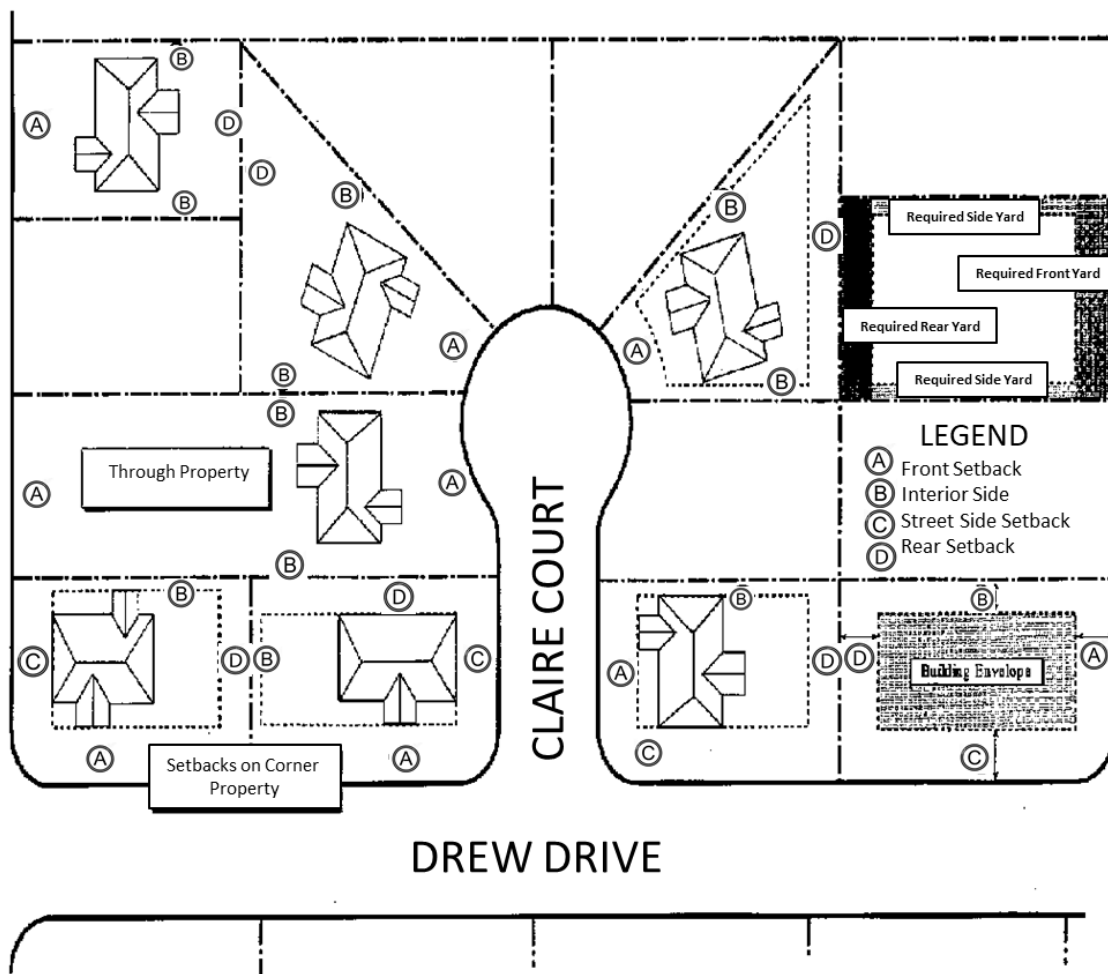
**YARD, STREET:** An area extending across the full width of the property and lying between the front property line and the nearest line of a principal structure. See figure 8-1E-2.

**YARD SALE:** The sale of household or personal articles (as furniture, tools, or clothing) held on the seller's own premises. Yard sales are limited to one sale per month, lasting no longer than three (3) days. Yard sales are not commercial activities.

**8-1E-2: FIGURE - SETBACKS, REQUIRED YARDS AND PROPERTY TYPE**



TREVOR PLACE



CHAPTER 2

## NONCONFORMING PROPERTY, USE OR STRUCTURE

### **8-2-1: PURPOSE:**

### **8-2-2: APPLICABILITY:**

### **8-2-3: NONCONFORMING PROPERTY:**

### **8-2-4: NONCONFORMING USE:**

### **8-2-5: NONCONFORMING STRUCTURE:**

### **8-2-6: VIOLATIONS:**

### **8-2-1: PURPOSE:**

The purpose of this article is to allow any nonconforming property, use, or structure that lawfully existed prior to the effective date ( ) to continue until they are removed, but not to encourage their continuation. It is further the intent of this article that nonconforming uses or structures shall not expand or extend the nonconforming aspect of the property, use, or structure, unless approved subject to a conditional use permit as set forth in this title.

### **8-2-2: APPLICABILITY:**

These regulations shall apply to any lawfully existing nonconforming property, use, or structure in any district, except: in the event that a property, use, or structure that was deemed nonconforming under past regulations now complies with the standards of this title, such property, use, or structure shall be deemed conforming.

### **8-2-3: NONCONFORMING PROPERTY:**

A. The nonconforming property shall not be diminished in size.

B. Any property reduced by governmental action that reduces an existing conforming parcel below the required property size shall be deemed as a conforming property for the purpose of development. To be deemed a conforming property, the owner or applicant shall submit documents to the administrator proving the following:

1. The property was in compliance with the minimum property size requirement of the applicable district prior to the decrease in property size; and
2. The decrease in property was caused by acquisition through prescription, purchase, or other means by the transportation authority, a utility company or corporation under the jurisdiction of the Idaho public utilities commission, or other local, state, or federal agency.

### **8-2-4: NONCONFORMING USE:**

A. The nonconforming use may continue as long as the use remains lawful and is not expanded or extended, subject to the following provisions:

1. Alteration: No existing structure containing a nonconforming use may be enlarged, extended, constructed, reconstructed, moved or structurally altered except: a) through the approval of a conditional use permit in accord with the procedures set forth in this title; or b) where the use of the structure is changed to a conforming use.

2. Extension: A nonconforming use may be extended to occupy additional land area only through the approval of a conditional use permit in accord with the procedures set forth in this title.

B. If a nonconforming use has ceased for twelve (12) consecutive months or has been replaced with a conforming use, the nonconforming use shall be deemed abandoned and shall not be reestablished.

C. A nonconforming use or structure housing a nonconforming use that is damaged more than fifty percent (50%) of its current assessed taxable value by fire, flood, explosion, wind, earthquake, war, riot, calamity, or other catastrophic event, shall comply with this title upon reconstruction. If the damage to the nonconforming use or structure housing the nonconforming use is fifty percent (50%) or less of its current assessed taxable value, the nonconforming use may continue, provided that the nonconforming use commences within twelve (12) months of the event.

### **8-2-5: NONCONFORMING STRUCTURE:**

A. Nonconforming structures may be enlarged, repaired or modified, with approval of a conditional use permit, provided that the additions or modifications to the structure conform to the requirements of this title.

B. A nonconforming structure that is damaged more than fifty percent (50%) of its current assessed taxable value by fire, flood, explosion, wind, earthquake, war, riot, calamity, or other catastrophic event, shall comply with this title upon restoration or reconstruction. If the damage to the nonconforming structure is fifty percent (50%) or less of its current assessed taxable value, the structure may be restored or reconstructed, provided that restoration or reconstruction commences within twelve (12) months of the event.

C. Structures listed on the national register of historic places shall be exempt from the regulations of this section.

### **8-2-6: VIOLATIONS:**

Properties, uses, or structures that were in violation of previous land use regulations and that remain a violation under this title shall be considered continuing violations.

## **CHAPTER 3**



**ZONING DISTRICT STANDARDS**

**ARTICLE A**

**DISTRICTS ESTABLISHED**

**8-3A-1: ZONING DISTRICTS AND PURPOSES ESTABLISHED:**

**8-3A-2: OFFICIAL ZONING MAP:**

**8-3A-3: USES WITHIN ZONING DISTRICTS:**

**8-3A-4: ZONING DISTRICT DIMENSIONAL STANDARDS:**

**8-3A-1: ZONING DISTRICTS AND PURPOSE ESTABLISHED:**

The following zoning districts are hereby established. For the interpretation of this title, the zoning districts have been formulated to realize the general purposes as set forth in this title. In addition, the specific purpose of each zoning district shall be as follows:

**A AGRICULTURAL DISTRICT:** To provide for agricultural use with parcels that are 5 acres or larger in size. May include active agriculture, viticulture, equestrian, and residential. Uses include native open space and active farmland. The agricultural land use is not amenity based (sewer, water, schools) and will usually be located away from goods and services. These areas encourage the keeping and raising of crops and/or animals and do not necessarily include manicured yards, sidewalks, bike paths, streetlights or planned park and recreation facilities. Density may be limited due to the limited availability of infrastructure. Wells and septic systems should be permitted for lots in this land use designation if approved by the applicable Health Department. Easements of at least 20-feet in width shall be provided where determined necessary for the future extension of water and sewer mains. Modified street sections and a reduction in light pollution (by reducing or eliminating lighting standards) may be offered for a more rural feel. Private streets may be permitted in this district for access to newly subdivided or split property. This district does allow for some commercial uses as specified in 8-3A-3.

**R-R RURAL-RESIDENTIAL DISTRICT:** To provide for rural single-family residential use adjacent to agricultural uses, adjacent to other Rural Residential type uses, and adjacent to BLM land areas. Parcels are to be two acres minimum. It is the intent of this land use designation to help to preserve Star’s rural feel. Huge manicured “Rural Residential” lots are discouraged and therefore manicured home site areas on these properties should not exceed 1/2 acre. Uses may include active agriculture, viticulture, equestrian, and residential. Uses include native open space and small-scale active farmland. The Rural Residential land use is not amenity based (sewer, water, schools) and will usually be located away from goods and services. These areas encourage the keeping and raising of small-scale crops and/or animals and do not necessarily include manicured yards, sidewalks, bike paths, streetlights or planned park and recreation facilities. Density may be further limited due to the limited availability of infrastructure. Modified street sections and a reduction in light pollution (by reducing or eliminating lighting standards) may be offered for a more rural feel. Private streets may be permitted in this district for access to newly subdivided or split property. This land use designation is to be located such that it does not block extension of urban services at reasonable costs. Wells and septic systems should be permitted

for lots in this land use designation if approved by the applicable Health Department. Easements of at least 20-feet in width shall be provided where determined necessary for the future extension of water and sewer mains. This district does allow for some commercial uses as specified in 8-3A-3.

**R RESIDENTIAL DISTRICT:** To provide regulations and districts for various residential neighborhoods. Gross density in a Residential (R) district shall be determined according to the numeral following the R. The numeral designates the maximum number of dwelling units per acre. In zoning designations of R-1, R-2, R-3, R-4 and R-5, housing shall be single family detached unless approved with a PUD or development agreement. Connection to municipal water and sewer facilities are required for all subdivision and lot split applications submitted after the effective date hereof in all districts exceeding one dwelling unit per acre. Wells and septic systems may be permitted for larger lots in this land use designation that are not adjacent to municipal services, as determined by the Sewer District, and if approved by the applicable Health Department. Private streets may be approved in this district for access to newly subdivided or split property. This district does allow for some non-residential uses as specified in 8-3A-3.

#### RC RIVER CENTER – from South of the River Plan

**CBD CENTRAL BUSINESS DISTRICT:** To provide for commercial, retail, civic, office, and entertainment uses. High density housing is encouraged on the upper floors of mixed-use buildings and may also be allowed at the fringes of the land use designation shown on the comprehensive plan. Live/work designed development is also encouraged in this district. Developments in this district are to place an emphasis on pedestrian and bicycle access and compatibility. Special emphasis shall be placed on development in the central downtown area to encourage and create a vibrant, walkable downtown community that incorporates the Boise River as an active amenity.

**C-1 NEIGHBORHOOD BUSINESS DISTRICT:** To provide for the establishment of convenience business uses which tend to meet the daily needs of the residents of an immediate neighborhood while establishing development standards that prevent adverse effects on residential uses adjoining a C-1 district. Such districts are typically appropriate for small shopping clusters or integrated shopping centers located within residential neighborhoods, where compatible.

**C-2 GENERAL BUSINESS DISTRICT:** To provide for the establishment of areas for commercial uses allowed in other commercial zones and commercial uses which are more intensive than those permitted in other commercial zones, and typically located adjacent to arterial roadways and not immediately adjacent to residential, including the establishment of areas for travel related services such as hotels, motels, service stations, drive-in restaurants, offices, limited warehousing, commercial services and retail sales.

**L-O LIMITED OFFICE DISTRICT:** To provide for the establishment of groupings of professional, research, executive, administrative, accounting, clerical, limited commercial and similar uses. Development shall not be traffic intensive and research facilities shall not involve

heavy testing operations of any kind. The L-O district is designed to act as a buffer between other more intense nonresidential uses and residential uses and is thus a transitional use.

**LI LIGHT INDUSTRIAL DISTRICT:** To provide for manufacturing, warehousing, mini-storage and open storage, multi-tenant industrial park, contractors yards, and similar uses. Limited office and commercial uses may be permitted as ancillary uses. All development within this land use shall be free of hazardous or objectionable elements such as excessive noise, odor, dust, smoke, or glare.

**PS PUBLIC/SEMIPUBLIC:** To provide for the development of such uses as golf courses, parks, recreation facilities, greenways, schools, cemeteries, and public service facilities such as government offices and utilities. All development within this land use is encouraged to be designed to accommodate the different needs, interests, and age levels of residents in matters concerning both recreation and civil activities.

**MU MIXED USE DISTRICT:** To provide for a mixture of uses which may, at the sole discretion of the Council, include office, commercial, and/or residential depending upon the specific comprehensive plan area designated as Mixed Use. Development within this zone is to proceed through the PUD process unless a development agreement has already been executed for the particular property. Identifying areas for mixed-use development has two objectives. The first objective is to give the city a better tool to manage the type of developments through the planned unit development and/or the Development Agreement process. The second objective is that this zone may allow the development community to be more innovative in design and placement of structures subject to Council review and approval. Rezoning within this land use designation is to be strictly monitored by the city to assure that the Mixed-Use areas are not being used simply to justify high density residential use. Residential uses may be part of an overall mixed-use development that includes a non-residential component and may not exceed 30% of the overall size of the development.

**P PLANNED UNIT DEVELOPMENT:** This designation, following any zoning designation noted on the official zoning map of the city (i.e., R-4-P), indicates that the development was approved by the city as a planned unit development, with specific allowances and design approved by Council.

**DA DEVELOPMENT AGREEMENT:** This designation, following any zoning designation noted on the official zoning map of the city (i.e., C-2-DA), indicates that the zoning was approved by the city with a development agreement, with specific conditions of zoning.

### **8-3A-2: OFFICIAL ZONING MAP:**

The boundaries of the districts are shown on the official zoning map of the city of Star. The official zoning map is made a part of this title, as well as such other map or maps that are duly adopted. Said official zoning maps properly attested, shall be placed and remain on file in the office of the Star city clerk.



**8-3A-3: USES WITHIN ZONING DISTRICTS**

The following table lists principal permitted (P), accessory uses (A), conditional (C), or prohibited (N) uses.

A. Permitted uses and accessory uses shall be reviewed in accord with this title. It shall be unlawful and a violation of this title for any person to conduct any permitted use in any district, unless such person first obtains each applicable permit from the city.

B. Uses that are listed as C shall be subject to a conditional use permit approval through the public hearing process. Conditional uses shall be approved in accord with the procedures and regulations for conditional uses set forth in this title. It shall be unlawful and a violation of this title for any person to conduct any conditional use in any district, unless such person shall first obtain a conditional use permit approval through the public hearing process from the city.

C. The administrator shall interpret the appropriate district for land uses not specifically mentioned by determining the district in which similar uses are permitted. If the administrator determines that a proposed use is not specifically mentioned and is not similar to any specifically mentioned use the administrator shall determine that the use is prohibited.

D. When submitting a CUP, PUD or development agreement for a mixed-use zone, or for multiple conditional uses on one site, all uses that are contemplated for the development shall be identified with the application and shall be reviewed by the council to determine which may be permitted, which should remain as conditional uses and which should be prohibited. A development agreement may be used in lieu of a conditional use permit application or a PUD application if the council makes the findings as otherwise required.

E. In zoning designations of R-1, R-2, R-3, R-4 and R-5, housing shall be single family detached unless approved with a PUD or development agreement in lieu of a PUD.

F. As of the adoption of this ordinance the Rural transitional district zone (RT) has been eliminated for new zoning. Properties with a Rural transitional zoning designation (RT) on the effective date of this ordinance shall be considered nonconforming use properties subject to the nonconforming use regulations herein, and shall automatically revert to Rural Residential (RR) for the purpose of zoning until a time that they are rezoned to a district that meets the adopted Comprehensive Plan Land Use Map.

<b><u>ZONING DISTRICT USES</u></b>										
<b>USES</b>	<b>A</b>	<b>R-R</b>	<b>R</b>	<b>CBD</b>	<b>C-1</b>	<b>C-2</b>	<b>L-O</b>	Section 5, Item E.		
Accessory structure - Residential or Commercial	A	A	A	N/C	A	A	A	A	A	C/P
Adult business/adult entertainment	N	N	N	N	N	N	N	C	N	N
Agriculture, forestry, fishing	P	P	N	N	N	N	N	N	N	N
Airport	C	N	N	N	N	N	N	C	N	N
Animal care facility <sub>1</sub>	P	C	N	C	P	P	P	P	N	C
Artist studio <sub>1</sub>	P	P	N	P	P	P	P	P	P	P
Arts, entertainment, recreation facility <sub>1</sub>	C	N	N	P	C	P	P	C	P	C
Asphalt plant <sub>1</sub>	N	N	N	N	N	N	N	C	N	N
Auction facility	N	N	N	N	N	C	N	C	N	C
Automated Teller Machine (ATM) <sub>1</sub>	N	N	N	A	A	A	A	A	A	A
Automotive hobby <sub>1</sub>	A	A	A	N	N	N	N	A	N	A
Automotive mechanical/electrical repair and maintenance	N	N	N	C	C	P	N	P	N	C
Bakery- Retail or Manufacturing	N	N	N	P	P	P	P	P	N	P/C
Bar/tavern/lounge/drinking establishment	N	N	N	P	C	P	C	C	N	C
Barbershop/styling salon	N	N	N	P	P	P	P	N	N	P
Bed and breakfast	P	P	N	P	P	P	N	N	N	C
Beverage bottling plant	N	N	N	N	N	N	N	P	N	N
Boarding house	C	C	C	N	N	N	N	N	N	C
Brewery/Distillery	N	N	N	P	C	P	N	P	N	C
Brewpub/Wine Tasting	A	A	N	P	C	P	C	C	N	C
Building material, garden equipment and supplies	N	N	N	P	C	P	C	P	N	C
Campground/RV park <sub>1</sub>	C	N	N	N	N	N	N	N	N	C
Caretaker Unit <sub>1</sub>	A	A	A	N	A	A	N	N	A	A
Cement or clay products manufacturing	N	N	N	N	N	N	N	P	N	N
Cemetery <sub>1</sub>	C	C	N	N	N	N	N	N	P	N
Chemical manufacturing plant <sub>1</sub>	N	N	N	N	N	N	N	C	N	N
Child Care center (more than 12) <sub>1</sub>	N	C	N	C	C	C	C	N	N	C
Child Care family (6 or fewer) <sub>1</sub>	A	A	A	A	A	A	A	N	N	A
Child Care group (7-12) <sub>1</sub>	C	C	C	C	C	C	C	N	N	C
Child Care-Preschool/Early Learning <sub>1</sub>	N	C	C	C	C	C	C	N	N	C
Church or place of religious worship <sub>1</sub>	P	P	C	N	P	P	P	N	C	P
Civic, social or fraternal organizations	C	N	N	P	P	P	P	N	N	C

	<u>A</u>	<u>R-R</u>	<u>R</u>	<u>CBD</u>	<u>C-1</u>	<u>C-2</u>	<u>L-O</u>	<u>LI</u>	<u>PS</u>	<u>MU</u>
Concrete batch plant <sub>1</sub>	N	N	N	N	N	N	N	C	N	N
Conference/convention center	N	N	N	P	P	P	P	C	C	C
Contractor's yard or shop <sub>1</sub>	C	C	N	N	N	N	N	C	N	N
Convenience store	N	N	N	P	C	P	P	P	N	C
Dairy farm	C	N	N	N	N	N	N	N	N	N
Drive-through establishment/drive-up service window <sub>1</sub>	N	N	N	<del>P</del> C	P	P	C	C	N	C
Dwelling:										
Multi-family <sub>1</sub>	N	N	C	N	N	N	N	N	N	C
Secondary <sub>1</sub>	A	A	A	N	N	N	N	N	N	C
Single-family attached	N	N	P	N	N	N	N	N	N	C
Single-family detached	P	P	P	N	N	N	N	N	N	C
Two-family duplex	N	N	P	N	N	N	N	N	N	C
Live/Work Multi-Use <sub>1</sub>	N	N	N	C	N	N	N	N	N	C
<u>Horizontal Apartments or Build to Rent Communities <sub>1</sub></u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u>
Educational institution, private	C	C	C	C	C	C	C	N	N	C
Educational institution, public	C	C	C	C	C	C	C	N	C	C
Equipment rental, sales, and services	N	N	N	C	C	P	N	P	N	C
Events Center, public or private (indoor/outdoor)	C	C	N	C	C	C	N	C	C	C
Fabrication shop	N	N	N	N	N	P	N	P	N	N
Farm	P	P	N	N	N	N	N	N	N	N
Farmers' or Saturday market	C	C	N	C	C	C	C	C	C	C
Feedlot	N	N	N	N	N	N	N	N	N	N
Financial institution	N	N	N	P	P	P	P	P	N	C
Fireworks Stands	N	N	N	P	P	P	P	P	N	P
Flammable substance storage	N	N	N	N	N	N	N	C	N	N
Flex Space	N	N	N	N	C	P	C	P	N	C
Food products processing	C	N	N	N	C	C	N	P	N	N
Fracking	N	N	N	N	N	N	N	N	N	N
Gasoline, Fueling & Charging station with or without convenience store <sub>1</sub>	N	N	N	C	C	P	C	P	N	C
Golf course/ <b>Driving Range</b>	C	C	C	N	C	C	C	C	C	C
Government office	N	N	N	P	P	P	P	P	P	C
Greenhouse, private	A	A	A	N	N	N	N	N	N	A
Greenhouse, commercial	P	C	N	N	C	P	N	P	N	C

Guesthouse/granny flat	P	P	C	N	N	N	N	N	N	C
Healthcare and social services	N	N	N	P	P	P	P	P	N	C
Heliport	C	N	N	N	N	N	N	C	N	N
Home occupation <sup>1</sup>	A	A	A	A	N	N	N	N	N	A
Hospital	N	N	N	P	C	P	P	C	N	C
Hotel/motel	N	N	N	C	C	P	N	C	N	C
Ice manufacturing plant	N	N	N	N	N	N	N	P	N	N
Industry, information	N	N	N	P	P	P	P	P	N	C
Institution	N	N	N	C	C	P	N	N	C	C
Junkyard	N	N	N	N	N	N	N	C	N	N
Kennel	C	C	N	N	N	C	N	C	N	C
Laboratory	N	N	N	P	P	P	P	P	N	C
Laboratory, medical	N	N	N	P	P	P	P	P	N	C
Lagoon	N	N	N	N	N	N	N	C	C	N
Laundromat	N	N	N	P	P	P	P	P	N	P
Laundry and dry cleaning	N	N	N	P	P	P	P	P	N	C
Library	N	N	N	P	P	P	P	N	P	N
Manufactured home <sup>1</sup>	P	P	P	N	N	N	N	N	N	C
Manufactured home park <sup>1</sup>	N	N	C	N	N	N	N	N	N	N
Manufacturing plant	N	N	N	N	N	C	N	C	N	N
Meatpacking plant	C	N	N	N	N	N	N	C	N	N
Medical clinic	N	N	N	P	P	P	P	N	N	P
Mining, Pit or Quarry (excluding accessory pit) <sup>1</sup>	C	N	N	N	N	N	N	C	N	N
Mining, Pit or Quarry (for accessory pit) <sup>1</sup>	A	A	A	A	A	A	A	A	A	A
Mortuary	N	N	N	N	C	P	N	P	N	C
Museum	C	N	N	P	P	P	P	N	P	P
Nursery, garden center and farm supply	N	N	N	C	P	P	P	P	N	C
Nursing or residential care facility <sup>1</sup>	N	N	C	C	P	P	P	N	N	C
Office security facility	N	N	N	P	P	P	P	P	N	C
Parking lot/parking garage (commercial)	N	N	N	C	C	C	C	C	C	C
Parks, public and private	P	P	P	P	P	P	P	P	P	P
Pawnshop	N	N	N	P	P	P	P	P	N	P
Personal and professional services	N	N	N	P	P	P	P	P	N	P
Pharmacy	N	N	N	P	P	P	P	P	N	P



Photographic studio	N	N	N	P	P	P	P	P	N	P
Portable classroom/modular building (for private & public Educational Institutions)	C	C	C	C	C	C	C	N	C	C
Power plant	N	N	N	N	N	N	N	C	N	N
Processing plant	C	N	N	N	N	N	N	C	N	N
Professional offices	N	N	N	P	P	P	P	P	N	C
Public infrastructure; Public utility major, minor and yard <sup>1</sup>	C	C	C	C	C	C	C	C	C	C
Public utility yard	C	N	N	N	C	C	N	P	C	N
Recreational vehicle dump station	N	N	N	N	C	C	N	C	N	A
Recycling center	N	N	N	N	C	C	N	P	N	N
Research activities	A	N	N	P	P	P	P	P	N	C
Restaurant	N	N	N	P	C	P	P	C	N	C
Retail store/retail services	N	N	N	P	C	P	P	P	N	C
Retirement home	N	N	C	C	C	N	C	N	N	C
Riding Arena or Stable, Private/ Commercial	P/C	P/C	C/N	N	N	N	N	N	N	N
Salvage yard	N	N	N	N	N	N	N	C	N	N
Sand and gravel yard	C	N	N	N	N	N	N	P	N	N
Service building	C	N	N	P	P	P	N	P	N	C
Shooting range (Indoor/Outdoor)	C	N	N	C/N	C/N	C/N	N	C	N	C/N
Shopping center	N	N	N	P	C	P	N	N	N	C
Short Term Rentals <sup>1</sup>	A	A	A	A	N	N	N	N	N	A
Solid waste transfer station	N	N	N	N	N	N	N	C	N	N
Storage facility, outdoor (commercial) <sup>1</sup>	C	N	N	N	C	<del>P</del> <u>C</u>	N	<del>P</del> <u>C</u>	N	C
Storage facility, self-service (commercial) <sup>1</sup>	C	N	N	N	C	<del>P</del> <u>C</u>	N	<del>P</del> <u>C</u>	N	C
Swimming pool, commercial/public	N	N	N	P	P	P	P	P	P	P
Television station	N	N	N	N	N	C	N	C	N	C
Temporary living quarters <sup>1</sup>	P	P	C	N	N	N	N	N	N	N
Terminal, freight or truck <sup>1</sup>	N	N	N	N	N	C	N	P	N	N
Truck stop	N	N	N	N	N	C	N	P	N	C
Turf farm	P	P	N	N	N	N	N	N	C	N
Vehicle emission testing <sup>1</sup>	N	N	N	P	P	P	P	P	N	C
Vehicle impound yard <sup>1</sup>	N	N	N	N	N	N	N	P	N	N
Vehicle repair, major <sup>1</sup>	N	N	N	N	C	P	N	P	N	C

Vehicle repair, minor <sup>1</sup>	N	N	N	C	C	P	N	P	N	C
Vehicle sales or rental and service <sup>1</sup>	N	N	N	C	C	P	N	P	N	C
Vehicle washing facility <sup>1</sup>	N	N	N	C	C	P	N	P	N	C
Vehicle wrecking, junk or salvage yard <sup>1</sup>	N	N	N	N	N	N	N	C	N	N
Veterinarian office	P	C	N	C	P	P	P	P	N	C
Vineyard	P	P	N	N	N	N	N	C	N	C
Warehouse and storage	N	N	N	N	N	P	C	P	N	C
Wholesale sales	N	N	N	C	P	P	C	P	N	C
Winery	P	C	N	N	N	C	N	P	N	C
Wireless communication facility <sup>1</sup>	C	C	C	C	C	C	C	C	C	C
Woodworking shop	N	N	N	N	N	P	N	P	N	N

**Notes:**

1. Indicates uses that are subject to specific use standards in accord with chapter 5 of this title.

**8-3A-4: ZONING DISTRICT DIMENSIONAL STANDARDS:**

Zoning District	Maximum Height Note Conditions	Minimum Yard Setbacks Note Conditions			
		Front (1)	Rear	Interior Side	Street Side
A	50'	30'	30'	30'	20'
R-R	35'	30'	30'	20'	20'
R-1	35'	30'	30'	10'	20'
R-2	35'	20'	20'	10'	20'
R-3	35'	15' to living area/side load garage 20' to garage face	15'	5' per story (2)	20'
R-4	35'	15' to living area 20' to garage face	15'	5' per story (2)	20'
R-5	35'	15' to living area/side load garage	15'	5' <u>per story (2)</u>	20'

		20' to garage face			
R-6 to R-11 detached housing	35'	15' to living area 20' to garage 10' if alley load	15' 4' if alley load	<del>3'</del> <u>5'</u>	20'
R-6 to R-11 attached housing	35'	15' to living area 20' to garage 10' if alley load	15' 4' if alley load	0' for common walls 5' at end of building	20'
R-12 and higher	35'	15' to living area 20' to garage	15' 4' if alley load	5' for single story 10' feet for multi-story	20'
CBD	35'	0'	0'	0'	0'
C-1	35'	20'	5'	0'	20'
C-2	35'	20'	5'	0'	20'
LO	35'	20'	10'	0'	20'
<u>IL</u>	<u>35'</u>	<u>20'</u>	<u>5'</u>	<u>0'</u>	<u>20'</u>
PS	35'	20'	10'	0'	20'
MU	35'	For MU and CBD - Unless otherwise approved by the Council as a part of a PUD or development agreement, all residential buildings shall follow the residential setbacks shown in this table based upon the project density and all other buildings shall follow setbacks for the C-2 zone (3).			

## Notes:

1. Front yard setback shall be measured from the face of the garage to the face of the sidewalk, allowing for 20' of parking on the driveway without overhang onto the sidewalk.
- ~~2. Interior side yard setbacks for lots with 50' or less of lot width shall be allowed 5' interior side yard setbacks for one and two-story structures. Zero-Lot-Line and reduced front and rear setback waivers may be requested through the Development Agreement process. Side yard setbacks for detached structures shall not be granted waivers.~~
3. All setbacks in the M-U zone shall be a minimum 15' when adjacent to a residential use or zone.

## Note Conditions:

## A. Minimum Property Size:

1. Each property shall be of sufficient size to meet the minimum setbacks as established in this section.
2. Minimum property size shall be determined exclusive of land that is used for the conveyance of irrigation water, drainage, creek or river flows unless: a) the water is conveyed through pipe or tile; and b) included as part of a utility easement that generally runs along the property lines.
3. When two (2) or more parcels of land, each of which is of inadequate area and dimension to qualify for a permitted use under the requirements of the district in which the parcels are located, are held in one ownership, they shall be used as one property for such use.

#### B. Minimum Street Frontage:

1. Properties with street frontages on cul-de-sacs or at approximately a ninety-degree (90°) angle shall be a minimum of twenty feet (20') measured as a chord measurement.
2. Street knuckles shall be separated from through traffic by a landscape island. Properties with frontages on such knuckles shall be a minimum of twenty feet (20') measured as a chord measurement.
3. All other properties with street frontage shall have a minimum of thirty feet (35').

#### C. Additional Setback Criteria:

1. Chimneys, pop out windows, direct vent gas fireplaces, entertainment centers, window seats and other projections which do not increase the usable floor area and do not exceed eight feet (8') in width may project up to two feet (2') into any required setback, provided that projections that are at finished grade, including, but not limited to, chimneys and fireplaces, do not encroach within a side yard utility easement.
2. One detached accessory building that is less than two hundred (200) square feet in area and nine feet (9') or less in height shall be allowed in the required rear yard. In no case shall an accessory building be allowed in the street yard or the required side yard.
3. Accessory structures, such as decks and patios, which are one foot (1') or less in height, as measured from the property's finished grade, may occupy any yard area.
4. In all residential zones garages and carports opening onto a side street must have a minimum distance between the opening of such garage or carport and the side street lot line of not less than twenty feet (20').
5. Front yard setback from arterial and collector streets (as identified on the highway district functional classification map) is 30 feet in all residential zoning districts.
6. Street side setback on arterial and collector streets (as identified on the highway district functional classification map) is 20 feet in all residential zoning districts.
7. Setback areas are subject to drainage compliance or otherwise specified within this title.
8. If a conditional use, PUD or development agreement in lieu of a PUD is utilized, waivers to setbacks shall be permitted if determined by the council to be appropriate for the said development and that such waivers will be compatible with the area and that the overall density allowed by the said zoning district is not exceeded.

#### D. Maximum Height Limit:

1. Height exceptions shall not be permitted except by discretion of the council with the submittal of a conditional use permit or development agreement application.
2. The maximum height limitations shall not apply to the following architectural features, not intended for human occupation: spire or steeple, belfry, cupola, chimney. Such architectural



features shall have a maximum height limit of twenty feet (20'), as measured from the roofline.

3. The maximum height limitations shall not apply to the following: amateur radio antenna; bridge tower; fire and hose tower; observation tower; power line tower; smokestack; water tank or tower; ventilator; windmill; wireless communication facility, or other commercial or personal tower and/or antenna structure; or other appurtenances usually required to be placed above the level of the ground and not intended for human occupancy.

4. No exception shall be allowed to the height limit where the height of any structures will constitute a hazard to the safe landing and takeoff of aircraft in an established airport.

E. All new residential and accessory structures within any zoning district shall comply with residential setbacks.

F. ~~Spite strips, common lots, phasing, or any other means of any type purposely or otherwise used to block services or development, including but not limited to sewer, water, streets, or utilities are not allowed in any zoning district within the City of Star.~~ Spite strips, common lots, unreasonable development phasing, or other means of any type purposely or unintentional that may result in the blocking of services or development, including but not limited to sewer, water, streets, or utilities are prohibited in any zoning district within the City of Star.

ARTICLE B

ADDITIONAL RESIDENTIAL DISTRICT STANDARDS

- 8-3B-1: ALL AGRICULTURAL AND RESIDENTIAL DISTRICTS:
- 8-3B-2: RURAL RESIDENTIAL DISTRICT:
- 8-3B-3: RESIDENTIAL DISTRICTS:

8-3B-1: ALL AGRICULTURAL AND RESIDENTIAL DISTRICTS:

- A. Comply with Section 8-3A-1: ZONING DISTRICTS AND PURPOSE ESTABLISHED.
- B. Lighting shall comply with dark sky lighting requirements.

8-3B-2: RURAL RESIDENTIAL DISTRICT:

- A. Comply with Section 8-3A-1: ZONING DISTRICTS AND PURPOSE ESTABLISHED.
- B. Manicured homesite areas shall be minimal and subordinate to open rural ground for pastures, farming, and other rural uses.
- C. Rural style street sections shall be provided if approved by the applicable roadway authority.
- D. Rural Residential developments are to be located so that they do not block extension of urban services at reasonable costs and will require utility easements where necessary to assure urban service extensions.

8-3B-3: RESIDENTIAL DISTRICTS:

- A. Comply with Section 8-3A-1: ZONING DISTRICTS AND PURPOSE ESTABLISHED.
- B. When development is planned with lots that directly abut existing lots within a Rural Residential area, or “Special Transition Overlay Area” as shown on the Comprehensive Plan Land Use map, an appropriate transition shall be provided for the two abutting residential lot types. A transition shall take into consideration site constraints that may exist and may include clustering of the urban lots in order to provide an open space area avoiding urban lots directly abutting rural residential lots, or may include the provision of a buffer strip avoiding urban lots directly abutting rural residential lots, or may include setbacks within the urban lots similar to the rural

- residential lots directly abutting, or may include the provision of one half to one acre size lots directly abutting the rural residential lots.
- C. Urban style development, as guided by provisions within the comprehensive plan and this Title, is required to limit urban sprawl, however, densities of no more than 1 to 2 dwelling units per acre are to be designed within the floodplain, ridgeline developable areas and hillside developable areas (both as defined within the comprehensive plan).
  - D. Housing developments with densities of R-11 and higher shall be designed to limit height, increase setbacks and/or provide additional landscaping along the perimeter of the development, if determined by the council, where abutting areas are planned for lower densities.
  - E. Rezoning to R-11 and higher shall not be allowed unless adequate ingress/egress to major transportation corridors is assured.
  - F. All new residential, accessory uses or additions/remodels within the residential zones shall pave all unpaved driveways to the home.
  - G. Spite strips, common lots, unreasonable development phasing, or other means of any type purposely or unintentional that may result in the blocking of services or development, including but not limited to sewer, water, streets, or utilities are prohibited in any zoning district within the City of Star.
  - H. Transitional Lots. For proposed residential developments located adjacent to a Special Transition Area, as determined on the current Comprehensive Plan Land Use Map, transitional standards listed below shall be required if reasonable evidence is presented that adjacent properties will not be further subdivided in the future. This shall be through a legal encumbrance that prevents the adjacent land from being further subdivided. These encumbrances shall include:
    - a. Property with a Future Comprehensive Plan Land Use Map designation that does not allow future redevelopment to densities lower than one dwelling unit per acre.
    - b. Subdivision CC&R's preventing further redevelopment;
    - c. Easements granted to municipal or other political entities, voluntary development easements granted to conservation land trusts, or other, legal encumbrances conserving the property in perpetuity.This specifically excludes statements from landowners regarding future intent without proof of legal encumbrance.

The allowed Transitional Density for new development adjacent to Special Transition Areas shall be as follows:

<u>Adjacent Lot Zoning</u>	<u>Allowed Immediately Adjacent Minimum Lot Size</u>	<u>Allowed Minimum Lot Size Across the Road Transition</u>
<u>RR, RT or RUT with 1-acre or larger lots</u>	<u>1 acre lots</u>	<u>½ acre lots</u>
<u>R-1, RR, RT, RUT with smaller than 1-acre lots</u>	<u>1/3-acre sized lots</u>	<u>R-3 density</u>

ARTICLE C

ADDITIONAL COMMERCIAL DISTRICT STANDARDS

8-3C-1: ALL COMMERCIAL DISTRICTS:  
8-3C-2: CBD CENTRAL BUSINESS DISTRICT:

- 8-3C-1: ALL COMMERCIAL DISTRICTS:**  
A. Comply with Section 8-3A-1: ZONING DISTRICTS AND PURPOSE ESTABLISHED.

**8-3C-2: ADDITIONAL CENTRAL BUSINESS DISTRICT STANDARDS:**

- A. Comply with Section 8-3A-1: ZONING DISTRICTS AND PURPOSE ESTABLISHED.
- B. High density residential may be permitted within the CBD in mixed use buildings with commercial or office type uses on the first floor and high density residential on upper floors.
- C. New development on Main Street and Star Road, generally south of State Street, shall include transition consisting of a compatible mix of lower intensity commercial, retail and office type uses mixed with live/work type residential. Existing Single-Family uses are encouraged to convert to or redevelop as non-residential uses.
- D. Big Box commercial, generally a single-story single use building over 50,000 square feet, shall not be permitted and any single-story single use building which is large in scale, such as approaching the 50,000 square foot size, shall be located to front on Highway 44 or Star Road.
- E. The Council may place requirements on a mixed-use development, including a ratio of uses and/or timing of phases, to ensure that the overall development maintains its commercial intent.



ARTICLE D

ADDITIONAL LIGHT INDUSTRIAL DISTRICT STANDARDS

8-3D-1: LI LIGHT INDUSTRIAL DISTRICT:

- A. Comply with Section 8-3A-1: ZONING DISTRICTS AND PURPOSE ESTABLISHED
- B. Specific Standards for Light Industry:
  - 1. All mechanical equipment emissions; shipping and/or delivery; or other outdoor activity areas shall be located a minimum of three hundred feet (300') from any abutting residential districts, or the use is subject to a conditional use permit.
  - 2. The application shall identify how the proposed use will address the impacts of noise and other emissions on adjoining residential districts. More specifically, the following adverse effects shall be mitigated through setbacks, buffers, sound attenuation and/or hours of operation:
    - a. Noise, odor, or vibrations; or direct or reflected glare detectable by the human senses without the aid of instruments.
    - b. Radioactivity and electric or electromagnetic disturbances that unduly interfere with the normal operation of equipment, instruments, or appliances on abutting properties.
    - c. Any other emission or radiation that endangers human health, results in damages to vegetation or property or which exceeds health and safety standards.
    - d. In the event that the administrator determines that the applicant cannot adequately address such impacts, the use shall be subject to conditional use approval.

ARTICLE E

ADDITIONAL MIXED-USE DISTRICT STANDARDS

8-3E-1: MU MIXED USE DISTRICT:

- A. Comply with Section 8-3A-1: ZONING DISTRICTS AND PURPOSE ESTABLISHED
- B. All development applications within a mixed-use district shall be accompanied by a conditional use permit, planned unit development, or development agreement application, which shall include a concept plan of the development.
- C. The administrator shall make a recommendation to the applicant regarding what mix of uses are appropriate for any mixed-use development and shall then make a recommendation to the Council.
- D. The development shall include uses from two (2) or more of the land use categories such as residential, commercial, office, light industrial, public space or agricultural.
- E. Mixed-use areas along state highways, where adequate access can be provided for commercial use, shall be predominantly commercial with a very minor component of residential unless the residential is placed on upper floors as part of a mixed-use building.
- F. For any mixed-use development which includes a residential component, a minimum of two (2) housing types, including but not limited to, single-family detached dwellings, single family attached dwellings and multi-family dwellings, shall be required. This excludes multi-family that is proposed to be placed solely on upper floors as part of a mixed-use building.
- G. The Council may place requirements on a mixed-use development, including a ratio of uses and/or timing of phases, to ensure that the overall development maintains its mixed-use intent.

CHAPTER 4

ADDITIONAL REGULATIONS APPLICABLE TO ALL DISTRICTS

ARTICLE A. PERFORMANCE STANDARDS

- 8-4A-1: PURPOSE:
- 8-4A-2: APPLICABILITY:
- 8-4A-3: ACCESSORY STRUCTURES:
- 8-4A-4: ADDRESS NUMBERING:
- 8-4A-5: BIKEWAYS:
- 8-4A-6: CLEAR VISION TRIANGLE:
- 8-4A-7: OBJECTIONAL CONDITIONS:
- 8-4A-8: DRAINAGE AND STORMWATER MANAGEMENT:
- 8-4A-9: ENCLOSED TRASH AREA:
- 8-4A-10: FENCES:
- 8-4A-11: GRADING:
- 8-4A-12: PATHWAYS:
- 8-4A-13: OUTDOOR LIGHTING:
- 8-4A-14: OUTDOOR SERVICE AND EQUIPMENT AREAS:
- 8-4A-15: PRESSURIZED IRRIGATION SYSTEM:
- 8-4A-16: SELF-SERVICE USES:
- 8-4A-17: SIDEWALKS AND PARKWAYS:
- 8-4A-18 : WATER AND SEWER SUPPLY, PUBLIC:

8-4A-1: PURPOSE:

This article provides standard regulations for the location, design, and development of new land uses and the alteration of existing land uses. This article supplements the regulations for development as otherwise stated within this title.

8-4A-2: APPLICABILITY:

This article shall apply to the development of all principal permitted, accessory and conditional uses. The following regulations are the minimum standards of development. Additional standards may be applied in accord with specific use standards, or other regulations of this title.

8-4A-3: ACCESSORY STRUCTURES:

- A. No detached accessory building or structure shall occupy any area in front of the main building, unless approved as a conditional use or with a development agreement.
- B. Regardless of their size, detached accessory buildings shall not encroach into required street side or front yard areas.

- C. A principal permitted structure with a valid building permit and being at least fifty percent (50%) constructed shall be present on the subject property.
- D. The accessory structure shall not be used as an additional dwelling. See secondary dwelling for allowance as a dwelling.
- E. The accessory structure shall not be used for commercial or industrial purposes.
- F. The accessory structure shall not be used to store commercial vehicles.
- G. An accessory structure shall not be located in any required yard or on any publicly dedicated easement.
- H. An accessory structure located in the rear yard shall not exceed a height of twenty-four feet (24').
- I. An accessory structure located in the side yard, or portion thereof, shall be similar in appearance and color to the principal permitted dwelling.
- J. Accessory structures shall not be allowed in the central business district.

**8-4A-4: ADDRESS NUMBERING:** All residential, commercial and industrial buildings within the City shall be numbered with an address assigned by the City. Numbers on residential buildings shall be a minimum of four inches (4") in height. Numbers on commercial, industrial and apartment buildings shall be a minimum of twelve inches (12") in height. Numbers shall be a minimum of ½ inch in width. Number colors should contrast with the building color so that they are plainly visible. Where possible, address numbers should be illuminated. All addressing shall be in compliance with the International Fire Code 505.1.

**8-4A-5: BIKEWAYS:**

- A. Bikeways shall be encouraged within all developments, within the public right of way or separate easement, consistent with the city's comprehensive plan.
- B. The roadways to bikeways plan as adopted by the county highway district, shall be considered when reviewing bikeway designs.
- C. Standards: For bicycle and parking standards, see Chapter 8, Design Review.
- D. New bikeways shall provide adequate easements to the City to provide connectivity.

**8-4A-6: CLEAR VISION TRIANGLE:**

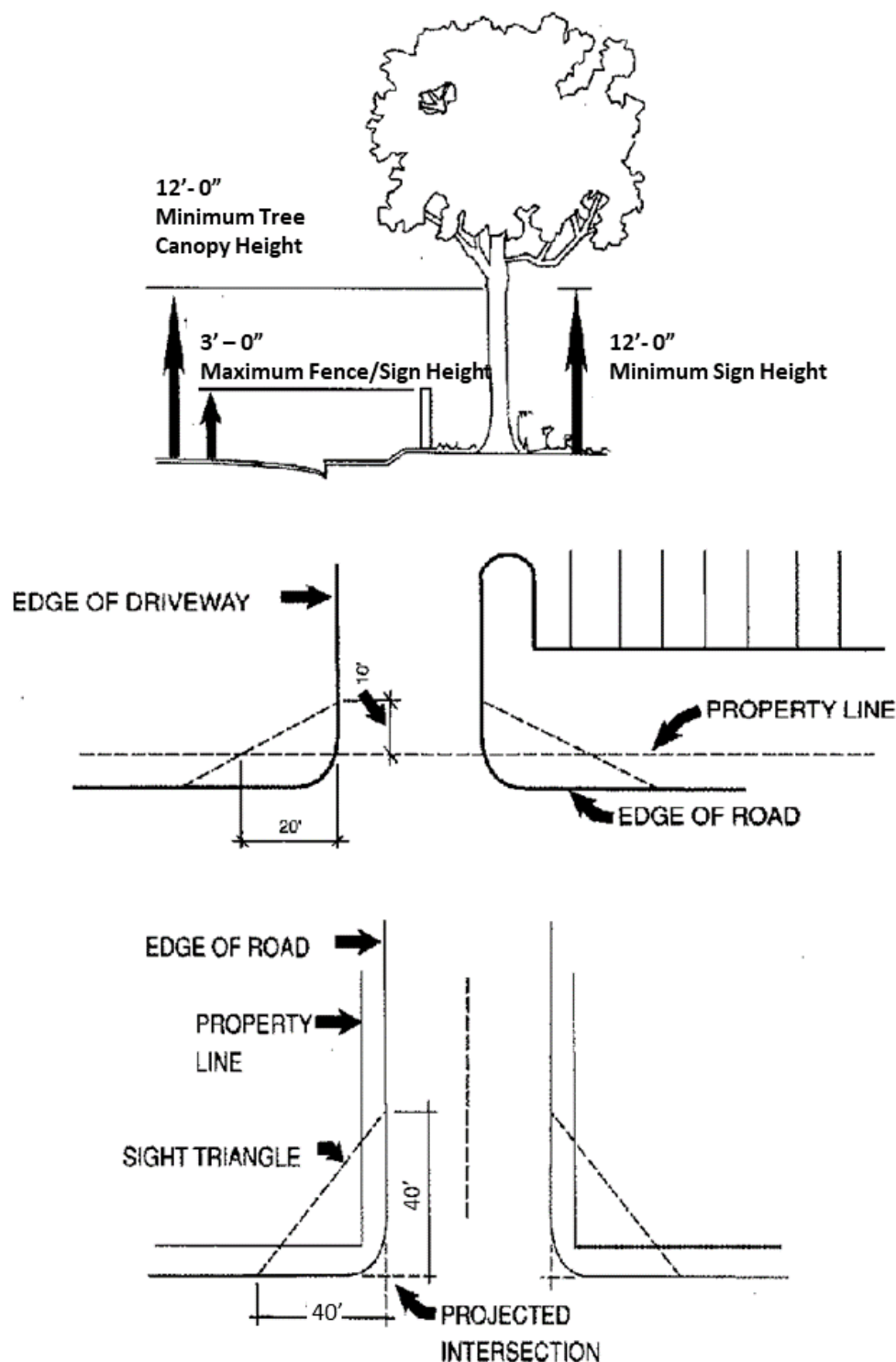
- A. Measurement of the Clear Vision Triangle:
  - 1. For two (2) public streets, the area is defined by measuring from the intersection of the edge of the travel lane (excluding parking and sidewalk) a distance of forty feet (40') along each road.



(See figure 8-4A-7(a) of this section.)

2. For a public street and driveway or alley, the area is defined by measuring from the intersection of the edge of travel lane and the corner of the driveway or alley twenty feet (20') along the roadway and ten feet (10') along the driveway or alley. See figure 8-4A-7(a) of this section.

FIGURE 8-4A-7(a)  
CLEAR VISION TRIANGLE DRAWING



B. Standards, Both at Controlled and Uncontrolled Intersections:

1. Planting and Development Standards:

- a. Any class I or class II trees planted within a clear vision triangle shall be pruned to a minimum height of eight feet (8') above the adjacent ground (less the height of berm, if applicable) or sidewalk surface and fourteen feet (14') above the adjacent street surface. See

figure 8-4A-7(a) of this section.

- b. No evergreen trees shall be planted within any clear vision triangle.
- c. No class III trees shall be planted within any clear vision triangle.
- d. The maximum height of any berm or vegetative ground cover at maturity within the clear vision triangle shall be three feet (3') from the lowest adjacent street grade.
- e. No fences higher than three feet (3') from the lowest adjacent street grade are permitted within four feet (4') from the corner of a lot that abuts two (2) streets to provide a safe clear vision triangle for vehicular traffic.
- f. No signs taller than three feet (3') are permitted in the clear vision triangle, except for street/stop signs approved by the transportation authority.
- g. Street signs must be visible and clear of vegetation of any kind.

2. Other Agency Standards: In all cases, the transportation authority standards shall apply in addition to city of Star standards.

#### **8-4A-7: OBJECTIONAL CONDITIONS RESTRICTED:**

A. Performance Requirements: No land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious or otherwise objectionable conditions which could adversely affect the surrounding areas or adjoining premises; except, that any use permitted by this title may be undertaken and maintained if acceptable measures and safeguards to reduce dangerous and objectionable conditions to acceptable limits as established by the following performance requirements:

- 1. Fire Hazards: Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate firefighting and fire prevention equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be removed from adjacent activities to a distance which is compatible with the potential danger involved as specified in the uniform fire code.
- 2. Radioactivity Or Electrical Disturbances: No activity shall emit harmful radioactivity at any point, or electrical disturbance adversely affecting the operation of any equipment at any point other than that of the creator of such disturbance.
- 3. Noise: Objectionable noise which is due to the volume, frequency or beat shall be muffled or otherwise controlled.
- 4. Vibration: No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.
- 5. Air Pollution: Air pollution shall be subject to the requirements and regulations established by the Idaho division of environmental quality.
- 6. Glare: No direct or reflected glare shall be permitted which is visible from any property outside a manufacturing district or from any street.
- 7. Erosion: No erosion by person, wind or water shall be permitted which carries objectionable substances onto neighboring properties.
- 8. Water Pollution: Water pollution shall be subject to the requirements and regulations established by the health authority.
- 9. Service, Storage and Loading Areas: Service, storage and loading areas located at the rear or side of structures.
- 10. Landscaping and Signage: Landscaping and signage must meet the criteria outlined in this

title.

B. Enforcement: The administrator may require the submission of statements and plans indicating the manner in which dangerous and objectionable elements involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerances.

#### **8-4A-8: DRAINAGE AND STORMWATER MANAGEMENT:**

A. Storm Drainage from Right of Way Under The Jurisdiction Of Local Highway District (Public): An adequate storm drainage system shall be required in all developments in accordance with the local highway district standards, specifications, and ordinances.

B. The City of Star reviews and approves stormwater management plans and erosion and sediment control plans not covered under item 8-4A-8-A above. The City has adopted in general the standards and requirements of Section 8000, Drainage and Stormwater Management and section 8200 of the most recent addition of the Ada County Highway District Development Manual; and the most recent addition of the Catalog of Stormwater Best Management Practices as prepared by the State of Idaho Department of Environmental Quality. Development shall comply with the above referenced standards and requirements. Additionally:

1. All drainage, irrigation and stormwater from private property shall retained on said private property unless otherwise approved in writing by the administrator and/or city engineer and the jurisdiction receiving the stormwater.
2. Storm water from Public Right of Way shall not be disposed of or conveyed across private property without written agreement and easement between property owner and owner of Public Right of Way.
3. All private above-ground infiltration facilities shall have a percolation/infiltration test completed that demonstrates facility performs in accordance with approved design criteria. Passing test results shall be approved by administrator and/or city engineer prior to issuance of a certificate of occupancy.
4. A plan for operation, maintenance and repair of stormwater facilities owned by private property shall be prepared and submitted to the administrator and/or city engineer for review and approval. The approved plan shall be provided to the parties responsible for maintenance and operation of the facility.
5. Privately owned stormwater facilities shall be designed to allow access for maintenance and operation. This includes heavy equipment access, if required. Maintenance access roads must be a minimum of twelve feet (12') in width, must have an HS-25 load capacity and a minimum turning radius of thirty feet (30').
6. Safety ledges in accordance with Idaho BMP's shall be constructed on the side slopes of all wet detention basins having a permanent pool of water and deeper than five feet (5').
7. Discharge of stormwater to irrigation and/or drainage facilities is prohibited without written permission from irrigation and/or drainage facility owner.

#### **8-4A-9: ENCLOSED TRASH AREA:**



All trash and/or garbage and recycle collection areas for commercial, industrial and multi-family residential uses shall be enclosed on at least three (3) sides by a solid wall or site obscuring fence of at least six feet (6') in height or within an enclosed building or structure. Adequate vehicular access to and from such area or areas for collection of trash and/or garbage, as determined by the administrator, shall be provided.

#### **8-4A-10: FENCES:**

The following regulations shall govern the type, location, and construction of all fences:

##### **A. General Standards:**

1. Fences Taller Than Six Feet: All fences taller than six feet (6') require a building permit in the city of Star.
2. Barbwire Fencing: Barbwire fencing shall be prohibited, except through a conditional use permit in the A, RR, MU, C-1, C-2, LI. district, when: a) used as the top section for security fencing; and b) located a minimum of six feet (6') above grade to the bottom wire. Barbwire fencing may be used in the Agricultural district for livestock only.
3. Unsightly Materials: The use of boxes, sheet metal, old or decayed wood, broken masonry blocks, pallets or other like unsightly materials for fencing shall be prohibited.
4. Obstruction: No fence shall obstruct access to public utility boxes, meters or other infrastructure.
5. Maintenance: Fences shall be kept free from advertising and graffiti and maintained in good repair.
6. Front Yard Fences: Front yard fences shall not exceed three feet (3') height for closed vision and four feet (4') open vision.
7. Side Yard Fences on Corner Lots: Side yard fences on corner lots less than or equal to ten (10) feet from the street shall not exceed three feet (3') height for closed vision and four feet (4') for open vision.
8. Compliance with Clear Vision Triangle Requirements: All fences shall comply with the clear vision triangle requirements as stated within this article.

FIGURE 8-4A-14

Figure 1 - Fence Regulations

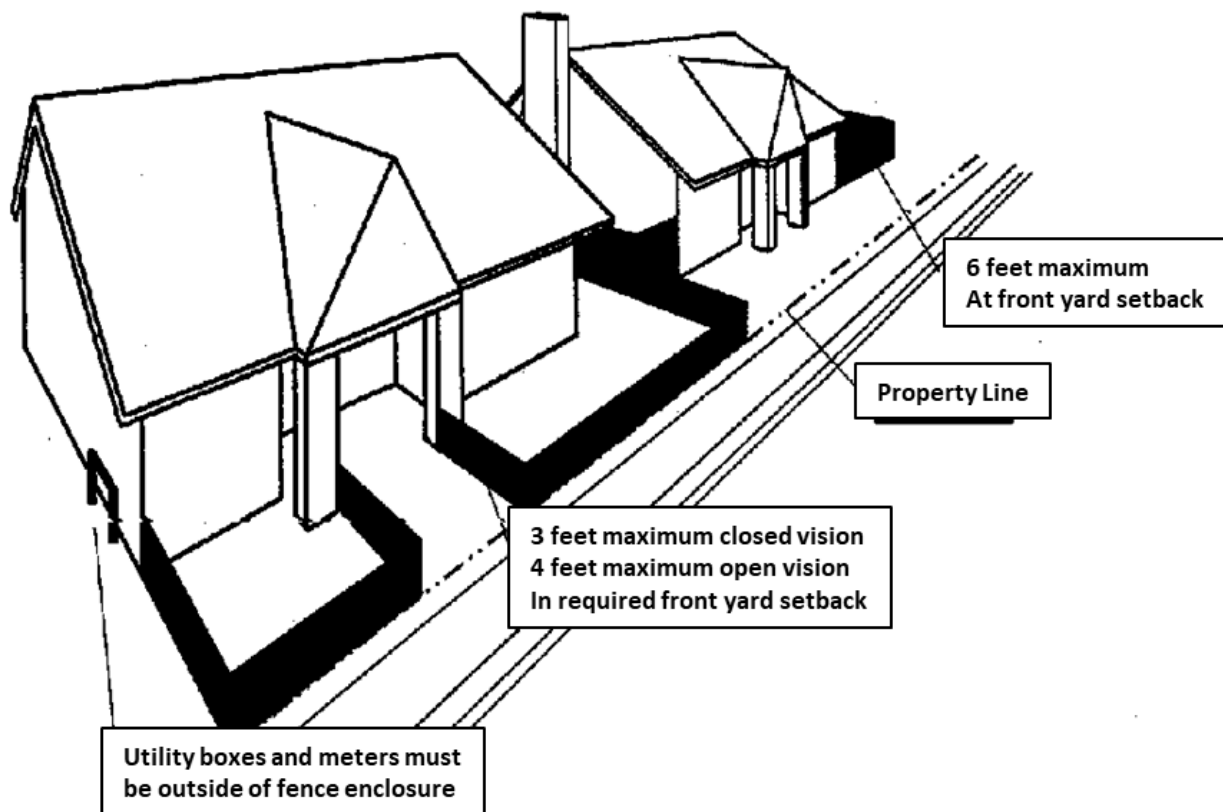
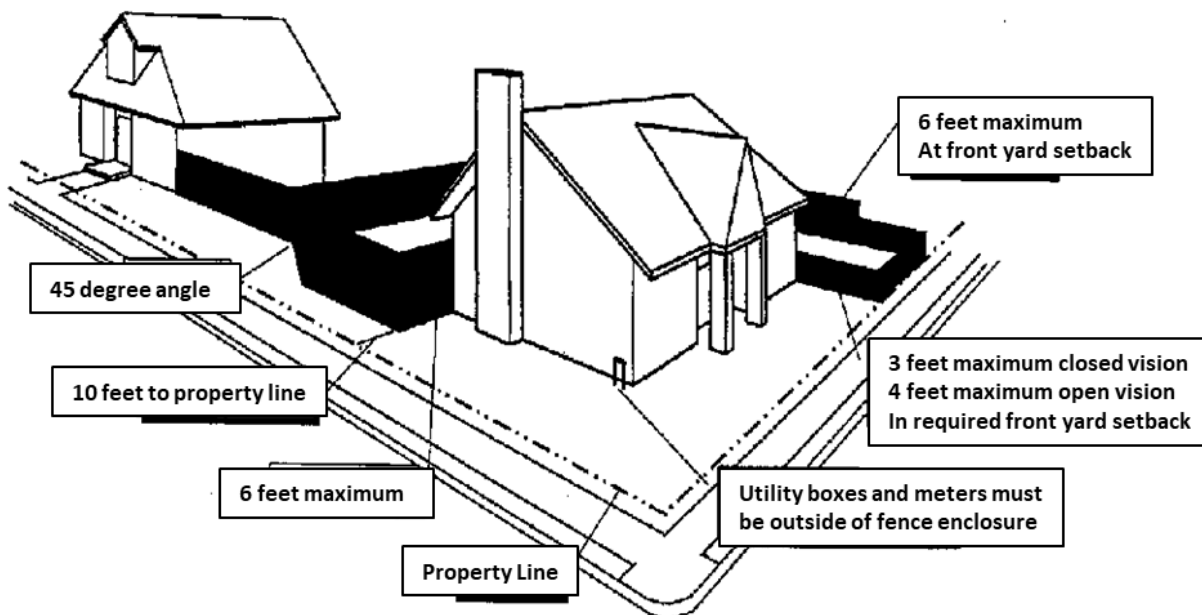


Figure 2 - Fence Regulations on Corner Properties



### 8-4A-11: GRADING:

A. Final grading of any type of development to be used for construction of any structure shall conform to the requirements of IBC section 1805.

B. Provisions to control drainage runoff shall be constructed as part of final grading of any development. Drainage runoff control provisions shall be adequate to prevent any surface or subsurface drainage water from flowing or being conveyed onto an adjacent lot or parcel.

C. Any subdivision lot or parcel in the city to be used for construction of any building shall be graded in such a manner that the finish grade within three feet (3') of any lot line, subdivision boundary and parcel boundary comply with the following requirements:

1. Match the grade of the ground of the adjacent lot or parcel at the lot line or parcel boundary; and
2. Finished grade of the ground sloped no steeper than two horizontal to one vertical (2:1); or
3. Construct a permanent retaining wall so the ground within three feet (3') of the lot line, subdivision boundary and parcel boundary comply with subsections C1 and C2 of this section.

D. Permit requirements for retaining walls shall comply with IBC section 105.

#### **8-4A-12: PATHWAYS:**

A. Pathways are required consistent with the city of Star comprehensive plan within new residential and commercial developments as part of the public right of way or as separate easements so that an alternate transportation system (which is distinct and separate from the automobiles) can be provided.

B. Pathways in the middle of long blocks may be required where necessary to obtain convenient pedestrian circulation to schools, parks, other residential areas, and/or shopping areas.

C. Pathways within subdivision shall have a walking surface of at least five feet (5') in width.

D. Pathway easements shall be open to the public. All new pathways shall dedicate an easement to the City for public use.

E. Pathway easements, dedicated to the City, shall be required along the Boise river as shown within the comprehensive plan and shall be open to the public. Pathway widths along the Boise river shall be determined by the Council.

#### **8-4A-13: OUTDOOR LIGHTING:**

A. The following types of lighting are exempt from the regulations of this section:

1. Light fixtures that have a maximum output of less than twenty (20) watts.
2. All outdoor lighting produced by the direct combustion of natural gas or other fossil fuels such as kerosene lanterns or gas lamps.
3. Temporary holiday lighting used for seventy-five (75) days or less per year.
4. Vehicular lights and all temporary emergency lighting needed for fire protection, police protection, and/or other emergency services.
5. All hazard warning lights required by federal or state regulatory agencies.

B. The installation of any of the following types of lighting is prohibited:

1. Mercury vapor lamp fixture and/or lamp.
2. Laser source light or any similar high intensity light when projected above the horizontal.
3. Changing colors, strobe or moving lights, or searchlights (for advertising purposes) are prohibited in all districts.
4. Lighting, including holiday lighting, on commercial or private tower structures that exceed the district height limit is prohibited, except as required by regulations of the federal aviation administration (FAA).

C. Standards:

1. Light fixtures that have a maximum output of two hundred sixty (260) lumens twenty (20) watts or more shall have an opaque top and side to prevent upward and outward lighting.
2. Light fixtures that have a maximum output of one thousand (1,000) lumens or more per fixture shall have an opaque top to prevent up lighting, and the bulb shall not be visible.
3. Light fixtures that have a maximum output of one thousand eight hundred (1,800) lumens or more shall have an opaque top to prevent up lighting; the bulb shall not be visible and shall have a full cutoff shield. See figure 8-4A-18, figure 2 of this section.
4. Light fixtures with a maximum output of one thousand eight hundred (1,800) lumens or more shall be placed such that the effective zone of light (as documented by the photometric test report) shall not trespass on abutting residential properties. See figure 8-4A-18, figure 2 of this section.
5. Down style lighting shall be required to preserve dark sky objectives, except where impractical as may be determined by the administrator and Council.
6. See Chapter 8 for additional streetlight and dark sky lighting standards.
7. Floodlight fixtures shall be located in such a manner as to prevent direct glare into a street and to minimize impact on abutting properties.
  - a. Floodlight fixtures shall be installed so that they do not tilt up more than forty-five degrees (45°) down from vertical.
8. Up lighting shall only be allowed in cases where the fixture and any light it emits are shielded from the sky by a roof overhang or similar structural shield.
9. In residential districts, the height of a freestanding light fixture on private property shall not exceed six feet (6'). Streetlamps are exempt from this height restriction.
10. Light fixtures mounted on a wall may extend to the full height of the structure, but no farther.
11. Electrical feeds to outdoor light fixtures shall be underground, not overhead.
12. Lighting used to illuminate off street parking areas shall be downward facing and shielded from neighboring properties.

FIGURE 8-4A-18

Figure 1 - Examples of Full Cutoff Shields



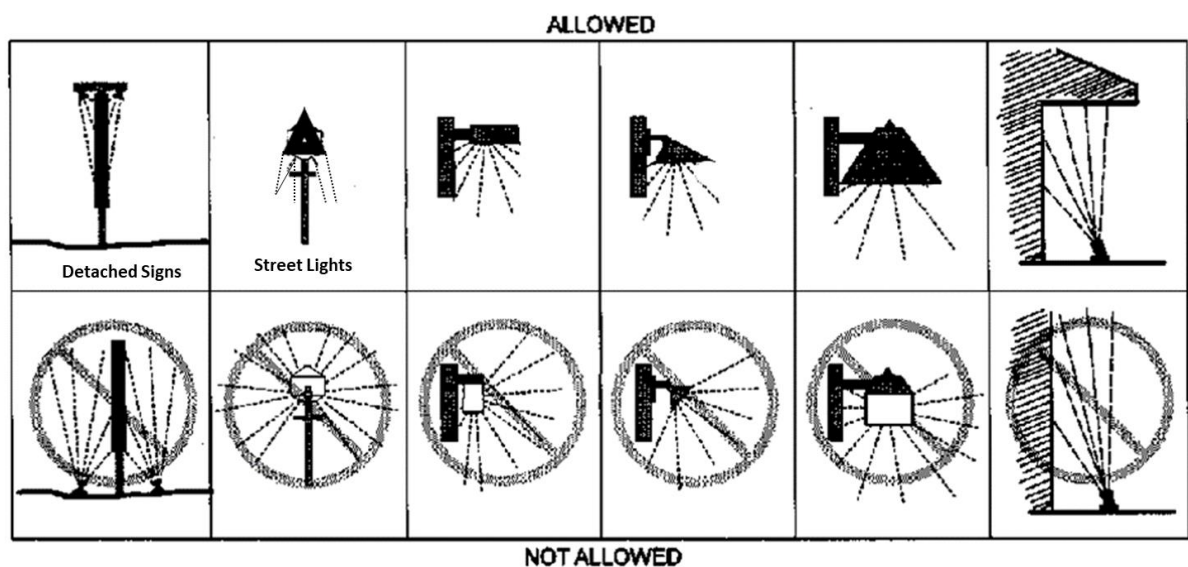
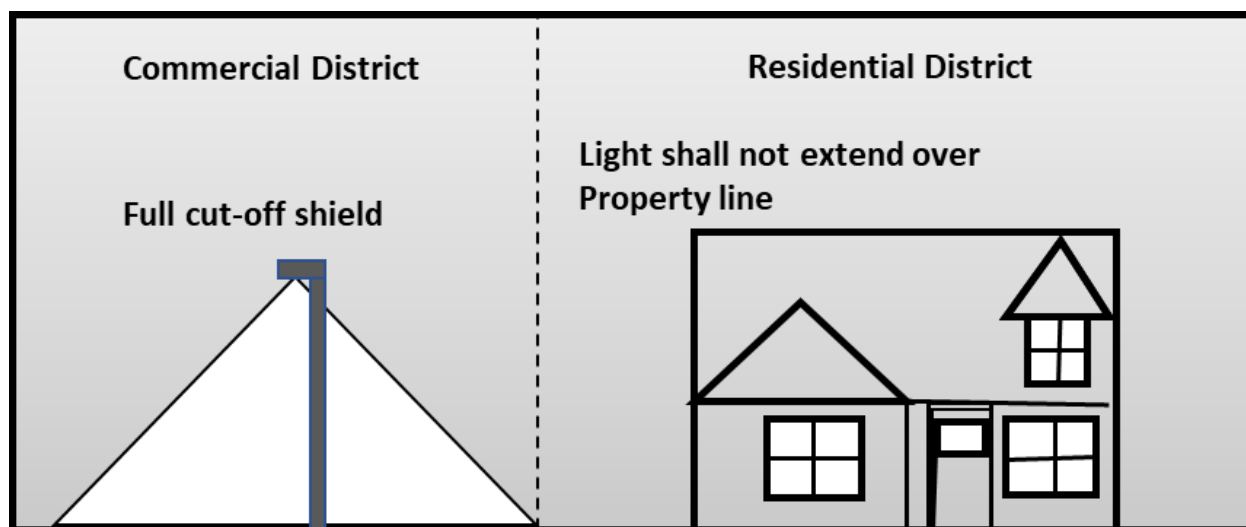


Figure 2 - Light Trespass



#### 8-4A-14: OUTDOOR SERVICE AND EQUIPMENT AREAS:

A. Outdoor mechanical equipment in commercial developments (including, but not limited to, heaters and fans) shall not be located within fifty feet (50') of any abutting residential districts. To reduce noise, permanently mounted mechanical equipment shall be enclosed to the maximum extent possible.

B. Outdoor utility meters, HVAC equipment, trash dumpsters, trash compaction and other service functions shall be incorporated into the overall design of commercial buildings and landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets.

**8-4A-15: PRESSURIZED IRRIGATION SYSTEM:**

A. System Installation Required: In each development, the applicant shall provide underground, pressurized irrigation water. For subdivisions, each and every lot within the subdivision shall have underground pressurized irrigation water in compliance with this chapter. The pressurized irrigation system shall be constructed and installed at the same time as the domestic water lines, but it shall not necessarily be in the same trenches.

**B. Irrigation System Requirements:**

1. The system shall not be connected to potable water, unless a waiver by Star Sewer and Water District is granted per the standards of this title;
2. The system shall be designed by a registered professional engineer licensed in the state of Idaho;
3. The system shall be a piped delivery, operating at a minimum pressure of forty-five (45) pounds per square inch (psi);
4. The system shall deliver to each destination point a minimum fifteen (15) gallons per minute (gpm) at forty-five (45) psi;
5. Main line distribution piping diameter shall be a minimum of three inches (3");
6. All irrigation bibs shall be clearly labeled with the words "Non-Potable Water - For Irrigation Only";
7. Provisions shall be made for diversion and flow measurement from irrigation water source;
8. Water rights shall be transferred to the association managing entity;
9. Applicant shall secure written approval from all pertinent irrigation entities for each phase of development;
10. If pressurized irrigation will not be available to each lot at all times, applicant shall provide a rotation schedule for irrigation system usage identifying times and days that pressure irrigation will be available to each lot. This schedule shall be included in the CC&R's for the subdivision.
11. Power filters should be installed to minimize harmonic distortion.
12. All main lines should have appropriate thrust blocks.

C. Irrigation System Maintenance and Operation: Irrigation system maintenance and operation shall be provided by the irrigation district or canal company in which the subdivision lies, a municipal irrigation district, or by the formation of another entity capable of operating and maintaining a pressurized irrigation system. Developer shall provide written assurance that provisions have been made for ownership, operation, and maintenance of the irrigation system prior to approval by the city council.

D. Conditions for Waiver Of Irrigation System Requirement: The requirement for installation of a pressurized irrigation system may be waived by the city council when the Developer has established that any of the following situations exist:

1. A sufficient surface irrigation water right does not exist for the property: This must be documented in writing by the appropriate irrigation district or canal company and the Idaho department of water resources and shall be submitted with the preliminary plat. The waiver shall be granted only for that portion of the subdivision which cannot be served.
2. Existing surface water rights cannot be delivered to the property by the irrigation district or canal company due to delivery capacity or scheduling. The administrator may require the

installation of the pressurized irrigation system if water rights may be available within two (2) years. This must be documented in writing by the appropriate irrigation district or canal company.

3. The requirement to provide a pressurized irrigation system may be waived if the city council finds that, due to the specific circumstances, the cost of obtaining water rights, reestablishing water rights or developing the system would impose an undue economic hardship on the developer. For purposes of this section, an undue economic hardship shall consist of showing that the cost per lot to develop the system would be twenty five percent (25%) higher than the cost per lot for providing a system to subdivisions of similar size and density constructed in the city within the previous two (2) years, or that the cost per lot of the system would exceed five percent (5%) of the expected per lot market value of the development.

4. If waiver is granted by the city council, pursuant to subsections 1, 2, and 3, above, compliance with Idaho Code section 31-3805 (regulations requiring delivery of irrigation water rights in subdivisions) is still required.

**8-4A-16: SELF-SERVICE USES:**

Any unattended, self-service uses, including, but not limited to, laundromats, automatic teller machines (ATMs), vehicle washing facilities, fuel sales facilities, and storage facilities, shall comply with the following requirements. The Star police designee may approve alternative standards where it is determined that a similar or greater level of security is provided:

A. Entrance or view of the self-service facility shall be open to the public street or to adjoining businesses and shall have low impact security lighting.

B. Financial transaction areas shall be oriented to and visible from an area that receives a high volume of traffic, such as a collector or arterial street.

C. Landscape shrubbery shall be limited to no more than three feet (3') in height between entrances and financial transaction areas and the public street.

**8-4A-17: SIDEWALKS AND PARKWAYS:**

A. All sidewalks shall adhere to the standards shown in the table below.

<u>ROADWAY CLASSIFICATION</u>	<u>MINIMUM SIDEWALK AND PARKWAY PLANTER WIDTHS</u>	<u>NOTES</u>
<u>Arterial</u>	<u>7 Foot (7') Detached Sidewalk with 8 Foot (8') Parkway Planter Strip Both Sides of Roadway</u>	
<u>Collector</u>	<u>7 Foot (7') Detached Sidewalk with 8 Foot (8') Parkway Planter Strip Both Sides of Roadway</u>	

<u>Local</u>	<u>5 Foot (5') Detached Sidewalk with minimum 6 Foot (6') Parkway Planter Strip Both Sides of Roadway</u>	<u>All roadways not designated as an arterial, collector, or highway, in any form, on ACHD's Major Street Map or Canyon Highway District #4's map, shall be considered Local.</u>
<u>Highway 44 &amp; Highway 20/26 Arterial</u>	<u>8 Foot (8') Detached Sidewalk with 8 Foot (8') Parkway Planter Strip Both Sides of Roadway</u>	
<u>Private Streets</u>		<u>See 8-4D for requirements</u>

- B. All mailboxes, utility boxes and other impediments shall be located in the Parkway Planter Strip to the extent possible. In situations where impediments must be in the sidewalk, such as at corners or crosswalks, there shall be clearance around the impediment in the path of travel equivalent to the designated sidewalk width. Tapers on each side of impediments shall be at least 10 feet (10') in each direction. Sidewalk paving shall be done around impediments. The Administrator may waive taper requirements if site conditions warrant.
- C. In agricultural, rural residential and R-1 districts, or in areas of a rural nature as determined by the Council to be appropriate by development agreement, sidewalks may not be required.
- D. When existing sidewalk is located adjacent to a property, a 10-foot (10') sidewalk transition shall be provided from the existing sidewalk to the proposed sidewalk. The proposed sidewalk shall meet the standards of this title.
- E. In certain instances where property is located along W. State Street in the CBD, and when the Idaho Transportation Department is planning future roadway improvements, the applicant may be required to bond for sidewalk improvements.
- F. Trees shall be planted in parkway planter strips in accordance with City Code Chapter 8, Article D: Landscape and Buffer Area Standards.
- G. The first 180 feet (180') of a subdivision entry shall have an 8 foot (8') parkway planter strip between the sidewalk and curb.
- H. Temporary obstructions including but not limited to vehicles, trash receptacles, or trailers shall not block the sidewalk.
- ~~A. All sidewalks (in all zoning designations except the CBD district) shall be a minimum of five feet (5'). Sidewalks in the CBD district shall be a minimum of six feet (6') in width. On State Street, sidewalks in the CBD shall be a minimum of eight feet (8') in width.~~
- ~~B. Sidewalks shall be designed to flare around mailboxes, utility boxes and other impediments to pedestrian circulation to maintain a minimum five feet (5') of travel width.~~



~~C. Detached sidewalks shall be required along all arterial and collector streets. The requirement for detached sidewalks can be waived by the administrator if the detached sidewalks are incompatible with existing and/or future uses of neighboring properties.~~

~~D. In agricultural, rural residential and R-1 districts, or in areas of a rural nature as determined by the Council to be appropriate by development agreement, sidewalks may not be required.~~

~~E. When existing sidewalk is located adjacent to a property, the sidewalk shall be extended the length of the subject property with a minimum width to meet the standards of this title.~~

~~F. In certain instances where property is located along W. State Street in the CBD, and when the Idaho Transportation Department is planning future roadway improvements, the applicant may be required to bond for sidewalk improvements.~~

~~(Ord. 303, 2-11-2020; amd. Ord. 310, 7-21-2020)~~

#### **8-4A-18: TRAVELING SLEEPING QUARTERS:**

Recreation vehicles and equipment, including, but not limited to, travel trailers, fifth wheels, recreational vehicles, motor coaches, and tents, shall not be used anywhere in the City as living quarters for longer than two (2) weeks unless within an approved campground or recreational vehicle park, or as allowed in the temporary use section.

#### **8-4A-19: WATER AND SEWER SUPPLY, PUBLIC:**

The owner of any building, whether occupied or not which is within three hundred feet (300') of the Star Sewer and Water District services shall install water and sewer services and connect to the Star Sewer and Water District system, at the time of annexation and/or development, including remodels.

## ARTICLE B. OFF STREET PARKING AND LOADING REQUIREMENTS

### 8-4B-1: PROCESS:

### 8-4B-2: PARKING STANDARDS:

### 8-4B-3: REQUIRED NUMBER OF OFF-STREET PARKING SPACES:

### 8-4B-4: STANDARDS FOR ALTERNATIVES TO ON SITE PARKING:

### 8-4B-5: OFF STREET LOADING SPACE REQUIREMENTS:

#### **8-4B-1: PROCESS:**

An off-street parking and loading plan shall be required as a component of any applicable permit. Such plan shall also be reviewed by the Star joint fire protection district. Such plan shall show the following:

- A. The off-street parking and loading plan shall contain the location, size, and type of all proposed off-street parking and loading facilities.
- B. If the proposed development project shall be completed in phases, such phases shall be noted on the plan.

#### **8-4B-2: PARKING STANDARDS:**

##### A. Design of Parking Areas:

1. All parking areas shall be designed and constructed to provide the type and number of off-street parking spaces required by this article and designed as required by this section.
2. Location of parking spaces relative to structure(s).
3. Parking spaces for all detached residential dwelling units shall be located on the same lot as the use that they are intended to serve.
4. Parking for attached residential dwelling units shall be located not more than three hundred feet (300') from the structure(s), except as provided by section 8-4B-7 of this article.
5. Parking spaces for nonresidential uses shall be located not more than five hundred feet (500') from structure(s), except as provided by section 8-4B-7 of this article.
6. Off street parking spaces shall not be located in any landscape buffer as required by this title.
7. Parking stalls and driving aisles shall be designed in accord with the standards in table 8-4C-5(a) of this section and figure 8-4B-5(b) of this section shows the parking design dimensions.
8. All required parking as determined in section 8-4B-6 of this article shall be designed for standard vehicles.
  - a. All parking areas shall provide on-site turnarounds in accord with the Star fire department standards for all off-street parking spaces and loading facilities.
  - b. The design of off-street parking areas shall not require moving any car to gain access to a required parking space.
  - c. It is the responsibility of the applicant to ensure that the parking lot design and sidewalk and/or access provisions meet all Americans with disabilities act (ADA) requirements.

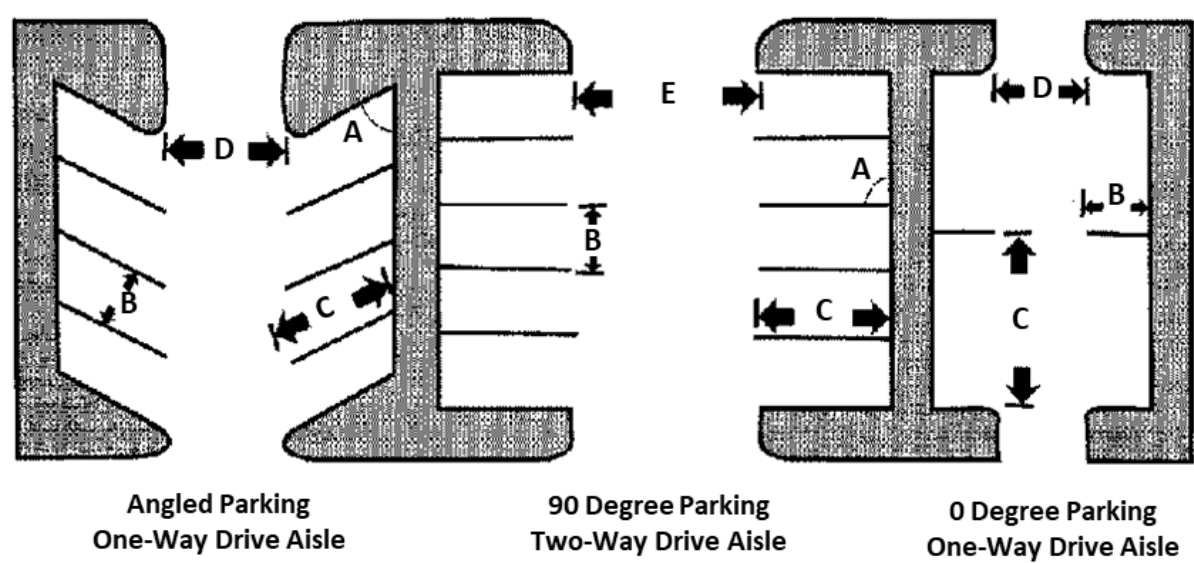
TABLE 8-4B-2(a)  
REQUIRED STALL WIDTH AND LENGTH BY PARKING ANGLE

Parking Angle	Stall Width	Curb Length	Stall Depth	One-Way Driving Aisle	Two-Way Driving Aisle
0°	9'0"	23'0"	9'0"	12'0"	25'0"
30°	9'0"	18'0"	17'8"	12'0"	25'0"
45°	9'0"	12'9"	20'5"	13'0"	25'0"
60°	9'0"	10'5"	21'10"	16'0"	25'0"
90°	9'0"	9'0"	20'0"	22'0"	25'0"

FIGURE 8-4B-2(b)  
PARKING SPACE AND DRIVE AISLE DESIGN

Legend:

A. Parking angle	D. One-way drive aisle
B. Stall width	E. Two-way drive aisle
C. Stall depth	



B. Improvements:

1. All off street parking areas, including driveways and parking lots shall be improved with asphalt, concrete, pavers, or bricks, unless otherwise approved as allowed through this title.
2. All parking and loading areas shall provide proper drainage of surface water to prevent the drainage of such water onto adjacent properties or walkways.
3. Except as otherwise provided in this section, all off street parking areas shall be provided with a substantial wheel restraint to prevent cars from encroaching upon abutting private and public property or overhanging beyond the designated parking stall dimensions. This standard shall not apply to temporary uses.
4. Parking spaces shall be marked, including handicapped symbols and signs.

5. All lighting provided to illuminate a parking area shall comply with the lighting standards provided in this chapter.
6. All landscaping improvements shall comply with this chapter.

C. Bicycle Parking Facilities: Bicycle parking facilities shall meet the following location and design standards:

1. Bicycle parking facilities shall be located as close as possible to the building entrance(s).
2. Bicycle parking facilities shall not obstruct pedestrian walkways, public sidewalks, or building.
3. It is the responsibility of the applicant to ensure that the bicycle parking facilities meet all Americans with Disabilities Act (ADA) requirements.

8-4B-3: REQUIRED NUMBER OF OFF-STREET PARKING SPACES:

- A. Parking spaces for other permitted or conditional uses not listed herein shall be determined by the administrator. Among the factors for determining the number of spaces to be required for a use not listed herein, the administrator shall compare the proposed use with a use which has similar traffic generating characteristics as outlined in the most recent version of the institute of transportation engineers trip generation manual.
- B. Minimum Number of Off-Street Parking Spaces: The minimum number of required off street vehicle parking spaces for residential uses shall be:

Type Of Use	Off-Street Parking Spaces Required
RESIDENTIAL	
Apartments or multi-family dwellings	For each unit with 2 or more bedrooms - 2 including 1 covered; for each 1 bedroom or studio unit - 1.5 including 1 covered. Guest parking shall be provided at a ratio of .25 spaces per unit.
Boarding houses, lodging houses, dormitories and fraternity houses which have sleeping rooms	1 for each sleeping room or 1 for each occupant, whichever number is greater
Mobile home court (RV)	1 for each trailer/RV space
Mobile home or manufactured home park	For each unit with 2 or more bedrooms - 2 including 1 covered; for each 1-bedroom unit - 1 covered.
Single-family dwelling	2 including 1 covered
Two-family dwelling	For each unit - 2 including 1 covered
COMMERCIAL	



Ambulance services	1 per 500 square feet of gross floor area; plus 2 enclosed ambulance storage spaces
Artist studios	1 per 1,000 square feet of gross floor area
Auction facility	As required with conditional use permit
Automobile washing facility	1 per 200 square feet of gross floor area of sales, office, or lounge area; plus, queue for 3 cars per washing station
Automotive gas station/service shop or fuel islands	1 for each 2 gasoline pumps and 2 for each service bay (spaces in front of bays or pumps shall not be counted)
Automotive, mobile home, travel trailer, and/or farm implement sales	1 per 400 square feet of gross floor area; plus 1 per 500 square feet outdoor display
Automotive repair shop, body shop, or tire shop	1 per 225 square feet of gross floor area
Automotive storage	1 per 500 square feet of gross floor area of office space; plus 1 per 1,000 square feet of gross storage area
Banks/financial institutions	1 for each 200 square feet of gross floor area; plus, queue for 4 cars per drive up window
Catering service	1 per 400 square feet of gross floor area
Childcare - family	1
Childcare - group	2
Childcare - daycare center	3 for each classroom but not less than 9 for the building
Pre-school/Learning Center	3 for each classroom but not less than 9 for the building
Churches and other places of religious assembly	1 for each 5 seats
Clinic	1 per 200 square feet of gross floor area
Club or lodge	1 per 100 square feet of gross floor area
Commercial entertainment	

facilities:	
Auditoriums, sports arenas, theaters and similar uses	1 for each 3 seats
Bowling alleys	3 for each alley or lane, plus 1 additional for each 100 square feet of the area used for restaurant, cocktail lounge, arcade area or similar use
Dance floors, skating rinks	1 per 100 square feet of gross floor area
Event Center	As required with conditional use permit
Outdoor swimming pools, public or community or club	1 for each 4 persons' capacity, plus 1 for each 4 seats or 1 for each 30 square feet floor area used for seating purposes, whichever is greater
Tennis and racquetball clubs	3 per court
Communication facilities	1 per 500 square feet gross floor area
Convenience store	1 per 250 square feet gross floor area; plus 1 for each 2 gasoline pumps
Detention facilities	As specified by conditional use permit
Emergency health care	1 per 200 square feet of gross floor area
Emergency services	1 per 500 square feet of gross floor area; plus, minimum of 2 enclosed vehicle storage spaces
Equipment rental and sales yard	1 per 400 square feet of gross floor area; plus 1 per 500 square feet outdoor display
Food and beverage sales	1 per 250 square feet of gross floor area
Health clubs, spas, and weight reduction salons	1 per 250 square feet of gross floor area
Hospitals	1 for each bed
Hotels, motels	1 for each sleeping room, plus 1 for each 2 employees
Kennel	1 per 400 square feet of gross floor area
Laboratories	1 per 500 square feet of gross floor area
Laundromat	1 per 300 square feet of gross floor area
Laundry	1 per 400 square feet of gross floor area; plus, queue for 3 cars per drive up window

Maintenance and repair services	1 per 400 square feet of gross floor area; plus 1 per 500 square feet of outdoor storage area
Mortuaries, funeral parlors, and similar type uses	1 per 4 seats
Nursery, plant materials	1 per 500 square feet of outside display/ lathe house/greenhouse area, plus 1 per 250 square feet gross floor area
Nursing/convalescent homes, sanitariums, children's homes, asylums and similar uses	1 for each 2 beds
Offices, business and professional	1 per 250 square feet of gross floor area
Offices, medical and dental	1 per 200 square feet of gross floor area
Pawn shops	1 per 250 square feet of gross floor area
Personal improvement	1 per 250 square feet of gross floor area
Personal services	1 per 250 square feet of gross floor area
Printing and/or blueprinting	1 per 400 square feet of gross floor area
Restaurant with drive-through	1 per 200 square feet of gross floor area; plus, queue space for 5 cars for drive up service
Restaurants, dining rooms, taverns, nightclubs, etc.	1 per 150 square feet of gross floor area; plus 1 per 35 square feet dance floor
Retail sales of large items such as furniture and appliances	1 per 500 square feet of gross floor area;
Retail sales not listed under another use classification	1 per 250 square feet of gross floor area;
Riding academies/stables	1 per 4 stalls
Shop, contractors (and/or yard)	1 per 400 square feet gross floor area of shop; plus 1 per 1,000 square feet of gross storage area (indoor and outdoor)
Storage (enclosed building and/or fenced area)	1 per 1,000 square feet of gross storage area
Travel services	1 per 250 square feet of gross floor area
Vet clinic (animal hospital)	1 per 400 square feet of gross floor area

INDUSTRIAL		
	Automotive wrecking yard or salvage	1 per 1,000 square feet gross storage area; plus 1 per 300 square feet office or sales area
	Industry (custom)	1 per 1,000 square feet gross area used for industrial purposes; plus 1 per 300 square feet office or sales area
	Industry (limited)	1 per 750 square feet of gross floor area used for industrial purposes; plus 1 per 300 square feet office or sales area
	Industry (research and development)	1 per 500 square feet
	Manufacturing facilities and processing plants	1 per 500 square feet gross area used for manufacturing/processing; plus 1 per 300 square feet office or sales area
	Warehousing, wholesaling, distribution and storage	1 per 1,000 square feet gross area up to 20,000 square feet plus 1 per 2,000 square feet gross area over 20,000 square feet
PUBLIC/SEMI-PUBLIC		
	Business, technical and trade schools	1 for each 2 students
	Colleges, universities	1 for each 4 students
	Cultural facilities	1 per 300 square feet gross floor area; plus 1 per 90 square feet for area for assembly purposes
	Elementary and junior high schools	2 for each classroom and 1 for every 5 seats in the auditoriums or assembly halls
	Government offices	1 per 250 square feet gross floor area
	High schools	As required with conditional use permit
	Kindergartens, childcare centers, nursery schools and similar uses	3 for each classroom, but not less than 9 for the building
	Libraries, museums and art galleries	1 for each 400 square feet floor area



## Notes:

1. The size of the garage required for dwelling units shall be measured by exterior dimensions and shall be at least 10 feet by 20 feet for a 1 space garage and 20 feet by 20 feet for a 2-space garage. Driveway widths may be tapered at the street for garages with more than three spaces.
2. The parking pad shall be measured from garage face to edge of sidewalk or edge of paved travel lane (public street, private street, or alley).
3. Within the CBD zoning district minimum required parking shall be reduced by 50% for all uses except for residential uses.
4. To encourage rehabilitation of structures within the CBD zoning district, or a structure within a district proposed to be changed to CBD, existing structures may be upgraded and the use changed if no expansion of the structure is planned and if approved by the building official and Flood Plain Administrator, and no additional parking shall be required except for ADA required spaces.

C. Public Safety: In circumstances where there would appear to be a public safety issue, the administrator may request additional information from the applicant to determine if there is sufficient parking. When, in the determination of the administrator, there is insufficient parking, the applicant shall provide alternatives to on-site parking as set forth in section 8-4B-4 of this article. The determination by the administrator shall be based on the following criteria:

1. The specific use(s) proposed and/or on the property;
2. Uses in the vicinity of the property;
3. A traffic study, if prepared, forecasting the expected traffic and parking needs expected from the use(s);
4. The availability of on street, shared, and/or public parking within the vicinity of the use; and/or
5. The availability of public transit, vanpooling or other alternative transportation to serve the use.

D. Parking Spaces; Change of Use: Upon any change of use, the number of vehicle parking spaces to be provided shall be calculated according to the requirements of this article for the new use.

E. ADA Requirements: It is the responsibility of the applicant to ensure that the size and number of handicap accessible spaces meets all Americans with Disabilities Act (ADA) requirements.

F. Spaces Continuously Maintained: The vehicle parking spaces shall be continuously maintained.

G. Elimination/Reduction of Spaces: No required parking area or space provided, as required by this article, shall later be eliminated, reduced, or converted in any manner unless other equivalent facilities approved by the administrator are provided.

H. Bicycle Parking Spaces: One bicycle parking space shall be provided for every twenty-five (25) vehicle parking spaces, except for single-family residences, two-family duplex, and townhouses.

**8-4B-4: STANDARDS FOR ALTERNATIVES TO ON SITE PARKING:**

Alternatives to providing on-site parking as set forth in this section are encouraged in all developments. When required to meet minimum parking standards of section8-4B-3, alternatives may include, but are not limited to, shared use facilities.

A. Conditions: Conditions favorable to providing alternatives to on-site parking are as follows:

- 1. Shared use:
  - a. There are convenient pedestrian connections between separate properties;
  - b. The properties and/or uses are within one thousand feet (1,000') of each other;
  - c. The principal operating hours of the uses are not in substantial conflict with one another; and
  - d. Directional signs provide notice of the availability of parking.

B. Agreement:

- 1. All parties involved with the shared use parking area shall submit a written agreement to the administrator, signed by the applicable parties involved. The agreement shall specify the following:
  - a. Party or parties responsible for construction; and
  - b. Party or parties responsible for maintenance.
- 2. The applicant or owner shall record such agreement with the county recorder prior to issuance of any permits.
- 3. The shared use parking agreement may be terminated by the parties only if off street parking is provided in conformance with this article and approved by the administrator prior to the termination.
- 4. In-lieu-of fees for required parking spaces may be allowed in the Central Business District with a parking space fee being determined solely by the Council. Collected fees shall go towards the purchase and or construction of public parking in the district.
- 5. Parking garages shall be designed to accommodate future public parking needs.

**8-4B-5: OFF STREET LOADING SPACE REQUIREMENTS:**

A. Off street loading spaces for commercial and industrial uses shall be provided in accord with table 8-4B-5(a) of this section.

TABLE 8-4B-5(a)  
ADD NUMBERS: REQUIRED LOADING SPACES  
BY GROSS FLOOR AREA

Gross Floor Area In Square Feet	Required Type And Number Of Spaces
0 to 36,000	1 type B
36,001 to 100,000	1 type A and 1 type B
Each additional 75,000 or fraction thereof	1 additional type A

B. Type A spaces shall be not less than twelve feet (12') in width and thirty-five feet (35') in length. Type B spaces shall be not less than fifteen feet (15') in width and sixty-five feet (65') in

length. All spaces shall have fourteen feet (14') of vertical clearance.

C. Parking and loading areas shall be designed so vehicles shall not back out into the street.

D. No off street loading space shall be located closer than fifty feet (50') to an abutting rural or residential district unless entirely enclosed within a sound attenuating structure, such as masonry block. No off-street loading space shall face an abutting residential district.

E. Any off-street loading space located within fifty feet (50') of a residential district shall not operate between the hours of ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M.

**ARTICLE C**  
**TEMPORARY USE REQUIREMENTS**

- 8-4C-1: APPLICABILITY:**
- 8-4C-2: GENERAL STANDARDS:**
- 8-4C-3: STANDARDS FOR RETAIL FIREWORKS STANDS:**
- 8-4C-4: STANDARDS FOR CONSTRUCTION SITES:**
- 8-4C-5: STANDARDS FOR SEASONAL SALE OF AGRICULTURAL AND FOOD PRODUCTS:**
- 8-4C-6: STANDARDS FOR ARTS, ENTERTAINMENT OR RECREATION EVENTS:**
- 8-4C-7: STANDARDS FOR VENDORS NOT ASSOCIATED WITH AN ARTS, ENTERTAINMENT OR RECREATION EVENT:**
- 8-4C-8: STANDARDS FOR PROMOTIONAL ACTIVITIES IN THE NONRESIDENTIAL DISTRICTS INVOLVING THE SALE OF GOODS AND MERCHANDISE WHERE IT IS ACCESSORY TO THE PRINCIPALLY PERMITTED USE:**
- 8-4C-9: STANDARDS FOR FOOD TRUCKS, TRAILERS AND STANDS (TEMPORARY FOOD OPERATION):**

**8-4C-1 APPLICABILITY:**

The regulations of this article shall apply to all temporary uses in all districts with the exception that special events and seasonal activities that are conducted as part of an education facility shall be deemed accessory uses. Temporary uses shall be processed in conjunction with a Certificate of Zoning Compliance.

**8-4C-2: GENERAL STANDARDS:**

A. Time Period:

1. Except as otherwise defined in this section, a temporary use is allowed for a specified period not to exceed six (6) months.
2. For seasonal stands or events, the certificate of zoning compliance shall specify a beginning and end date.

B. Location:

1. Structures and/or the display of merchandise shall comply with the setback requirements of the district within which it is located.
2. Temporary structures, signs and merchandise shall be displayed so as not to interfere with the vision triangle. In no case shall items be displayed, or business conducted within the public right of way, unless otherwise authorized by the transportation authority.

C. Structures: A maximum of one structure shall be allowed and may cover a maximum of five hundred (500) square feet, unless otherwise permitted within the regulations of this title.

1. The use shall not result in the construction of any permanent structures that would not otherwise be permitted subject to the regulations of this title.



2. Any temporary structures shall be portable and completely removed at the end of the allowed time period.
3. The applicant shall obtain any necessary building permits.

**D. Caretaker Unit:**

1. One caretaker unit in a trailer or recreational vehicle may be allowed on the site only for the purposes of security and maintenance of the site.
2. The unit shall be completely removed at the end of the allowed time period.

**E. Parking and Access:**

1. Adequate off-street parking shall be provided to serve the use.
2. The use shall not displace the required off street parking spaces or loading areas of the principal permitted uses on the site.
3. The entrance and exit drives shall be designed to prevent traffic hazards and nuisances and shall be approved by the Transportation Authority.
4. All surfaces used for parking shall be constructed with paving, vegetative cover or of dustless material, unless otherwise required subject to the regulations of this title.

**F. Signs:** All signs erected in association with the use shall be in compliance with the regulations of this title.

**G. Noise:** Compressors, fans, pumps, and other motorized equipment shall be located or shielded to reduce noise levels to adjoining properties and shall not operate between the hours of 8 pm to 7 am. If electricity is reasonably available to the site, the applicant shall be required to connect to the electric source.

**H. Site Conditions:**

1. Returned to Clean Condition: The site shall be returned to a clean condition after the termination of the use, including free of debris and garbage.
2. Disposal: Unsold food products, trees, greens, or debris generated by the use shall be properly disposed of off the site.
3. Unobstructed Sidewalk: If a sidewalk or walkway in front of the building is used for the temporary use, a minimum width of four feet (4') shall remain unobstructed for pedestrian use.

**I. Conditions:** The administrator may require additional conditions to mitigate adverse effects on surrounding properties, particularly regarding traffic generated, compressor and pump noise, odor, light and glare, dust, and hours of operation. The conditions may include, but not be limited to, any or all of the following:

1. Standards related to the emission of noise, vibration, and other potentially objectionable impacts.
2. Limits on time of day for the conduct of the specified use, including deliveries and maintenance.
3. Other standards necessary to protect the public health, safety, and welfare and mitigate adverse effects on surrounding property.

**J. Compliance with Guidelines:** The use shall comply with any guidelines, regulations and

permitting process required by any authorizing public agencies, including, but not limited to, the Central District Health Department, transportation authority, and the Star city departments.

K. Failure to comply with general standards will result in the revocation of the temporary use permit by the administrator.

#### **8-4C-3: STANDARDS FOR RETAIL FIREWORKS STANDS:**

A. Retail fireworks stands shall be prohibited in residential districts.

B. Firework stands shall comply with General Standards in 8-4C-2 of this title.

C. The applicant or owner shall obtain written approval of the Star Joint Fire Protection District prior to issuance of certificate of occupancy.

D. Dates of fireworks sales shall comply with Idaho Code section 39-2606. Nonaerial common fireworks may be sold at retail and used beginning at twelve o'clock (12:00) midnight June 23 and ending at twelve o'clock (12:00) midnight July 5 and beginning at twelve o'clock (12:00) midnight December 26 and ending at twelve o'clock (12:00) midnight January 1. Fireworks may be sold and used at any time in compliance with permits issued under the provisions of section 39-2605, Idaho Code.

E. Applicant shall comply with the standards for access as determined by the transportation authority. Entrance and exit drives shall be designed to prevent traffic hazards and nuisances.

F. A site plan is required showing ingress and egress. Proper turn-around and site circulation shall be provided at all times, including signage indicating parking, entrances and exits.

G. Parking areas shall be paved, in vegetative cover, or improved with a dustless material.

H. Conditions: The administrator may require additional conditions to mitigate adverse effects on the current and surrounding properties, particularly regarding traffic, access, light and glare, dust, and hours of operation.

I. Applicant(s) shall apply for any required building and vendor permits.

J. Aerial fireworks shall not be possessed or sold at any time.

#### **8-4C-4: STANDARDS FOR CONSTRUCTION SITES:**

A. New development shall contain construction debris on site and prevent windblown debris from entering neighboring properties.

B. Temporary buildings, construction trailers, equipment and materials may be permitted in any district during the period construction work is in progress. Such temporary facilities or equipment shall be removed within ~~sixty (60)~~ thirty (30) days of completion of the construction

work.

**8-4C-5: STANDARDS FOR SEASONAL SALE OF AGRICULTURAL AND FOOD PRODUCTS:**

- A. The provisions of this title shall apply to Christmas tree lot, snow cone shack, pumpkin sale stand, produce stand, and similar uses as determined by the administrator.
- B. Such sales are limited to a period of time not to exceed two (2) consecutive months for pumpkin and Christmas tree sales, and four (4) consecutive months per calendar year for other uses. Christmas tree lots shall be removed by January 1.
- C. Applicant shall comply with the standards for access as determined by the transportation authority.
- D. Parking areas shall be paved, in vegetative cover, or improved with a dustless material.
- E. Applicant shall obtain all appropriate city permits.

**8-4C-6: STANDARDS FOR ARTS, ENTERTAINMENT OR RECREATION EVENTS:**

- A. Events, such as festivals, carnivals, circuses, fairs, and amusement rides may be allowed in any nonresidential district for a period not to exceed two (2) weeks within any ninety (90) day period.
- B. Special, one (1) day events, including, but not limited to farmers markets, charity events, fun runs, may be allowed in residential districts, including City parks, subject to approval by the City. Food trucks and other temporary food operations may be permitted for these events.
- C. The Star city police department shall review the location and access for any use in this category.
- D. Vendors shall obtain a city of Star vendor permit.

**8-4C-7: STANDARDS FOR VENDORS NOT ASSOCIATED WITH AN ARTS, ENTERTAINMENT OR RECREATION EVENT:**

- A. The applicant shall provide notarized consent of the property owner.
- B. The use shall be prohibited in certain residential districts.
- C. Vendor shall obtain city of Star vendor permit.
- D. No caretaker unit shall be allowed.
- E. Signs shall only be allowed on the vending units and shall not exceed sixteen (16) square feet in area.

F. No direct sales to customers in vehicles shall be allowed. The design and placement of the units shall prohibit such sales. Vendors with drive-up windows must be in a structure and shall be processed as a conditional use in accord with chapter 1, "Administration", of this title.

G. The twelve (12) month approval period shall be evaluated at the time of the annual license renewal.

1. If the administrator, city clerk and/or Star city police have unresolved, compelling complaints regarding the vendor, a new temporary use shall be required. Otherwise the twelve (12) month approval period shall be extended.

2. As complaints are received, it will be determined if the complaint represents a compelling health and/or safety issue. Any compelling complaints will be forwarded to the Star city police for resolution in accord with the enforcement provisions of section 8-2A-11 of this title.

**8-4C-8: STANDARDS FOR PROMOTIONAL ACTIVITIES IN THE NONRESIDENTIAL DISTRICTS INVOLVING THE SALE OF GOODS AND MERCHANDISE WHERE IT IS ACCESSORY TO THE PRINCIPALLY PERMITTED USE:**

A. The applicant shall provide notarized consent of the property owner.

B. Activities may be conducted outside for a period of not more than two (2) weeks.

C. Applicant shall obtain a city of Star vendor permit.

D. Applicant may request renewal twice during any calendar year, for a maximum of six (6) weeks per calendar year.

**8-4C-9: STANDARDS FOR FOOD TRUCKS, TRAILERS AND STANDS (TEMPORARY FOOD OPERATIONS):**

A. Temporary food operations shall only be located on a parcel or lot in a non-residential zoning district, unless otherwise be permitted subject to the regulations of this title.

B. The temporary food operation shall be located on a parcel or lot that has a paved driveway and parking lot capable of providing parking during the busiest hours of operation while maintaining safe access to and from the operation, unless an alternative is approved by the Administrator.

C. The temporary food operation shall further comply with General Standards in 8-4C-2 of this title.

D. The number of temporary food operations allowed within City Limits shall be determined by current population. One (1) temporary food operation per 3,000 citizens shall be allowed within City Limits.



- E. Temporary food operations shall be approved for one (1) year, with yearly Zoning Compliance Reverification application required for continued use. The applicant shall renew their vendors permit annually.
- F. Temporary food operations shall be located no closer than 300' from an existing, established restaurant or business serving food during that establishments normal business hours, unless written approval from the owner of that establishment is provided at the time of application.
- G. A portable restroom, or arrangements for restroom access from an adjacent business shall be required for employees of a temporary food operation that is in operation longer than two (2) hours.
- H. A table and chairs or picnic table shall be provided for all temporary food operations. Any additional items, including but not limited to umbrellas, canopies/covers, signs and displays are subject to review and approval at the time of application.
- I. Food trucks shall be removed from the site daily once service is completed. Trailers and stands may stay on the property so long as it does not create a visual nuisance to the community.

ARTICLE D. PRIVATE STREET REQUIREMENTS

- 8-4D-1: PURPOSE:
- 8-4D-2: APPLICABILITY:
- 8-4D-3: STANDARDS:
- 8-4D-4: REQUIRED FINDINGS:

8-4D-1: PURPOSE:

The purpose of this article is to provide better circulation and safety within commercial, industrial, mixed use, multi-family and certain low-density residential (R-1 or lower) developments by allowing private streets to provide frontage and access to properties that do not have internal public streets, when clear emergency vehicle travel lanes and name addressing for the properties are established. It is not the intent to approve private streets for single-family, duplex and/or townhouse developments in higher density residential developments (R-2 or higher, M-U) unless they are part of a planned unit development or development agreement, where creative design elements including, but not limited to, mixed uses, common area mews, live/work concepts and/or distinctive open spaces are designed within the development. The applicability may be extended where the administrator finds it necessary to provide private streets, and Star Fire District determines that private streets will maintain or enhance the safety of a development. All private streets within a new subdivision shall be approved by the Star Fire District and City Council. Private streets within a Short Land Division or Parcel Division may be approved by the Administrator. Any private street necessary to provide access and/or frontage in association with a public utility or infrastructure facility and does not provide access to any dwellings shall be exempt from Council approval but is still subject to fire approval.

8-4D-2: APPLICABILITY:

The provisions of this section shall apply to any eligible property that does not have frontage on a public street or where frontage is not required.

8-4D-3: STANDARDS:

All private streets shall be designed and constructed to the following standards:

- A. Design Standards:
  - 1. Easement: The private street shall be constructed on a perpetual ingress/egress easement or a single platted lot (with access easement) that provides access to all applicable properties.
  - 2. Connection Point: Where the point of connection of the private street is to a public street, the private street shall be approved by the transportation authority.
  - 3. Emergency Vehicle: The private street shall provide sufficient maneuvering area for emergency vehicles as determined and approved by the Star Fire District.
  - 4. Gates: Gates or other obstacles shall not be allowed, unless approved by Council and the Fire District.
- B. Construction Standards:

1. Obtain approval from the county street naming committee and/or City for a private street name(s);
2. Contact the transportation authority to install an approved street name sign that complies with the regulations of the county street naming ordinance;
3. Roadway and Storm Drainage: The private street shall be constructed in accord with the roadway and storm drainage standards of the transportation authority or as approved by the city of Star based on plans submitted by a certified engineer.
4. Street Width: The private street shall be constructed within the easement and shall have a travel lane that meets ACHD/CHD4 width standards for the City of Star, or as determined by the Council and Star Fire District.
5. Sidewalks: A five foot (5') ~~attached or~~ detached sidewalk shall be provided on at least one side of the street in commercial districts. This requirement may be waived if the applicant can demonstrate that an alternative pedestrian path exists. Residential private streets in some lower density developments may request a modification or waiver of sidewalks to be approved by Council.
6. All private streets shall be paved unless a waiver is obtained by Council. Waivers for paving shall only be considered in low density developments of R-1 or less.
67. Fire Lanes: All drive aisles as determined by the Star Fire District to be fire lanes, shall be posted as fire lanes with no parking allowed. In addition, if a curb exists next to the drive aisle, it shall be painted red.
78. No building permit shall be issued for any structure using a private street for access to a public street until the private street has been approved.

C. The applicant or owner shall establish an on-going maintenance fund through the Owner's association with annual maintenance dues to ensure that funds are available for future repair and maintenance of all private streets. This shall be a requirement in a development agreement and/or as part of a planned unit development. A reserve account condition shall be included in the recorded CC&R's and shall be provided to the City for review. The condition of approval shall include the following:

1. Private Street Reserve Study Requirements.
  - a. At least once every three years, the board shall cause to be conducted a reasonably competent and diligent visual inspection of the private street components that the association is obligated to repair, replace, restore, or maintain as part of a study of the reserve account requirements of the common interest development, if the current replacement value of the major components is equal to or greater than one-half of the gross budget of the association, excluding the association's reserve account for that period. The board shall review this study, or cause it to be reviewed, annually and shall consider and implement necessary adjustments to the board's analysis of the reserve account requirements as a result of that review.
  - b. The study required by this section shall at a minimum include:
    - i. Identification of the private street components that the association is obligated to repair, replace, restore, or maintain.
    - ii. Identification of the probable remaining useful life of the components identified in paragraph (1) as of the date of the study.

- iii. An estimate of the cost of repair, replacement, restoration, or maintenance of the components identified in paragraph (1).
  - iv. An estimate of the total annual contribution necessary to defray the cost to repair, replace, restore, or maintain the components identified in paragraph (1) during and at the end of their useful life, after subtracting total reserve funds as of the date of the study.
  - v. A reserve funding plan that indicates how the association plans to fund the contribution identified in paragraph (4) to meet the association's obligation for the repair and replacement of all private street components.
- c. A copy of all studies and updates shall be provided to the City, to be included in the development application record.

#### **8-4D-4: REQUIRED FINDINGS:**

In order to approve the application, the administrator and/or Council shall find the following:

- A. The design of the private street meets the requirements of this article;
- B. Granting approval of the private street would not cause damage, hazard, or nuisance, or other detriment to persons, property, or uses in the vicinity; and
- C. The use and location of the private street shall not conflict with the comprehensive plan and/or the regional transportation plan.



## ARTICLE E. COMMON OPEN SPACE AND SITE AMENITY REQUIREMENTS

### 8-4E-1: APPLICABILITY:

### 8-4E-2: STANDARDS:

#### **8-4E-1: APPLICABILITY:**

The standards for common open space and site amenities shall apply to all residential developments with a density exceeding one dwelling unit per acre.

#### **8-4E-2: STANDARDS:**

A. Open Space and Site Amenity Requirement (see also Chapter 8 “Architectural Review”):

1. The total land area of all common open space shall equal or exceed fifteen percent (15%) of the gross land area of the development. Ten percent (10%) of that area shall be usable open space.
2. Each development is required to have at least one site amenity.
3. One additional site amenity shall be required for each additional twenty (20) acres of development area, plus one additional amenity per 75 residential units.
4. Developments with a density of less than 1 dwelling units per acre may request a ~~reduction~~ waiver in total required open space and amenities to the Council. Developments with a density of less than 2 dwelling units per acre may request a 50% reduction in total required open space and amenities to the Council.
5. For multi-family developments, see Section 8-5-20 for additional standards.

B. Qualified Open Space: The following may qualify to meet the common open space requirements:

1. Any open space that is active or passive in its intended use, and accessible or visible by all residents of the development, including, but not limited to:
  - a. Open grassy area of at least fifty feet by one hundred feet (50' x 100') in area;
  - b. Qualified natural areas, as determined by the Administrator;
  - c. Ponds or water features where active fishing, paddle boarding or other activities are provided (50% qualifies towards total required open space, must be accessible by all residents to qualify.) ponds must be aerated;
  - d. A plaza.
2. Additions to a public park or other public open space area.
3. The buffer area along collector and arterial streets may be included in required overall common open space for residential subdivisions.
4. Parkways along local residential streets with detached sidewalks that meet all the following standards may count toward the common open space requirement:
  - a. The parkway is a minimum of eight feet (8') in width from street curb to edge of sidewalk and includes street trees as specified otherwise herein.
  - b. Except for alley accessed dwelling units, the area for curb cuts to each residential lot or common driveway shall be excluded from the open space calculation. For purposes of this calculation, the curb cut area shall be a minimum area of twenty-six feet (26') by the width of the parkway.
- c. Stormwater detention facilities do not qualify to meet the common area open space

requirements, unless all of the following is met:

1. Must be at least fifty feet by one hundred feet (50' x 100') in area;
2. Specifically designed as a dual use facility, as determined by the administrator, to include minimal slopes, grass throughout, and guarantee of water percolation within 24 hours of storm event.
3. Is located in a development that has a second usable open space area that contains a qualified site amenity as herein defined.

5. Visual natural space, including open ditches, wetlands, slopes or other areas that may not be readily accessible to residents, and is provided with open style fencing, may qualify for up to 20% of the required open space total, as determined by the Administrator.

C. Qualified Site Amenities: Qualified site amenities shall include, but not be limited to, the following:

1. Clubhouse;
2. Fitness facilities, indoors or outdoors;
3. Public art;
4. Picnic area; or
5. Recreation amenities:
  - a. Swimming pool with a changing and restroom facility.
  - b. Children's play structures.
  - c. Sports courts.
  - d. Additional open space in excess of ~~5%~~ 10% usable space.
  - e. RV parking for the use of the residents within the development.
  - f. School and/or Fire station sites if accepted by the district.
  - g. Pedestrian or bicycle circulation system amenities meeting the following requirements:
    - (1) The system is not required for sidewalks adjacent to public right of way;
    - (2) The system connects to existing or planned pedestrian or bicycle routes outside the development; and
    - (3) The system is designed and constructed in accord with standards set forth by the city of Star;

D. A swimming pool, with a changing and restroom facility shall be required for any residential development of 200 or more dwellings. The minimum pool size shall be equal to 80'x 40'.

E ~~D~~. Location: The common open space and site amenities shall be located on a common lot or an area with a common maintenance agreement.

F ~~E~~. Maintenance:

1. All common open space and site amenities shall be owned by, and be the responsibility of an owners' association for the purpose of maintaining the common area and improvements thereon.

## Chapter 5

### SPECIFIC USE STANDARDS

8-5-1: ANIMAL CARE FACILITY:

8-5-2: ARTIST STUDIO:

8-5-3: ARTS, ENTERTAINMENT OR RECREATION FACILITY, INDOOR AND OUTDOOR:

8-5-4: ASPHALT OR CONCRETE PLANT:

8-5-5: AUTOMATED TELLER MACHINE:

8-5-6: AUTOMOTIVE, HOBBY:

8-5-7: CAMPGROUND/RV PARK:

8-5-8: CARETAKER UNIT

8-5-9: CEMETERY:

8-5-10: CHILD CARE FACILITY:

8-5-11: CHURCH OR PLACE OF RELIGIOUS WORSHIP:

8-5-12: CONTRACTORS YARD OR SHOP:

8-5-13: DRIVE-THROUGH ESTABLISHMENT:

8-5-14: GASOLINE STATION/GASOLINE STATION WITH CONVENIENCE STORE, AND TRUCK STOP:

8-5-15: HOME OCCUPATION:

8-5-16: HORIZONTAL APARTMENTS/BUILD-TO-RENT:

8-5-16: LIVE/WORK UNIT:

8-5-17: MANUFACTURED/MOBILE HOME GUIDELINES:

8-5-18: MANUFACTURED/MOBILE HOME PARKS:

8-5-19: MINING, PIT OR QUARRY AND ACCESSORY PITS:

8-5-20: MULTI-FAMILY DWELLING/DEVELOPMENT:

8-5-21: NURSING OR RESIDENTIAL CARE FACILITIES:

8-5-22: PUBLIC INFRASTRUCTURE; PUBLIC UTILITY MAJOR, MINOR AND YARD:

8-5-23: RECYCLING CENTER:

8-5-24: RIDING ARENA OR STABLE, COMMERCIAL:

8-5-25: SECONDARY DWELLING UNIT:

8-5-26: SHORT-TERM RENTAL:

8-5-27: STORAGE FACILITY, OUTSIDE:

8-5-28: STORAGE FACILITY, SELF-SERVICE:

8-5-29: TEMPORARY LIVING QUARTERS:

8-5-30: TERMINAL, FREIGHT OR TRUCK:

8-5-31: VEHICLE EMISSIONS TESTING:

8-5-32: VEHICLE IMPOUND YARD:

8-5-33: VEHICLE REPAIR, MAJOR AND MINOR:

8-5-34: VEHICLE SALES OR RENTAL:

8-5-35: VEHICLE WASHING FACILITY:

**8-5-36: VEHICLE WRECKING OR JUNK YARD:****8-5-37: WIRELESS COMMUNICATION FACILITY:****8-5-1: ANIMAL CARE FACILITY:**

- A. Such use shall be located at least two hundred fifty feet (250') from any residence, including motels and hotels, except for an owner's residence. The administrator may modify these requirements if the animals are completely housed in soundproof structures that completely screen them from view of the abutting residential property.
- B. Fencing shall be required for any outdoor use for animals. The fencing shall be a six-foot (6') fence to secure animals and to buffer adjacent land uses.
- C. Outside runs shall be operated only between the hours of seven o'clock (7:00) A.M. and nine o'clock (9:00) P.M., with an attendant present on the premises at all times.
- D. The facility owner and/or operator shall comply with all state and regulations relative to such a facility and shall maintain housekeeping practices designed to prevent the creation of a nuisance and to reduce noise and odor to a minimum.

**8-5-2: ARTIST STUDIO:**

- A. All production, fabrication and assembly of materials shall be conducted within a completely enclosed structure if adjoining a residence or a residential district.
- B. If in an industrial district, accessory retail sales shall be limited to a floor area not exceeding twenty five percent (25%) of the total enclosed area of the use. Goods sold shall be only those produced on the site or complementary products.

**8-5-3: ARTS, ENTERTAINMENT OR RECREATION FACILITY, INDOOR AND OUTDOOR:**

- A. General standards:
  - 1. All structures or outdoor recreation areas shall maintain a minimum setback of one hundred feet (100') from any abutting residential districts.
  - 2. No outdoor event or activity center shall be located within one hundred feet (100') of any residential property line and shall operate outdoor uses only between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.
  - 3. Accessory uses include, but are not limited to: retail, equipment rental, restaurant and drinking establishments may be allowed if designed to serve patrons of the use only.
  - 4. Outdoor speaker systems shall be subject to the provisions of title 3, chapter 2, "Noise Control", of this code.
  - 5. May require a Vendor's Permit, at the discretion of the administrator.
- B. Additional standards for swimming pool: Any outdoor swimming pool shall be completely enclosed within a six foot (6') non-scalable fence that meets the requirements of the city of Star building regulations in accord with title 7 of this code.



C. Additional standards for outdoor stage or musical venue: Any use with a capacity of one hundred (100) seats or more or within one thousand feet (1,000') of a residence or a residential district shall be subject to approval of a conditional use permit.

#### **8-5-4: ASPHALT OR CONCRETE PLANT:**

A. Asphalt mixing and concrete batching may only be allowed as accessory uses to a pit, mine, or quarry in an industrial zone.

B. Any structure or equipment shall be a minimum of one thousand feet (1,000') from any dwelling other than the dwelling of the owner or caretaker of the subject property.

C. The operation shall meet all federal, state and local standards relating to health and safety.

D. A plant may not be used in conjunction with an accessory pit as described within this chapter.

#### **8-5-5: AUTOMATED TELLER MACHINE:**

The administrator or designee may approve alternative standards where it is determined that a similar or greater level of security is provided.

A. A five foot (5') deep space shall be provided in front of the ATM;

B. A lighting plan will be required with the intent to ensure that adequate lighting is provided;

C. A trash receptacle not impeding access shall be immediately accessible to the ATM; and

D. At the time the ATM is removed, the structure's facade shall have a finished appearance consistent with the existing structure. See also "Self-Service Uses", of this title.

E. This use is accessory to an approved bank or other financial institution.

#### **8-5-6: AUTOMOTIVE, HOBBY:**

A. Use prohibited from retail or wholesale sales of vehicles, automotive parts or supplies.

B. No commercial restoration, repair, storage or maintenance of motor vehicles. This use shall not be allowed as a Home Occupation.

C. Site for hobby shall be maintained in an orderly manner, with no more than two (2) inoperable, dismantled, or unregistered motor vehicles on site unless stored in an enclosed structure.

D. Vehicles must be stored in the rear or side yard behind a sight obscuring fence or within a completely enclosed structure.

**8-5-7: CAMPGROUND/RV PARK:****A. Access:**

1. Campground/RV park shall abut and shall have direct access from a collector or arterial road. Plans will show roadways and driveways, including the width and type of surface.
2. Access shall be approved by the Transportation authority.

**B. Design: The design shall include:**

1. Specific locations of sites or units for RVs (recreational vehicles), motor homes, travel trailers or tents.
2. Location of all structures.
3. Method of trash disposal.
4. Utility plan (water/electrical/sewer).

**C. Site Development:**

1. Lighting: The campground/RV park shall be adequately lighted and follow the requirements of outdoor lighting as provided for within this title.
2. Outdoor Speaker Systems: Outdoor speaker systems shall be subject to the provisions of title 3, chapter 2, "Noise Control", of this code.
3. Drainage: Drainage shall comply with drainage requirements of this title.
4. Water, Sewer and Electrical Outlets: Each space shall be provided with water, sewer and electrical outlets and shall comply with all city/state codes.
5. Spaces: Each space shall contain a minimum of one thousand (1,000) square feet, shall be at least twenty feet (20') wide and space boundaries shall be clearly defined. There shall be a minimum of fifteen feet (15') of space between RVs/motor homes/trailers and setbacks as established by the city.
6. Parking: Each space shall provide for off street parking and shall be graveled, paved or provide other means for a dust free surface.
7. Number of Spaces: No greater number of RVs, motor homes or trailers shall be allowed in any campground/RV park than the number of spaces permitted.
8. Landscaped Setback with Screening: A fifty foot (50') landscaped setback with protective screening or fencing shall be required on property boundaries adjacent to a public right of way. Property boundaries adjoining private property shall have a landscaped setback of twenty-five feet (25') with protective fencing.

**D. Accessory Uses and Accommodations:**

1. Buildings and accessory buildings, including, but not limited to, management headquarters, staff housing, recreational structures, laundry facilities, toilets, showers, and other sanitary services, may be allowed subject to the following restrictions:
  - a. Such uses shall be restricted to the occupants of the campground/park.
  - b. Each campground/RV park shall provide restroom facilities that shall include both male and female facilities with no less than two (2) bath or shower accommodations provided for each facility. The restrooms shall provide no less than two (2) toilets to each male and female facility.
  - c. The structures enclosing such uses shall not be located closer than fifty feet (50') to any public street and shall not be directly accessible from any public street.
  - d. Each service building floor shall be of concrete, tile or similar material, impervious to water,

and pitched to a floor drain. The structure shall be a permanent structure and meet requirements of the current building code. All structures shall provide proper lighting within the structure twenty-four (24) hours a day. Each building shall provide exterior lighting after dusk and before dawn.

e. Each campground/RV park shall provide trash disposal areas for each twenty (20) spaces.

Disposal areas shall be fenced with a site obscuring fence, the height of which shall be a minimum four feet (4') and shall be located one hundred fifty feet (150') from any space.

f. All campgrounds/parks with fifteen (15) spaces or more shall provide an open space area and amenity constructed in a manner to provide a recreational area for occupants of the campground/park. An additional amenity shall be provided for every additional 40-unit spaces.

E. Restrictions: It shall be unlawful for any tent, RV, motor home or travel trailer to be used as permanent living quarters. Maximum stay shall be thirty (30) calendar days for any guest. Once a four-week stay ends, a guest must wait thirty (30) calendar days before returning.

#### **8-5-8: CARETAKER UNIT:**

A. Use as a caretaker for a construction site. One accessory caretaker unit in a trailer or recreational vehicle may be allowed on the construction site only for the purposes of security and maintenance of the site.

B. Use as a caretaker unit and office with an approved conditional use permit for a storage facility.

C. Use as an accessory use for an active farm that is 10-acres or greater in size for the purpose of providing living quarters for a hired, seasonal worker to temporarily work the property to harvest crops only.

D. The unit shall be completely removed at the end of the allowed time period.

#### **8-5-9: CEMETERY:**

Graves and monuments shall not be located within fifteen feet (15') from any property line.

#### **8-5-10: CHILD CARE FACILITY:**

A. General standards for all child care and adult care uses, including the classifications of child care center; child care, family; child care, group; and child care pre-school/early learning:

1. In determining the type of child care facility, the total number of children cared for (excluding the owner/operator's children) during the day and not the number of children at the facility at one time, is the determining factor.

2. On site vehicle pick up, parking and turnaround areas shall be provided to ensure safe discharge and pick up of clients.

3. The city council shall specify the maximum number of allowable clients and hours of operation as conditions of approval.

4. The applicant or owner shall secure and maintain a basic child care license from the state of

Idaho department of health and welfare family and children's services division.

5. In residential districts or uses adjoining an adjacent residence, the hours of operation shall be between seven o'clock (7:00) A.M. to nine o'clock (9:00) P.M. This standard may be modified through approval of a conditional use permit.

B. Additional standards for child care facilities that serve children:

1. All outdoor play areas shall be completely enclosed by minimum six foot (6') non-scalable fence to secure against exit/entry by small children and to screen abutting properties. The fencing material shall meet the swimming pool fence requirements of the building regulations in accord with title 7 of this code.

2. Outdoor play equipment over six feet (6') high shall not be located in a front or side yard.

3. Outdoor play areas in residential districts adjacent to an existing residence shall not be used after dusk.

4. If within a subdivision the number of children shall be further approved by the HOA.

### **8-5-11: CHURCH OR PLACE OF RELIGIOUS WORSHIP:**

Uses that are accessory to churches or other places of religious worship, such as schools, child daycare services, meeting facilities for clubs and organizations, and other similar uses not operated primarily for the purpose of religious instruction, worship, government of the church, or the fellowship of its congregation may be permitted to the extent the activity is otherwise permitted in the district.

Churches conducting activities outside the normal church events are required to complete a temporary use permit stating when and where the activity will take place and who will be in charge of the activity.

### **8-5-12: CONTRACTORS YARD OR SHOP:**

A. General Standards:

1. If the property is located in a residential or rural base district, all structures or outdoor storage areas shall be located a minimum of one hundred feet (100') from any property line abutting another property. The one hundred-foot (100') buffer from the property line shall have a vegetative ground cover and shall be regularly maintained to prevent weed growth. All structures and outdoor storage areas shall be depicted on the master site plan.

2. Outdoor storage areas shall be screened year-round and comply with Chapter 8 of this title.

3. The site shall not be used as an "impound yard", or "wrecking, junk or salvage yard" as herein defined.

4. For the purposes of this title, a contractor's yard or shop is not a home occupation.

5. The property shall have approved access from an improved public roadway for the use.



6. Maintenance of vehicles or machinery shall be incidental to the contractor's yard or shop and the incidental use shall only include minor repair.

7. Accessory office space shall comply with this title and shall be identified on the approved site plan.

8. Parking area improvements shall comply with the standards found in Chapter 4 of this title and shall be delineated on the site plan or parking plan. No on street parking of vehicles or equipment associated with the use is allowed.

9. Use of the property shall comply with Chapter 1, "Noise", of this title.

10. Hours of operation shall be limited between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M. unless otherwise approved or restricted with a conditional use permit.

11. No retail sales associated with a contractor's yard or shop may occur on the property unless retail sales are approved with a different use that allows retail sales.

12. A building permit may be required for the change in use or occupancy of any existing structure, or portion thereof, used in association with a contractor's yard or shop.

13. For the duration of the approval, the use shall be subject to zoning inspection upon advanced notice and request by the City. If a permit holder refuses to allow inspection of the premises by the City, the approved conditional use permit may be revoked.

B. Additional Standards: Additional standards for a contractor's yard or shop permitted as a conditional use:

1. The following shall be considered as part of the review of an application for a conditional use permit for a contractor's yard or shop:

- a. The proximity of existing dwellings;
- b. The number of employees;
- c. The hours and days of operation;
- d. Dust;
- e. Noise;
- f. Outdoor loading;
- g. Traffic;
- h. Landscaping and screening;

i. Other.

2. The duration of a conditional use permit for a contractor's yard or shop shall be limited. For uses in the agricultural or rural residential zoning districts, the conditional use permit shall expire five (5) years following the approval date. Upon expiration of the conditional use permit, all equipment and materials stored outdoors shall be removed within thirty (30) days from the subject property. A new conditional use permit may be applied for to continue the use, subject to current zoning standards. For uses in the industrial zoning district, there shall be no expiration date.

**8-5-13: DRIVE-THROUGH ESTABLISHMENT:**

A. A drive-through establishment shall be an accessory use where the drive-through portion of the facility (including stacking lanes, speaker and/or order area, pick up windows, and exit lanes) is not immediately adjacent to the drive-through portion of another facility, or immediately adjacent to a residential district or an existing residence, unless approved through a planned unit development.

B. All establishments providing drive-through service shall identify the stacking lane, menu and speaker location (if applicable), and window location on applicable permit applications.

C. A site plan shall be submitted that demonstrates safe pedestrian and vehicular access and circulation on the site and between adjacent properties. At a minimum the plan shall demonstrate compliance with the following standards:

1. Stacking lanes shall have sufficient capacity to prevent obstruction of the public right of way by patrons;
2. The stacking lane shall be a separate lane from the circulation lanes needed for access and parking;
3. The stacking lane shall not be located within ten feet (10') of any residential district or existing residence;
4. Any stacking lane greater than one hundred feet (100') in length shall provide for an escape lane;
5. A letter from the transportation authority indicating the site plan is in compliance with the authority's standards and policies shall be required.

D. The applicant shall provide a six-foot (6') sight obscuring fence where a stacking lane or window location adjoins a residential district or an existing residence.

E. Menu boards are considered as signs.

F. Approval from the Fire District is required for the location and access of the drive-thru facility.

**8-5-14: GASOLINE STATION/GASOLINE STATION WITH CONVENIENCE STORE, AND TRUCK STOP:**

A. General standards:

1. When allowed as an accessory use, gasoline or diesel fuel sale facilities shall not occupy more than twenty five percent (25%) of the subject property.
2. The total height of any overhead canopy or weather protection device shall not exceed twenty feet (20').
3. Vehicle stacking lanes shall be available on the property but outside the fueling areas. Stacking lanes shall have sufficient capacity to prevent obstruction of the public right of way by patrons. Such stacking lanes shall be separate from areas required for access and parking. The stacking lanes shall not be located within ten feet (10') of any abutting residential districts.

B. Additional standards for fuel sales facility, truck stop:

1. The use shall be located on a principal arterial, collector or near an interstate interchange.
2. The use shall be located a minimum of six hundred feet (600') from any residential district and a minimum of one thousand feet (1,000') from any hospital, unless located within the central business district, in which case a minimum buffer of one hundred feet (100') shall be required from the existing residential lot line to the property line of the use.

**8-5-15: HOME OCCUPATION:**

The following standards apply to all home occupation uses:

A. Persons Involved: No more than three (3) people other than members of the family residing on the premises shall be engaged in such occupation.

B. Subordinate Use: The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and no more than twenty five percent (25%) of the floor area of the dwelling shall be used in the conduct of the home occupation.

C. Outside Appearance of Premises: There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation.

D. Traffic: No significant traffic shall be generated by such home occupation, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified within this title and shall not be located in a required front yard.

E. Performance Standards: No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.

F. Storage of Materials Outdoors: No storage of materials or supplies outdoors or in any accessory detached storage structure shall be allowed.

G. Signs: It shall not involve the use of signs and/or structures other than those permitted in the district of which it is a part.

H. Parking of Commercial Vehicle: A home occupation shall not involve the use and parking of a commercial vehicle.

I. Off Street Parking: Off street parking shall be provided as specified, in addition to the required off street parking for the dwelling. One paved, off street parking space shall be provided for the nonresident employee, plus a space for any potential clients, if applicable, and shall be improved as per the standards of this title. No overnight parking of client or employee vehicles shall be allowed on site or on-street.

J. Hours of Visits: All visits by clients, customers, and/or employees shall occur between the hours of eight o'clock (8:00) A.M. and nine o'clock (9:00) P.M.

K. Additional Standards for All Home Occupations:

- 1 HOA Approval: The applicant shall receive prior approval from the homeowner's association, if one exists.
- 2 The following occupations are prohibited as home occupations: service, repair or painting of any vehicle; commercial kennel; adult entertainment; commercial composting; sales, repackaging or use of hazardous materials; or any other uses not consistent with the applicable base district purpose statement.
- 3 For the duration of an approved home occupation permit, the use shall be subject to zoning inspection upon advanced notice and request by the City. If a permit holder refuses to allow inspection of the premises by the City, the home occupation permit may be revoked.
- 4 The home occupation shall not receive more than two (2) pick-ups or deliveries per day.

#### **8-5-16: HORIZONTAL APARTMENTS/BUILD-TO-RENT:**

As the construction of 'Horizontal Apartments' or single-family 'Build-to-Rent' developments continues to be a growing national trend to address changing housing needs. The intent of this type of development is to mirror that of a typical, single-family detached subdivision neighborhood in all manners. Therefore, the following criteria shall be required for all such developments:



- A. Before any Build-to-Rent or Horizontal Apartment development is initiated, either through the submission of construction plans or annexation, rezoning, preliminary or final plat applications, the development entity shall:
1. Provide a Declaration to the City of Star Zoning Administrator that provides the following project information:
    - a) Statement regarding the intent to operate a Build-to-Rent or Horizontal Apartment development.
    - b) The number of units (and percentage) of the development that will be permanently managed by a management company.
    - c) What public infrastructure will be privately maintained.
    - d) Name of the local Registered Agent individual or company to which legal notices would be directed.
    - e) Description of the property management process to be used, including the management company and local property manager.
    - f) Declaration that the development shall consist of individual residential lots each with its own water meter and sewer tap.
    - g) Description of Covenants to be enforced by the management entity.
    - h) The overarching applicant development organization shall be identified, describing the unity of control and management of the development.
    - i) Architectural drawings of the proposed units.
- B. This Section is applicable to the Residential District (R), the Mixed-Use District (MU), and the Central Business District (CBD), through the Conditional Use Permit process.
- C. This section shall only apply to developments of five (5) or more Build-to-Rent residences or five (5) or more Horizontal Apartments within the same development.
- D. Any application that does not comply with this Section shall have a Condition of Approval added that prohibits Build-to-Rent residences or Horizontal Apartments.
- E. Dwelling unit design styles shall be spread throughout the entire development. Nowhere within the development shall any fewer than 5 different housing styles be located adjacent to each other. The number of different unit styles shall be as follows:
1. 1 to 50 units = minimum of 5 architectural types
  2. 51 to 100 units = minimum of 7 architectural types
  3. 101 to 200 units = minimum of 10 architectural types

4. Over 200 units = minimum of 15 architectural types

F. Material and design standards. Single-Family Build to Rent and Horizontal Apartment units shall comply with the following material and design standards:

1. All other standards found elsewhere in this Title shall apply, including minimum open space and amenity requirements.
2. Exterior finishes shall be primarily horizontal wood or wood product siding, brick, stucco, stone or other decorative masonry product.
3. Facades and floorplans of each unit shall not replicate the facade or floorplan of adjacent units.
4. There shall be a mixture of two (2) story and one (1) story structures.
5. No facade or floorplan shall be used for more than 15% of the project.
6. Roofing style is not included in the facade.
7. Units shall utilize at least two of the following design features on the facade:
  - a) Gables;
  - b) Recessed entries;
  - c) Covered front porches;
  - d) Pillars or posts;
  - e) Bay window with a minimum of 24-inch projection; or Dormers.
  - f) Walls which face a street other than an alley shall contain at least 20 percent of the wall space in windows and/or doors.

E. Maintenance and Ownership Responsibilities: All multi-family developments shall record legally binding documents that state the maintenance and ownership responsibilities for the management of the development, including, but not limited to, structures, parking, common areas, and other development features.

F. Architectural standards in Chapter 8 shall be applied to all multi-family developments.

### **8-5-16: LIVE/WORK UNIT:**

General Standards:

1. Live/Work units are allowed in the Mixed Use (MU) and Central Business District (CBD) zoning districts.
2. The commercial component of live/work is intended for use by the following occupations: accountants, architects, artists and artisans, attorneys, computer software and multimedia related professions, consultants, engineers, fashion, florist and greens, designers, hair stylists and barbers, insurance, real estate, one-on-one instructors, or similar uses. The Council may authorize other similar uses using reasonable discretion, as long as such other uses are allowed within the base zone and not otherwise precluded by law.
3. Live/work units must be attached. Residential areas are permitted above the commercial component, to the side or in the rear of the business component.
4. The commercial component shall be primarily operated within the unit, but may be also conducted in the yard, provided it meets all further requirements of this title.
5. The external access for the commercial component shall be oriented to the street and should have at least one external entrance/exit separate from the living space. The entrance to the business component shall be located on the ground level. Access to the commercial component of each live/work unit shall be clearly separate from the common walkways or entrances to the other residential units within the development, or other residential units in adjacent developments;
6. The commercial use shall not generate external noise, odor, glare, vibration or electrical interference detectable to the normal sensory perception by adjacent neighbors;
7. No explosive, toxic, combustible or flammable materials in excess of what would be allowed incidental to normal residential use shall be stored or used on the premises.
8. The commercial component as designated on the floor plan approved through the conditional use permit shall remain commercial and cannot be converted to residential use. The residential component may be converted to a commercial use in the CBD zoning district upon approval of a new application.

#### **8-5-17: MANUFACTURED/MOBILE HOME GUIDELINES:**

A. Application: Application shall be made with the city on a prescribed form. The application shall include all information necessary to determine conformity with required development standards including: exterior dimensions, siding material, foundation fascia material, roofing material, eaves overhang and any other applicable information. The applicant shall also attach to the application:

1. A copy of the manufacturer's instructions for installation of the home on permanent footings.
2. A plot plan showing existing conditions and the proposed location for the home and other improvements at a scale of at least one-inch equals twenty feet (1" = 20').

B. Certificates and Inspection:

1. The applicant shall sign the completed application certifying that the mobile or manufactured home meets the required development standards, and that site development shall be in accordance with said standards, and the plot plan submitted stating that once the mobile or manufactured home is permanently affixed, the applicant shall comply with the requirement for the home to be declared as real property for taxation purposes. These certifications shall be made prior to the moving of the home to the building site.
2. Following application and plot plan approval by the building official, the official may issue a

building permit for the footings and foundation. Upon satisfactory inspection of the footings and foundation for the attachment of the mobile or manufactured home, the building official shall verify, in writing, that all development standards have been met as certified by the applicant. The home may then be attached to the foundation in accordance with the manufacturer's instruction, city ordinances for permanent utility connections, and other building requirements.

3. Prior to occupancy, a final inspection shall be made to assure proper attachment of the home to the foundation and placement of a proper foundation fascia.

#### C. Development Standards:

1. Requirements: The use of a manufactured or mobile home as a permanent residential dwelling on an individual lot shall be permitted in any zoning district under this title which permits installation of a single-family site-built dwelling, provided the following standards are met. The home or home site:

- a. Is multi-section and at least twenty feet (20') wide.
- b. Has a minimum floor area of one thousand (1,000) square feet.
- c. Has roofing materials which are generally acceptable for site-built housing. Any roofing material may be used, provided such material has the appearance of a nonmetallic shingle, shake or tile roof. Roofs shall also have a minimum slope of twenty five percent (25%) (3:12) and overhanging eaves.
- d. Has siding materials which are generally acceptable for site-built housing. Any siding material may be used, provided such material has the appearance of wood, masonry or horizontal metal siding. Reflection from horizontal metal siding shall be no greater than that from siding coated with white, gloss enamel.
- e. Has a foundation of concrete or other material allowed by the international building code for site-built homes which is aesthetically compatible with the manufactured home and having the appearance of site-built construction. This means the fascia shall be an extension of the siding or be of materials having the appearance of site-built foundations such as brick, concrete or concrete block.
- f. Is permanently affixed per manufacturer's instructions. Footings shall be of poured masonry extending twenty-four inches (24") below grade.
- g. Has a crawl space with the following minimum measurements:
  - (1) Eighteen inches (18") of clearance;
  - (2) Twelve inches (12") of clearance under beams; and
  - (3) An eighteen inch by twenty-four-inch (18" x 24") door.
- h. Complies with all applicable lot size, setback, and other requirements of the zoning district in which it is to be located.
- i. Provided two (2) off street parking spaces and shall be improved with such material to provide a durable and dust free surface.
- j. Has a single car garage, or a carport with an attached enclosed storage room.
- k. Provides right of way improvements in the same manner as site-built construction, in accordance with city policy.

D. Rehabilitation Standards: All mobile homes must meet the rehabilitation standards as set forth in Idaho Code title 44.

E. Accessory Structures: Accessory structures to mobile or manufactured housing shall be



constructed in compliance with the standards specified by the international building code, and the department of housing and urban development standards. Structures shall be aesthetically compatible with the home to which they are associated.

F. Nonconforming Manufactured Homes: A manufactured or mobile home which has legally been placed and maintained upon an individual lot prior to the effective date hereof shall be a legal nonconforming use. Such manufactured or mobile homes shall not be relocated within the city without conforming to all applicable provisions contained herein.

G. Shall comply with all floodplain requirements, if applicable.

### **8-5-18: MANUFACTURED/MOBILE HOME PARKS:**

#### **A. Standards:**

1. Placement of Homes or Buildings, Distance: Manufactured or mobile homes shall not be placed any closer than fifteen feet (15') to another manufactured or mobile home or building.
2. Accessory Structures, Distance: All accessory structures shall not be located any closer than fifteen feet (15') to another manufactured or mobile home or building which shall include, but not be limited to, structures attached to or located adjacent to a manufactured or mobile home such as awnings, carports, garages, porches or steps.
3. Adjoining Residential District; Yard: Where the manufactured or mobile home park boundaries adjoin a residential district without an intervening street, alley or other permanent open space at least twenty feet (20') in width, a yard of at least twenty feet (20') in minimum dimension shall be provided. Such yard may be used for open space but shall not contain parking areas, carports, recreational shelters, storage structures, or any other buildings.
4. Screening Along Park Borders: A screening wall or vegetation screening along the borders of the manufactured or mobile home park shall be provided.
5. Yard Size: An outdoor living or yard area shall be provided for each manufactured or mobile home. Such areas shall be at least ten percent (10%) of the individual lot but in no case shall such area be less than three hundred (300) square feet.
6. Compliance with Zoning And Floodplain Regulations: All manufactured or mobile home parks shall comply with all other applicable requirements of the zoning district and the requirements of the flood area regulations.
7. Street Standards: Manufactured or mobile home parks shall comply with the standards set by the local transportation authority.
8. Exterior Lighting: The park shall provide lighting at the entrance and other locations as may be determined by the administrator, necessary for public safety and welfare. Lights are to be installed that shall not obstruct the visibility of any oncoming traffic or trespass onto other properties. Lighting shall meet all requirements of this title relating to dark skies.
9. Drainage: Shall comply with ordinances of the city.
10. Common or Open Areas: All parks shall provide an open area at a ratio of 200 square feet per unit space for recreational purposes. Such areas shall provide playground equipment and other amenities for the youth residing in the park.
11. Recreational Buildings: All parks shall provide one recreational building per fifty (50) units to provide an area for family gatherings.
12. Recreational Vehicle Parking: All parks with fifteen (15) spaces or more shall provide one or

more parking areas for recreational vehicles for the occupants of the park. No such parking area shall be used or occupied for commercial purpose or by those not residing in the park. Such parking area shall meet the criteria outlined within this title.

13. Manufactured homes shall meet the minimum residential design standards as set forth in Chapter 8 of this title.

### **8-5-19: MINING, PIT OR QUARRY AND ACCESSORY PITS:**

A mine, pit or quarry that meets the standards of subsection C of this section shall be considered an accessory pit and shall be reviewed as a temporary use. Any other pit, mine, or quarry shall be reviewed as a conditional use.

#### **A. General Use Standards:**

1. All operations shall be subject to accepted safety conditions for the type of excavation being performed.
2. Asphalt mixing and concrete batching may only be allowed as accessory uses to a mine, pit, or quarry in an industrial area.
3. Extraction, movement, or stockpiling within the required yards shall be prohibited. The tops and toes of cut and fill slopes shall remain outside the required yards.
4. Areas where equipment is stored shall be deemed outdoor storage areas and shall meet all standards of this title. Such storage areas shall be constructed and maintained to prevent chemicals from discharging into surface or ground waters. Such chemicals shall include, but not be limited to, petroleum products, antifreeze, and lubricants.
5. The extraction area shall be watered daily to reduce dust impacts to surrounding properties. Haul roads shall have a durable and dust free surface and shall be graded to drain all surface water from the haul roads.
6. The mine, pit, or quarry shall comply with the regulations of flood hazards of this title, if applicable.
7. For any mine, pit, or quarry requiring a conditional use approval, the applicant shall provide addresses for all property owners within one thousand feet (1,000') of any property boundary of the proposed site and any additional area that may be substantially impacted by the use, as determined by the administrator.
8. The storage and/or disposal of solid waste on the proposed site shall be prohibited.
9. Upon reclamation of the final phase, all temporary structures shall be removed from the property, except for property line fences or walls. Any contaminated soils shall be properly recycled or disposed.
10. Truck routes and hauling times may be limited by Council to accommodate bus routes and school hours.

#### **B. General Design and Reclamation Standards:**

1. The applicant shall provide documentation (from the appropriate agency) that the proposed mine, pit, or quarry operation and reclamation plans comply with federal and state regulations in regard to air and water quality and site reclamation.
2. For a mine, pit, or quarry where the excavation area results in a pond, the following standards shall apply:
  - a. The extraction areas shall be designed to create a meandering edge.

- b. The applicant shall provide written documentation from Idaho fish and game that the proposed pond is designed to create viable fish and/or wildlife habitat.
- c. The applicant shall provide documentation from Central District Health department that the proposed pond shall not cause septic leach fields on abutting properties to fail.
- d. For the purposes of this section, a "pond" shall be defined as any mine, pit, or quarry area where the rehabilitation plan results in an area that contains water to within six feet (6') of the surface year-round, based on the base elevation.
- 3. Any riparian vegetation disturbed as part of the operation shall be replaced at a ratio of two to one (2:1). Replacement vegetation shall be native plant materials and shall meet all appropriate requirements of this title.
- 4. The applicant or owner shall comply with all requirements of "Best Management Practices For Mining In Idaho", published by the Idaho department of lands.
- 5. The pond shall be aeriated.

C. Standards For Accessory Pit Approval: The purpose of this use is to allow for gravel extraction and removal on a limited basis for the sole purpose of creating a water feature: 1) during the construction of an approved subdivision or development, or 2) a onetime creation of water feature(s) on certain, larger acreage parcels. The use shall be processed as a temporary use and shall meet the following:

- 1. The property has not received previous approval for a mine, pit, or quarry as a temporary use.
- 2. The maximum area of the extraction site for a water feature in a new subdivision or development shall be determined during the approval process for the development after taking into consideration issues including, but not limited to, no net loss mitigation. All other parcels shall have a maximum pond area no greater than ten percent (10%) for parcels ten (10) acres or less, and no greater than twenty percent (20%) for parcels over ten (10) acres of the gross area of the property.
- 3. The minimum parcel size for all properties other than new subdivisions and developments, shall be one (1) acres.
- 4. The proposed extraction activities for a subdivision or development shall be completed within two (2) years from commencement, unless additional time is granted by council. All other proposed extraction activities shall be completed within two (2) years from commencement.
- 5. The mine, pit, or quarry shall meet the standards in subsections A and B of this section.
- 6. Stockpiles shall be a maximum of fifteen feet (15') in height.
- 7. All operations shall take place between seven o'clock (7:00) A.M. and dusk or six o'clock (6:00) P.M. (whichever is earlier) Monday through Friday.
- 8. Asphalt and/or cement plants shall be prohibited on site, unless approved by Council as a conditional use permit.
- 9. Rock crushing shall be allowed as part of an accessory pit only as a separate conditional use permit approved by Council.
- 10. The pond shall be aerated.

D. Additional Standards for Conditional Use Approval:

- 1. The pit, mine, or quarry shall meet the standards in subsections A and B of this section.
- 2. The approved site plan shall include adequate parking and loading areas to accommodate the peak number of vehicles. Such areas shall not be within the required yards.
- 3. Rock crushing and/or asphalt mixing, and concrete batching may be allowed as an accessory

use only through this conditional use approval process.

4. The applicant shall show the extraction and reclamation phasing plan on the approved site plan.

5. The reclamation plan for each phase shall be implemented as soon as the subject area is depleted of resources or when the allowed time has ended (whichever occurs first).

6. The conditional use approval shall consider and/or establish a time frame for the extraction of material. For any proposal where the applicant requests an extraction period greater than two (2) years, the council shall review the status of the mine, pit, or quarry after 1.5 years and consider amendments or additions to the approval.

### **8-5-20: MULTI-FAMILY DWELLING/DEVELOPMENT:**

Multi-family developments with multiple properties shall be considered as one property for the purpose of implementing the standards set forth in this section.

A. Storage of Recreational Vehicles: No recreational vehicles, snowmobiles, boats or other personal recreation vehicles shall be stored on the site unless provided for in a separate, designated and screened area, and approved as part of the development.

B. Developments with Twenty Units Or More: Developments with twenty (20) units or more shall provide the following:

1. A property management office.
2. A maintenance storage area.
3. A map of the development at an entrance or convenient location for those entering the development.

C. Open Space Requirement (see also Chapter 8 “Architectural Review”).

1. The total land area of all common open space shall equal or exceed fifteen percent (15%) of the gross land area of the development. Ten percent (10%) of that area shall be usable open space.

2. Private Open Space: In addition to the common open space and site amenity requirements of this title, a minimum of eighty (80) square feet of additional, private, usable open space shall be provided for each residential unit not planned as single-family detached. This requirement can be satisfied through porches, patios, decks, and enclosed yards. Landscaping, entryway and other accessways do not count toward this requirement.

D. Amenities

1. The number of amenities shall depend on the size of multi-family development as follows:

- a. A multi-family development with less than twenty (20) units, two (2) amenities shall be provided from two (2) separate amenity categories.
- b. A multi-family development between twenty (20) and seventy-five (75) units, three (3) amenities shall be provided, with one from each amenity category.
- c. A multi-family development with seventy-five (75) units or more, four (4) amenities shall be provided, with at least one from each amenity category.
- d. A multi-family development with more than one hundred (100) units, the Council shall require additional amenities commensurate to the size of the proposed development.



2. Amenity Categories. The council may consider other amenities in addition to those listed below.

- a. Clubhouse.
- b. Fitness facilities -Indoor/Outdoor.
- c. Enclosed bike storage.
- d. Public art.
- e. Covered bus stops as approved by the School District or Regional Transportation Authority.
- f. Ponds or water features.
- g. Plaza.
- h. Recreation areas.
- i. Pool.
- j. Walking trails and/or bike paths.
- k. Children's play structures.
- l. Sports courts.
- m. Natural Areas (as approved by Council).
- n. RV parking for the use of the residents within the development.
- o. Additional open space in excess of 5% usable space.
- p. School and/or Fire station sites if accepted by the district.
- q. Pedestrian or bicycle circulation system amenities meeting the following requirements:
  - (1) The system is not required for sidewalks adjacent to public right of way;
  - (2) The system connects to existing or planned pedestrian or bicycle routes outside the development; and
  - (3) The system is designed and constructed in accord with standards set forth by the city of Star

E. Maintenance and Ownership Responsibilities: All multi-family developments shall record legally binding documents that state the maintenance and ownership responsibilities for the management of the development, including, but not limited to, structures, parking, common areas, and other development features.

F. Architectural standards in Chapter 8 shall be applied to all multi-family developments.

#### **8-5-21: NURSING OR RESIDENTIAL CARE FACILITIES:**

A. General standards: If the use results in more than ten (10) persons occupying a dwelling at any one time, the applicant or owner shall concurrently apply for a change of occupancy as required by the building code in accord with title 7 of this code.

1. The owner and/or operator of the facility shall secure and maintain a license from the state of Idaho department of health and welfare facility standards division.

B. Additional standards for uses providing care to children and juveniles under the age of eighteen (18) years:

1. All outdoor play areas shall be completely enclosed by a minimum six foot (6') non-scalable fence to secure against exit/entry by small children and to screen abutting properties. The fencing material shall meet the swimming pool fence requirements of the building code in accord with this code.

2. Outdoor play equipment over six feet (6') high shall not be located in a front yard or within any required yard.
3. Outdoor play areas in residential districts or uses adjacent to an existing residence shall not be used after dusk.

C. Additional standards for uses providing care to patients who suffer from Alzheimer's disease, dementia or other similar disability that may cause disorientation: A barrier with a minimum height of six feet (6'), along the perimeter of any portion of the site that is accessible to these patients shall be provided. The fencing material shall meet the swimming pool fence requirements of the building code in accordance with this code.

#### **8-5-22: PUBLIC INFRASTRUCTURE; PUBLIC UTILITY MAJOR, MINOR AND YARD:**

- A. Accessory uses directly related to the maintenance and fueling of vehicles (including, but not limited to, truck and trailer washing, fuel pumps, garages for minor repair) may be allowed.
- B. Installation of underground fuel tanks shall require written approval from the Idaho division of environmental quality, Idaho department of water resources, and Star joint fire protection district.
- C. No portion of the outside storage areas and/or outside activity areas may be visible from any highway, interstate, gateway corridor, principal arterial, or minor arterial as herein defined.
- D. All driveways into and through the facility and any open area with a driving surface shall be surfaced with a dustless material including, but not limited to, asphalt, concrete, pavers or bricks.
- E. For any use requiring the storage of fuel or hazardous material, the use shall be located a minimum of one thousand feet (1,000') from a hospital or school.

#### **8-5-23: RECYCLING CENTER:**

- A. The site shall be screened from the street(s) by a screen composed of a masonry or concrete wall planted on the exterior side with a vegetative screen. The screen shall be of sufficient height so that no storage containers shall be visible above the required screening. This shall include recycling program drop-off areas and facilities.

#### **8-5-24: RIDING ARENA OR STABLE, COMMERCIAL:**

- A. Any establishment that meets one or more of the following criteria shall be deemed a commercial use and shall require conditional use approval:
  1. The riding arena is open to the general public, a homeowners' association or a club.
  2. The riding arena is for private use but is enclosed within a structure that exceeds twenty-four feet (24') in height and/or the total area of the structure exceeds two thousand (2,000) square feet.
  3. The riding arena can be rented by an individual or group.

4. Spectator seating for more than fifty (50) people is provided at the arena.
  5. Retail sales accessory to the stable or riding arena are conducted on site.
  6. Group lessons are provided to the general public for a fee.
- B. All commercial riding arenas and commercial stables shall provide sufficient parking and turnaround areas for horse trailers. Such areas shall be designed to preclude vehicles from backing out into a roadway.
- C. The minimum property size for commercial stables or commercial riding arenas shall be five (5) acres.
- D. Only off-site catering is permitted and must be approved by the Central District Health Department.

#### **8-5-25: SECONDARY DWELLING UNIT:**

A. One Secondary Dwelling Unit Permitted: One secondary dwelling unit is permitted on the same property in conjunction with and clearly subordinate to a single-family dwelling. The secondary dwelling unit may either be attached to the primary dwelling or detached. A secondary dwelling unit shall not be allowed in any zoning district of R-4 or higher. The A detached secondary dwelling unit shall count towards the maximum allowance of accessory structures on a lot or parcel as further defined in 8-1E-1 of this title.

B. Owner Occupancy: To create and maintain a secondary dwelling unit, the property owner shall reside on the property for more than six (6) months in any twelve (12) month period. The applicant for a secondary dwelling unit shall demonstrate that either the single-family dwelling or the secondary unit is occupied by the owner of the property. Owner occupancy is demonstrated by title records, vehicle registration, voter registration or other similar means. The applicant or owner shall provide a written statement annually (12 months from date of approval) stating that the use of the secondary dwelling is continuing in compliance with this requirement. Secondary dwelling units shall not be split or otherwise segregated in ownership from the single-family dwelling unit, unless approved as part of a new subdivision, where setback, access and density standards are applied.

C. Maximum Size: Secondary dwelling units shall be limited to a maximum size of 50% of the footprint (including any attached garage) of the primary dwelling.

D. Location: The secondary dwelling unit may be located within or attached to the primary dwelling; as a detached structure; or above a detached structure, such as a garage. Detached secondary dwelling units shall be located to the side or rear of a primary dwelling. No portion of the secondary dwelling unit shall be located in front of the primary dwelling unit and must meet all setback requirements as stated in this unified development code.

E. Parking: At least one parking space shall be provided on site for the accessory dwelling unit in addition to the required parking for the existing residential unit. The conversion of a covered parking area (garage/carport) into a secondary dwelling unit is not allowed unless the required

covered parking can be provided elsewhere on site.

F. Property size: The subject property must be a minimum of ten thousand (10,000) square feet in size.

G. Design: The secondary unit shall be consistent in design with the single-family dwelling, including roof pitch, siding, color, materials, and window treatments.

H. Prohibitions: Manufactured homes, mobile homes, and recreation vehicles shall be prohibited for use as a secondary dwelling unit.

I. Number of Occupants: The total number of occupants in the secondary dwelling unit shall not exceed two persons.

J. Street Address: The secondary dwelling shall not have its own street address, unless required by the Fire Department for emergency response purposes, and as approved by the administrator and postmaster.

**K. Additional Standards:**

An existing detached accessory structure may be converted to a secondary dwelling, provided that the structure meets all applicable requirements of the Star building code, including any applicable plumbing or electrical code requirements. A required detached garage shall not be converted into a secondary dwelling unit.

**8-5-26: SHORT-TERM RENTAL:**

- A. The property where a short-term rental exists shall provide a minimum of one (1) additional, paved, off-street parking space in addition to the required spaces for the principal use. On-street parking shall be prohibited.
- B. Short-term rentals shall not modify the look or character of the principal permitted use in any way.

**8-5-27: STORAGE FACILITY, OUTDOOR:**

A. Materials: Materials shall not be stored within the required yards. Stored items shall not block sidewalks or parking areas and may not impede vehicular or pedestrian traffic.

B. Site: The site shall not be used as vehicle wrecking or junk yard as herein defined.

C. Additional Standards for Outside Storage As An Accessory Use: Accessory outside storage shall be allowed for approved uses subject to the following standards:

- 1. Outside storage of materials for commercial or industrial uses shall be limited to those items owned or used by the business.
- 2. Outside storage of materials for a residential development or recreational vehicle parking shall be only for recreational vehicles or personal recreation items of the owners and/or tenants. The storage area shall not be rented, subletted or leased to outside parties.



a. Subdivision Storage Areas: Outdoor storage areas that are designed as part of a new subdivision shall be reviewed as part of the preliminary plat or planned unit development application and shall meet the requirements of this article.

3. Outside storage of materials for individual residential properties shall be screened with a six-foot (6') site obscuring fence.

D. Storage Of Fuel Or Hazardous Material: For any use requiring the storage of fuel or hazardous material, the use shall be located a minimum of one thousand feet (1,000') from a hospital or school and shall not be stored in any residential district.

E. The use shall comply with the flood hazard overlay district as set forth in this title.

F. Storage space areas shall not be further rented, leased, let, or otherwise used as a commercial business.

G. Screening: Outdoor storage areas shall be screened according to the regulations of Chapter 8 of this title.

**8-5-28: STORAGE FACILITY, SELF-SERVICE:**

A. Storage units and/or storage areas shall not be used as dwellings or as a commercial or industrial place of business. The manufacture or sale of any item by a tenant from or at a self-service storage facility is specifically prohibited.

B. On site auctions of unclaimed items by the storage facility owners shall be allowed.

C. The distance between structures shall be a minimum of twenty-five feet (25').

D. The storage facility shall be completely fenced, walled, or enclosed. Where abutting a residential district or public road, chain-link shall not be allowed as fencing material.

E. If abutting a residential district, the facility hours of public operation shall be limited to seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M.

F. No structure, facility, drive lane, parking area, nor loading area, shall be located adjacent to a residential district without a sound attenuation wall or other sound buffering measures.

G. If the applicant provides a sound attenuation wall, landscaping buffers may be reduced to ten feet (10').

H. The facility shall have at least one additional point of access, for emergency purposes, as determined by the Star Fire District.

I. All outdoor storage of material shall be maintained in an orderly manner so as not to create a public nuisance. Materials shall not be stored within the required yards. Stored items shall not block sidewalks or parking areas and may not impede vehicular or pedestrian traffic.

J. The site shall not be used as vehicle wrecking or junk yard as herein defined.

K. For any use requiring the storage of fuel or hazardous material, the use shall be located a minimum of one thousand feet (1,000') from a hospital or school.

L. The use shall comply with the flood hazard overlay district as set forth in this title.

#### **8-5-29: TEMPORARY LIVING QUARTERS:**

A. Housing of Family Member: Temporary living quarters are permitted if needed to house a member of the owner's immediate family. The need for temporary living quarters for a family member shall be justified for reasons of health, employment, or upkeep on the property.

B. Temporary use during construction: Temporary living quarters may be permitted for temporary living by the owner of an existing dwelling while a new dwelling is being constructed on the same property, subject to compliance with all building and safety requirements. The temporary living quarters shall be removed prior to occupancy permit for the new dwelling.

B. Connection to Water and Wastewater Facilities: The temporary living quarters shall be connected to city services provided by the sewer and water district. Applicant shall provide the city with a letter from the sewer and water district of an estimated date when the services will be available and the agreement by applicant to pay for services. Until services are available, a letter from Central district health will be required for temporary hookup to individual water and sewer services.

C. Recreational vehicles shall not be used as a temporary living quarters.

D. One Living Quarters Permitted: No more than one temporary living quarters shall be permitted on a property.

E. Termination of Use; Removal: Temporary living quarters and any attached structures shall be removed from the property within thirty (30) days of termination of the authorized use or expiration of the approval period.

F. Term Of Approval: Temporary living quarters may be approved for a period not exceeding two (2) years. The applicant or owner may reapply biennially, not to exceed a total of six (6) years (either consecutive or nonconsecutive) after the initial approval.

#### **8-5-30: TERMINAL, FREIGHT OR TRUCK:**

A. The use shall be located with direct access on a principal arterial or near an interstate interchange, and with no access through residential streets.

B. No outdoor activity area shall be located within three hundred feet (300') from any residential district.

C. The use shall be located a minimum of one thousand feet (1,000') from any hospital or school.

D. Accessory uses directly related to the maintenance and fueling of vehicles (including, but not limited to, truck and trailer washing, fuel pumps, tire shop, garages for minor repair) may be allowed.

E. Installation of underground fuel tanks shall require written approval from the Idaho division of environmental quality, Idaho department of water resources, and the Star joint fire protection district.

#### **8-5-31: VEHICLE EMISSIONS TESTING:**

A. Applicant shall provide a notarized consent of the property owner.

B. Parking and access areas shall be paved.

C. Applicant shall apply for a certificate of zoning compliance (CZC), any required building department and vendor permits.

D. Signs shall be allowed on the structure and shall not exceed sixteen (16) square feet in area and must be approved with a sign permit application. Additional signs may be allowed within an existing development only if approved under a separate sign permit application by the development owner.

E. Compressors, fans, pumps and other motorized equipment shall be located or shielded to reduce noise levels to adjoining properties.

F. Adequate off-street parking shall be provided to serve the use. The use shall not remove any existing required parking for other uses on the property.

G. Hours of operation shall be between seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.

H. If operations occur after dark, all lighting requirements per this title shall be required.

I. Site shall remain clean and clear of trash and refuse at all times. A trash receptacle shall be present at the site of operations.

J. Vehicle emissions testing shall be limited to a structure. Vans or other vehicles shall not be allowed. The structure shall be constructed of wood with a pitched roof, painted, and kept in good condition at all times.

K. The use may be approved for up to a five (5) year period, at which time the structure and all associated items related to the use shall be removed from the property, unless a new application is submitted prior to the expiration of the use.

#### **8-5-32: VEHICLE IMPOUND YARD:**

A. Outside storage and outside activity areas shall comply with this title. The closed vision fence or wall and screening materials shall be a minimum of ten feet (10') in height.

B. No portion of the vehicle impound yard, outside storage areas and/or outside activity areas may be visible from any highway, interstate, gateway corridor, principal arterial, or minor arterial as herein defined.

C. All materials or parts shall be stored and located within the closed vision fence or walled area. No vehicles or materials shall be stored so they exceed the height of the fence or wall.

D. The use shall not constitute a junkyard as herein defined.

E. The use shall be located a minimum of one thousand feet (1,000') from any residential use or district.

#### **8-5-33: VEHICLE REPAIR, MAJOR AND MINOR:**

A. Where adjoining a residential property or district, all repair activities (including, but not limited to, open pits and lifts) shall occur within an enclosed structure.

B. Inoperable or dismantled motor vehicles shall be stored behind a closed vision fence, wall, or screen or within an enclosed structure and shall not be visible from street.

#### **8-5-34: VEHICLE SALES OR RENTAL AND SERVICE:**

A. Vehicle repair may be allowed as an accessory use, subject to the standards for vehicle repair, major and minor in the district where the use is located.

B. Inoperable or dismantled motor vehicles shall be stored behind a closed vision fence, wall, or screen or within an enclosed structure and shall not be visible from any street.

#### **8-5-35: VEHICLE WASHING FACILITY:**

A. A site plan shall be submitted that demonstrates safe pedestrian and vehicular access and circulation on the site and between adjacent properties. At a minimum, the plan shall demonstrate compliance with the following standards:

1. Stacking lanes shall have sufficient capacity to prevent obstruction of the public right of way by patrons. The stacking lane shall be a separate lane from the circulation lanes needed for access and parking.
2. The stacking lane shall not be located within ten feet (10') of any residential district or existing residence.
3. A letter from the transportation authority indicating the site plan is in compliance with the highway district standards and policies shall be required.

B. Within the industrial districts, a vehicle washing facility shall be allowed only as an accessory



use to a gasoline or diesel fuel sales facility for use by non-passenger vehicles. The vehicle washing facility shall be limited in capacity to a single vehicle. The intent is to discourage facilities that cater to passenger vehicles, in this district.

C. Any use shall be located a minimum one hundred feet (100'), or as otherwise approved, from any abutting residential use or district, and shall be limited in operating hours from six o'clock (6:00) A.M. to ten o'clock (10:00) P.M.

#### **8-5-36: VEHICLE WRECKING YARD, JUNK YARD, OR SALVAGE YARD:**

A. Outside storage and outside activity areas shall comply with this title. The fence or wall and screening materials shall be a minimum of ten feet (10') in height.

B. No portion of the vehicle impound yard, outside storage areas and/or outside activity areas may be visible from any highway, interstate, principal arterial, or minor arterial.

C. All materials or parts shall be stored and located within a closed vision fence or walled area. No vehicles or materials shall be stored so they exceed the height of the fence or wall.

D. All structures or outside activity areas shall be located a minimum of three hundred feet (300') from any property line. The use shall be located a minimum of one thousand feet (1,000') from any residential use or district.

E. An area for processing vehicles as they are brought to the site shall be designated on a site plan. The processing area shall be an impermeable surface that has a means to collect and properly dispose of oils and fluids in the vehicles.

F. The applicant shall obtain all necessary permits for the storage of materials on the site, including, but not limited to, oil, hazardous waste, and tires.

G. No person shall establish, operate, or maintain a vehicle wrecking yard, any portion of which is within one thousand feet (1,000') of the nearest edge of the right of way and visible from any highway, interstate, principal arterial, or minor arterial as herein defined. See Idaho Code section 40-313.

#### **8-5-37: WIRELESS COMMUNICATION FACILITY:**

A. Purpose: The purpose of this section is to accommodate the communications needs of its residents and businesses while at the same time protecting the safety, aesthetic appeal and general welfare of the community. Furthermore, it is the purpose of this section to regulate the impact of communications towers within the city limits and to provide for the needs of the public and businesses for wireless communications. The intent of this section is to:

1. Facilitate the provision of wireless telecommunication services to the residents and businesses of the City of Star;
2. Minimize the adverse visual effects of communications towers and other similar structures through careful design standards;

3. Avoid potential damage to adjacent properties from the structural failure of towers and other such structures through structural standards and setback requirements; and
4. Require the collocation of new wireless communication equipment, when possible, in order to reduce the number of towers required to serve the city.

B. Applicability: The following provisions shall apply to any construction, installation, addition to or increase in the height of any wireless communications tower.

C. Process:

1. Amateur radio antennas that meet the standards as set forth in subsection E of this section shall require administrative approval.
2. Collocation of new equipment on an existing tower shall require a certificate of zoning compliance prior to installation.
3. Stealth towers and/or new antennas that meet the standards as set forth in this chapter shall require a certificate of zoning compliance prior to installation.
4. Wireless communication facilities shall require a conditional use permit in all districts with the exception of an industrial zone, which will require a certificate of zoning compliance, prior to installation.

D. Required Documentation: The applicant shall provide the following documentation with the request for approval of a wireless communication facility:

1. Documentation from a qualified and licensed engineer showing that the proposed facility will be in compliance with the FCC standards regarding radio frequency (RF) emissions.
2. A report from a qualified and licensed structural engineer that describes the tower height and design. The report shall include the following: a cross section of the tower, elevations that document the height above grade for all potential mounting positions for collocated antennas, and the minimum separation distances between antennas. The report must also include a description of the tower's capacity regarding the number and type of antennas that it can accommodate and what precautions the applicant will take to avoid interference with established public safety telecommunications. This report must be stamped by the structural engineer and include other information necessary to evaluate the request.
3. For all wireless communication facilities, a letter of intent committing the tower owner and his, her or its successors to allow the shared use of the tower, as required by this section, if an additional user agrees in writing to meet reasonable terms and conditions for shared use.
4. A statement regarding compliance with regulations administered and enforced by the federal aviation administration (FAA).
5. Propagation charts showing existing and proposed transmission coverage at the subject site and within an area large enough to provide an understanding of why the facility needs to be in the chosen location.
6. A written analysis demonstrating that the proposed site is the most appropriate site within the immediate area. The analysis shall include, but is not limited to, the following:
  - a. Description of the surrounding area, including topography;
  - b. Natural and manmade impediments, if any, that would obstruct adequate wireless telephone transmissions;
  - c. Physical site constraints, if any, that would preclude construction of a wireless communications facility on any other site;

d. Technical limitations of the system that limit siting options.

E. Amateur Radio Antenna Standards: Pursuant to the FCC's preemptive ruling PRB 1, towers supporting amateur radio antennas (i.e., ham radio antennas) of less than **thirty-five** feet (35') in height are permitted; antennas with a height in excess of **thirty-five** feet (35') shall require a conditional use permit. No towers or antennas shall be placed within the front, side or street side yard.

F. Stealth Tower Standards:

1. The facility shall be hidden or camouflaged.
2. The facility shall not exceed the height limitation of the district in which it is located.

G. Design Standards: All new communications towers shall meet the following minimum design standards:

1. Towers and antennas shall be required to blend into the surrounding environment by paint or other camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities such as the federal aviation administration. All metal shall be corrosive resistant or treated to prevent corrosion.
2. All new communication towers shall be of monopole design, unless the decision-making body determines that an alternative design (i.e., lattice, guywire, etc.) would be appropriate because of location or necessity.
3. No part of any antenna, disk, array or other such item attached to a communications tower shall be permitted to overhang any part of the right of way or property line.
4. The base of all towers and the facility shall be surrounded by a sight obscuring security fence, in accord with the underlying zone.
5. All tower facilities shall include a landscape buffer. The buffer shall consist of a landscape strip of at least five feet (5') wide outside the perimeter of the compound. A minimum of fifty percent (50%) of the plant material shall be of an evergreen variety. In locations of where the visual impact of the tower is minimal, the administrator may waive this requirement through the alternative compliance procedure in accord with chapter 1, "Administration", of this title.
6. All climbing pegs within the bottom twenty feet (20') of the tower shall be removed except when the tower is being serviced.
7. All lighting on the tower, other than may be required by the FAA, shall be prohibited.
8. No tower shall have constructed thereon, or attached thereto, in any way, any platform, catwalk, crow's nest, or like structure, except during periods of construction or repair. No signs or banners shall be attached to any portion of a wireless communications tower.

H. Setback Standards: If the tower does not exceed the maximum building height allowed for the zoning of the land upon which it is to be placed, the tower shall meet the setback requirement for that zone, with the following exceptions:

1. If the property is located next to a residential district, the setback requirements shall be one hundred twenty five percent (125%) of the height of the tower.
2. If the tower exceeds the maximum height allowance for the district, the setback requirements shall be one foot (1') for every ten feet (10') of tower height, in addition to the district's setback requirements.
3. If the tower is not constructed to meet the standards set forth by the Telecommunications

Industry Association Electronic Industries Association (TIA/EIA) 222 revision F standards entitled "Structural Standards For Steel Antenna Supporting Structures" the setback requirement shall be one foot (1') for every foot in height of the tower. This shall be measured from all property lines and shall be referred to as the "fall zone". Only the accessory equipment building shall be permitted to be located within the fall zone.

4. Communication towers must be set back from all public owned right of way by a minimum of two (2) times the height of the tower to be installed. If this setback requirement is in conflict with any other setback requirement, the setback shall be the greater distance.

5. All communication towers shall be set back at least three (3) times the height of the tower from all principal arterial streets.

#### I. Collocation Standards:

1. A proposal for a new commercial communication tower shall not be approved unless the city finds that the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower.

2. It shall be the burden of the applicant to demonstrate that the proposed tower or antenna cannot be accommodated on an existing or approved tower or structure. One or more following pieces of documentation shall be provided as proof that the new tower is necessary:

a. Unwillingness of other tower or facility owners to entertain shared use.

b. The proposed collocation of an existing tower or facility would be in violation of any state or federal law.

c. The planned equipment would exceed the structural capacity of existing towers, as documented by a qualified and licensed structural engineer.

3. The planned equipment would cause interference, materially impacting the usability of other existing or planned equipment on the tower as documented by a qualified and licensed engineer.

4. Existing or approved towers cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed engineer.

5. All proposed communication towers shall be designed (structurally, electrically, and in all respects) to accommodate both the applicant's antennas and comparable antennas for at least two (2) additional users if the tower is over one hundred ten feet (110') in height and for at least one additional user if the tower is over fifty feet (50') in height.

J. Abandoned or Unused Towers Or Portions Of Towers: All abandoned or unused towers and associated facilities shall be required to be removed within sixty (60) days of cessation of use as a wireless communication facility, unless a time extension is granted by the city council. A copy of the relevant portions of a signed lease, which requires the applicant to remove the tower and associated facilities upon cessation of the use as a wireless communication facility, shall be submitted at the time of application and resubmitted upon renewal or termination. In the event that the tower and associated facilities are not removed within the sixty (60) days, the tower and associated facilities may be removed by the city and the costs of removal assessed against the real property.



CHAPTER 6

SUBDIVISION REGULATIONS

ARTICLE A. SUBDIVISION PURPOSE AND PROCESS

- 8-6A-1: PURPOSE:
- 8-6A-2: APPLICATIONS:
- 8-6A-3: PRELIMINARY PLAT PROCESS:
- 8-6A-4: FINAL PLAT PROCESS:
- 8-6A-5: COMBINED PRELIMINARY AND FINAL PLAT PROCESS:
- 8-6A-6: SHORT PLAT-LAND DIVISION
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- 8-6A-8: TERM OF APPROVALS:
- 8-6A-9: PROPERTY BOUNDARY ADJUSTMENT OR DIVISION:

8-6A-1: PURPOSE:

The purpose of this chapter shall be to implement a general rule for the subdivision of the land in the Star city limits and the area of city impact. This chapter shall be based on the officially adopted comprehensive plan of the city and is enacted in order to promote and protect the public health, safety, comfort, convenience, prosperity, and general welfare and to achieve the following objectives:

- A. To promote the achievement of the proposals of the Star comprehensive plan;
- B. To advance the city as a self-sufficient employment and economic center;
- C. To encourage excellence and creativity in the design of all future developments and to preserve the natural beauty of Star;
- D. To encourage orderly growth and development, to avoid scattered development of land that results in:
  - 1. Lack of water supply, sewer service, drainage, transportation facilities, or otherwise essential public services; or
  - 2. Excessive expenditure of public funds for the supply of such services;
- E. To provide for desirable and appropriately located living areas and a variety of dwelling types and densities with adequate provision for sunlight, fresh air, and usable open space;
- F. To provide for the manner and form of making and filing of plats;
- G. To specify the requirements as to the extent and the manner in which:
  - 1. Roads and streets shall be created and improved;
  - 2. Water and sewer and other utility mains, piping connections, or other facilities shall be installed;

3. Pedestrian pathways consistent with the comprehensive plan are to be located and designed;  
and
4. Opportunities for future transit routes and stations are created;

H. To protect existing surface waters throughout the city limits; and

I. To specify the administration of the regulations of this chapter by defining the powers and duties of approval authorities.

### **8-6A-2: APPLICATIONS:**

Applicants shall submit to the administrator an appropriate city application and required information listed on the application and specified within this title.

### **8-6A-3: PRELIMINARY PLAT PROCESS:**

A. Preapplication Conference: The applicant shall complete a preapplication conference with the administrator or designee prior to submittal of an application for a preliminary plat. The purpose of this meeting is to discuss early and informally the purpose and effect of this title and the criteria and standards contained herein.

B. Neighborhood Meeting: Applicants are required to hold a neighborhood meeting, in conformance with Section 8-1A-6C to provide an opportunity for public review of the proposed project prior to the submittal of an application. The applicant shall provide a summary of the meeting, including questions and concerns of the neighbors and how the submitted application addresses those issues.

C. Application Requirements: A complete subdivision application form and preliminary plat data as required in this title, together with fees shall be submitted to the administrator. At the discretion of the administrator or city engineer, appropriate supplementary information may also be required to sufficiently detail the proposed development within any special development area, including, but not limited to, hillside, planned unit development, floodplain, cemetery, manufactured home parks, and/or hazardous or unique areas of development. Any unresolved access or traffic generation issues related to ACHD/CHD4 or ITD regulated roadways shall be resolved by the applicant prior to acceptance of any application. A letter from the appropriate transportation agency or servient property owner shall be submitted with the application.

D. Required Information and Data: The contents of the preliminary plat and related information shall be in such a form as stipulated by the City Council, however, additional maps or data deemed necessary by the administrator may also be required. The applicant shall submit to the administrator at least the following:

1. Two (2) copies of the preliminary plat of the proposed subdivision, drawn in accordance with the requirements hereinafter stated. Each copy of the preliminary plat shall be submitted on good quality paper, be professionally drafted, shall have the dimensions of not less than **twenty-four** inches by **thirty-six** inches (24" x 36"), and shall be drawn to a

scale of not less than one inch to one hundred feet (1"=100') and contain a drafting date and north arrow.

2. For hillside developments, one (1) bound copy of the preliminary engineering plans (not meant to be cross sections or detailed designs) showing streets, water, sewers, sidewalks, and other required public improvements, together with preliminary site grading, drainage and irrigation plans of the proposed subdivision. Such engineering plans shall contain sufficient information and detail to make a determination as to conformance of the proposed improvements to applicable regulations, ordinances and standards.
3. Two (2) copies of a landscape plan showing all open space, common areas, amenities, street trees and development signage;
4. Additional information on the preliminary plat and separately submitted information to include the following:
  - a. The name of the proposed subdivision, as approved in advance by the Ada County Engineering office;
  - b. The name, address, telephone and email of the applicant, developer, engineer and surveyor or drafter who prepared the preliminary plat;
  - c. The names and addresses of all adjoining property owners and recorded plats within three hundred feet (300') of the external boundaries of the land being considered for subdivision.
  - d. The land use and existing and proposed zoning of the proposed subdivision and the adjacent land;
  - e. Streets, street names, rights of ways and roadway widths, including adjoining streets or roadways;
  - f. Lot lines and blocks showing the dimensions and numbers of each, together with area of each lot in acres and square feet;
  - g. Contour lines, shown at five-foot (5') intervals where the land slope is greater than ten percent (10%) and at two-foot (2') intervals where land slope is ten percent (10%) or less, referenced to an established benchmark, including location and elevation;
  - h. Any proposed or existing utilities, including, but not limited to, power poles, storm and sanitary sewers, irrigation laterals, ditches, bridges, culverts, water mains and fire hydrants;
  - i. Any flood zone information including FEMA FIRM panels;
  - j. The legal description of the boundary of the property being subdivided with the seal of the surveyor of record;
  - k. Phasing plan showing all proposed phases of the development;
  - l. Preliminary irrigation analysis showing availability of water rights and distribution of irrigation to the lots within the proposed subdivision, or waiver request;
  - m. One (1) copy of a site report of the highest seasonal groundwater elevation prepared by a licensed engineer;
  - n. A narrative, signed by the applicant, fully describing the proposed subdivision,

including such information as number and type of uses on the lots (residential single, two or multi-family, commercial, etc.), common lots and the proposed uses of those lots (open space, parks, playgrounds, landscaping, or other uses) and any other information deemed necessary to explain the intent of the development including how it relates to other concurrently submitted applications (annexations, rezones, PUD's, CUP's, etc.).

- o. Neighborhood meeting information including sign-in sheet, copy of meeting letter, copy of mailing labels, and detailed summary of neighbor questions and concerns and how the development has been designed to address those concerns;
  - p. A vicinity map showing the relationship of the proposed plat to the surrounding area (1/2-mile radius);
  - q. Deeds, affidavit of legal interest, address labels, postal service location approval, ACHD/~~CHD4~~/ITD traffic study review status, electronic copies, or any other required information deemed necessary by the administrator to allow for proper review of the application;
  - r. A conceptual site plan shall be submitted for any non-residential developments showing building locations, parking and loading areas, traffic access drives and traffic circulation and trash enclosure locations;
  - s. Any additional required information for special area of developments including, but not limited to hillsides, wetlands or as further specified in this Title.
5. Additional information in the application as determined by the administrator may include the following:
- a. Building elevations, including multi-family uses, non-residential uses, clubhouses, well houses, or other elevations deemed necessary to assist the Council in their decision regarding a development;
  - b. Colored site plan and renderings of a subdivision detailing residential lot locations, open space and common areas, buffers, roadways, waterways and irrigation ditches, fencing, signs and landscaping.

E. Acceptance: Upon receipt of the preliminary plat, and compliance with all other requirements as provided for herein, the administrator shall certify the application as complete and shall affix the date of acceptance.

F. Decision: A decision on a preliminary plat for a parcel of land is made by the City Council after receiving a recommendation from the administrator and a public hearing is held.

#### **8-6A-4: FINAL PLAT PROCESS:**

A. Application Requirements: After the approval or conditional approval of the preliminary plat, the applicant may cause the total parcel, or any part thereof, to be surveyed and a final plat prepared in accord with the approved preliminary plat. An application and fees shall be submitted to the administrator on forms provided by the City.

B. Contents of Final Plat: The final plat shall include and be in compliance with all items required under Idaho Code section 50-1301 et seq. The final plat submittal shall include at least:



1. A written application for approval of such final plat as stipulated by the council;
2. Proof of current ownership of the real property included in the proposed final plat and consent of recorded owners of the plat;
3. Such other information as the administrator or designee and/or city engineer may deem necessary to establish whether or not all proper parties have signed and/or approved said final plat;
4. Conformance with the approved preliminary plat and meeting all requirements or conditions thereof;
5. Conformance with all requirements and provisions of this title; and
6. Conformance with acceptable engineering, architectural and surveying practices and local standards.

**C. Administrator Review:**

1. Acceptance: Upon receipt of the final plat, and compliance with all other requirements as provided for herein, the administrator shall certify the application as complete and shall affix the date of acceptance.
2. Substantial Compliance:
  - a. The administrator or designee shall review the final plat for substantial compliance with the approved or conditionally approved preliminary plat. The final plat shall be determined in substantial compliance with the preliminary plat, notwithstanding the following changes:
    - (1) The number of buildable lots is the same or fewer;
    - (2) The amount of common open space has been increased or is the same;
    - (3) The amount of open space is relocated with no reduction in the total amount;
    - (4) The number of open space lots has been increased or is the same; or
    - (5) The transportation authority has required minor changes.
3. Not in Substantial Compliance: If the administrator determines that there is substantial difference in the final plat than that which was approved as part of the original a-preliminary plat process, the intent of the development, or conditions that have not been met, the administrator may require that a new preliminary plat be submitted to the city.

**D. Decision on Final Plat:** Decision on the final plat is made by the City Council.

**E. Recording of The Final Plat:** Upon approval or approval with conditions by the council and signature of the city clerk and city engineer, the applicant may submit the final plat to the county recorder for recording. The final plat shall contain the certifications required under Idaho Code section 50-1301 et seq., as well as those required by the city of Star.

**8-6A-5: COMBINED PRELIMINARY AND FINAL PLAT PROCESS:**

- A. Applicability:** A subdivision application may be processed as both a preliminary and final plat if all of the following exist:
1. The proposed subdivision does not exceed five (5) lots (excluding common and/or landscaping lots); or a previous plat was approved on the subject property; and
  2. No new street dedication, excluding widening of an existing street, is required; and
  3. No major special development considerations are involved, such as development in a floodplain or hillside development.

4. The proposed property is not eligible for a Short Land Division as per the requirements of subsection 8-6A-6B.

B. Preapplication Conference: The applicant shall complete a preapplication conference with the administrator prior to submittal of an application for a combined preliminary and final plat. The purpose of this meeting is to discuss early and informally the purpose and effect of this title and the criteria and standards contained herein.

C. Neighborhood Meeting: Applicants are required to hold a neighborhood meeting, in conformance with Section 8-1A-6C, to provide an opportunity for public review of the proposed project prior to the submittal of an application. The applicant shall provide a summary of the meeting, including questions and concerns of the neighbors and how the submitted application addresses those issues.

D. Application Requirements: Applications and fees, in accord with subsection 8-6A-3 of this article shall be submitted.

E. Contents of Final Plat: The final plat shall include all items required in subsection 8-6A-4B of this article or any additional items required by the Administrator.

F. Decision: A decision on a combined preliminary and final plat is made by the city council.

**8-6A-6: SHORT PLAT LAND DIVISION PROCESS:**

- A. Purpose: The purpose of the Short Land Division process is to allow the creation of up to four buildable parcels without being subject to the procedural provisions of the Preliminary and Final Plat regulations of this title. A Record of Survey, application and the appropriate fee are required for a Short Land Division of a lot, tract or parcel of land.
- B. Applicability: A ~~subdivision~~ Short Land Division must meet the following conditions application for a short plat may be processed if:
  - 1. These regulations apply to all existing lots and parcels in Star city limits of record, as it exists in its original configuration in the City of Star after December 12, 1997, or a lot as it exists in an approved subdivision after December 12, 1997. It shall be the responsibility of the applicant to provide proper proof to the administrator showing eligibility for this property division.
  - 2. The existing zoning designation of the property allows for the proposed density associated with the Short Land Division. A residential property that needs a rezone or annexation does not qualify.
  - 3. The property is an original lot in a recorded subdivision; No Short Land Division shall create more than 4 new parcels;
  - 4. The property is not the result of a previous short plat of a lot and/or the property is not the result of an approved parcel division by Ada or Canyon County Development Services; No property involved in a Short Land Division shall be involved in a subsequent Short Land Division;

5. The proposed subdivision does not exceed a total of two (2) lots on a previously platted property or parcel of land, or is the creation of a condominium plat; Wet Line sewer and central water lines must be currently located in the public right-of-way that abuts the parcel to be divided;
6. No new public street dedication, excluding widening of an existing street, is involved. Private streets meeting the standards of subsection 8-4D-3, and common/shared driveways with Fire District approval may be permitted;
7. There are no impacts on the health, safety or general welfare of the city, and the subdivision is in the best interest of the city. No new public utility lines shall be extended within the public right-of-way to the property involved in the Short Land Division;
8. All resulting parcels must conform to the minimum requirements of all existing land use regulations including the adopted Unified Development Code;
9. If any of the following conditions are present, a subdivision application will be required.
  - a. Dividing a lot in an existing subdivision that has already maximized the density of the existing zoning designation, violates a Development Agreement condition for maximum number of lots, or removes required open space and/or amenities;
  - b. The possibility for public or private streets that would provide greater connectivity to the area, as determined by the Administrator;
  - c. Creating lots that will have incompatible setbacks to surrounding parcels, as determined by the Administrator (i.e. side yards adjacent to rear yards);
  - d. The creation of multiple driveway access points on a collector or arterial roadway when a public or private street could avoid the situation;
  - e. Creating a larger remnant parcel that could otherwise be included in an overall subdivision; and
  - f. New property lines configured in a way that could create future setback or access issues.
10. All existing buildings to remain shall meet applicable zoning requirements regarding allowed uses and parking shall comply with all requirements of the existing zone. Additionally, the following shall apply:
  - a. Any setback that was legally non-conforming prior to the Short Land Division may remain as a legal non-conforming setback, provided that legal non-conforming setback is not altered by the Short Land Division, and that all new buildings and additions meet the current zoning setback requirements;
  - b. Any building not meeting the required setback that is to be partially or completely demolished or moved shall either be demolished or moved prior to the approval of the Short Land Division;
  - c. Any existing structures shall connect to public water and sewer lines prior to final approval of the Short Land Division;
  - d. If required parking is provided by means of a permanent shared-parking agreement, a note on the face of the survey must list the total required and provided parking for all parcels to which the shared parking provisions of the shared-parking agreement applies;
  - e. When utility cross land being divided, a utility easement shall be provided and indicated on the Record of Survey. If an easement is located in a proposed permanent structure construction area, the easement shall be vacated prior to the Administrators approval of the Short Land Division; and

- f. All new parcels that abut the public right-of-way shall be improved with sidewalk, curb and gutter per Transportation Authority requirements, and, if applicable, a paved driveway apron that extends to the edge of street pavement will be required. All right-of-way improvements, license agreements, and/or bonding shall be completed prior to the Administrators approval of the Short Land Division.

B. Preapplication Conference: The applicant shall complete a preapplication conference with the administrator prior to submittal of an application for a ~~combined preliminary and final plat~~ Short Land Division. The purpose of this meeting is to discuss early and informally the purpose and effect of this title and the criteria and standards contained herein.

C. Application Requirements: Applications and fees, in accord with subsection ~~8-6A-3C, 8-6A-3D and 8-6A-4~~ 8-6A-9C of this article shall be submitted.

D. Final Approval Notice: Upon determination by the administrator that the ~~short plat~~ Short Land Division is in conformance with this article, a final approval letter shall be issued.

#### **8-6A-7: REQUIRED FINDINGS:**

In consideration of a preliminary plat or combined preliminary and final plat, the decision-making body shall make the following findings:

- A. The plat is in conformance with the comprehensive plan;
- B. Public services are available or can be made available and are adequate to accommodate the proposed development;
- C. There is public financial capability of supporting services for the proposed development;
- D. The development will not be detrimental to the public health, safety or general welfare; and
- E. The development preserves significant natural, scenic or historic features.

#### **8-6A-8: TERM OF APPROVALS:**

A. Failure to Submit Final Plat: Approval of a preliminary plat or combined preliminary and final plat or short plat shall become null and void if the applicant fails to record a final plat within two (2) years of the approval of the preliminary plat or one year of the combined preliminary and final plat or short plat.

B. Phased Development: In the event that the development of the preliminary plat is made in successive phases in an orderly and reasonable manner, and conforms substantially to the approved preliminary plat, such segments, if submitted within successive intervals of eighteen (18) months, may be considered for final approval without resubmission for preliminary plat approval.



C. Authorize Extension: Upon written request and filed by the applicant prior to the termination of the period in accord with subsection A of this section, the administrator may authorize a single extension of time to record the final plat not to exceed twelve (12) months. Additional time extensions up to twelve (12) months as determined and approved by the city council may be granted. With all time extensions, the administrator or city council may require the preliminary plat, combined preliminary and final plat or short plat to comply with the current provisions of this title.

D. Failure to Meet Timetable: If the above timetable is not met and the applicant does not receive a time extension, the property may be required to go through the platting procedure again.

#### **8-6A-9: PROPERTY BOUNDARY ADJUSTMENT OR DIVISION:**

- A. Purpose: The purpose of these regulations is to allow for the adjustment of property lines between existing properties, to allow for the reduction in the number of buildable lots, or to allow the creation of an additional parcel from an original parcel of record for the transfer of ownership or development.
- B. Applicability: These regulations apply to all existing lots and parcels in Star city limits. For a property division, any original parcel of record, as it exists in its original configuration in the City of Star after December 12, 1997, or a County parcel of record that is being annexed into the City of Star, may be eligible for one (1) administrative property division provided that both new parcels meet the current dimensional standards of this title. It shall be the responsibility of the applicant to provide proper proof to the administrator showing eligibility for this property division.

#### **C. Process:**

1. Application: An application and fees shall be submitted to the administrator on forms provided by the planning department.
2. Time Limit on Completion of Tasks: Upon tentative approval of the application by the administrator, subject to any applicable conditions of approval and the regulations of this title, the applicant or owner shall have one year to complete the following tasks:
  - a. Cause the property to be surveyed and a record of survey recorded;
  - b. Execute and record the necessary deeds to accomplish the property boundary adjustments as approved;
  - c. Obtain new tax parcel numbers and street addresses from the county assessor; and
  - d. Provide copies of the recorded record of survey, recorded deeds, and the new tax parcel numbers to the administrator.
3. Final Approval Notice: Upon determination by the administrator that the final property boundary adjustment or division is in conformance with this article, a final acceptance letter shall be issued.

#### **B. Standards:**

1. A property boundary adjustment or division shall not reduce the property sizes below the minimum dimensional standards prescribed by this title; or if one or more of the properties is nonconforming as to the minimum dimensional standards prescribed by this title, the property

boundary adjustment shall not increase the nonconformity.

- a. A property boundary adjustment shall not increase the original number of properties but may decrease the original number of properties.
- b. A property boundary adjustment or division shall not change or move any public streets or publicly dedicated areas in any manner.
- c. A property boundary adjustment or division does not vacate the platted lot lines or easements of a recorded subdivision. Any private or public easement may be vacated in accord with the requirements of this title.
- d. If a new lot or parcel is created as part of a property division, both lots or parcels shall be subject to the requirement of connection to municipal services, if available, and shall be subject to additional improvements as determined by the administrator and subject to this title, including but not limited to sidewalks and paved driveways.

## ARTICLE B. SUBDIVISION DESIGN AND IMPROVEMENT STANDARDS

### **8-6B-1: APPLICABILITY:**

### **8-6B-2: IMPROVEMENT STANDARDS:**

### **8-6B-3: DEVELOPER'S RESPONSIBILITY:**

#### **8-6B-1: APPLICABILITY:**

A. All plats submitted in accord with the provisions of this chapter, and all subdivisions, improvements and facilities done, constructed or made in accord with said provisions shall comply with the minimum design standards set forth in this article provided, however, that any higher standards adopted by any transportation or health authority shall otherwise prevail.

B. It shall be the responsibility and liability of every applicant, and the owner of the land being subdivided, to construct and install every improvement shown on the plat of the subdivision, represented to be included in the subdivision at any presentation before the city council, and all improvements required by the ordinances of the city specifically including the requirements of this article, and this responsibility and liability shall be personal to the developer and the owner and shall also run with the land, and this responsibility and liability shall be shown on the plat of the subdivision.

#### **8-6B-2: IMPROVEMENT STANDARDS:**

A. Compliance with all Applicable Requirements: The plat shall comply with all applicable requirements as set forth in this title.

#### **B. Streets:**

1. Dedication: Within a proposed subdivision, arterial and collector streets as shown on the comprehensive plan shall be dedicated to the public in all cases; in general, all other streets shall also be dedicated to public use.

2. Street Specifications: The design, location, and widths of all street and street intersections shall comply with the requirements of the transportation authority and Fire District, unless alternative standards are adopted by the city of Star. Public street widths shall be a minimum of thirty-six feet (36') unless specifically approved by Council.

3. Street Names: The naming of streets shall conform to the requirements of the county street naming committee, with the following exceptions:

a. The street name shall generally comply with this subsection.

b. Street names shall not duplicate any existing street name within the county, except where a new street is a continuation of an existing street.

c. Street names that may be spelled differently but sound the same as existing streets shall not be used.

d. All new streets shall be named as follows: streets having predominantly north-south direction shall be named "Avenue" or "Road"; streets having a predominantly east-west direction shall be named "Street" or "Way"; meandering streets shall be named "Drive", "Terrace", "Path", or "Trail"; and cul-de-sacs shall be named "Circle", "Court", and "Place". Private streets shall be named "Lane".

- e. For streets that provide primary access to a subdivision or neighborhood and that align with an existing or planned street across an intersection that is not part of the same subdivision or neighborhood, the street name shall not duplicate the name of the subdivision or neighborhood.
- f. Proposed streets which are a continuation of an existing street shall be given the same name as the existing street.
- g. Street name signs shall be installed in the appropriate locations at each street intersection.
- 4. Cul-De-Sacs: No street that ends in a cul-de-sac or a dead end shall be longer than seven hundred fifty feet (750').
- 5. Alleys: All alleys shall be approved by the Fire District and shall have a minimum of twenty-foot (20') right of way and shall be paved, unless otherwise required.
- 6. Coving: Coving, or meandering design of roadways shall be encouraged, where reasonable, to provide a unique feel to a neighborhood versus a standard grid roadway system. The grid system may also be utilized where appropriate to provide for a variety of street designs within the overall project.

C. Driveways: All driveway openings in curbs shall comply with the requirements of the authorized transportation authority.

#### D. Common Driveways:

- 1. Maximum Dwelling Units Served: Common driveways shall serve a maximum of two (2) dwelling units and shall be approved by the Fire District.
- 2. For commercial or other non-residential uses, common driveways serving multiple structures and/or properties shall meet the requirements of the Fire District.
- 3. Width Standards: Common driveways shall be a minimum of twenty-eight feet (28') in width.
- 4. Maximum Length: Common driveways shall be a maximum of one hundred fifty feet (150') in length or less, unless otherwise approved by the fire district.
- 5. Improvement Standards: Common driveways shall be paved with a surface capable of supporting emergency services vehicles and equipment.
- 6. Abutting Properties: Unless limited by significant geographical features, all properties that abut a common driveway shall take access from the driveway.
- 7. Turning Radius: Common driveways shall be straight or provide a twenty-eight foot (28') inside and fifty foot (50') outside turning radius.
- 8. Depictions: For any plats using a common driveway, the setbacks, building envelope, and orientation of the lots and structures shall be shown on the preliminary and/or final plat.
- 9. Easement: A perpetual ingress/egress easement shall be filed with the county recorder, which shall include a requirement for maintenance of a paved surface capable of supporting fire vehicles and equipment.

#### E. Easements:

- 1. Utility easements shall be provided along front lot lines, rear lot lines and side lot lines when deemed necessary by the city engineer or designee.
- 2. Total easement width shall not be less than ten feet (10').

F. Blocks: In the residential districts, no block shall be more than seven hundred fifty feet (750') in length without an intersecting street, alley, or other City and ACHD/CHD4 approved remedy.



G. Reserve Strips: Privately held reserve strips or “spite strips” controlling access from adjacent lands to public streets shall be prohibited.

H. Flag Lots: Flag lots are prohibited, unless approved by the Fire District.

I. Pathway easements shall be open to the public.

J. Pathway easements shall be required along the Boise river as shown within the comprehensive plan and shall be open to the public.

### **8-6B-3: DEVELOPER'S RESPONSIBILITY:**

The developer has the responsibility of maintaining the subdivision property until such time that the subdivision is turned over to a homeowner or business owner association. The following are requirements of the developer:

A. Keep property weed abated at all times.

B. Mitigate dust throughout all development stages of the subdivision.

C. Maintain the site for debris daily and prevent wind-blown debris.

~~C. Clean up of any mud and/or dirt that is deposited from construction onto streets daily.~~

~~D. All trash receptacles and construction site garbage bins shall be emptied on a regular basis and not left over-flowing.~~

~~E. Clean up of any mud and/or dirt that is deposited from construction onto streets daily.~~

~~F. Streets within the development shall be swept and cleaned weekly.~~

~~EG.~~ Coordinate with the United States Postal Service for the best location of mail receptacles. The mail receptacle shall not be placed in the vision triangle.

~~FH.~~ Provide the city with GIS locations of all streetlights and irrigation facilities.

~~GI.~~ Provide a construction sign, to be located at all entrances to a development, indicating the rules for all sub-contractors to follow from the first day of grading of the site through to sale of homes. This sign should include, but not be limited to, dust, music, dogs, site debris, mud, and starting/stopping hours for contractors (7 a.m. starting time). Sign is subject to approval by the administrator prior to installation.

~~HJ.~~ Homeowners Associations. The developer is required to establish a homeowner association in any development that has common maintenance or ownership of utilities, recreation areas, landscaping, etc. The Covenants, Conditions and Restrictions established for the homeowner association shall include a provision allowing the homeowner association to amend the

controlling documents (CC&Rs, architectural control guidelines and bylaws) by simple majority vote of the members of the association after all lots in the subdivision have been sold by the developer.

1. This one-time amendment may occur at the first annual meeting following the sale of the last building lot owned by the developer.

2. The new document shall be recorded in the county records and shall be distributed to every owner in the association.

3. CC&Rs and bylaws amended using this reduced majority, shall not be used to:

a. Introduce or alter a system of fines for homeowner non-compliance, unless to remove an existing system of fines.

b. Attempt to control parking on public roads or property that is not wholly owned by the HOA.

c. Permanently reduce the supermajority required for changing the CC&Rs and bylaws below sixty percent (60%).

d. Restrict the use of private property beyond the restrictions contained in the Star City Code ~~or~~ in the original CC&Rs, including all forms of renting and leasing.

e. Remove or otherwise alter plans or conditions approved by the City, including but not limited to landscaping, required open space, amenities, setbacks and other design and dimensional standards as approved by Council.

e.f. Any of the above may be accomplished using the supermajority as described in the original bylaws.

## Chapter 7

### PLANNED UNIT DEVELOPMENTS

#### **8-7-1: PURPOSE:**

#### **8-7-2: APPLICABILITY:**

#### **8-7-3: PROCESS:**

#### **8-7-4: STANDARDS:**

#### **8-7-5: REQUIRED FINDINGS:**

#### **8-7-6: TIME LIMITATIONS:**

#### **8-7-7: MODIFICATIONS:**

#### **8-7-1: PURPOSE:**

A. The purpose of the planned unit development (PUD) requirements is to provide an opportunity for exemplary site development that meets the following objectives:

1. Preserves natural, scenic and historic features of major importance;
2. Allows for innovative design that creates visually pleasing and cohesive patterns of development; and
3. Creates functionally integrated development that allows for a more efficient and cost-effective provision of public services.

B. It is not the intent that the PUD process be used solely for the purposes of deviation from the dimensional standards in the district, however deviations from dimensional and other standards within this title, may be approved by the council if the PUD incorporates design features that add to the overall design and quality of the proposed development. By allowing dimensional standard deviations, exceptions in land uses allowed and pre-approvals of specific uses as conditions of approval within the PUD application process, the City expects in return a unique development that provides upgraded open space and amenities, mixed uses, multiple residential styles and superior site design.

#### **8-7-2: APPLICABILITY:**

A planned unit development can be developed in any district.

#### **8-7-3: PROCESS:**

A. Preapplication Meeting: The applicant shall complete a preapplication conference with the administrator or designee prior to submittal of an application for a planned unit development.

The meeting should be held well in advance of the preparation of the planned unit development application, and before a neighborhood meeting is scheduled. A draft site plan and preliminary plat map (if required) shall be provided to staff at the meeting.

**B. Application Requirements:** An application, map requirements, and fees, shall be submitted to the administrator.

1. At the discretion of the administrator, designee or city engineer, appropriate supplementary information may also be required to sufficiently detail the proposed development within any special development area, including, but not limited to, hillside, floodplain, cemetery, manufactured home parks, or hazardous or unique areas of development. Phasing plans shall be included in the application if the project is to be phased.

2. A site amenity plan shall be provided with the planned unit development application.

**C. Concurrent Review:** Concurrent review of other applications may be required as determined by the administrator. In cases where subdivision platting would be necessary, concurrent review of preliminary plat is required.

**D. Public Hearing Requirements:** All planned unit development applications shall comply with the public notice and hearing procedures contained within this title.

**E.** A development agreement, when associated with an annexation and/or rezone, may be used in lieu of a Planned Unit Development application for deviations to dimensional standards with the requirement that all findings required for a PUD are addressed with the council action in the development agreement.

#### **8-7-4: STANDARDS:**

The council may approve planned unit developments, in accord with the following standards:

**A. General Use Standards:**

1. **Deviations from Underlying District Requirements:** Deviations from dimensional and other standards within this title, may be approved by the council if the PUD incorporates design features that add to the overall design and quality of the proposed development. The exception is that along the periphery of the planned development, the applicable setbacks as established by the district shall not be reduced.

2. **Allowed Uses:** Applicant may request that specific conditional use(s) be allowed in the district as principal permitted use(s) and up to twenty-five percent (25%) of non-permitted uses be allowed as permitted uses if the council finds that compatibility within the PUD, compatibility with adjacent planned uses and compliance with the intent of the comprehensive plan is provided. It is at the sole discretion of the Council to approve non-permitted uses within the development, including the maximum amount of those non-permitted uses.

3. **Private Streets and Service Drives:** The uses within the planned unit development are interconnected through a system of roadways and/or pathways as appropriate. Private streets and service drives may be permitted, if designed and constructed to the transportation authority standards and in accord with this title. The approval of private streets shall not prevent access and/or interconnectivity to adjacent properties or otherwise create unreasonable development



opportunities.

4. **Buildings Clustered:** Buildings shall be clustered where practical to preserve scenic or environmentally sensitive areas in the natural state, or to consolidate small open spaces into larger, more usable areas for common use and enjoyment.

**B. Private Open Space:** In addition to the common open space and site amenity requirements of this title, a minimum of eighty (80) square feet of additional, private, usable open space shall be provided for each residential unit not planned as single-family detached. This requirement can be satisfied through porches, patios, decks, and enclosed yards. Landscaping, entryway and other accessways do not count toward this requirement.

**C. Residential Use Standards:**

1. **Housing Types:** A variety of housing types may be included within a single planned development, such as attached units (townhouses, duplexes), detached units (patio homes), single-family and multi-family units, regardless of the district classification of the site, provided that the overall density limit of the district is maintained. A minimum of two (2) housing types shall be provided for all PUD's.

**D. Infill Planned Developments:** Properties of five (5) acres or less within the city of Star, that are located in areas already substantially developed (at least 80 percent of the land area within 300 feet of the boundaries of the parcel) and where water, sewer, streets, schools and fire protection have already been developed and are provided. Upon recommendation of the administrator, the council may approve exceptions to other sections of this title as an incentive for infill development, including, but not limited to the following:

1. The council may allow up to a twenty five percent (25%) increase in the density permitted for the district in which the site is located. It is at the sole discretion of the Council to approve the maximum density bonus requested. Density bonuses shall not be allowed in the CBD.
2. The council may also waive or modify open space and amenity requirements set forth in this section depending on the size and scale of the planned development and proximity to public open space, pathways or greenbelts.

**E. Conditions, Bonds and Safeguards:** In approving the planned unit development, the council may prescribe appropriate conditions, additional conditions, bonds, and safeguards in conformity with this title that:

1. Minimize adverse impact of the use on other property.
2. Control the sequence and timing, or phasing, of the uses.
3. Control the duration of the use. Assure that the use and the property in which the use is located is maintained properly.
4. Designate the exact location and nature of the use and the property development.
5. Require the provision for on site or off-site public facilities or services.
6. Require more restrictive standards than those generally required in this title.
7. Require mitigation of adverse impacts of the proposed development upon service delivery by any political subdivision, including school districts, which provides services within the city.

## **8-7-5: REQUIRED FINDINGS:**

Upon recommendation from the administrator, the council shall make a full investigation and shall, at the public hearing, review the application. In order to grant a planned development request, the council shall make the following findings:

- A. The planned unit development demonstrates exceptional high quality in site design through the provision of cohesive, continuous, visually related and functionally linked patterns of development, street and pathway layout, and building design.
- B. The planned unit development preserves the significant natural, scenic and/or historic features.
- C. The arrangement of uses and/or structures in the development does not cause damage, hazard, or nuisance to persons or property in the vicinity.
- D. The internal street, bike and pedestrian circulation system is designed for the efficient and safe flow of vehicles, bicyclists and pedestrians without having a disruptive influence upon the activities and functions contained within the development, nor place an undue burden upon existing transportation and other public services in the surrounding area.
- E. Community facilities, such as a park, recreational, and dedicated open space areas are functionally related and accessible to all dwelling units via pedestrian and/or bicycle pathways.
- F. The proposal complies with the density and use standards requirements in accord with this title.
- G. The amenities provided are appropriate in number and scale to the proposed development.
- H. The planned unit development is in conformance with the comprehensive plan.

**8-7-6: TIME LIMITATIONS:**

The time limitations and extensions as set forth for conditional uses within this title shall also apply to planned unit developments.

**8-7-7: MODIFICATIONS:**

The modification provisions as set forth for conditional uses within this title shall also apply to planned unit developments.

**CHAPTER 8**  
**DESIGN AND DEVELOPMENT STANDARDS**  
**ARTICLE A. SIGN STANDARDS**

- 8-8A-1: PURPOSE:**
- 8-8A-2: APPLICABILITY:**
- 8-8A-3: CONFLICT WITH ORDINANCES, LAWS, RULES AND REGULATIONS:**
- 8-8A-4: ADMINISTRATION AND INTERPRETATION:**
- 8-8A-5: DEFINITIONS:**
- 8-8A-6: GENERAL SIGN REQUIREMENTS:**
- 8-8A-7: SIGNS EXEMPT FROM THIS CHAPTER:**
- 8-8A-8: SIGNS NOT REQUIRING PERMITS:**
- 8-8A-9: SIGNS WITHIN THE HISTORIC OVERLAY CBD ZONING DISTRICT:**
- 8-8A-10: VISUAL ELEMENTS PROHIBITED:**
- 8-8A-11: SIGNS REQUIRING PERMITS:**
- 8-8A-12: PERMIT PROCESS AND PROCEDURES:**
- 8-8A-13: NONCONFORMING SIGNS:**
- 8-8A-14: VIOLATIONS, ENFORCEMENT, PENALTIES:**

**8-8A-1: PURPOSE:**

The purposes of this chapter are:

- A. To encourage the effective use of signs as a means of communication in the city of Star, Idaho;
- B. To maintain and enhance the aesthetic environment and the city's ability to attract sources of economic development and growth;
- C. To improve pedestrian and traffic safety;
- D. To minimize the possible adverse effect of signs on nearby public and private property; and
- E. To enable the fair and consistent enforcement of these sign regulations.

**8-8A-2: APPLICABILITY:**

A sign may be erected, placed, established, painted, created, or maintained in the city only in conformance with the standards, procedures, exemptions and other requirements of this chapter. The effect of this chapter as more specifically set forth herein is:

- A. To establish a permit system to allow a variety of types of signs in commercial and industrial areas and a limited variety of signs in residential areas, subject to the standards and the permit procedures of this chapter;
- B. To allow certain types of signs which include: small, unobtrusive and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this chapter, without the requirements of a permit;
- C. To prohibit all signs not expressly permitted by this chapter;
- D. To establish a reasonable permit fee; and
- E. To provide for the enforcement of the provisions of this chapter.

#### **8-8A-3: CONFLICT WITH ORDINANCES, LAWS, RULES AND REGULATIONS:**

In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements adopted for the promotion of the public health, safety, and general welfare. In case of conflict between this chapter or any part thereof, and the whole or part of any existing or future local, state, or federal ordinance, law, regulation, or rule, or the whole or part of any existing or future private covenant or deeds, the most restrictive requirement shall apply.

#### **8-8A-4: ADMINISTRATION AND INTERPRETATION:**

- A. Administration: The administrator or designee for the city of Star is charged with the implementation, administration, and enforcement of this chapter interpretation.
- B. Interpretation: The decision of the administrator shall be valid in areas of interpretation and vagueness. Appeal of decisions of the administrator shall be made to the Star city council.

#### **8-8A-5: DEFINITIONS:**

Certain terms are defined for the purposes of this chapter. All other words and phrases shall be given their common, ordinary meaning unless the context clearly requires otherwise.

**ADDRESS:** The numeric reference of a use or building to a street name.

**ANIMATED SIGN:** Any sign which is designated and constructed to give its message through a sequence or progressive changes or parts or lights or degree of lighting, such as an electronic reader board. Animated signs are allowed only for municipalities and public school for the



purpose of announcements to the community. All other animated signs are prohibited in all zoning districts.

AREA OF SIGN: See definition of Sign Area.

ATTACHED SIGN: See definition of Building Sign.

ILLUSTRATION 8-8A-5(a)  
ATTACHED SIGN

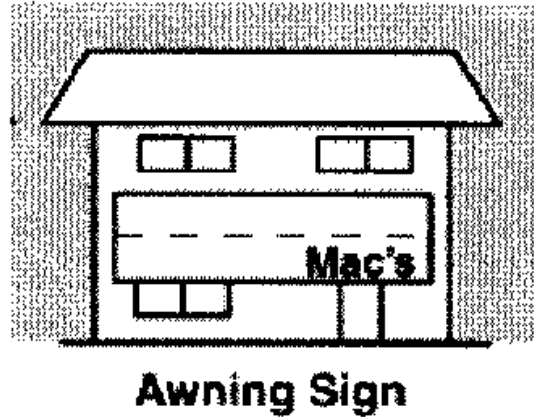
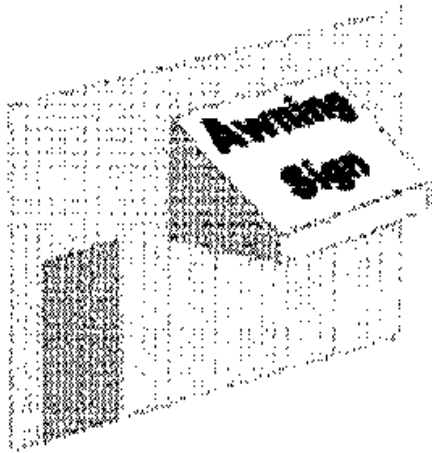


AWNING: A shelter projecting from and supported by the exterior wall of a building.

AWNING SIGN: A sign painted on, printed on, or attached flat against the surface of an awning.

ILLUSTRATION 8-8A-5(b)

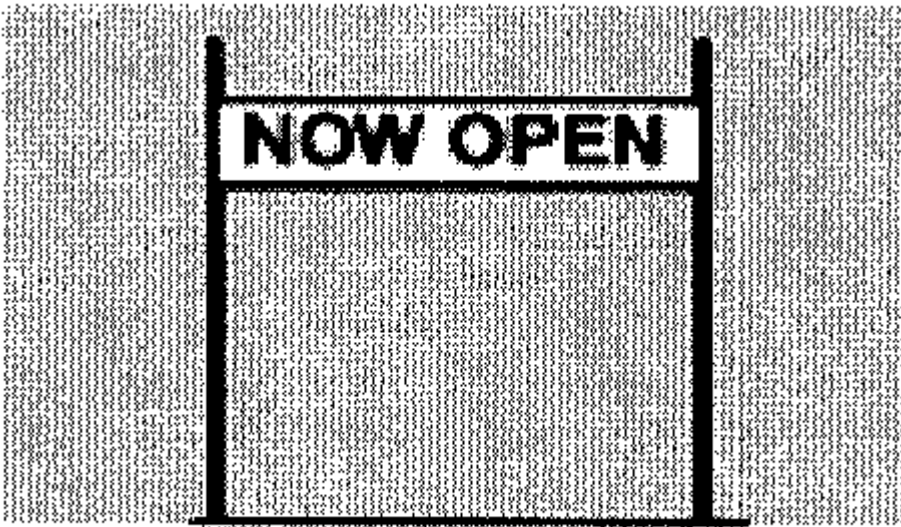
## AWNING SIGN



**BANNER:** A temporary sign made of cloth, plastic, or other soft material.

ILLUSTRATION 8-8A-5(c)

## BANNER SIGN



## Banner

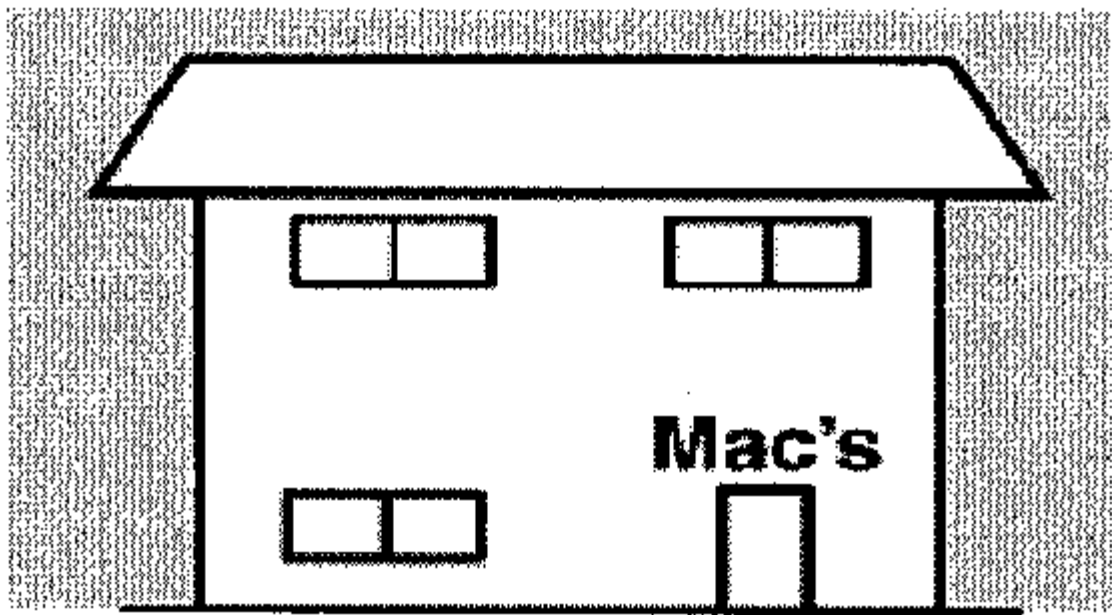
**BENCH SIGN:** A sign painted on, attached to, or affixed to any portion of a bench or seating area at bus stops or other such pedestrian areas.

**BILLBOARD SIGNS:** Any off site sign, available for rent, on a permanent structure on which the copy is periodically changed and which is not located on the premises to which such advertising copy pertains.

**BUILDING CANOPY:** A rigid multisided structure covered with fabric, metal or other material, supported by a building at one or more points and by columns or posts at the other points, and either internally or externally illuminated.

**BUILDING SIGN:** A permanent sign which is connected to, painted on, attached to, or otherwise affixed to a building and includes, but is not limited to, a wall, facade, building canopy, projecting, attached, or awning signs.

ILLUSTRATION 8-8A-5(d)  
BUILDING SIGN

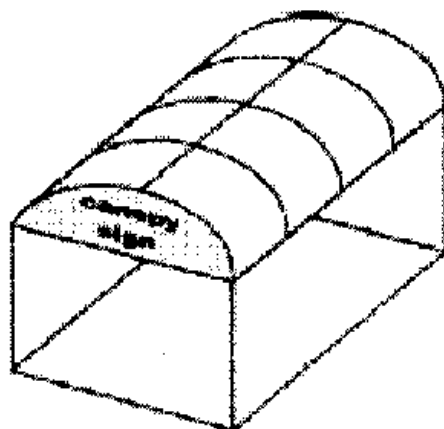


**CANOPY, BUILDING:** See definition of Building Canopy.

**CANOPY, FREESTANDING:** See definition of Freestanding Canopy.

**CANOPY SIGN:** A sign painted on, printed on, or attached flat against the surface of a canopy.

ILLUSTRATION 8-8A-5(e)  
CANOPY SIGN



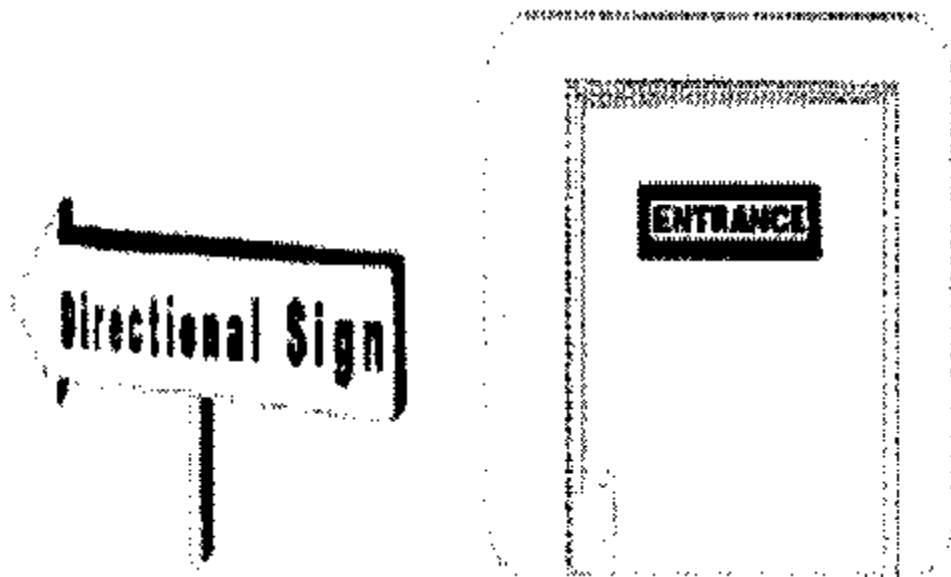
**CHANGEABLE COPY SIGN:** A sign or portion thereof with characters, letters, or illustrations that can be manually changed or rearranged without altering the face or the surface of the sign. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a time and temperature portion of a sign and not a changeable copy sign for purposes of this chapter. A changeable copy sign is also known as reader board, bulletin board, or message center. A changeable copy sign shall not be animated in any way. Animated signs are prohibited in all zoning districts, unless otherwise permitted within this title.

**DEVELOPMENT:** A principal building or use or combination of principal buildings and uses, under a common plan with a common or shared identity as indicated by commonality of design and appearance and/or by a commonality of function and use.

**DIRECTIONAL SIGN:** On site permanent sign used only to direct pedestrians or vehicular traffic. Directional signage shall include, but not be limited to, signs for entrances, exits, parking areas, and drive-through establishments. See also definition of Incidental Sign.

**ILLUSTRATION 8-8A-5(f)**  
**DIRECTIONAL SIGNS**





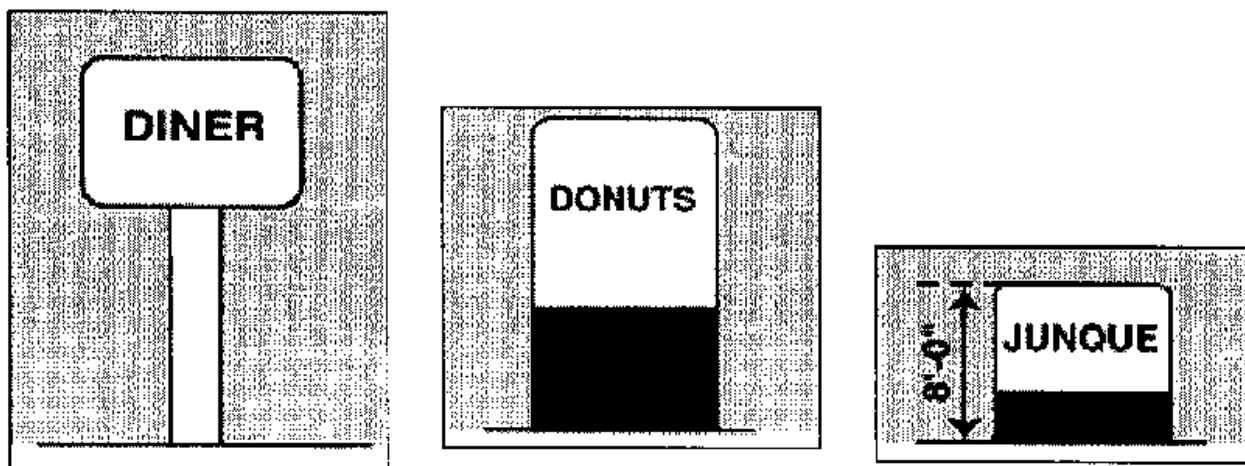
ELEVATION: A geometrical projection of a building on a vertical plane.

FACADE SIGN: See definition of Building Sign.

FREESTANDING CANOPY: A rigid multisided structure covered with fabric, metal or other material and supported by columns or posts and either illuminated internally or externally.

FREESTANDING SIGN: A permanent sign that is set firmly in or upon the ground surface, is not attached to any building or other structure. Freestanding signs include, but are not limited to, ground mounted, monument, or pole signs.

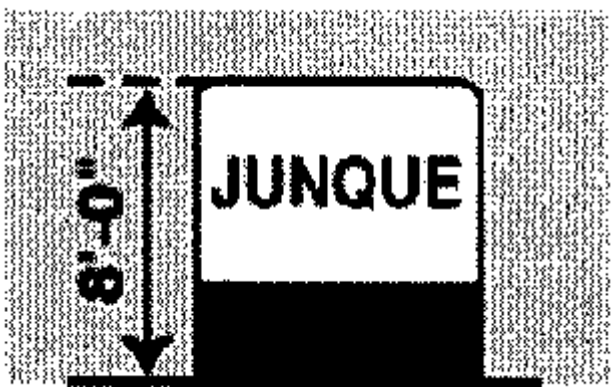
ILLUSTRATION 8-8A-5(g)  
FREESTANDING SIGNS



**GRADE:** The average level of the finished surface of the ground adjacent to a sign or to the exterior wall of the building to which a sign is affixed.

**GROUND MOUNTED SIGN:** A freestanding sign with a solid base.

ILLUSTRATION 8-8A-5(h)  
GROUND MOUNTED SIGN



**HEIGHT OF SIGN:** See definition of Sign Height.

**ILLEGAL SIGN:** A sign which was not in compliance with this, or the applicable ordinance under which it was erected, installed, altered or displayed.

**ILLUMINATED SIGN:** A sign with an artificial light source incorporated internally or externally for the purpose of lighting the sign.

**INCIDENTAL SIGN:** A sign that has a purpose secondary to the use of the lot on which it is located and is intended merely to provide directions or information. Incidental signs include, but are not limited to, no parking, entrance, loading only, telephone, and other similar directives. See also definition of Directional Sign.

**LANDMARK SIGN:** A permanent sign or visual element that is designated by the Star city council as having historic and/or architectural significance. A landmark sign shall be at least twenty (20) years old unless the Star city council makes a finding that a newer sign with historic and/or architectural significance should be designated to protect it.

**MENU BOARD:** A drive-thru menu board with or without speakers, as used by restaurants shall be considered a sign and shall meet the provisions for commercial signs listed in this chapter.

**MONUMENT SIGN:** A permanent freestanding sign mounted on the ground and designed with a continuous structural element of approximately the same dimension from the ground to the top of the sign. See also definitions of Grade and Freestanding Sign.

**MURALS:** Any piece of artwork painted or applied directly on a wall or other permanent

surface.

**NONCONFORMING SIGN:** A sign that was erected, installed, or displayed in compliance with previous sign regulations but which is not in compliance with this chapter and which has not been reconstructed, altered, or otherwise modified since the adoption of this chapter, except to bring the sign into compliance with the provisions of this chapter.

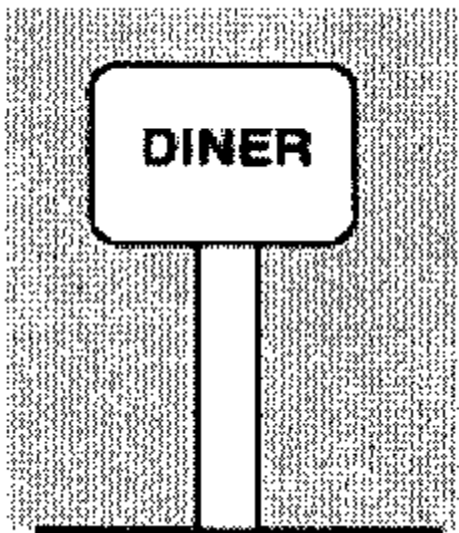
**OFF- PREMISES SIGN:** A permanent sign used to identify, display, advertise, or otherwise direct attention to a location other than the premises on which the sign is located. An off-premise sign is also referred to as "off- site sign".

**ON SITE SIGN:** A permanent building sign located at or on the site and/or a product, good, or service offered on or available at the same lot where the sign is displayed. On site signs shall include, but are not limited to, attached sign, building sign, window sign, freestanding sign, projecting sign, and awning sign. An on-site sign is also referred to as "on premises sign".

**PERMANENT SIGN:** A non-temporary sign designed and intended for long term use.

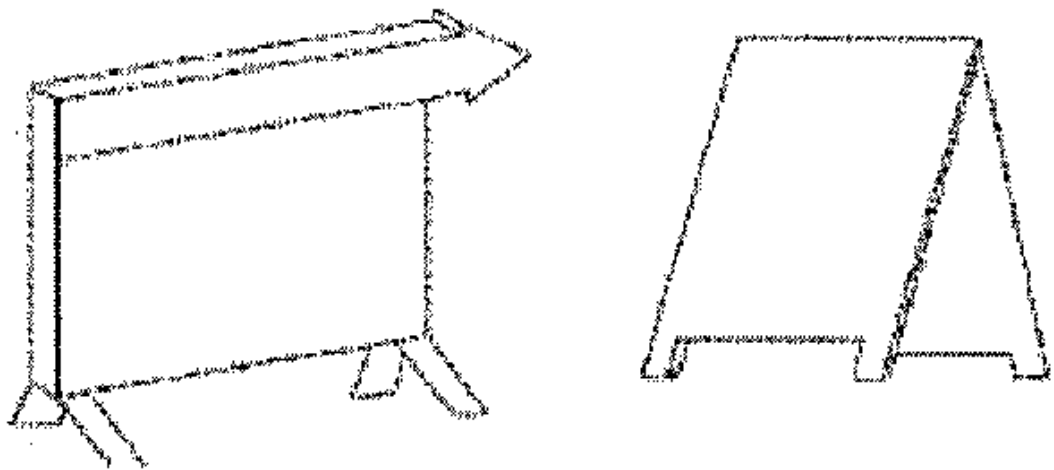
**POLE SIGN:** A permanent freestanding sign mounted on the ground, where the structural element is significantly narrower than the sign.

ILLUSTRATION 8-8A-5(i)  
POLE SIGN



**PORTABLE SIGN:** A temporary sign which is not permanently attached or anchored to the ground or other permanent structure, or a sign designed to be transported. Portable signs include, but are not limited to, signs designed to be transported by means of wheels, signs converted to A or T frames, menu and sandwich board signs, balloons or visual elements used as signs; umbrellas used for advertising, and signs attached to or painted on vehicles parked and visible from the public right of way.

ILLUSTRATION 8-8A-5(j)  
PORTABLE SIGNS

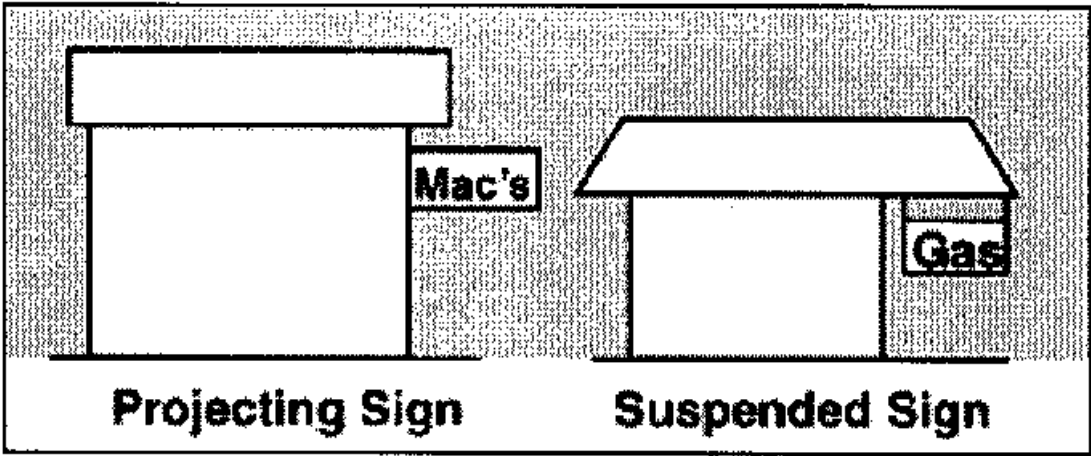


**PROJECTING SIGN:** A permanent building sign which is mounted, erected, or otherwise affixed on a building wall or structure, projecting generally perpendicular to the wall, and extending beyond the building wall more than twelve inches (12"). Projecting signs also include suspended signs.

ILLUSTRATION 8-8A-5(k)



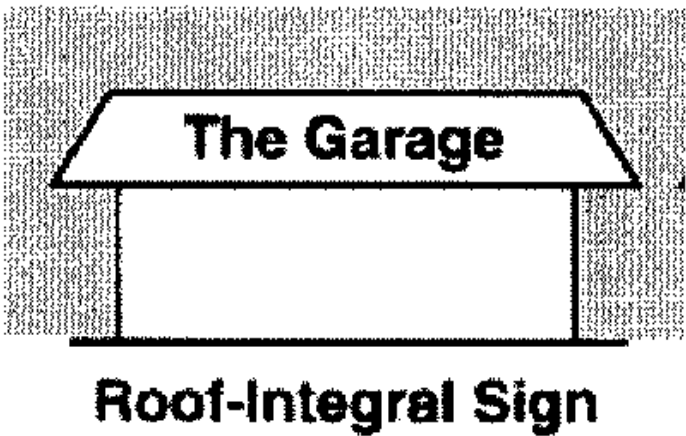
PROJECTING SIGN



READER BOARD: See definition of Changeable Copy Sign.

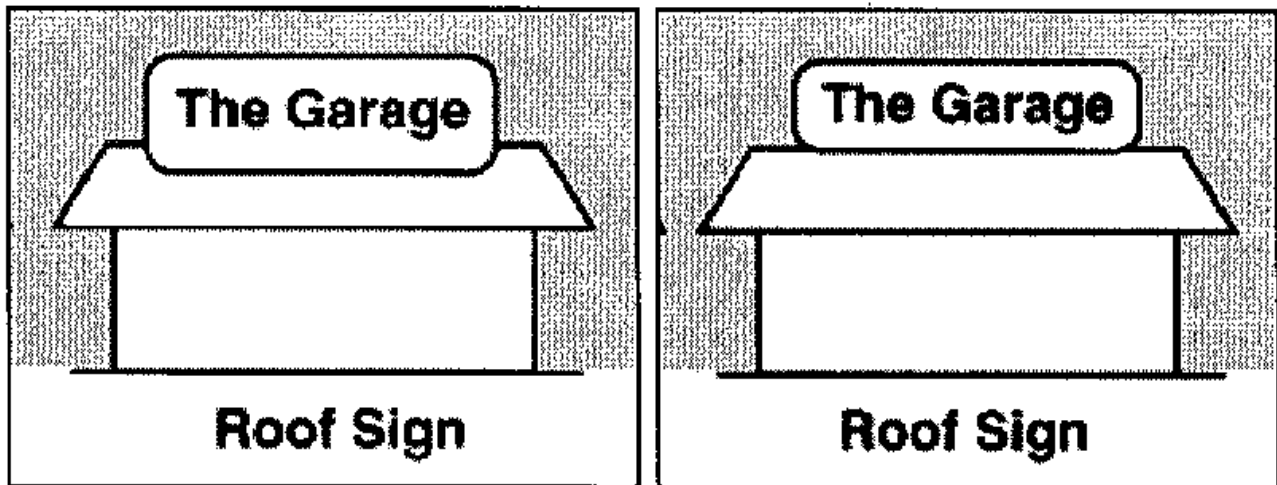
ROOF INTEGRAL SIGN: Any building sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, so that no part of the sign extends vertically above the highest portion of the roof and so that no part of the sign is separated from the rest of the roof by a space of more than six inches (6"). For purposes of this chapter, any portion of a building above or behind the fascia or parapet of a building shall be considered part of the roof. See also definition of Building Sign.

ILLUSTRATION 8-8A-5(1)  
ROOF INTEGRAL SIGN



ROOF SIGN: A sign erected and constructed wholly or in part upon, against, or above the roof of a building. For purposes of this chapter, any portion of a building above or behind the fascia or parapet of a building shall be considered part of the roof.

ILLUSTRATION 8-8A-5(m)  
ROOF SIGNS



**SIGN:** Any device, structure, fixture, display, emblem, picture, placard, visual element, or any parts or combinations thereof using graphics, symbols, and/or written copy for the primary purpose of identifying, providing directions to, drawing attention to, or advertising any activity, place, business, office, institution, facility, organization, profession, trade, occupation, product, good, or service.

**SIGN AREA:** The total area of the sign face which is used to display a message, not including its supporting poles or structures.

**SIGN HEIGHT:** The distance from the base of the sign at normal grade to the top of the highest attached component of the sign.

**SIGN PLAN:** A coordinated plan for developing signs for an individual building or a group of buildings.

**SUBDIVISION IDENTIFICATION SIGN:** A sign used to identify a residential subdivision on site.

**TEMPORARY SIGN:** A sign that is made of paper, cardboard, cloth, plastic, fabric, vinyl, wood or other materials, which is used for a limited period of time, as set forth in this chapter, and which is not permanently mounted. Temporary signs include, but are not limited to, A-frame, banner, wind sign, special event sign, mechanically operated portable sign (fan blown, battery operated mechanisms), etc.

**TIME AND/OR TEMPERATURE SIGN:** A sign or portion thereof on which the only copy that changes is an electronic or mechanical indication of time or temperature.

**VISUAL ELEMENT:** A substitute for additional signs consisting of temporary and/or permanent device intended to attract attention to any activity, place, business, office, institution, facility,

organization, profession, trade, occupation, product, good, or service or to convey message concerning any activity, place, business, office, institution, facility, organization, profession, trade, occupation, product, good, or service.

**WALL SIGN:** Any permanent building sign attached parallel to, but within two feet (2') of a wall, painted on the wall surface of, or erected and confined within the limits of any outside wall of any building, which is supported by such wall or building, and which displays only one sign surface. Also see definition of Building Sign.

**WINDOW SIGN, EXTERIOR:** A sign which is mounted, placed, applied, painted, attached or otherwise affixed on the exterior or outside of a window or to a windowpane or glass and is visible from the exterior of the window. Exterior window signs are considered permanent building signs. Window signs shall not have moving text or mechanics.

ILLUSTRATION 8-8A-5(n)  
WINDOW SIGNS



**WINDOW SIGN, INTERIOR:** A sign which is mounted, placed, applied, painted, attached or otherwise affixed inside a window or to the interior of a windowpane or glass and is visible from the exterior of the window. Interior window signs are not considered building signs.

**8-8A-6: GENERAL SIGN REQUIREMENTS:**

The information contained within this section is intended to be used as criteria in all sections of

this chapter; however, there may be areas that require more detail or explanation. In those cases, the information in those sections shall be used.

A. General Sign Requirements: All signs shall comply with the following general sign requirements:

1. No sign shall be placed in a manner visible from any public street, alley, right of way, sidewalk, or other public easement, except as provided herein, nor shall any sign be placed in or extend over street, right of way, roadway, sidewalk, public or private utility or access or other easement, or alley, except as provided herein and with the approval of the appropriate agency or utility. Any sign installed or placed on or over public property or right of way after adoption of this chapter, except in conformance with these requirements, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the city shall have the right to recover from the owner or person placing such a sign the full cost of removal and disposal of the sign.
2. All signs allowed hereunder shall be constructed and placed so as not to obstruct the vision of the public at any street, alley, or driveway. Signs otherwise permitted by this chapter may be located within the sight distance triangle, as shown below, provided that no part of such sign is placed between the height of three feet (3') and twelve feet (12') above the average grade of each street, alley, or driveway. See illustrations for visual clearance and sight distance triangle.

ILLUSTRATION 8-8A-6(a)



VISUAL CLEARANCE

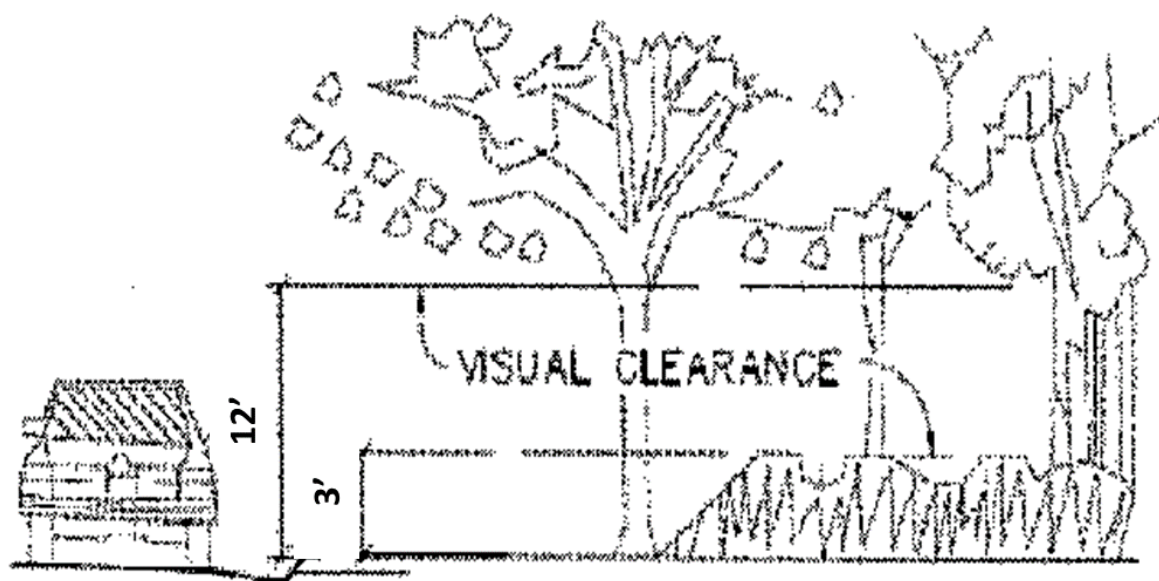
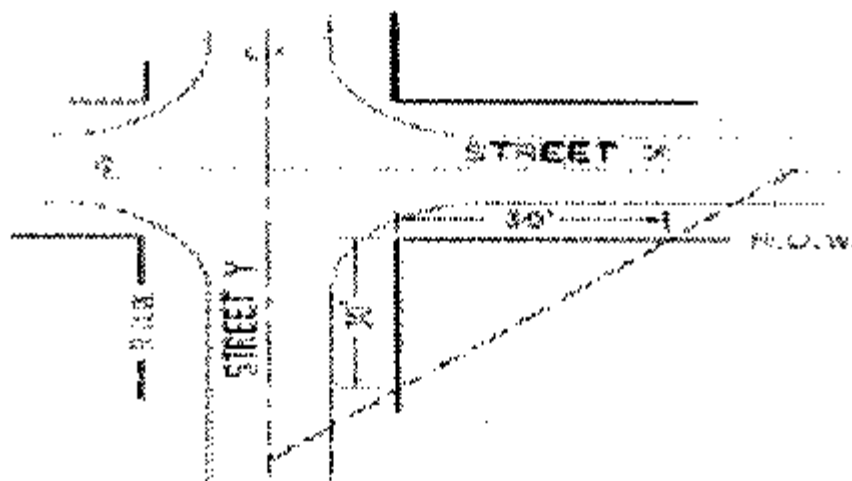


ILLUSTRATION 8-8A-6(b)  
SIGHT DISTANCE TRIANGLE



3. No sign shall be allowed to be illuminated, except as expressly provided herein. Signs which are otherwise allowed to be illuminated are not allowed if the administrator finds that the lighting adversely affects adjoining residential uses or causes glare or otherwise interferes with the vision of persons operating motor vehicles. All illuminated signs shall not be flashing or pulsating and shall be constant in intensity and color, unless otherwise allowed herein. Sign lighting shall be directed away from all traffic and from all adjoining residential properties, and the lighting intensity shall not exceed fifteen (15) foot-candles at any point on the sign face. No sign shall be illuminated if lighting is already provided to the area where the sign is to be located. All lighting associated with signage shall meet any requirements of this title regarding dark sky standards.

- 4. No sign shall be allowed to revolve, rotate, or move.
- 5. No sign shall be allowed if the administrator finds that the sign is constructed or designed in a manner which may cause the sign to be confused with a traffic sign or other traffic control device.

B. Sign Area and Height Computations: The following principles shall control the computations of sign area and sign height:

- 1. Computation Of Area Of Individual Signs: The area of a sign face (which is also the sign area of a wall sign or other sign with only 1 face), shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing or decorative fence or wall when such fence or wall is clearly incidental to the display itself.

ILLUSTRATIONS 8-8A-6(c)  
SIGN AREA COMPUTATIONS

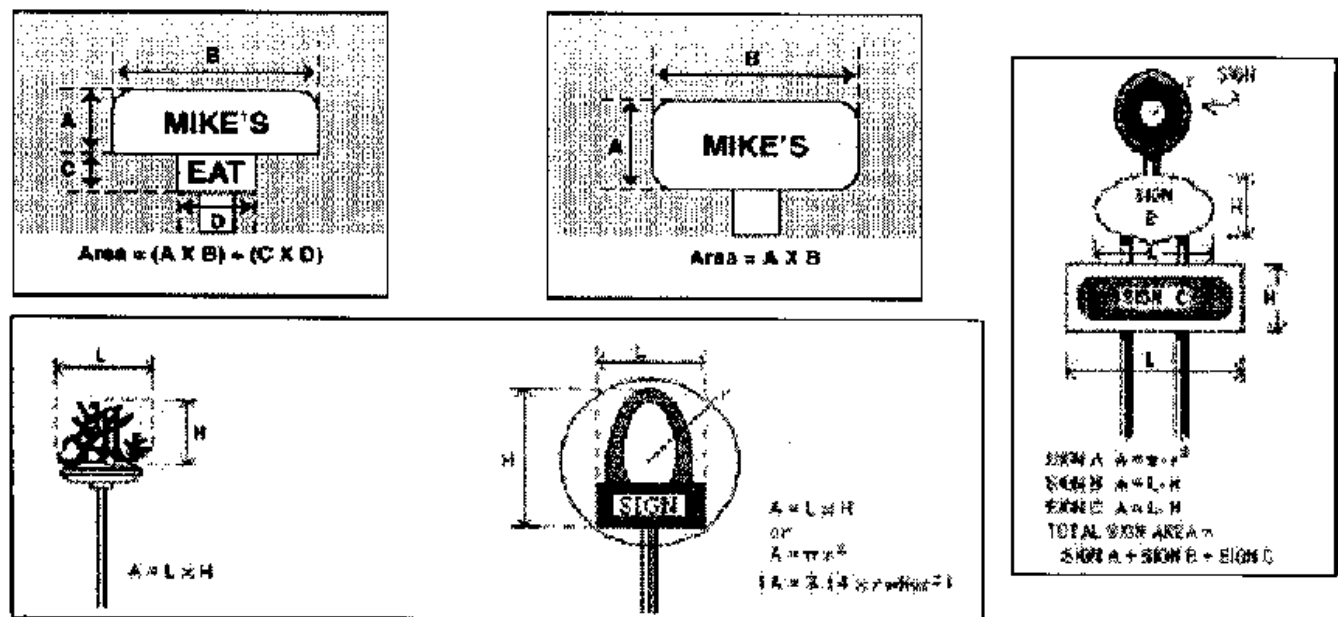
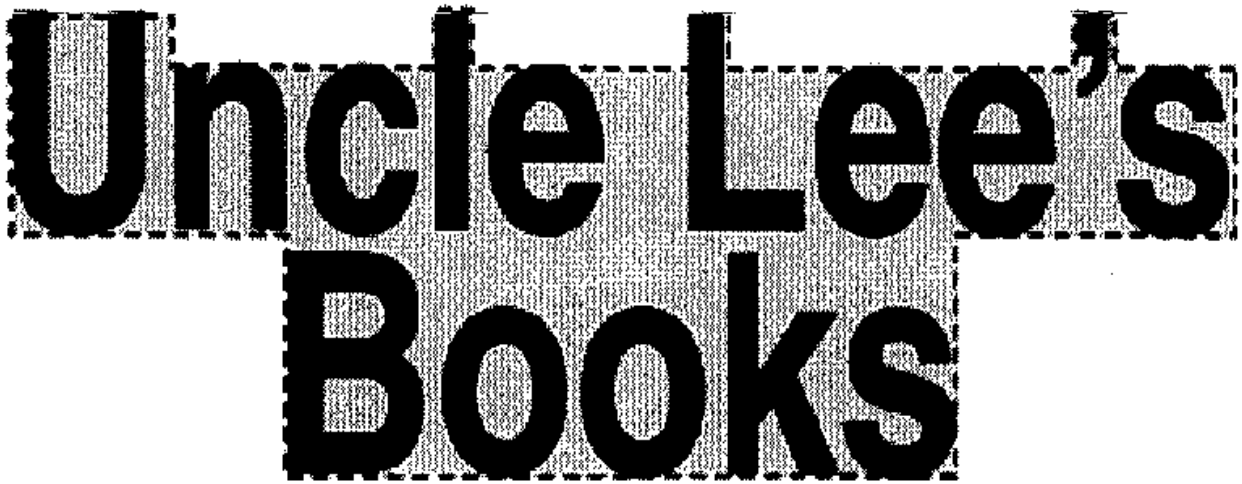


ILLUSTRATION 8-8A-6(d)  
SIGN AREA COMPUTATION FOR PERMANENT BUILDING SIGN  
With No Defined Sign Background (e.g., Channel Letters)



2. Computation Of Area Of Multifaced Signs: The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two (2) identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two inches (42") apart, the sign area shall be computed by the measurement of one of the faces.
3. Computation Of Height: The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of: a) existing grade prior to construction, or b) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal building on the lot, whichever is lower. When sign is within the building setback, the calculation for the sign may use either the base elevation or the elevation of the roadway. The computation of sign height shall include the permitted sign and any attached changeable copy sign or reader board and the sign structure.

ILLUSTRATION 8-8A-6(e)

SIGN HEIGHT COMPUTATION

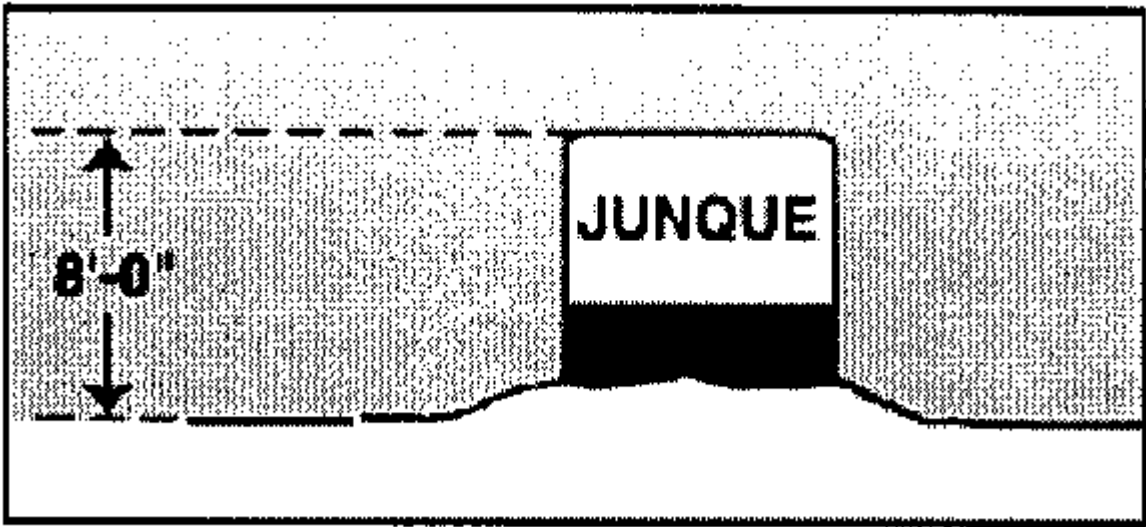
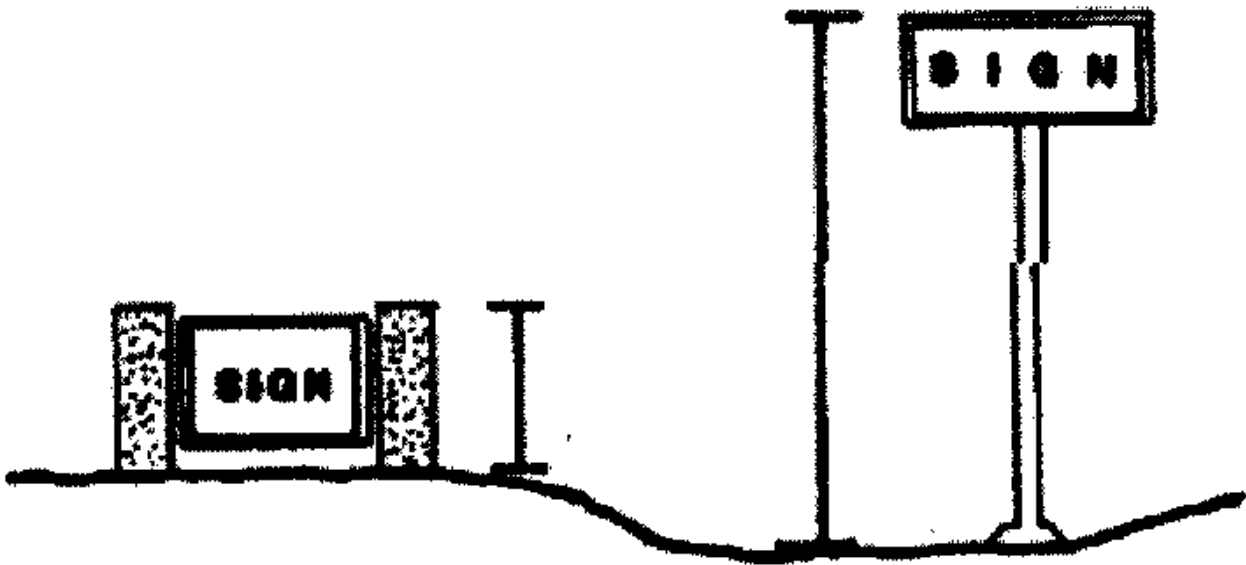


ILLUSTRATION 8-8A-6(f)  
SIGN HEIGHT COMPUTATION  
In Cases Where the Normal Grade Cannot Reasonably Be Determined



4. Construction Standards: All permitted signs shall be constructed and maintained in compliance with the applicable provisions of the city of Star building code and other provisions of the city of



Star ordinances. All illuminated signs shall be installed in accordance with the applicable provisions of the national electric code, and all detached signs shall be so illuminated by an underground electrical source.

5. Construction Materials: All signs shall be constructed with durable materials including but not limited to metal, aluminum, wood, hard plastics and vinyl, rock or aggregate, or other materials manufactured for durability and longevity. Materials such as thin vinyl used for banners, paper or cardboard is not considered as a permanent material and shall be prohibited for permanent signage.
6. Maintenance Standards: All permitted signs shall be maintained in good structural and aesthetic condition. Deficiencies, such as chipped paint, broken plastic, missing letters, and exposed light bulbs, shall be evidence of lack of maintenance.

#### **8-8A-7: SIGNS EXEMPT FROM THIS CHAPTER:**

Provided that the following signs or visual elements comply with the general sign regulations set forth in section [8-8A-8](#) of this article, these signs shall be exempt from all other provisions of this chapter:

- A. Traffic signs, public notices or danger warnings required by a valid and applicable federal, state, or local law, regulation, and/or ordinance;
- B. Holiday lights and decorations on residential lots;
- C. Traffic control signs on private property, such as stop, yield, and similar signs;
- D. Organizational event signs within a public right of way, provided:
  1. Temporary signs must be removed within forty-eight (48) hours of end of event;
  2. Signs within the transportation authority rights of way, written permission shall be obtained from the transportation authority and presented to the city;
  3. Transportation authority permitted ROW signs shall be removed promptly upon the conclusion of the event;
- E. Public or semipublic athletic field signs which indicate sponsorship of the teams or announce or relate to activities that occur therein, provided:
  1. Such signs shall be affixed, placed, or installed on the athletic field fencing and facing the field, and
  2. Such signs shall not be affixed to scoreboards, buildings, or structures;

#### **8-8A-8: SIGNS NOT REQUIRING PERMITS:**

The followings signs are allowed on private property without permits, provided that the signs contain no commercial message, logo, or symbol and comply with the general sign regulations set forth in this chapter:

A. Building identification signs, such as address and building marker, provided:

- 1. One sign, not exceeding four (4) square feet in area, shall be permitted; and
- 2. Such signs shall be attached to the referenced building.

A. National, state, local and corporation flags, provided:

- 1. The United States Of America flag, state of Idaho flag, or flags of any other national or political subdivision shall be flown and displayed in a manner so that the flags are not construed as an attraction gaining device for the advertising of a product or use, or in a manner to otherwise draw the attention of the traveling public to an establishment;
- 2. One corporation flag may be flown in conjunction with the United States or state of Idaho flag and as part of the display;
- 3. Such displays shall not exceed twenty-five (25) square feet in area in any residential area or sixty (60) square feet in any commercial or industrial area;
- 4. Such displays shall not be flown from a pole the tip of which is more than twenty-five feet (25') in height;
- 5. Such displays shall conform to the criteria established in the ninety-fourth session of congress (94-344; SJ resolution 49); and
- 6. Only one flag display shall be permitted for each establishment, and the display shall be located at the principal building of the facility.

A. Incidental signs that are informational and have a purpose secondary to the use of the lot on which it is located, such as no parking, entrance, loading only, telephone, and other similar directives.

**8-8A-9: SIGNS WITHIN THE HISTORIC OVERLAY CBD ZONING DISTRICT:**

The number, size, height, appearance and location of signage within a historic overlay zoning district shall comply with adopted design guidelines for the central business district and the city of Star zoning regulations. Any sign not previously approved by the Star city council as a landmark sign will be considered nonconforming as of the enactment of this chapter until found to be appropriate by subsequent action of the administrator and/or Star city council. All nonconforming signs will be subject to section 8-8A-13 of this article. All nonconforming signs within the CBD district will be subject to sections 8-8A-1 through 5,

and 8-8A-12 through 8-8A-14 of this article.

#### **8-8A-10: VISUAL ELEMENTS PROHIBITED:**

Visual elements, as defined in section 8-8A-5 of this article, are prohibited in all circumstances whether added to a sign or simply displayed on a property, unless otherwise allowed in this chapter. Visual elements include, but are not limited to:

- A. Pennants, banners or streamers, feathers, flags, wind or fan blown devices and mechanisms intended to otherwise attract attention;
- B. Large or small balloons, unless otherwise provided in this chapter;
- C. Flashing lights, flashing arrows, or other pulsating fixtures or items;
- D. Large inflatable displays, fixed or portable;
- E. Large displays of permanent construction, fixed or portable, that are larger than the maximum cube dimensions of six feet (6') in height, four feet (4') in depth, and four feet (4') in width, as set forth in subsection 8-8A-11C2b(4)(B) of this article; and
- F. Wording, message, or any symbol, or depiction on the exterior of a building, or any structural element thereof, any independent structure or any other article or item on the property including automobiles or other vehicles.

#### **8-8A-11: SIGNS REQUIRING PERMITS:**

The following signs shall not be erected, placed, established, painted, installed, or created until an approved sign permit has been issued by the administrator and shall comply with the general sign regulations set forth in this chapter and as set forth below:

##### **A. Residential or Miscellaneous Signs:**

- 1. Subdivision identification signs identifying the subdivision or development name, provided:
  - a. One sign per each subdivision entrance and one additional sign for each individual subarea of a subdivision shall be permitted;
  - b. Such signs shall be indirectly illuminated;
  - c. Such signs shall not exceed twenty (20) square feet in area; and
  - d. The entire sign structure shall not exceed twenty-five feet (25') in length and eight feet (8') in height.

e. The sign shall be located within a common area lot, shall be maintained by an HOA, and shall be located outside of the clear vision triangle.

2. Building identification signs identifying the name of the owner or occupant of the building, provided:

a. One sign shall be permitted and shall not exceed one square foot in area;

b. Such signs shall be attached to the building; and

c. Such signs shall not be illuminated.

3. Multi-family residential development identification signs, provided:

a. One sign shall be permitted and may be wall or ground mounted;

b. Such signs shall not exceed twenty (20) square feet in area;

c. If ground mounted, the sign shall be set back at least ten feet (10') from the right of way line or property line; and

d. Such signs shall not exceed eight feet (8') in height.

4. Directional signs, provided:

a. A multi-family residential development shall be permitted one directional sign per each public road/street frontage;

b. Such signs shall be illuminated by indirect or diffused lighting;

c. Such signs shall not exceed three (3) square feet in area; and

d. Such signs shall be wall mounted, or if ground mounted, shall be set back at least five feet (5') from the right of way line or property line.

B. Public or Quasi-Public Signs: Public or quasi-public signs, provided:

1. One sign, not exceeding twenty-five (25) square feet in area and seven feet (7') in height, shall be permitted;

2. Such signs may be indirectly or interiorly illuminated; and

3. Such signs may also have one reader board, provided that such reader board shall be attached to the principal sign and shall not exceed fifteen (15) square feet in area.

C. Commercial, Professional Office and Industrial Signs:



1. Temporary signs, provided:

- a. One sign, not exceeding forty (40) square feet and seven feet (7') in height, and small balloons, not exceeding twelve inches (12") in diameter, shall be permitted;
- b. Such signs must be securely installed or displayed and shall be constructed or designed in a manner which shall not cause the sign to be confused or interfere with a traffic sign or other traffic control device;
- c. Such signs may be ground mounted or building mounted, and if building mounted, the signage shall not extend above the peak, or highest point of the roof;
- d. Where a single building or complex of buildings contains two (2) or more principal uses with their own separate exterior customer entrances, each principal use located therein shall be permitted temporary signage as set forth above; and
- e. Each principal use shall be allowed up to four (4) temporary sign permits per calendar year, and each permit is granted for one 7-day period.

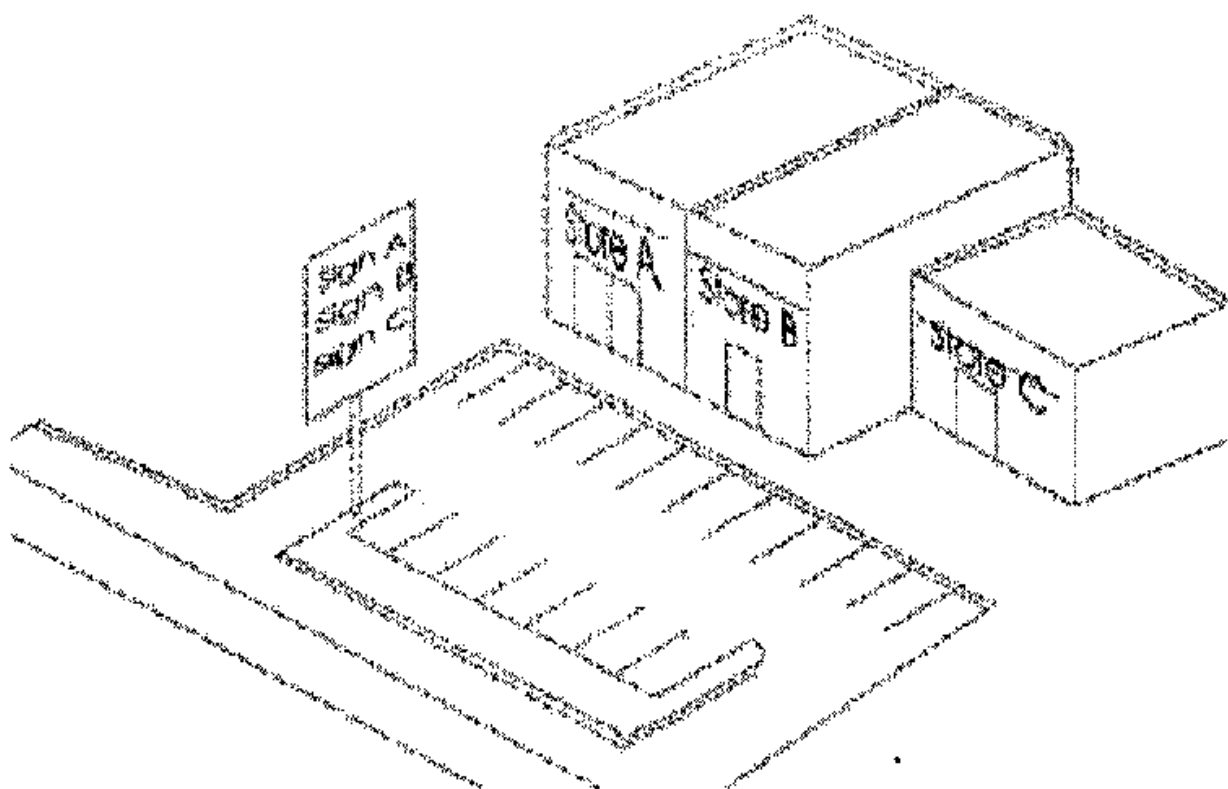
2. Permanent signs, provided:

a. Maximum Number of Permanent Signs:

- (1) Individual Principal Use: An individual principal use located on an individual lot shall be allowed a maximum total of four (4) signs, unless otherwise allowed in this chapter.
- (2) Multi-Tenant and Multiuse Buildings: Multi-tenant and multiuse building with two (2) or more principal uses without their own separate exterior building entrances and exits and sharing a common hallway.
  - (A) The building shall be allowed a maximum total of four (4) permanent signs, unless otherwise allowed in this chapter.
- (3) Multi-Tenant and Multiuse Buildings and Developments: Multi-tenant and multiuse buildings and developments where a single building or complex of buildings contains two (2) or more individual principal uses with their own separate exterior building entrances and exits.
  - (A) Building Signs: Unless otherwise allowed in this chapter, the number and size of permanent building signs for each principal use located within the development shall be based on the portion of the building elevation occupied by the use.
  - (B) Freestanding Signs: The number and size of freestanding signs for a multi-tenant and multiuse building and development shall be based on the total building size and public street frontage of the entire development. Individual buildings and uses within the development shall not be permitted individual freestanding signs.

ILLUSTRATION 8-8A-11(a)

## MULTIUSE BUILDING SIGN TYPES



### b. Permanent Sign Types:

#### (1) Freestanding Signs:

(A) Developments consisting of less than five thousand (5,000) square feet gross floor space:

(i) Maximum Number of Freestanding Signs: One freestanding sign.

(ii) Maximum Sign Area and Height:

(a) For freestanding signs with a maximum height of seven feet (7'), the maximum sign area shall not exceed fifty (50) square feet.

(b) For freestanding signs with a maximum height of twenty feet (20'), the maximum sign area shall not exceed thirty (30) square feet.

(c) When a freestanding sign is located more than sixty-five feet (65') from the driving lane of a public road/street with forty-five (45) mile per hour (mph) or greater speed limit, the maximum sign area shall not exceed seventy (70) square feet, and the maximum sign height shall not exceed ten feet (10').

(iii) Minimum Setbacks: The minimum setback for freestanding signs shall be ten feet (10') from rear and side property lines and off of the right of way of any public road/street, unless otherwise stated in this chapter.

(B) Developments with gross floor space more than five thousand (5,000) square feet:

(i) Maximum Number of Freestanding Signs: Two (2) freestanding signs.

(ii) Maximum Sign Area And Height:

(a) For freestanding signs with a maximum height of seven feet (7'), the maximum sign area shall not exceed fifty (50) square feet.

(b) For freestanding signs with a maximum height of twenty feet (20'), the maximum sign area shall not exceed thirty (30) square feet.

(c) When a freestanding sign is located more than sixty-five feet (65') from the driving lane of a public road/street with forty-five (45) mile per hour (mph) or greater speed limit, the maximum sign area shall not exceed seventy (70) square feet, and the maximum sign height shall not exceed ten feet (10').

(iii) Minimum Setbacks: The minimum setback for freestanding signs shall be ten feet (10') from rear and side property lines and off of the right of way of any public road/street, unless otherwise stated in this chapter.

(iv) Minimum Sign Separation: The minimum separation between two (2) freestanding signs on a lot or tract shall be one hundred fifty feet (150').

(2) Building Signs:

(A) Maximum Number of Signs:

(i) Individual Principal Use: Each individual principal use located on an individual lot is allowed maximum four (4) building signs, unless otherwise allowed herein.

(ii) Multi-Tenant And Multiuse Building: Multi-tenant and multiuse building with two (2) or more principal uses without their own separate exterior building entrances and exits and sharing a common hallway: The building shall be permitted three (3) building signs, and the sign sizes shall be based on the size of elevation as set herein, unless otherwise allowed.

(iii) Buildings Containing Two Or More Principal Uses: Multi-tenant and multiuse buildings and where a single building or complex of buildings contains two (2) or more individual principal uses with their own separate exterior building entrances and exits: Unless otherwise allowed in this chapter, the number and size of building signs for each individual principal use located within the development shall be based on the portion of the building elevation occupied by the individual principal use, as set forth below, as though they were individual and independent buildings.

(B) Total Allowable Building Sign Area Per Elevation:

- (i) If the principal use has no freestanding signs, then the total allowable sign area for building signs shall be as follows:
  - (a) If the business has a total of three (3) building mounted signs, each sign may be up to seven percent (7%) of the elevation;
  - (b) If the business has a total of two (2) building mounted signs, up to nine percent (9%) of the elevation; or
  - (c) If the business has one building mounted sign, the sign may be up to eleven percent (11%) of the elevation.
- (ii) If the principal use has one freestanding sign, the total allowable sign area for building signs shall be as follows:
  - (a) If the principal use has a total of three (3) building signs, each sign may be up to five percent (5%) of the building elevation or thirty (30) square feet, whichever is larger;
  - (b) If the principal use has a total of two (2) building signs, each sign may be up to seven percent (7%) of the elevation; or
  - (c) If the business has only one building sign, each sign may be up to nine percent (9%) of the elevation.
- (iii) If the principal use has two (2) freestanding signs, then the total allowable building sign area is:
  - (a) If the principal use has a total of two (2) building signs, each sign may be up to seven percent (7%) of the elevation; or
  - (b) If the business has only one building sign, each sign may be up to nine percent (9%).

(C) Building Mounted Signs: Building mounted signs shall not extend above the peak, or highest point of the roof.

(D) Projecting Signs:

- (i) A projecting sign shall be a substitute for, or in lieu of, one permanent sign for the principal use;
- (ii) The sign shall have nine feet (9') of clearance above sidewalk;
- (iii) The sign shall not project more than ten feet (10') from building nor be any closer than eighteen inches (18") from curb or driving lane;
- (iv) The sign shall not extend above the peak of the roof; and
- (v) A two (2) or more story building shall not have projecting signs.



(3) Off Premises Signs: Off premises (off-site) signs are prohibited in all zones and may only be allowed as part of an overall sign program for properties that are part of a contiguous development or subdivision and as approved by the administrator, provided:

- (A) The permitted off-premise sign shall not exceed the size, height, and setbacks requirement of the freestanding sign of the lot on which it is located;
- (B) The off-premise sign may not be located within fifty feet (50') of any other freestanding sign;
- (C) Written evidence of property owner consent must be submitted with the permit application;
- (D) Off-premise "Welcome to Star" signs are exempt from this prohibition.

(4) Visual Elements:

ILLUSTRATION 8-8A-11(b)  
VISUAL ELEMENT



- (A) One permanent and ground mounted visual element per individual principal use shall be permitted as a substitute for, or in lieu of, one permanent sign allowed for the use;
- (B) The maximum size of the visual element shall be computed by means of the smallest cube that will encompass the extreme limits of the visual element and with maximum cube dimensions of six feet (6') in height, four feet (4') in depth, and four (4) in width;
- (C) Parts of the visual element may not extend more than twenty percent (20%) beyond the limits of the allowable area set forth in subsection C2b(4)(B) of this section;
- (D) Visual elements shall have no parts that move or give the appearance of movement and shall have no apparent motion caused by, but not limited to, the illusion of moving objects, moving patterns or boards of lights, expanding, contracting, or rotating shapes, scrolling, or running messages or other similar animation effects;
- (E) Visual elements must be securely installed or displayed and shall be constructed or designed in a manner which shall cause the sign to be confused or interfere with a traffic sign or other traffic control device; and
- (F) Commercial messages, logos, or symbols shall be limited to two (2) sides of the visual elements and shall not exceed ten (10) square feet.

(5) Landmark Signs:

- (A) Such signs shall be exempt from size, height, and setback regulations, but shall comply with all other regulations set forth in this chapter, and
- (B) Such signs shall not encroach into a public right of way, unless otherwise allowed by an approved entrance permit by the appropriate governing authority.

(6) Accessory Building Signs:

- (A) One building sign on an accessory building shall be permitted in addition to the building signs allowed for the individual principal use;
- (B) The maximum sign area shall not exceed one square foot per linear foot of the building length of and on the elevation on which the sign is located and facing the public street or private accessway if the lot has no public street frontage; and
- (C) Additional accessory building signs may be allowed but shall be in lieu of, the permitted building signs for the individual principal use and shall comply with the maximum number and size of building signs allowed for the individual principal use.

(7) Freestanding Canopy Signs:

- (A) One sign on each canopy elevation (fascia) shall be permitted;
- (B) Such signs shall not exceed eight (8) square feet; and

(C) Such signs shall be permitted in addition to the building signs allowed for the individual principal use.

(8) LI Signs: Light industrial commercial park (LI) identification signs, provided:

(A) One sign per public street entrance shall be permitted;

(B) Such signs shall not exceed forty (40) square feet in area;

(C) A listing of individual businesses and industries shall be allowed as part of the identification sign; and

(D) Written evidence of property owner consent must be submitted with the permit application.

D. Murals: The following conditions shall be met for an allowed mural:

1. Remain unaltered for a minimum of two (2) years and be maintained thereafter to its original quality.

2. Shall not exceed height and width of structure.

3. Shall not extend more than six inches (6") from the building facade.

4. Shall not include electrical moving components.

5. Murals are not permitted in residential districts or on residential buildings.

6. Murals and public art installation must comply with city light standards.

7. Digitally printed image murals are allowed for restoration purposes only.

8. Fees for all murals shall be set by resolution.

9. Mural must be of a nature relevant to Star.

10. All murals must be approved by council at a normally scheduled council meeting (no public hearing is required).

#### **8-8A-12: PERMIT PROCESS AND PROCEDURES:**

A. Permit Required: Except as otherwise provided in this chapter, it shall be unlawful for any person to erect, construct, install, mount, place, apply, paint, attach, affix, expand, enlarge, move, modify, or replace any sign or cause the same to be done, without first obtaining a sign permit.

B. Application and Permit Issuance:

1. If a sign requiring a permit under the provision of this chapter is to be erected, constructed, installed, mounted, placed, applied, painted, attached, affixed, expanded, enlarged, moved, modified, or replaced on a property, the property owner shall secure a sign permit prior to the construction, placement, erection, or modification of the sign.
2. No sign permit of any kind shall be issued for an existing or proposed sign unless the sign is consistent with the requirements of this chapter (including those protecting existing signs) in every respect and with the sign plan in effect for that property.
3. The following procedures shall govern the application for, and issuance of all sign permits under this chapter and the submission and review of sign plans:
  - a. Sign Plan Required: No permit shall be issued for an individual sign requiring a permit until a sign plan for the property on which the sign will be installed has been submitted to and approved by the administrator as conforming with this section.
  - b. Sign Plan Contents: For any property on which the owner proposes to erect one or more signs requiring a permit, the owner shall submit to the administrator a sign plan containing the following:
    - (1) An accurate plot plan of the property, at such a scale as the administrator may reasonably require with a current legal description in metes and bounds;
    - (2) Location of existing and proposed buildings, structures, parking lots, driveways, and landscaped areas of the property;
    - (3) Computations of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of building and freestanding signs allowed on the property included in the plan under this chapter;
    - (4) An accurate indication on the plot plan of the proposed location of each present and future sign of any type whether requiring a permit or not.

#### C. Fees:

1. Permit Fees: No sign permit shall be issued until all applicable fees have been paid. The fees for sign permits, as adoption by resolution of the city council, may be adjusted by the city as necessary, periodically.
2. Late Fees: In addition to the sign permit fees, the administrator shall also assess a late fee, as adopted by resolution, to any applicant who erects, places, establishes, paints, installs, creates, or in any other way initiates a sign prior to receiving the property permit or approval from the administrator. This fee is in addition to, and not in lieu of, any penalties for violations of the regulations. Payment of this late fee will in no way exonerate or excuse the applicant from applying in an appropriate manner and complying with the normal requirements and standard permit fees for the permission or applicable permit which is needed.



D. Review: The administrator shall review the application for completeness. If the application is complete, the administrator shall process the application. If the application is incomplete, the administrator shall notify the applicant of the deficiencies and reference the appropriate sections of this chapter. Upon correcting the deficiencies, the administrator will process the application.

E. Issuance Of Permits: All sign permit applications shall be reviewed by the administrator or designee allowing submission and/or official acceptance of a complete application, for compliance with these regulations. Once a determination regarding the sign permit application has been made the administrator will:

1. Issue a letter of compliance to the applicant, with conditions if any, if the sign that is the subject of the application conforms in every respect with the requirements of this chapter and the applicable sign plan; or
2. Deny the sign permit and issue a written statement to the applicant, if the sign that is the subject of the application fails in any way to conform with the requirements of this chapter and of the applicable sign plan. In case of a rejection, the administrator shall specify in the rejection the section or sections of this chapter or applicable plan with which the sign is inconsistent.

F. Appeals: All appeals and variances from the requirements of these regulations shall be scheduled for public hearing.

### **8-8A-13: NONCONFORMING SIGNS:**

A. For the purpose of this section, a "nonconforming sign" shall be defined as a sign existing at the effective date hereof which could not be built under the terms of this chapter or under the terms of other applicable local ordinances. The following requirements apply to the continued use of and/or replacement of nonconforming signs:

1. Continued Use: A nonconforming sign may continue to be used by the establishment occupying the structure on the site for which the sign was originally erected, as long as no major structural support element (frame, pole, bracing, etc.) is replaced. If a major structural support element is to be replaced, due to voluntary action by the owner, or due to an act of God or unforeseen circumstance, then the new sign to be erected must be in compliance with this chapter.
2. Replacement: The sign face of a nonconforming sign may be replaced as long as no major structural element of the sign is replaced. As stated above, if a major structural element is to be replaced, then the new sign to be erected must be in compliance with this chapter.
3. Change in Use: Where a change in land use, occupancy, or ownership occurs which necessitates the altering of a sign in any manner, then the altered or changed sign shall be brought into conformance with the requirements of this chapter.

4. Existence of Nonconforming Building Sign: Existence of a nonconforming building sign on the premises will prohibit issuance of further building sign permits while the nonconforming sign exists.
5. Existence of Nonconforming Freestanding Sign: Existence of a nonconforming freestanding sign on the premises will prohibit the issuance of further freestanding sign permits while the nonconforming sign exists.
6. Limitations And Removal Of Nonconforming Signs: In the event a use or establishment ceases operation for a period of thirty (30) days, the sign owner, lessee, or property owner shall immediately remove any nonconforming signs identifying or advertising the business or any product. This requirement shall not apply where, under the provisions of this chapter, an existing, conforming sign may be altered to advertise a new principal use, business, establishment, or product, and there is evidence that a new establishment will be in operation on the premises within thirty (30) days. Where no such evidence exists, the sign face shall be removed, or the message shall be painted over in such a manner as to completely cover up or hide from sight the message. Upon failure of the sign owner, lessee, or property owner to comply with this section, the administrator shall issue a written notice to the owner. The notice shall state that the sign shall be removed within fifteen (15) days. If the owner fails to comply with the written notice to remove the sign, the administrator is hereby authorized to cause removal of the sign. Any expense incidental to the removal of the sign shall be charged to the owner and shall constitute a lien upon the property. For the purpose of dealing with nonconforming signs in this section, the word "remove" shall mean:
  - a. The sign face, along with posts, columns, or supports of freestanding signs, shall be taken down and removed from the property;
  - b. The sign face and supporting structures of projection, roof or wall signs shall be taken down and removed from the property;
  - c. The sign face of painted wall signs shall be removed by painting over the wall sign in such a manner as to completely cover up and hide from sight the sign in question.
7. Nonconforming animated signs - The property owner of a nonconforming animated sign shall continue to abide by the original standards for approval of the sign including the following:
  1. Such sign shall not flash, scroll, chase, rotate, blink or pulsate or have any similar effects of movement;
  2. Such sign shall not include any animated images and images which move or give the appearance of movement and shall not have visual messages with apparent motion caused by, but not limited to, the illusion of moving objects, moving patterns or boards of lights, expanding, contracting, or rotating shapes, scrolling or running messages, or other similar animation effects;
  3. Such sign shall be programmed so that the text changes no more than every minute, and such changes of text shall be substantially instantaneous as seen by the human eye and shall not use fading, rolling, window shading, dissolving, or similar effects as part of the change;
  4. Such signs shall use automated light sensing devices to reduce light levels at night and under cloudy or other darkened conditions, in accordance with the following standards:
    - a. Such electronic signs shall have installed automated light sensing devices (e.g., photocell

technology) and shall, at all times, allow such monitors to automatically adjust the brightness level based on ambient light conditions; and

b. Maximum brightness levels for such electronic signs shall not exceed five hundred (500) nits, when measured from the sign face at its maximum brightness, during night and under cloudy or other darkened conditions;

5. The maximum resolution of such signs shall be forty-six-millimeter (46 mm) (1.8 inch) pixel pitch.

6. Any electronic sign which malfunctions, fails, or ceases to operate in its usual or normal programmed manner causing therein motion, movement, flashing, or any other similar effects, shall be repaired or disconnected within forty-eight (48) hours by the owner or operator of such sign.

#### **8-8A-14: VIOLATIONS, ENFORCEMENT, PENALTIES:**

A. Signs Forfeited: Any sign installed or placed on or over public property or right of way after adoption of this chapter, except in conformance with these requirements, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the city shall have the right to recover from the owner or person placing such a sign the full cost of removal and disposal of the sign.

#### **B. Violations:**

1. Any of the following shall be a violation of this chapter and shall be subject to the enforcement remedies and penalties provided by this chapter and by Idaho state code:
  - a. To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the lot on which the sign is located.
  - b. To install, create, erect or maintain any sign requiring a permit without such a permit.
  - c. To fail to remove any sign that is installed, created, erected, or maintained in violation of this chapter, or for which the sign permit has lapsed.
2. Each day of a continued violation shall be considered a separate violation when applying the penalty portions of this chapter.

#### **C. Enforcement:**

1. The city shall have the authority to issue citations for violations of this chapter but shall not have powers of peace officers to make arrests or carry deadly weapons. A person receiving a citation shall appear within a designated time pursuant to the citation.
2. Any violation or attempted violation of this chapter or of any condition or requirement adopted pursuant hereto may be restrained, corrected, or abated, as the case may be, by injunction or other appropriate proceedings pursuant to state law. The remedies of the city shall include, but are not limited to, the following:

- a. Issuing a stop work order for any and all work on any signs on the same lot;
- b. Seeking an injunction or other order of restraint or abatement that requires the removal of the sign(s) or the correction of the nonconformity; and
- c. In the case of a sign that poses an immediate danger to the public health or safety; take such measures as are available to the city under the applicable building codes or other ordinances.
- d. All the remedies provided herein shall be cumulative. To the extent that state law may limit the availability of a particular remedy set forth herein for a certain violation or a part hereof, the remedy shall remain available for other violations or other parts of the same violation.



**ARTICLE B. DESIGN REVIEW AND DEVELOPMENT STANDARDS**

**THIS SECTION RESERVED FOR FUTURE REVIEW AND ADOPTION**

**ARTICLE C. BICYCLE PARKING REQUIREMENTS FOR NEW DEVELOPMENTS  
AND MAJOR RENOVATIONS**

**THIS SECTION RESERVED FOR FUTURE REVIEW AND ADOPTION**

## ARTICLE D. LANDSCAPE AND BUFFER AREA STANDARDS

### 8-8D-1: PURPOSE:

### 8-8D-2: APPLICABILITY:

#### **8-8C-1: PURPOSE:**

- A. The regulations of this article are intended to promote landscaping in the city of Star that will improve the community livability, preserve the quality of life, and enhance the aesthetic quality, economic viability, and environmental health of the city.
- B. The city of Star recognizes that landscaping can be a significant expense to business people and residents. At the same time, landscaping improves the livability of residential neighborhoods, enhances the appearance and customer attraction of commercial areas, increases property values, improves the compatibility of adjacent uses, screens undesirable views, and can reduce air and noise pollution.
- C. The intent of these regulations is to achieve a balance between the right of individuals to develop and maintain their property in a manner they prefer and the rights of residents to live, work, shop, and recreate in pleasant, healthy, and attractive surroundings.
- D. These regulations are intended to promote the use of native and other low water use plant materials and to discourage landscaping that requires high water use for maintenance, such as large expanses of lawn.

#### **8-8C-2: APPLICABILITY:**

- A. A landscape plan shall be required for all development applications requiring an architectural review, including, but not limited to, new residential subdivisions, all non-residential development, redevelopment, additions, and/or site modifications as required by the administrator.

The landscape plan shall be drawn to scale (no smaller than 1-inch equals 30 feet) and shall indicate the following:

1. Boundaries, property lines, and dimensions.
2. Existing trees identified by species and size.
3. The location and design of areas to be landscaped.
4. The location and labels for all proposed plants.
5. Plant lists or schedules with the botanical and common name, quantity, and spacing and size of all proposed landscape material at the time of planting.
6. Location and description of other landscape improvements, such as earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights, and courts or paved areas.
7. Planting and installation details as necessary to ensure conformance with all required standards.

- B. Plan Preparation: Preparing a landscape plan requires special skills. Landscaping involves more than a simple arrangement of plants with irrigation; plants are not haphazardly placed in a

way that fills up leftover space. Landscape plans should reflect a theme so that site elements are artfully and technically organized in a way that conveys meaning, coherence, and spatial organization. Landscaping should enhance the physical environment as well as the project's aesthetic character. Therefore, landscape plans to be submitted for approval shall be prepared by or under the responsible control of a licensed landscape architect with said plans to be duly stamped to clearly identify the preparer.

#### C. Landscape As Percent Of Site:

1. Open space shall be designated as a total of 15% for residential developments in all zones with densities greater than R-1. A minimum of 10% of the 15% shall be for useable open space. Planter strips on internal streets where detached sidewalks are provided may be counted towards the open space. Planter strips must meet all requirements of the City and ACHD/~~CHD4~~. Uniquely designed subdivision entrances may be considered as a required open space amenity.
2. Hardscape areas, such as plazas, decorative concrete/paver patios that are integrated into the design of the useable landscaped area, may be included in the landscape coverage requirement.
3. All landscape improvements required in this section shall count toward fulfillment of the above minimum percentages.

#### D. Prohibited Materials And Landscaping:

1. No required landscape areas shall include artificial trees, plants, or any carpeting designed as a vegetative substitute, unless otherwise approved by the Administrator and Council.
2. Clear vision triangle shall be complied with in regard to all vegetation.
3. When the city determines that a sight obstruction exists, it shall notify the owner of the property upon which the obstruction is located and order that the obstruction be removed within fifteen (15) days. The failure of the owner to remove the obstruction shall be punishable as provided for in this title.

#### E. Installation And Minimum Standards:

1. Applicants are required to use the Treasure Valley Tree Selection Guide (most recent version);
2. sidewalks along arterial roadways shall be detached and be at least 60 inches in width, unless otherwise approved by council.
3. Accepted nursery standards (American Standard for Nursery Stock – ASNS) and practices shall be followed in the planting and maintenance of landscaped areas.
- 4 Soil and slope stabilization must result after landscape installation. Any disturbed areas within project must have landscaping.
5. Root barriers shall be installed for all new trees planted adjacent to existing or proposed public or private sidewalks and paving (under 8 feet in width for parkways, or as determined by the Transportation Authority).
6. The minimum acceptable size for deciduous trees shall be two-inch (2") caliper, balled and bur lapped, per ASNS standard detail.
7. The minimum acceptable size for evergreen trees shall be six feet (6'), balled and bur lapped, per ASNS standard detail.
8. Planting selection shall adhere to USDA and/or climate zone requirements.
9. It is the responsibility of the developer to insure proper installation of all trees, including the removal of twine and wire, and the rollback of bur lap, prior to Certificate of Completion.

10. a. Certification Of Completion: Upon the completion of the landscape installation, or other improvements subject to architectural review approval, a written certification of completion shall be prepared by the licensed landscape architect responsible for the landscape plan. The certification of completion shall state that the installation of all landscape improvements, and site amenities, if applicable, is in substantial compliance with the city approved landscape plan. This certification shall be submitted prior to the issuance of a certificate of occupancy, signature of a final plat, or release of bond, and is required as a part of, and not in lieu of, the inspections performed, and certificates issued by the city.

b. Report Of Deficiencies: In the event that deficiencies are present after the landscape installation, or other improvements subject to design review approval, the licensed landscape architect shall prepare and file with the city a report noting the deficiencies in the improvements. The city will not accept a certification of completion, or issue a certificate of occupancy, until the licensed landscape architect has verified that the deficiencies have been corrected.

c. Landscape Architect Designee: The licensed landscape architect may, at his or her discretion, appoint an authorized designee to certify the project provided that the designee is a licensed landscape architect.

F. Tree Species Mix:

1. When more than ten (10) trees are to be planted to meet the requirements of these guidelines, a mix of species shall be provided. The number of species to be planted shall vary according to the overall number of trees required to be planted. Species shall be planted in proportion to the required mix. See the table below:

<u>Required Number Of Trees</u>	<u>Minimum Number Of Species</u>
11 - 20	2
21 - 30	3
31 - 40	4
41 plus	5

G. Maintenance:

1. All required landscaping shall be permanently maintained in a healthy growing condition by the property owner or the property owner's representative. This includes the maintenance of street trees and/or other landscape materials within or abutting the public right of way adjacent to the subject property. The property owner shall remove, and if required to meet the standards of these requirements, shall replace any unhealthy or dead plant material immediately or as the planting season permits. In all cases, maintenance and planting within public rights of way shall be with approval from the public and/or private entities owning the property. At no time shall required landscaping be removed from an approved development and not replaced with a similar plant type.

H. Completion Time:

1. The administrator may authorize a delay in the completion of planting due to inclement



weather conditions or other extenuating circumstances, if a surety for one hundred fifty percent (150%) of the cost of incomplete improvements is provided to the city.

I. Irrigation Required: An underground automatic irrigation system is required for all development requiring landscaping.

1. All required landscaped areas must be provided with an automatic underground irrigation system.
2. The system shall be equipped with a reduced pressure backflow prevention device.
3. The system shall be designed and constructed to provide one hundred percent (100%) spray coverage.
4. Wherever feasible, sprinkler heads irrigating lawn or other high-water demand landscape areas shall be circuited so that they are on a separate zone or zones from those irrigating trees, shrubbery or other reduced water demand areas.
5. Sprinkler heads shall be placed as required to reduce direct overthrow onto non-pervious areas (walks, drives, etc.). Drip irrigation is recommended for shrubs and trees.
6. The use of low trajectory spray nozzles is encouraged in order to reduce the effect of wind velocity on the spray system.
7. Use of non-potable water for use in the irrigation of lawn and plant material is required when determined to be available.
8. All non-potable water access points shall be clearly and permanently labeled with markers indicating that the water is not safe for human consumption.
9. Maintain all irrigation systems to ensure proper operation and water conservation.
10. Irrigation drainage run-off from one lot or property shall not encroach onto another lot.

J. Buffer Areas/Common Lots:

1. Definition: Development or buffer area consists of horizontal space (land) and vertical elements (plants, berms, fences, or walls). The purpose of such buffer space is to physically separate and visually screen adjacent land uses which are not fully compatible due to differing facilities, activities, or different intensities of use, such as townhouses and a convenience store, or a high-volume roadway and residential dwellings.
2. Minimum Requirements:
  - a. When a commercial or industrial use abuts a residential use, a ten foot (10') wide by six foot (6') high landscaped buffer is required except in the CBD.
  - b. When a parking lot abuts a residential activity, a five foot (5') wide by six foot (6') high landscaped buffer is required except in the CBD.
  - c. To conceal outdoor storage areas, trash receptacles, exposed equipment associated with any commercial or industrial activity, and off-street loading when adjacent to or in view from a residential activity or public street right of way, a three foot (3') wide by six foot (6') high landscaped buffer is required.
3. Materials:
  - a. All buffer areas shall be comprised of, but not limited to, a mix of evergreen and deciduous trees, shrubs, and ground cover.
  - b. Height requirements shall be accomplished with plant material, with a fence or decorative wall, or a combination thereof.
  - c. The required buffer area shall result in an effective barrier within three (3) years and be maintained such that sixty percent (60%) or more of the vertical surface is closed and prevents

the passage of vision through it.

4. Major Roadways: New residential developments, including, but not limited to, subdivisions and multi-family developments, shall be buffered from streets classified as collectors, arterials, freeways, or expressways, to protect residential communities from noisy, potentially dangerous, high speed roads. The "buffer area" shall be defined as a common lot located between the residential lots within the subdivision and the right of way line of the adjacent roadway. This buffer is required as part of the common area open space owned and maintained by a homeowners' association. All developments are encouraged to work with the appropriate transportation agency to landscape unused right of way. Any landscaping proposed to be within the public right of way shall not be calculated in the overall open space requirements and shall not be included as a part of the buffer area required below. The height for berming/fencing, as noted below, shall be measured from the elevation of the final grade of the adjacent roadway (measured at the centerline) to the top of the proposed berming/fencing. The required buffer area width, plantings, and fencing are as follows:

a. Any road designated as a collector on the applicable highway district function class map:

A minimum of twenty feet (20') wide buffer area (not including right of way) shall be provided with the following plants per one hundred (100) linear feet of right of way: two (2) shade trees, two (2) evergreen trees. Each required shade tree may be substituted with two (2) flowering/ornamental trees, provided that not more than fifty percent (50%) of the shade trees are substituted.

A minimum five foot (5') high buffer consisting of a berm, wall, fence, or combination thereof shall be provided within the buffer area. The maximum slope for any berm shall be three feet (3') horizontal distance to one foot (1') vertical distance. Unsightly fencing shall not be permitted.

b. Any road designated as a minor arterial on the applicable highway district function class map:

A minimum of thirty (30') wide buffer area (not including right of way) shall be provided with the following plants per one hundred (100) linear feet of right of way: three (3) shade trees, three (3) evergreen trees, eight (8) shrubs. Each required shade tree may be substituted with two (2) flowering/ornamental trees, provided that not more than fifty percent (50%) of the shade trees are substituted.

A minimum five foot (5') high buffer consisting of a berm, wall, fence, or combination thereof shall be provided within the buffer area. The maximum slope for any berm shall be three feet (3') horizontal distance to one foot (1') vertical distance. Unsightly fencing shall not be permitted.

c. Any road designated as a principal arterial on the applicable highway district function class map:

A minimum of forty feet (40') wide buffer area (not including right of way) shall be provided with the following plants per one hundred (100) linear feet of right of way: four (4) shade trees, three (3) evergreen trees, two (2) flowering/ornamental trees, and twelve

(12) shrubs. Each required shade tree may be substituted with two (2) flowering/ornamental trees, provided that not more than fifty percent (50%) of the shade trees are substituted.

A minimum seven foot (7') high buffer consisting of a berm, wall, fence, or combination thereof shall be provided within the buffer area. The maximum slope for any berm shall be three feet (3') horizontal distance to one foot (1') vertical distance. Unsightly fencing shall not be permitted.

5. Common Area Landscapes: New residential subdivision common area landscapes shall be comprised of the following:

- a. Lawn, either seed or sod.
- b. A minimum of one deciduous shade tree per four thousand (4,000) square feet.

6. Design Considerations For Residential Developments:

- a. For design flexibility, half of the required shade trees may be substituted on a two to one (2:1) basis with ornamental and evergreen trees.
- b. Buffer areas should include a variety of species, arranged to create varied and attractive views. Open fences, decorative walls, and berms may be used. Height changes, offset angles, different materials, and other design techniques are required so as to create variety.

K. Parking Lot Landscaping:

1. Visual Impact: Landscaping shall be provided to minimize the visual impact of off-street parking:

Parking should be located to the side and rear of buildings, when possible, and shall be enhanced with landscaping so that it does not dominate the streetscape. Fences, hedges, berms, and landscaping may be used to limit view of parking areas (chain link fencing shall not be permitted). In the design of large parking areas, arrange bays of parking spaces to be separated by landscaping. When parking lots occur on sloping terrain, step the parking lots to follow the terrain rather than allowing the lot surface to extend above natural grade.

2. Parking Lot Landscape Strip: A landscape strip shall be provided when a parking lot is located adjacent to a public right of way. The landscaped strip shall serve to limit views of parked cars to passing motorists and pedestrians, and to establish coordination among architecturally diverse buildings, which creates a pleasing, harmonious appearance along the roadway.

Three (3) options are provided for fulfilling this requirement:

- a. Provide an eight-foot (8') wide landscaped strip between the right of way and the parking lot, and plant with a minimum of one shade tree and eight (8) shrubs per thirty-five (35) linear feet of frontage, excluding driveway openings.
- b. Provide an earth berm of thirty inches (30") minimum height (do not exceed 3:1 slope) within a fifteen foot (15') wide landscaped strip between the right of way and the parking lot, and plant with a minimum of one shade tree per thirty-five (35) linear feet of frontage, excluding driveway openings.
- c. Provide a three foot (3') high fence of wood, brick, stone, or decorative block or concrete along with a four foot (4') wide landscaped strip between the right of way and the parking lot, and plant a minimum of one shade tree and three (3) shrubs per thirty five (35) linear feet of

frontage, excluding driveway openings.

(1) The administrator may waive the requirement for a wood, brick, stone, decorative block or concrete fence if the board finds the following:

(A) The property is within the CBD; or

(B) Any such proposed design alternative is compatible with the overall site design of the entire project and is compatible with the surrounding area.

3. Parking Lot Perimeter Landscaping: Perimeter landscaping requirements define parking areas and prevent two (2) adjacent lots from becoming one large expanse of paving. This requirement does not hinder the ability to provide vehicular access between lots.

a. Provide a minimum five foot (5') wide perimeter landscaped strip between the property lines and the parking lot, and plant with a minimum of one shade tree per thirty-five (35) linear feet of perimeter, unless the adjacent project has required trees planted, as determined by the administrator.

4. Parking Lot Interior Landscaping:

a. Calculated Amount: Interior parking lot landscaping shall be required on any parking lot with ten (10) spaces and above. The required amount of landscaping is based on a sliding scale, as follows:

<u>Total Number Of Spaces</u>	<u>Percent Of Total Area Of A Lot That Must Be An Interior Landscaped Area</u>
10 - 20	3 percent
21 - 50	5 percent
51+	8 percent

b. Additional Requirements:

(1) No interior planter shall be less than five feet (5') average dimension.

(2) There shall be a landscaped parking island every ten (10) spaces.

(3) Parking islands are to be as evenly spaced as feasible throughout the lot to consistently reduce the visual impact of long rows of parked cars.

(4) Deciduous shade trees and ground covers or low shrubs are recommended as primary plantings in interior landscaped areas. Deciduous shade trees are to be clear branched to a height of six feet (6').

(5) A terminal island for a single row of parking spaces shall be landscaped with at least one tree and shrubs, ground cover, or grass. A terminal island for a double row of parking spaces shall contain not less than two (2) trees and shrubs, ground cover, or grass.

L. Landscaped Commercial Strips:

1. Except in the CBD, landscaped strips shall be provided between all building development and

public rights of way to lend continuity among different architectural styles, screen unsightly views, establish a pleasing view for motorists, and create a safe and pleasant corridor for pedestrians.

a. The landscaped strip shall be five feet (5') wide minimum and planted with one shade tree and five (5) shrubs for every thirty-five feet (35') of street frontage. Two (2) ornamental or two (2) evergreen trees may be substituted for one shade tree.

#### M. Parkway Strips, Separated Sidewalks, And Street Trees:

1. Along arterials and collectors designated on the highway district functional class map and for subdivision entry roads for the first 180 feet, sidewalks shall be separated from the curb. An eight-foot (8') wide minimum parkway planter strip planted with shade class (class II) trees shall be required between the sidewalk and curb.
2. A minimum of one street tree shall be planted for every thirty-five (35) linear feet of street frontage.
3. In all cases, any planting within public rights of way shall be with approval from the public and/or private entities owning the property.
4. Local streets are encouraged to have detached sidewalks.

#### N. Alternative Methods Of Compliance:

1. Project Conditions: It is not the intent of these landscape requirements to inhibit creative solutions to land use problems. Under certain site conditions, a strict interpretation of requirements may be either physically impossible or impractical. Alternative compliance is a procedure that allows certain modifications to existing regulations within this section. Requests for use of alternative landscaping schemes are justified only when one or more of the following conditions apply:
  - a. The sites involve space limitations or unusually shaped parcels;
  - b. Topography, soil, vegetation, or other site conditions are such that full compliance is impossible or impractical;
  - c. Due to a change of use of an existing site, the required buffer yard is larger than can be provided; and
  - d. Safety considerations are involved.
  - e. Requirements from outside agencies or jurisdictions (i.e. Transportation Authority, Irrigation/Drainage Districts, Fire Districts and Utility Companies).
2. Request For Alternative Method Of Compliance: The applicant must provide the city with a written request if an alternative method of compliance is proposed. The request shall state which requirement as set forth within this section is to be modified, what project conditions of this section justify using the proposed alternative, and how the proposed alternative equals or exceeds said requirement.

O. Approved Tree List: Applicants are required to use the Treasure Valley Tree Selection Guide.



**ARTICLE E. LIGHTING AND STREETLIGHT STANDARDS/ DARK SKY  
ORDINANCE**

**THIS SECTION RESERVED FOR FUTURE REVIEW AND ADOPTION**

### Additional Sections to be added to include the New South of the River Plan Regulations

RC RIVERFRONT CENTER: To provide for a mixture of uses which may, at the sole discretion of the Council, include office, small-scale retail, restaurants, offices, entertainment, and high-density residential within the comprehensive plan area designated as Riverfront Center. The Riverfront Center is planned to be a vibrant mixed-use center for the community that builds off River access and connection north to Main Street, the Riverwalk Park, and the River House. High density housing is encouraged on the upper floors of buildings and at the fringes of the land use designation. The focus of the Riverfront Center is a large-scale community civic space and gathering area at the Boise River edge. Development within this zone is to proceed through the PUD process unless a development agreement has already been executed for the particular property. This zone may allow the development community to be more innovative in design and placement of structures subject to Council review and approval. Rezoning within this land use designation is to be strictly monitored by the city to assure that the Riverfront Center is not being used simply to justify high density residential use. High-density residential uses should be part of the Riverfront Center though may not exceed thirty percent (30%) of the overall size of the development.

Section 2: 8-3A-3: USES WITHIN ZONING DISTRICTS: is hereby amended in part, as follows:

ZONING DISTRICT USES	A	R-R	R	CBD	C-1	C-2	L-O	LI	PS	MU	<u>RC</u>
Accessory structure - residential or commercial	A	A	A	N/C	A	A	A	A	A	C/P	<u>A</u>
Adult business/adult entertainment	N	N	N	N	N	N	N	C	N	N	<u>N</u>
Agriculture, forestry, fishing	P	P	N	N	N	N	N	N	N	N	<u>N</u>
Airport	C	N	N	N	N	N	N	C	N	N	<u>N</u>
Animal care facility <sup>1</sup>	P	C	N	C	P	P	P	P	N	C	<u>N</u>
Artist studio <sup>1</sup>	P	P	N	P	P	P	P	P	P	P	<u>P</u>
Arts, entertainment, recreation facility <sup>1</sup>	C	N	N	P	C	P	P	C	P	C	<u>P</u>
Asphalt plant <sup>1</sup>	N	N	N	N	N	N	N	C	N	N	<u>N</u>
Auction facility	N	N	N	N	N	C	N	C	N	C	<u>N</u>
Automated Teller Machine (ATM) <sup>1</sup>	N	N	N	A	A	A	A	A	A	A	<u>A</u>

Automotive hobby <sup>1</sup>	A	A	A	N	N	N	N	A	N	A	<u>N</u>
Automotive mechanical/ electrical repair and maintenance	N	N	N	C	C	P	N	P	N	C	<u>N</u>
Bakery - retail or manufacturing	N	N	N	P	P	P	P	P	N	P/C	<u>P</u>
Bar/tavern/lounge/ drinking establishment	N	N	N	P	C	P	C	C	N	C	<u>P</u>
Barbershop/styling salon	N	N	N	P	P	P	P	N	N	P	<u>P</u>
Bed and breakfast	P	P	N	P	P	P	N	N	N	C	<u>C</u>
Beverage bottling plant	N	N	N	N	N	N	N	P	N	N	<u>N</u>
Boarding house	C	C	C	N	N	N	N	N	N	C	<u>C</u>
Brewery/Distillery	N	N	N	P	C	P	N	P	N	C	<u>P</u>
Brewpub/wine tasting	A	A	N	P	C	P	C	C	N	C	<u>P</u>
Building material, garden equipment and supplies	N	N	N	P	C	P	C	P	N	C	<u>C</u>
Campground/RV park <sup>1</sup>	C	N	N	N	N	N	N	N	N	C	<u>N</u>
Caretaker unit <sup>1</sup>	A	A	A	N	A	A	N	N	A	A	<u>A</u>
Cement or clay products manufacturing	N	N	N	N	N	N	N	P	N	N	<u>N</u>
Cemetery <sup>1</sup>	C	C	N	N	N	N	N	N	P	N	<u>N</u>
Chemical manufacturing plant <sup>1</sup>	N	N	N	N	N	N	N	C	N	N	<u>N</u>
Child care center (more than 12) <sup>1</sup>	N	C	N	C	C	C	C	N	N	C	<u>N</u>
Child care family (6 or fewer) <sup>1</sup>	A	A	A	A	A	A	A	N	N	A	<u>C</u>
Child care group (7- 12) <sup>1</sup>	C	C	C	C	C	C	C	N	N	C	<u>C</u>
Child care- preschool/early learning <sup>1</sup>	N	C	C	C	C	C	C	N	N	C	<u>C</u>

Church or place of religious worship <sup>1</sup>	P	P	C	N	P	P	P	N	C	P	<u>N</u>
Civic, social or fraternal organizations	C	N	N	P	P	P	P	N	N	C	<u>C</u>
Concrete batch plant <sup>1</sup>	N	N	N	N	N	N	N	C	N	N	<u>N</u>
Conference/convention center	N	N	N	P	P	P	P	C	C	C	<u>C</u>
Contractor's yard or shop <sup>1</sup>	C	C	N	N	N	N	N	C	N	N	<u>N</u>
Convenience store	N	N	N	P	C	P	P	P	N	C	<u>C</u>
Dairy farm	C	N	N	N	N	N	N	N	N	N	<u>N</u>
Drive-through establishment/drive-up service window <sup>1</sup>	N	N	N	P	P	P	C	C	N	C	<u>N</u>
Dwelling:											
Multi-family <sup>1</sup>	N	N	C	N	N	N	N	N	N	C	<u>P</u>
Secondary <sup>1</sup>	A	A	A	N	N	N	N	N	N	C	<u>C</u>
Single-family attached	N	N	P	N	N	N	N	N	N	C	<u>N</u>
Single-family detached	P	P	P	N	N	N	N	N	N	C	<u>N</u>
Two-family duplex	N	N	P	N	N	N	N	N	N	C	<u>N</u>
Live/work multi-use <sup>1</sup>	N	N	N	C	N	N	N	N	N	C	<u>C</u>
Educational institution, private	C	C	C	C	C	C	C	N	N	C	<u>C</u>
Educational institution, public	C	C	C	C	C	C	C	N	C	C	<u>C</u>
Equipment rental, sales, and services	N	N	N	C	C	P	N	P	N	C	<u>N</u>
Events center, public or private (indoor/outdoor)	C	C	N	C	C	C	N	C	C	C	<u>C</u>
Fabrication shop	N	N	N	N	N	P	N	P	N	N	<u>N</u>
Farm	P	P	N	N	N	N	N	N	N	N	<u>N</u>
Farmers' or Saturday market	C	C	N	C	C	C	C	C	C	C	<u>P</u>

Feedlot	N	N	N	N	N	N	N	N	N	N	<u>N</u>
Financial institution	N	N	N	P	P	P	P	P	N	C	<u>C</u>
Fireworks stands	N	N	N	P	P	P	P	P	N	P	<u>N</u>
Flammable substance storage	N	N	N	N	N	N	N	C	N	N	<u>N</u>
Flex space	N	N	N	N	C	P	C	P	N	C	<u>N</u>
Food products processing	C	N	N	N	C	C	N	P	N	N	<u>N</u>
Fracking	N	N	N	N	N	N	N	N	N	N	<u>N</u>
Gasoline, fueling and charging station with or without convenience store1	N	N	N	C	C	P	C	P	N	C	<u>N</u>
Golf course	C	C	C	N	C	C	C	C	C	C	<u>N</u>
Government office	N	N	N	P	P	P	P	P	P	C	<u>P</u>
Greenhouse, private	A	A	A	N	N	N	N	N	N	A	<u>N</u>
Greenhouse, commercial	P	C	N	N	C	P	N	P	N	C	<u>N</u>
Guesthouse/granny flat	P	P	C	N	N	N	N	N	N	C	<u>C</u>
Healthcare and social services	N	N	N	P	P	P	P	P	N	C	<u>C</u>
Heliport	C	N	N	N	N	N	N	C	N	N	<u>N</u>
Home occupation1	A	A	A	A	N	N	N	N	N	A	<u>P</u>
Hospital	N	N	N	P	C	P	P	C	N	C	<u>N</u>
Hotel/motel	N	N	N	C	C	P	N	C	N	C	<u>C</u>
Ice manufacturing plant	N	N	N	N	N	N	N	P	N	N	<u>N</u>
Industry, information	N	N	N	P	P	P	P	P	N	C	<u>N</u>
Institution	N	N	N	C	C	P	N	N	C	C	<u>C</u>
Junkyard	N	N	N	N	N	N	N	C	N	N	<u>N</u>
Kennel	C	C	N	N	N	C	N	C	N	C	<u>N</u>
Laboratory	N	N	N	P	P	P	P	P	N	C	<u>N</u>
Laboratory, medical	N	N	N	P	P	P	P	P	N	C	<u>N</u>
Lagoon	N	N	N	N	N	N	N	C	C	N	<u>N</u>
Laundromat	N	N	N	P	P	P	P	P	N	P	<u>C</u>
Laundry and dry cleaning	N	N	N	P	P	P	P	P	N	C	<u>C</u>



Library	N	N	N	P	P	P	P	N	P	N	<u>C</u>
Manufactured home1	P	P	P	N	N	N	N	N	N	C	<u>N</u>
Manufactured home park1	N	N	C	N	N	N	N	N	N	N	<u>N</u>
Manufacturing plant	N	N	N	N	N	C	N	C	N	N	<u>N</u>
Meatpacking plant	C	N	N	N	N	N	N	C	N	N	<u>N</u>
Medical clinic	N	N	N	P	P	P	P	N	N	P	<u>P</u>
Mining, pit or quarry (excluding accessory pit)1	C	N	N	N	N	N	N	C	N	N	<u>N</u>
Mining, pit or quarry (for accessory pit)1	A	A	A	A	A	A	A	A	A	A	<u>N</u>
Mortuary	N	N	N	N	C	P	N	P	N	C	<u>N</u>
Museum	C	N	N	P	P	P	P	N	P	P	<u>P</u>
Nursery, garden center and farm supply	N	N	N	C	P	P	P	P	N	C	<u>N</u>
Nursing or residential care facility1	N	N	C	C	P	P	P	N	N	C	<u>C</u>
Office security facility	N	N	N	P	P	P	P	P	N	C	<u>N</u>
Parking lot/parking garage (commercial)	N	N	N	C	C	C	C	C	C	C	<u>P</u>
Parks, public and private	P	P	P	P	P	P	P	P	P	P	<u>P</u>
Pawnshop	N	N	N	P	P	P	P	P	N	P	<u>N</u>
Personal and professional services	N	N	N	P	P	P	P	P	N	P	<u>P</u>
Pharmacy	N	N	N	P	P	P	P	P	N	P	<u>P</u>
Photographic studio	N	N	N	P	P	P	P	P	N	P	<u>P</u>
Portable classroom/modular building (for private and public	C	C	C	C	C	C	C	N	C	C	<u>N</u>

educational institutions)											
Power plant	N	N	N	N	N	N	N	C	N	N	<u>N</u>
Processing plant	C	N	N	N	N	N	N	C	N	N	<u>N</u>
Professional offices	N	N	N	P	P	P	P	P	N	C	<u>P</u>
Public infrastructure; public utility major, minor and yard1	C	C	C	C	C	C	C	C	C	C	<u>C</u>
Public utility yard	C	N	N	N	C	C	N	P	C	N	<u>N</u>
Recreational vehicle dump station	N	N	N	N	C	C	N	C	N	A	<u>N</u>
Recycling center	N	N	N	N	C	C	N	P	N	N	<u>N</u>
Research activities	A	N	N	P	P	P	P	P	N	C	<u>C</u>
Restaurant	N	N	N	P	C	P	P	C	N	C	<u>P</u>
Retail store/retail services	N	N	N	P	C	P	P	P	N	C	<u>P</u>
Retirement home	N	N	C	C	C	N	C	N	N	C	<u>C</u>
Riding arena or stable, private/commercial	P/C	P/C	C/N	N	N	N	N	N	N	N	<u>N</u>
Salvage yard	N	N	N	N	N	N	N	C	N	N	<u>N</u>
Sand and gravel yard	C	N	N	N	N	N	N	P	N	N	<u>N</u>
Service building	C	N	N	P	P	P	N	P	N	C	<u>N</u>
Shooting range (indoor/outdoor)	C	N	N	C/N	C/N	C/N	N	C	N	C/N	<u>N</u>
Shopping center	N	N	N	P	C	P	N	N	N	C	<u>N</u>
Short term rentals1	A	A	A	A	N	N	N	N	N	A	<u>A</u>
Solid waste transfer station	N	N	N	N	N	N	N	C	N	N	<u>N</u>
Storage facility, outdoor (commercial)1	C	N	N	N	C	P	N	P	N	C	<u>N</u>
Storage facility, self-service (commercial)1	C	N	N	N	C	P	N	P	N	C	<u>N</u>
Swimming pool, commercial/public	N	N	N	P	P	P	P	P	P	P	<u>C</u>

Television station	N	N	N	N	N	C	N	C	N	C	<u>C</u>
Temporary living quarters1	P	P	C	N	N	N	N	N	N	N	<u>N</u>
Terminal, freight or truck1	N	N	N	N	N	C	N	P	N	N	<u>N</u>
Truck stop	N	N	N	N	N	C	N	P	N	C	<u>N</u>
Turf farm	P	P	N	N	N	N	N	N	C	N	<u>N</u>
Vehicle emission testing1	N	N	N	P	P	P	P	P	N	C	<u>N</u>
Vehicle impound yard1	N	N	N	N	N	N	N	P	N	N	<u>N</u>
Vehicle repair, major1	N	N	N	N	C	P	N	P	N	C	<u>N</u>
Vehicle repair, minor1	N	N	N	C	C	P	N	P	N	C	<u>N</u>
Vehicle sales or rental and service1	N	N	N	C	C	P	N	P	N	C	<u>N</u>
Vehicle washing facility1	N	N	N	C	C	P	N	P	N	C	<u>N</u>
Vehicle wrecking, junk or salvage yard1	N	N	N	N	N	N	N	C	N	N	<u>N</u>
Veterinarian office	P	C	N	C	P	P	P	P	N	C	<u>P</u>
Vineyard	P	P	N	N	N	N	N	C	N	C	<u>N</u>
Warehouse and storage	N	N	N	N	N	P	C	P	N	C	<u>N</u>
Wholesale sales	N	N	N	C	P	P	C	P	N	C	<u>N</u>
Winery	P	C	N	N	N	C	N	P	N	C	<u>P</u>
Wireless communication facility1	C	C	C	C	C	C	C	C	C	C	<u>C</u>
Woodworking shop	N	N	N	N	N	P	N	P	N	N	<u>P</u>

Section 3: 8-3A-4: ZONING DISTRICT DIMENSIONAL STANDARDS: is hereby amended in part, as follows:

Zoning District	Maximum Height Note Conditions	Minimum Yard Setbacks Note Conditions			
		Front (1)	Rear	Interior Side	Street Side
A	50'	30'	30'	30'	20'

R-R	35'	30'	30'	20'	20'
R-1	35'	30'	30'	10'	20'
R-2	35'	20'	20'	10'	20'
R-3	35'	15' to living area/side load garage 20' to garage face	15'	5' per story (2)	20'
R-4	35'	15' to living area 20' to garage face	15'	5' per story (2)	20'
R-5	35'	15' to living area/side load garage 20' to garage face	15'	5'	20'
R-6 to R-11 detached housing	35'	15' to living area 20' to garage 10' if alley loaded	15' 4' if alley load	3'	20'
R-6 to R-11 attached housing	35'	15' to living area 20' to garage 10' if alley load	15' 4' if alley load	0' for common walls 5' at end of building	20'
R-12 and higher	35'	15' to living area 20' to garage	15' 4' if alley load	5' for single story 10' feet for multi- story	20'
CBD	35'	0'	0'	0'	0'
C-1	35'	20'	5'	0'	20'
C-2	35'	20'	5'	0'	20'
LO	35'	20'	10'	0'	20'
PS	35'	20'	10'	0'	20'
MU	35'	For MU and CBD - Unless otherwise approved by the Council as a part of a PUD or development agreement, all residential buildings shall follow the residential setbacks shown in this table based upon the project density and all other buildings shall follow setbacks for the C-2 zone (3).			
<u>RC</u>	<u>35'</u>	<u>0'</u>	<u>0'</u>	<u>0'</u>	<u>0'</u>

Section 4: 8-3C-2: ADDITIONAL CENTRAL BUSINESS DISTRICT STANDARDS: is hereby amended in part, as follows:

F. New development shall incorporate site and architectural design recommendations from the Architectural Overlay Design Guidelines for the Central Business District and Riverfront Center.

Section 5: CHAPTER 3 | ZONING DISTRICTS STANDARDS, ARTICLE F.  
ADDITIONAL RIVERFRONT CENTER STANDARDS: is hereby added, as follows:

ARTICLE F. ADDITIONAL RIVERFRONT CENTER STANDARDS SECTION:

8-3F-1: RC Riverfront Center

8-3F-1: RC RIVERFRONT CENTER:

- A. Comply with Section 8-3A-1: Zoning Districts And Purpose Established.
- B. All development applications within the Riverfront Center shall be accompanied by a conditional use permit, planned unit development, or development agreement application, which shall include a concept plan of the development.
- C. The administrator shall make a recommendation to the applicant regarding what mix of uses are appropriate for the Riverfront Center and shall then make a recommendation to the Council.
- D. The Riverfront Center shall include uses from two (2) or more of the land use categories such as residential, commercial, office, or public space.
- E. The Riverfront Center shall include outdoor gathering space as a central focus along the Boise Riverfront and accommodate connections to the Boise Greenbelt system from the mixed-use area.
- F. Single-family detached dwellings, and single family attached dwellings are prohibited within the Riverfront Center. A range of multi-family dwellings are encouraged are encouraged, though not required to be accommodated on upper floors as part of a vertical, mixed-use building.
- G. The Council may place requirements on development within the Riverfront Center, including a ratio of uses and/or timing of phases, to ensure that the overall development maintains its mixed-use intent. (Ord. 303, 2-11-2020; amd. Ord. 310, 7-21-2020)
- H. New development shall incorporate site and architectural design recommendations from the *Architectural Overlay Design Guidelines for the Central Business District and Riverfront Center*.

Section 6: CHAPTER 3 | ZONING DISTRICTS STANDARDS, ARTICLE G.  
OVERLAY DISTRICTS: is hereby added, as follows:

ARTICLE G. OVERLAY DISTRICTS:

8-3G-1: CBD ARCHITECTURAL OVERLAY DISTRICT:

- A. A CBD Architectural Overlay District boundary is all of the existing CBD north of the river, and 750' on either side of SH-44 from city limit to city limit, including future annexations.
- B. The "STAR DESIGN GUIDELINES, CENTRAL BUSINESS DISTRICT AND RIVERFRONT CENTER" (the Guidelines), is adopted through this ordinance. It may be amended from time to time by a Resolution of the Star City Council and shall be used within the CBD Architectural Overlay District.



- C. If the CBD Architectural Overlay District Guidelines conflict with other parts of the City of Star code, the CBD Architectural Overlay District Guidelines shall be used.