

**CITY COUNCIL REGULAR MEETING AGENDA**

City Hall - 10769 W State Street, Star, Idaho
Tuesday, February 15, 2022 at 7:00 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. **CALL TO ORDER** – Welcome/Pledge of Allegiance
2. **INVOCATION** – Joe Carson, Star Community Church
3. **ROLL CALL**
4. **PRESENTATIONS**
 - A. **New Deputy Introductions:** Chief Zach Hessing
 - B. **Building Permit Report:** Fiscal Year 2022 to date
5. **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. **Approval of Claims:** Provided & Previously Paid
 - B. **Approval of Minutes:** December 21, 2021 Star City Council Meeting Minutes
 - C. **Final Plat:** Moon Valley #5 (FP-21-32)
 - D. **Findings of Fact / Conclusion of Law:** Inspirado Subdivision
 - E. **Findings of Fact / Conclusion of Law:** Star Pointe Subdivision
 - F. **Findings of Fact / Conclusion of Law:** Oaklawn Crossing Subdivision
 - G. **Findings of Fact / Conclusion of Law:** Langtree Bungalows Subdivision
 - H. **Findings of Fact / Conclusion of Law:** Union Street / State Street Rezone
6. **ACTION ITEMS:**
 - A. **COMPASS Reimburse Agreement / Floating Feather Road to Star Middle School Project Development:** Authorizing Mayor Chadwick to sign
7. **PUBLIC HEARINGS with ACTION ITEMS:**
 - A. **PUBLIC HEARING: Springtree Estates Subdivision (FILE: AZ-21-16, DA21-24 & PP-21-19)** - The Star City Council will hear testimony from the public regarding an application for Annexation and Zoning (RUT to R-3) with a Development Agreement and Preliminary Plat for a proposed residential subdivision consisting of 14 residential lots and 2 common lots. The property is located at 9220 W. Beacon Light Road in Star, Idaho, and consists of 5 acres with a proposed density of 2.8 dwelling units per acre. The subject property is generally located on the northwest corner of N Pollard Lane and West Beacon Light Road within Ada County. Oral testimony may be offered at the hearing. Written testimony may be received up to two days prior of the hearing.
 - B. **PUBLIC HEARING: Kirshner-Dill Annexation (FILE: AZ-21-15 & DA-21-23)** - The Star City Council will hold a public hearing concerning an application for Annexation and Zoning (RUT-R-1) with a Development Agreement. The property is located at 2689 N. Brandon Road in Star, Idaho, and consists of 10.9 acres. Oral testimony may be offered at the hearing. Written testimony may be submitted up to two days prior to the hearing.
 - C. **PUBLIC HEARING: Comprehensive Plan Amendment / South of the River Plan** The City Council of the City of Star, Idaho, will hear comments from the public concerning the proposed amendments to the Comprehensive Plan, which will add a section called the South of the River Plan. Oral testimony may be offered at the hearing. Written testimony may be submitted up to two days prior to the hearing. **(NOTE: This item was tabled from December 21, 2021 and will be tabled to March 15, 2022)**
 - D. **DISCUSSION: Unified Development Code Updates and Additions** - The City Council and Staff will discuss proposed updates concerning Star City Code Title 8, Chapters through Chapter 8. **(NOTE: A Public Hearing will be scheduled at a point in the future when the updates are complete.)**
8. **ADJOURNMENT**



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The meeting can be viewed via a link posted to the City of Star website at staridaho.org. Information on how to participate in a public hearing remotely will be posted to 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

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

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 MEETING TOPICS – INFORMATIONAL PURPOSES ONLY



JANUARY 2022 POLICE REPORT

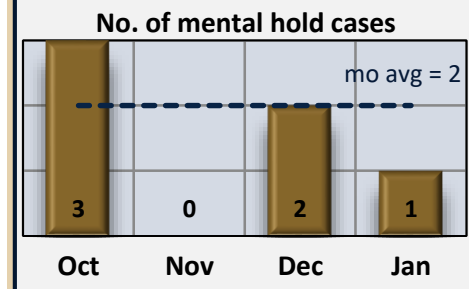
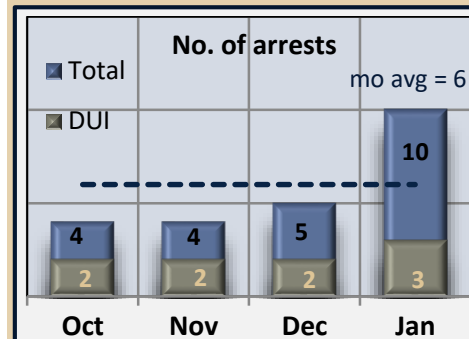
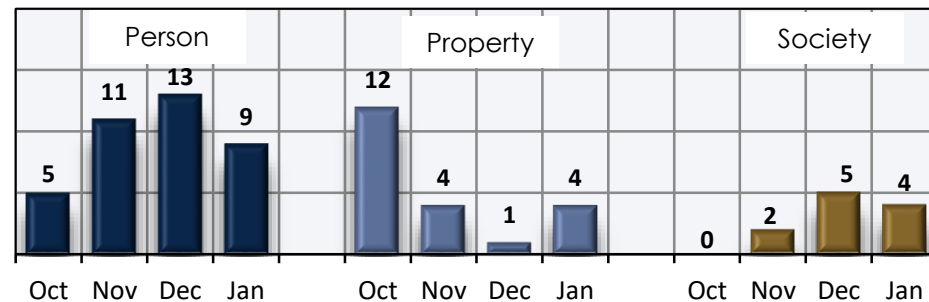
(Released February 14, 2022)

Section 4, Item A.

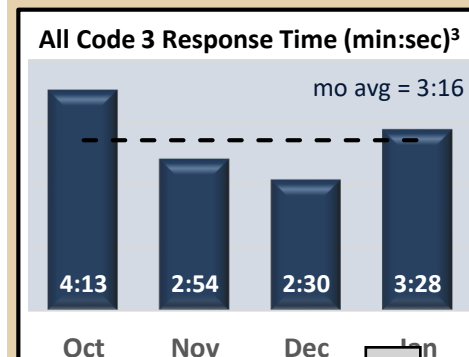
Case Reports ¹	2022					
	2019	2020	2021	Projected	Jan	Offenses YTD
Crimes (#)	180	202	189	199	17	17
Person	56	63	79	89	9	9
Property	104	109	72	63	4	4
Society	20	30	38	47	4	4
Case Type/ Pop (#/1000 population)	16.4	17.0	14.1	14.9		

- Case Report Types**
- **Person Crimes** = murder, manslaughter, rape/sodomy, assault, intimidation and kidnapping offenses
 - **Property Crimes** = robbery, burglary, larceny/theft, arson, destruction of property, counterfeiting, fraud, embezzlement, blackmail and stolen property offenses
 - **Society Crimes** = drugs/narcotics, gambling, pornography, prostitution and weapons law violations

Crime Types by Month (Oct 2021 – Jan 2022)



Police Activity ⁴	Monthly Average ²	Oct 2021	Nov 2021	Dec 2021	Jan 2022
Citizen calls for service (CFS)	207	205	205	206	214
Proactive Policing	515	566	550	544	401
Select call types (#)					
Domestic Violence	5	6	3	1	8
Crisis/Mental Health/CIT	6	3	2	9	9
Juvenile Activity	15	17	12	17	13
School Checks	41	42	45	48	30
Traffic stop	96	93	122	109	58
Crash Response	22	23	24	16	23
Welfare Checks	17	20	19	12	15



¹Case Reports are compiled from ITS (Pre-NIBRS), ²Monthly averages are based on the identified months

³Code 3 calls - Represents ALL incidents that are routed at Priority 3, where Priority 3 calls require an immediate emergency response.

⁴Police Call data reflects calls within the City of Star and all dispatched calls with a Star Deputy.



A REPORT TO OUR CITIZENS 2021

(Released February 8, 2022)

Section 4, Item A.

Mission

We make safer places for you to live, work and play.

2021 Highlight

The City of Star hired Jada Butterfield to be our new Administrative Assistant for the Star Police Department. That means you'll have easier access to us by having Jada in the office, Monday through Friday, to answer phone calls and welcome walk-ins. Jada will also help us organize data and crime trend reports, order and purchase supplies, and support our staff so our officers can spend more time in town.

The City of Star also added two patrol officers to increase the officer-to-citizen ratio. This allows us to have more officers in the community at our busiest time for a better response to calls and increased officer safety.

This report provides a good snapshot of how our rapid population gain in Star has not brought higher crime rates with it, so that is good news. Check it out if you want to get an idea of what is happening in our town.



Message from Star Police Chief Zach Hessing

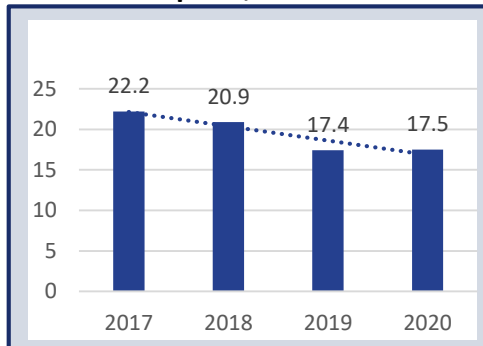
We would like to thank the residents of Star for their unwavering support of law enforcement. It is a privilege to serve such a great community as we work with one another to keep our crime rate low and each other safe.

2021 was a year of change. The ongoing challenges of COVID-19 kept us all apart more than I would like. Like the rest of the Treasure Valley, we're having some growing pains — but I am thrilled say the City of Star still has that small town feel of helping one another and looking out for our neighbors.

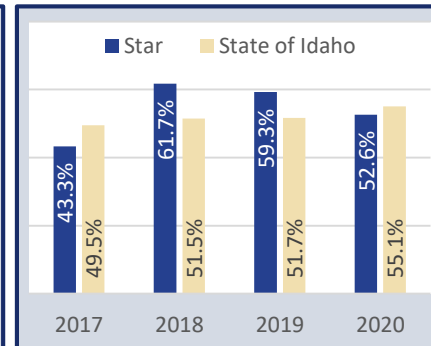
The Star Police Department remains committed to working hard, enforcing the laws that keep our community safe, helping our citizens solve problems when we're able, and keeping a great relationship with our community. We look forward to 2022 and working with all of you to make Star a safer place to live, work and play.

CRIME AND CLEARANCE

Crimes per 1,000 residents



Percent of crimes solved



*State of Idaho Clearance % estimate, 5-4-2020.

CRIMES BY TYPE

	2019	2020	2021*
Person Cases	48	50	56
Person Felony	18	26	19
Person Misdemeanor	30	24	37
Supplemental on Persons Case	15	18	8
Property Cases	114	123	78
Property Felony	70	62	40
Property Misdemeanor	44	61	38
Supplemental on Property Case	46	33	3

On cases with both a Felony and Misdemeanor the Felony was counted as a count of cases not a count of offenses.
 *2021 Data is through November 2021 as of January 11, 2022; at this time there are hundreds of unprocessed Supplemental reports needing to be validated.

Star Populations are based on COMPASS population estimates, April 2021

Star Calls	2017	2018	2019	2020	2021
Community Call	1,236	1,342	2,132	2,615	2,207
Officer Initiated	6,655	5,464	6,452	6,745	5,727
Total	7,891	6,806	8,584	9,360	7,934

Priority Calls	2017	2018	2019	2020	2021
P3 – Emergency	11	26	38	22	34
P2 - High Priority	2,787	2,555	3,007	2,887	2,539
P1-0 - Low Priority	5,093	4,225	5,539	6,451	5,361

Call Activity / Arrest	2017	2018	2019	2020	2021
Case Arrests*	163	246	167	98	74
Traffic Crash Calls	78	57	106	121	132
DUI Calls	55	63	102	89	89
Crisis/Mental Hold/ Suicide type Calls	44	51	51	50	50
Narcotic Type Calls	19	10	9	12	7
Juvenile Issues Calls	54	83	92	101	149
School Security Calls	160	309	450	444	453

Offense Type	2017	2018	2019	2020	2021
Mental Hold Cases*	12	17	17	20	14

*At the time of this report these data, in NIBRS, are compiled through November 2021.

Star Police Team	
Administrative Assistant	Section 4, Item A.
Jada Butterfield	
Blue Team	
Deputy Derick Brashears	
Deputy Jon Cleveland	
Deputy Dale Morehouse	
Deputy Jacob Breckon	
Silver Team	
Deputy Michael Henderson	
Deputy Jason Woodcook	
Deputy Austin Eckhardt	
Deputy Robert Denney	
Detectives	
Detective Jonathan Steele – Property Crimes	
Detective Ashley Turner – Person Crimes	
School Resource Officers	
Detective Rob Fowler	

Training and Specialties

The Star Police Department is fortunate to have 1 SWAT Deputy, 2 Emergency Vehicle Operation Course Instructors, Crisis Negotiator, Honor Guard, 2 Drone Operators, 3 Patrol Training Officers, Fraud investigator, 2 Trained Acting Field Commander's, Breath Test Specialist, 2 Crime Scene Investigator's, US Marshall Task Force, Defensive Tactics Instructor, Cell Phone Investigations, Interview Techniques, Commercial Vehicle Specialist, Motorcycle Patrol, and a Fusion Liaison Officer (Intelligence).

City	Population	Budget 21-22	Officer Count	Cost per Resident	Star Budget Breakdown	%
Garden City	12,570	\$ 5,133,397.00	26	\$408.38	Personnel	89.9%
Boise	241,590	\$ 71,179,598.00	300	\$294.63	Vehicles	6.1%
Unincorporated	60,820	\$ 14,388,401.00	68	\$236.57	Operational	1.2%
Nampa	110,980	\$ 25,148,723.00	144	\$226.61	Equipment / Uniforms	2.3%
Meridian	127,890	\$ 24,036,074.00	129	\$187.94	Support	.5%
Caldwell	63,760	\$ 11,067,230.00	73	\$173.58		
Star	13,400	\$ 1,518,780.41	10	\$113.34	Total Star Police Cost	\$ 1,633,097.21
Eagle	34,470	\$ 3,572,671.12	24	\$103.65	Shared Services Credit	\$ (114,316.80)
Kuna	27,570	\$ 2,715,073.17	18	\$98.48	Net Star Police Contract	\$ 1,518,780.41
Average	77,006	\$ 17,639,994.19	88	\$204.80		

Data references: CAD Data is from CAD SQL database, Offense and Arrests from RMS database: Ada County Sheriffs Office



2021/2022 City of Star Building Permits

<u>SUBDIVISION</u>	<u>OCT</u>	<u>NOV</u>	<u>DEC</u>	<u>JAN</u>	<u>FEB</u>	<u>MAR</u>	<u>APR</u>	<u>MAY</u>	<u>JUNE</u>	<u>JULY</u>	<u>AUG</u>	<u>SEPT</u>	<u>TOTAL</u>
Amazon Falls	0	0	0	11	0	0	0	0	0	0	0	0	11
American Star	15	30	0	0	0	0	0	0	0	0	0	0	45
Collina Vista	0	0	1	5	0	0	0	0	0	0	0	0	6
Craftsman	0	0	1	0	0	0	0	0	0	0	0	0	1
Fallbrook	0	0	0	0	0	0	0	0	0	0	0	0	0
Greendale	3	4	4	4	0	0	0	0	0	0	0	0	15
Greiners Hope Springs	0	8	13	10	0	0	0	0	0	0	0	0	31
Iron Mountain	0	10	0	0	0	0	0	0	0	0	0	0	10
Moon Valley	15	5	10	6	0	0	0	0	0	0	0	0	36
Parkstone	0	0	0	6	0	0	0	0	0	0	0	0	6
Reunion	3	0	15	12	0	0	0	0	0	0	0	0	30
Rosti Farms	0	0	9	9	0	0	0	0	0	0	0	0	0
Ryken Meadows	0	0	0	0	0	0	0	0	0	0	0	0	0
Sec 5 1N	1	0	0	0	0	0	0	0	0	0	0	0	1
Star River Meadows	1	0	0	0	0	0	0	0	0	0	0	0	1
Star River Ranch	1	1	0	0	0	0	0	0	0	0	0	0	2
Stonecrest	0	4	0	1	0	0	0	0	0	0	0	0	5
Trapper Ridge	0	0	0	0	0	0	0	0	0	0	0	0	0
Trident Ridge	13	0	3	6	0	0	0	0	0	0	0	0	22
Canyon	0	0	0	1	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Building Permits Issued	52	62	56	71	0	0	0	0	0	0	0	0	241
Exempt Park impact fees	3	0	9	12									24
COMMERCIAL	1	1	2	1									5
Commercial REMODEL	1	0	0	0									1
MISCELLANEOUS	2	4	6	6									18

CITY OF STAR CLAIMS

January 29 - February 8, 2022

VENDOR NAME	MEMO	AMOUNT
Ada County Prosecutor	Joint Powers Agreement	\$ 2,500.00
Canyon County Clerk	Prosecution services	\$ 100.00
Century Link	Telephone services	\$ 193.48
Clearly	Telephone services	\$ 231.09
FatBeam	Fiber optic service	\$ 1,640.50
GameFace Athletics	Volleyball uniforms	\$ 1,840.35
Idaho Press	Legal notices	\$ 1,041.27
Intermountain Gas	Gas services	\$ 759.81
Johansen Plumbing	Refund for permit overpayment	\$ 195.00
Mountain Alarm	Fire alarm / security monitoring	\$ 70.00
Office Savers	Office supplies	\$ 69.99
Pioneer Ditch Co	Annual Ditch Assessments	\$ 251.16
Republic Services	Waste management services	\$ 696.61
Ron Weston	Reimbursement sports equipment	\$ 287.06
Treasure Valley Coffee	Coffee supplies and water	\$ 124.92
White Peterson	Attorney services	\$ 3,983.68
Xerox	Copy machine meter use	\$ 230.00
Yorgason Law Offices	Attorney services	\$ 5,660.00
TOTAL EXPENSES		\$ 19,874.92

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1. CALL TO ORDER – Welcome/Pledge of Allegiance

Mayor Chadwick called the meeting to order at 7:00pm and led the Pledge of Allegiance.

2. INVOCATION – Brian Howard – The Cause Church

Pastor Brian Howard with The Cause Church offered the invocation.

3. ROLL CALL

Mayor Trevor Chadwick, Council President David Hershey, Council Member Michael Keyes, Council Member Jennifer Salmonsens and Council Member Kevin Nielsen were present.

Also present were Council Member – Elect Kevan Wheelock, City Contract Attorney Chris Yorgason, City Planner Shawn Nickel, Assistant City Planner Ryan Field, City Clerk / Treasurer Jacob Qualls, Public Information Officer Dana Partridge, Deputy City Clerk Meredith Hudson and Star Police Chief Zach Hessing.

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. Approval of Claims Provided & Previously Approved December 1 - 14, 2021
- B. Final Plats: **Cresta Del Sol Subdivision #3 (FP-21-25)**
- C. Final Plats: **Cresta Del Sol Subdivision #4 (FP-21-26)**
- D. Final Plats: **Cresta Del Sol Subdivision #5 (FP-21-27)**

Mayor Chadwick noted items 4B, 4C and 4D would be removed from the Consent Agenda.

- Council Member Keyes moved to amend the agenda to add an action item after the Executive Session and stated the good faith reason was the city was waiting on an agreement from the legal firm and the agreement would be forthcoming and time was of the essence on this item. Council Member Salmonsens seconded the motion. ROLL CALL VOTE: Hershey – aye, Keyes – aye, Salmonsens – aye and Nielsen – aye. Motion carried.

- Council Member Keyes moved to approve the existing Consent Agenda Items of Item 4A only. Council Member Nielsen seconded the motion. ROLL CALL VOTE: Hershey – aye, Keyes – aye, Salmonsens – aye and Nielsen – aye. Motion carried.

5. PRESENTATIONS:**A. Star Transportation Committee Pathways Presentation - John Tensen**

Star Transportation Committee Chair John Tensen introduced the Committee Members who had been working on the Pathways. He stated he as well as Steve Greene, Chris Todd, Jon Turnipseed and Richard Girard had been working on the Pathways as a Subcommittee of the Transportation Committee.

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Tensen and Greene gave an overview of the pathway plan that included location, purpose, types, legal considerations, order of magnitude of construction costs, maintenance costs and possible funding sources and recommendations.

Greene asked for questions or direction from the Council.

Mayor Chadwick commended them on the great job they are doing, noting that it is all volunteer work. Chadwick asked if they had received a copy of the master license agreement from Eagle and agreed to adopt the map.

Council Member Keyes expressed thanks to the committee for their professionalism and expertise in the years he has worked with them and is also in support of the plan.

Council Member Nielsen asked about the miles and funding.

Council Member Salmonsens was able to provide more specific numbers about the Boise greenbelt, staff, volunteers and maintenance costs. She also provided numbers for Eagle's greenbelt and pathway funding. Council Member Hershey asked about a master plan and impact fees.

City Attorney Chris Yorgason mentioned since the city already has a park impact fee in place, the city could update to include pathways or have a separate specific fee and funds only going to pathways.

6. PUBLIC HEARINGS with ACTION ITEMS:

A. PUBLIC HEARING: Comprehensive Plan Amendment / South of the River Plan The City Council of the City of Star, Idaho, will hear comments from the public concerning the proposed amendments to the Comprehensive Plan, which will add a section called the South of the River Plan.

This hearing was a continuation from December 7, 2021. Mayor Chadwick discussed there had been some questions and concerns about the plan and it is his opinion the Council should continue the hearing to allow staff to get the information out to the landowners to give them an opportunity to review and comment. City Planner Shawn Nickel noted that staff would have it out tomorrow.

Public Testimony**John Bottles, with Mark Bottles Real Estate Services 839 S Bridgeway Place, Eagle ID**

Mr. Bottles explained he represents Beacon Crossing LLC, who owns approximately 53 acres within the subarea plan on the bench at French Joplin, east of CanAda Road. He stated he appreciates the work that has been done and his clients are overall supportive of the plan but a newspaper article given to them recently was the first they had heard about the project. They asked the Council to table the adoption of the plan and allow more time for comments. A few of their requests where a park is being depicted on Beacon Crossing property be deleted from the map, the language be amended as it relates to the

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illustrations of the park and state that the vision plan is illustrative in nature and not prescriptive, and the illustrated vision should not be used in making decisions regarding the individual development submittals and suggested the Council have clarifying language stating there is flexibility.

Council Member Keyes clarified the plan was a guideline but since it is the intention to have park land, they should not be removed but a line can be added that it is conceptual and not assigned to any specific parcel.

Council Member Nielsen started a discussion regarding how best for the city to determine at what stage the parks should become a reality on the map, rather than an illustrated concept since homeowners were reluctant to have it on their property. Mr. Bottles stated he concerned because they had not known about and been involved in the project, it suddenly landed on their property in the illustration.

Mayor Chadwick asked whether Bottles could be prepared by January 4, 2022, if it was tabled to give them more time.

Emily Mueller 839 S Bridgeway Pl, Eagle ID

Mrs. Mueller represents Northern Landholdings who is scheduled to purchase approximately 50 acres on the Northwest corner of Highway 16 and Chinden. She expressed gratitude on behalf of her client and referenced a letter submitted earlier in the day stating neither Mr. Brandt nor her client were aware of the plan, or the park shown until the weekend. She requested more time to review it to come up with mutually acceptable language regarding captions being added to this plan for applications to be submitted with a more global look at the area rather than individually. She noted while working with Meridian there was a similar request made for plans to be illustrative concepts not intended for explicit adherence in specific individual development applications.

Council Member Keyes echoed Council Member Nielsen's question, if language is included for plans to not be used as actual plans, what value do they have? Mueller reiterated these should be illustrative plans relied on for approaching landowners for a general vision and as a first step for how to move forward in getting in front of development rather than applications coming in and there be no room to negotiate due to conflicting plans.

Keyes asked if Mueller was familiar with a future land use map and whether she felt park lands should not be included. Mueller stated they felt many of the park locations would not serve the rest of the city and they would prefer to be able to find locations they could agree to. Once more she asked to have more time to look at the map in order to do this.

Richard Romer 5400 W Lesina Way, Meridian, ID

Mr. Romer stated he is a landowner that owns property next to the park that has been in his family for 80 years. He had no awareness of the plans until John Bottles mentioned it to him as he did not receive any

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communication regarding the plans. Romer has thought about selling a 13-acre portion of the property or building on a portion of it but does not know what the map means and is seeking clarification.

Mayor Chadwick stated he also has questions about the map.

Mr. Romer requested an explanation on what bench means when it comes to development of the land, stating he is fully supportive of the plans but is concerned about fair value for those who will lose opportunities or land. Mayor Chadwick and Romer then briefly discussed the bench and the height of Romer's land before asking Jennifer Gardener, who was on the line from Logan Simpson, to define bench and open spaces. She asked they circle back to her so she could determine the open space requirements.

Mayor Chadwick and Romer continued discussing the land and Mayor Chadwick asked Jenn to also explain the difference between open bench space and designated park space.

Council Member Keyes asked Mayor Chadwick to describe what the city did for outreach and mailing. Mayor Chadwick explained a mailer was sent out and they verified all of them did go out. He proposed the City possibly send out another mailer to give everyone a chance to look at the map. Additional proposals were for online and in person workshops to talk about the area with conceptual maps.

Ryan Field, Assistant City Planner with the City of Star, confirmed the addresses the mail was sent to are the tax addresses and verified John and Emily's addresses as correct when he met with them. He explained a letter was sent to every landowner, additionally three stake holder meetings with just the landowners were held. Additionally, flyers were sent to every deliverable address, were placed in post offices, and were placed on the website. He apologized the notifications had not been received and was not sure how to address this going forward. It was noted the original list had 119 parcels versus 131 now, with the differences being created due to lot splits, subdivision annexations, and lands that change ownership. A letter will be ready by tomorrow to go out, and while it is imperative it is done right so everyone has an opportunity to provide feedback, at some point a decision must be made to move forward even if someone is missed.

There was a discussion regarding established processes within every county and city for scenarios like this with it being noted they can't be responsible for what happens after letters go to the post office. Additionally, they discussed whether the mailers could be delivered by the post office before it shuts down.

Council Member Hershey confirmed with Mayor Chadwick the land was annexed.

- Council Member Hershey moved to table Comprehensive Plan Update until the 4th of January City Council Meeting; Council Member Keyes seconded the motion. All members signified aye. Motion carried.

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B. PUBLIC HEARING: Architectural Overlay for Commercial Business District the City Council of the City of Star, Idaho, will hear comments from the public concerning the proposed Architectural Overlay for the Commercial Business District in the City of Star.

This is a continuation Public Hearing from December 7, 2021.

Mayor Chadwick asked Council Member Keyes to discuss the purpose and intent of the architectural overlay before the Public Hearing is re-opened.

Keyes stated these comments are directed to people here and online about the planning effort the City of Star has undergone for the past three or four years which applies architectural standards for the commercial district and land to be developed as commercial property, light industrial or something other than single family residential on both sides of Highway 44 to the Boise River on Star Road. He pointed out the architecture in these locations currently has no common theme, and this will apply standards so commercial areas will look more cohesive and intentional with their design. This will not impact existing owners unless they choose to remodel, and it will take a while for the impact to be felt, but in the long run this will benefit Star in terms of creating more appealing commercial areas.

Mayor Chadwick closed the public hearing to move on to deliberations.

Keyes mentioned the only item he wanted to talk about is the boundary map. He explained the City Council has only discussed the map boundaries regarding them being dynamic as the same standard is used for both this district and the South of the River plans. He wanted to discuss with the council if the written boundaries ending at the river, applying north of the river, should be extended to city limits on the eastern side. Language states as city limits move it automatically extends the district. He asks if they should adopt this east of Highway 16 to existing city limits, which he proposes they do.

There was a discussion as to whether this needed to be reopened and Mayor Chadwick reopened the public hearing at 8:26pm.

Chris Todd with First Service Group in Green Mountain Resources and Planning, 53 N Plummer Star, ID
Overall, Mr. Todd hasn't discussed the CDB architectural overlay with his clients but does know they are bringing some elements into the designs. As for several clients bringing in traditional office space, he can't say if they are as well. As this was to procure small and midsize businesses, he asked for feedback on whether this will be a detriment in the future for large businesses. He did note the zoning doesn't match for his clients and the CDB district but wanted to make sure they can keep moving forward.

Keyes clarified the intent of the new district is not for zoning but is about exterior architectural styles and landscaping, with no restrictions for height.

There was a discussion regarding signage with it being determined this should not prohibit any large logos

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on the side of buildings, with it being noted that even when a building is part of a brand it can be modified to align with what the city is working toward. The language describing boundaries was also discussed.

Jennifer Gardener with Logan Simpson then spoke, addressing the signs first, confirming the signage section is meant to build on what's already in the code. As long as the Unified Development Code allows it, it is allowed to be done as far as heights, location, and size with the guidelines intended to speak to style. As to the boundaries, there has always been a lot of discussion about where the boundaries are. It has always been intended to encompass the CBD land use area not the CBD zone district, which may have caused confusion.

There was a discussion regarding the difference between CBD land use area and the CBD zone district, with a desire for clarifications on extensions outside the CBD zoning district and if they are designated CBD land use or not. There were also concerns that a vote was missed as these extensions seemed to be new developments. City Planner Shawn Nickel gave his opinion, stating this is a proposed overlay district which is different than either zoning or district maps so the boundaries can be whatever they decide, whether that extends beyond the CBD or only includes part of it.

Salmonsens expressed concern over the depth of 750 feet on either side and there was a discussion about this resulting in Mayor Chadwick asking if they should remove Item A.

Council Member Hershey had a question about the city boundaries on the east and west side. There was a discussion regarding boundaries and what would happen if they extended beyond the city limits, including if small changes could possibly cause issues with others. Overall, there was concern about making sure people have a chance to review it, while making sure there were architectural standards in place.

Mayor Chadwick closed the public hearing at 8:48pm to move on to deliberations.

Nielsen proposed they stay with the architectural overlay as applied to CBD and any desire to extend beyond that can be done at a different time.

Mayor Chadwick confirmed the removal of Item A, Article G.

- Council Member Nielsen moved to adopt this plan limiting its boundary to existing central district business and removing Item A, 3G1A from the code; Council Member Keyes seconded the motion. All members signified aye. Motion carried.

It was determined the zoning district standards update needed to be adopted by ordinance.

- Council Member Nielsen moved to suspend the rules requiring three separate readings on three separate days and read by title only once; Council Member Keyes seconded the motion. ROLL CALL VOTE: Hershey – aye, Keyes – aye, Salmonsens – aye, and Nielsen – aye. Motion carried.

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- Council Member Nielsen moved to adopt Architectural Overlay Commercial Business District Ordinance Zoning Standards and read the title; Council Member Keyes seconded the motion. ROLL CALL VOTE: Hershey – aye, Keyes – aye, Nielsen – aye, Salmonsens – aye. Motion carried.

C. 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.

Mayor Chadwick opened the hearing at 8:52pm.

City Planner Shawn Nickel summarized updates and discussed the red lined items in the Universal Development Code before the council.

Page 1 – Duties and Authority

There was a discussion regarding adding: interpretation of vagueness shall be bias toward the citizens of Star and not developer preferences. It was stated doing this would give administrators a tool to push back against developers who want their interpretation of vagueness to be used. City Attorney Chris Yorgason gave input stating he didn't feel the additions were necessary and felt "E" could be done away with entirely as staff should already be prioritizing the interest of the city/citizens and the definitions of certain terms within it were too vague. It was determined "E" would be removed.

Page 5 – Update

Updates included adding Canyon Highway District 4, discussing sign removal fines, and updating the public hearing process. There was no discussion.

Page 11 – Reposting Costs

There was no discussion aside from proposing minor grammatical alterations to the text.

Page 14 – Zoning Certificate for Horizontal/Build to Rent

There was no discussion as this would be brought up later and could be discussed then.

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Page 20 – Updates

Updates clarifying definitions of when streetlights need to be in place and energized prior to building permits being issued upon request from the fire department to enable them to find locations more easily. There was no discussion.

Page 26 – Updates

Updates adding Canyon Highway District 4. There was no discussion.

Page 32 – Build to Rent Definition

There was a discussion regarding concerns that nonprofessional owners of multiple homes intended for rental only may be able to bypass the code by stating they are not professionally managed, and that using common ownership would be the key to preventing this. It was determined the text should be altered to state, "of single-family residences offered for rental only by a common owner, including single family detached homes and townhouses."

Page 34 – Commercial Definition – Built to Rent

There was a discussion regarding potential conflicts in residential land uses being used for commercial purposes. More time was needed to define horizontal apartments and it was determined the Council would come back to this.

Page 40 – Horizontal Apartments Definition

There was a discussion regarding the definition of horizontal apartments which resulted in the definition being determined to be the same as build to rent.

Page 41 – Large Scale Definition

There was a discussion regarding where large scale is used in terms of commercially.

Page 43 – Management Company Definition

There was a discussion regarding whether there is conflict with the Homeowners Association (HOA) code, with a change needed to exclude HOAs. It was also discussed whether a definition about management company needed to be determined now. More time was needed to discuss this at length.

Page 44 – Multi-Family Definitions

Additions were made to the definitions of multi-family developments and multi-family dwellings. There was a discussion on whether this would solve the definition problem with build to rent or horizontal apartments, due to it simplifying the rest of the paragraphs. There was also more discussion about definitions for duplexes and multiplexes. It was determined this would need to be discussed further after looking at codes.

Page 58 – PLACE HOLDER FOR RC River Center Zoning District

There was no discussion.

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Page 62 – Horizontal Apartments/Build to Rent Land Use Designation

There was no discussion.

Page 66 – Setbacks/Waivers

There was a discussion regarding the safety challenges with setbacks smaller than 7 feet as well as whether other smaller setbacks would work, along with accessory structures. It was determined there would be a 10 foot minimum in R4-R5, which is desired by the fire department, and that for R6-R12 it would be 7 foot. It was also noted if there are too many buildings of a certain height, they will need to buy a ladder truck. Waivers were done away with.

A five-minute recess was taken at 9:47pm.

At 9:53pm the meeting was called back to order.

Mayor Chadwick suggested the City Council table this until January 4th to continue the process as there a lot more items to get through. It was determined one more item needed to be discussed.

Page 67 – Spite Strip Definition Revised

There was a favorable discussion regarding a possible amendment to put people on notice for spite strips, many of which were approved before Star was even a city, to say existing spite strips are subject to imminent domain by the City of Star if they were result in blocking of services or development including but not limited to sewer, water, streets, or utilities. It was determined it doesn't necessarily need to be done but it may be beneficial to notify people.

Page 70 – Transitional Lots

There was a brief discussion regarding 2 tables that were initially discussed a year ago concerning transitional lots adjacent to special transitional overlay districts. Along with this, there was also a brief discussion on minimum pool sizes. It was determined this would need further discussion.

- Council Member Nielsen moved to end this public hearing taking no action and that we take these things under consideration in future workshop and future public hearings; Council Member Salmonsens seconded the motion. All members signified aye. Motion carried.

There was clarification a workshop would be done and then this would be republished for a new public hearing. It was also noted letters would be accepted to be included with the workshops, and there will be a grandfather clause for subdivisions recently approved under the old code.

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D. PUBLIC HEARING: Amazon Falls Development Agreement Modification (DA-21-26 MOD) The City Council of the City of Star, Idaho will hear comments from the public concerning the Amazon Falls Development Phase #3 Development Agreement Modification.

Mayor Chadwick opened the public hearing at 10:01pm and asked the Council Members if they've had any ex parte contact. All members confirmed they had none.

Chris Todd, Green Mountain Resources and Planning, 53 N Plummer Star, ID

Mr. Todd discussed Junction Crossing and working with clients on rebranding Amazon Falls, discussing the various phases, including current construction schedules and estimated finish dates. He, his company, and clients are in contract with large companies that would like to build and relocate to Junction Crossing. Mr. Todd stated he has signed a Non-Disclosure Agreement (NDA) and cannot confirm or deny who the companies are but would like to discuss allowing certain uses such as an increasing the height limit to 58 feet, and then a reduction of the parking requirement.

He discussed the specifications for various brand destination stores and the goals desired floor by floor, with the upper floors intended for business and staff while the lower floors are for retail, restaurant and / or entertainment uses, for the company considering the space. Specifically, this company would like to have a restaurant and bar with an entertainment area. He referenced brand destination stores being very popular and can bring in tourists. The building would be 3 stories at 54 to 58 feet in height. Todd explained while it does seem large for Star, it would be good for the area in terms of commercial growth and progress, stating it would not be hazardous for any other buildings.

Mr. Todd discussed phase 4 indicating it will tie into what they are currently doing, discussed square footage, number of floors, and intentions for spaces in the building. Todd explained the desire for a reduction in parking in 25% due to the downstairs floors being a destination retail store and restaurant open for lunch, dinner, and weekends. As the consumers would be visiting in the evenings and weekends, there would be no overlap of needed parking with the workers on the upper floors. He stated having these two buildings come in will be cost effective, the buildings will be harmonious with each other through design and architecture, while also expressing excitement about bringing commercial growth to the area.

Council Member Nielsen requested the floor to discuss a potential for ex parte contact. Nielsen explained when this contact started, he did not realize what it was for but now needs to disclose he does. He had a conversation with the applicant or its partners in early November and did receive some merchandise to test. He stated he can recuse himself or return merchandise if necessary.

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City Attorney Chris Yorgason questioned Nielsen and verified neither he nor any of his relatives have a financial interest in the company and the merchandise was given before they knew he was a Council Member. He also verified Nielsen did not feel bias. Nielsen did note he had told some people about this prior to his knowledge of the application, including the Mayor but did not discuss with any other Council Members.

Yorgason determined because there was no financial interest, bias, or discussion about the actual application, he saw no reason Nielson would need to recuse.

Council Member Nielsen asked for input from the other Council Members, and all replied they were comfortable with him not being recused.

There was a discussion regarding the height ordinance and lack of ladder firetruck in Star with it being noted the ladder truck in Eagle would be able to service the area if needed. In addition, the reduction in parking spaces was discussed along with the location of the sign on the property.

Keyes further had questions about the indoor shooting range, whether it will be open to the public, and what floor it will be on. Todd explained it will be open to the public and was included as it has been part of discussions and they are still determining if it can be included as part of the lower floors.

Council Member Salmonsens referenced the uses for bar, tavern, lounge, drinking establishment and expressed concern about the church across the street and whether it is further than 300 ft. Todd confirmed the opening to the establishment can be placed 300 ft away on the north or north-west side of the building and they can also obtain a waiver but doesn't believe they have to. Mayor Chadwick also mentioned the highway being a barrier between the two, which has been taken into consideration.

Linda Wojcik, 3484 N Tansy Place Star, ID

Mrs. Wojcik expressed concern about the application being an entertainment venue, and questioned what is the anticipated number of people coming in for events, because if there is also a restaurant, bar, shooting range, and people possibly working late, where would the overflow parking go?

Todd thanked Wojcik, confirming there will be a restaurant and bar but in terms for entertainment it would be more of the restaurant having live music rather than a concert. He reiterated the uses will make it so there will be enough parking spaces in the evening and weekends to accommodate patrons. Mr. Todd also noted phase 4 will have a large amount of parking, which could become overflow parking in the future.

Mayor Chadwick closed the public hearing at 10:38 pm.

Keyes expressed concern about the height of the building but stated if the Fire Chief is comfortable with it, he will not oppose it.

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- Council Member Keyes moved to approve the second amendment to the Amazon Falls mixed use development agreement; Council President Hershey seconded the motion. Council Member Keyes amended his motion to include the 25% reduction in parking and the height variance to 58 ft. Council Member Hershey seconded the amended motion.

Mayor Chadwick asked if there was any further discussion.

Council Member Nielsen referenced the applicant stating the applicant could likely get 15-17 more parking spaces and asked if the council is interested in asking him to take that step. They discussed the reduction and spaces.

- Council Member Nielsen amended his motion to include the 25% reduction plus an additional 10 on top of that and that the applicant will work with the adjoining property on a cross parking agreement; Council Member Hershey seconded the amended motion. All members signified aye. Motion carried.

7. ACTION ITEMS:**A. Air Quality Board Appointment - David Bivins**

- Council Member Salmonsens moved to approve David Bivins to the Air Quality Board, Council Member Keyes seconded the motion. ROLL CALL VOTE: Hershey – aye, Keyes – aye, Salmonsens – aye and Nielsen – aye. Motion carried.

B. 2021 Provisional Beer / Wine License Approval: Albertsons

- Council Member Nielsen moved to approve the Albertsons Provisional Beer / Wine License. Hershey seconded the motion. All members signified aye. Motion carried.

C. ACHD Temporary License Agreement - Authorization for the City to Sign

Council Member Salmonsens stated the agreement with ACHD needs modified to indicate the appropriate location of Main and Highway 44 as the original draft agreement indicated the box wrap at Star Road and Highway 44 which had already been wrapped beautifully.

- Council Member Salmonsens moved to approve the Agreement and Authorize the Mayor to sign the agreement with the noted changes. Council Member Keyes seconded the motion. ROLL CALL VOTE: Hershey – aye, Keyes – aye, Salmonsens – aye and Nielsen – aye. Motion carried.

D. Ordinance 348: Stargazer Subdivision Annexation & Development Agreement
Removed**E. Ordinance 349: Stardust Subdivision Rezone & Development Agreement**
Removed

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F. **Open Containers Ordinance** - An ordinance, amending Titles 4 and 6 of the Star City Code, adding Open Containers in Public Section; Modifying Park Regulations and Providing an Effective Date
Council Member Keyes received input from the Council previously and the Council sent the ordinance back to city staff with suggested changes.

Chief Hessing had visited with Council Member Keyes on the ordinances in place to get a sense of the state of the ordinances and the changes proposed.

Keyes stated from discussions previously he had found were public intoxication in the parking lots and the new ordinance would not allow open containers in public parking lots or sidewalks. The new draft allows open containers in city parks within the city to allow some open containers under certain conditions by permit.

- Keyes moved to introduce the ordinance amending the Alcoholic Beverage Container with changes suggested by the City Council. Council Member Hershey seconded. ROLL CALL VOTE: Hershey – aye, Keyes – aye, Salmonsens – aye and Nielsen – aye. Motion carried.
- Council Member Keyes moved to suspend the rules requiring three separate readings on three separate days and read by title only once; Council Member Hershey seconded the motion. ROLL CALL VOTE: Hershey – aye, Keyes – aye, Salmonsens – aye and Nielsen – aye. Motion carried.

Keyes read the title of the ordinance

- Council Member Keyes moved to approve the ordinance after this first reading; Council Member Hershey seconded the motion. ROLL CALL VOTE: Hershey – aye, Keyes – aye, Salmonsens – aye and Nielsen – nay. Motion carried

Council Member Nielsen stated he voted nay on the ordinance as he believes Star is very liberty minded and no one should have to ask for a permit to have an alcoholic beverage in the city parks.

G. **Canyon County / City of Star Area of Impact Agreement** - Approving the Canyon County Committee of Nine DRAFT Ordinance outlining the terms of the agreement

Council Member Keyes explained the Committee of Nine had recommended approving the Area of Impact and map created by the Committee of Nine. By the city approving the recommended Ordinance changes, Canyon County can move forward with the Area of Impact Implementation.

- Council member Keyes moved to approve the Canyon County suggested changes to the Star Area of Impact Ordinance and Committee of Nine Approved Star Area of Impact Map; Council Member Keyes seconded the motion. ROLL CALL VOTE: Hershey – aye, Keyes – aye, Salmonsens – aye and Nielsen – aye. Motion carried.

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8. Executive Session 74-206(f): To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated.

- Council Member Neilsen moved to go onto Executive Session under Idaho Code 74-206(f) to communicate with legal counsel for the public agency to discuss the legal ramifications for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. Council member Hershey seconded the motion. ROLL CALL VOTE: Hershey – aye, Keyes – aye, Salmonsens – aye and Nielsen – aye. Motion carried.

Mayor and Council entered Executive Session at 11:05 pm.

*** AMENDED AGENDA (December 21, 2021, 9:57am) ACTION ITEM: Authorization of certain actions after Executive Session**

No action taken.

9. ADJOURNMENT

Mayor Chadwick adjourned the meeting.

ATTEST: _____

Trevor A. Chadwick, Mayor

Jacob M. Qualls, City Clerk / Treasurer



CITY OF STAR

LAND USE STAFF REPORT

TO: Mayor & Council

FROM: City of Star Planning Department *Shawn T. Mink*

MEETING DATE: **February 15, 2022**

FILE(S) #: FP-21-32 Final Plat, Moon Valley Subdivision Phase 5

REQUEST

The Applicant is requesting approval of the Final Plat for Moon Valley Subdivision Phase 5 which is approximately 9.09 acres, consisting of 50 residential lots and 18 common lots. The property is zoned Mixed Use (MU-DA).

The subject property is located at 7575 W. Moon Valley Road in Star, Idaho. Ada County Parcel No's. S0416120646 & S0416110207.

APPLICANT/OWNER/REPRESENTATIVE

REPRESENTATIVE

Wendy Shrief
JUB Engineers
250 S. Beechwood Ave Ste 201
Boise, Idaho 83709

APPLICANT

M-3 ID Moon Valley, LLC
1087 W. River Street Suite 310
Boise, ID 83702

PROPERTY INFORMATION

Land Use Designation - Mixed Use (M-U)

Phase 5

Acres - 9.09
Residential Lots - 50
Common Lots - 18
Commercial - 0

HISTORY

The property was annexed into the City of Star and zoned Commercial (C1), Mixed Use (MU), Limited Office (LO) and Residential (R2) all with a development agreement on July 7, 2009. On April 16, 2019, the Council approved a Comprehensive Plan Map Amendment to Mixed Use, a Rezone to Mixed Use (MU), a Development Agreement Modification to allow waivers to the design standards of the Unified Development Code, a Conditional Use Permit to allow residential uses in the Mixed-Use zone and limited gravel crushing as part of the creation of the pond amenities, and approval of a Preliminary Plat for Moon Valley Subdivision.

On November 19, 2019, City Council approved Phase 1 of Moon Valley Subdivision.

On March 17, 2020, City Council approved Phase 2 of Moon Valley Subdivision.

On June 16, 2020, City Council approved a Preliminary Plat for Moon Valley Commons Subdivision, modifying portions of the original Preliminary Plat and adding additional area.

On December 1, 2020, City Council approved the Final Plat (FP-20-21) Phase 3 of Moon Valley Subdivision.

On June 1, 2021, City Council approved the Final Plat (FP-20-21), Phase 4 of Moon Valley Subdivision.

GENERAL DISCUSSION

The Final Plat layout for Phase 5 complies with the approved Preliminary Plat of Moon Valley Commons and the original revised Moon Valley Subdivision.

This subdivision is located in a special flood hazard zone per FEMA FIRM panel #16027C0300f and 16601C0140 H. Base flood elevation in AE zone is 2496-2493 All floodway issues and permits shall be completed prior to signature of the final plat.

Specific setbacks, as discussed and agreed upon by staff and the applicant, and as approved by the City Council in the Development Agreement to include the following:

Single Family Residential Setbacks. Notwithstanding anything in the Development Agreement or in Star City Code to the contrary, the setbacks for single-family residential lots within any of the real property encumbered by the Development Agreement shall be, as follows:

Residential Setbacks		
Less than 5,000 SF, Multi-Family, or Attached		
	Front	N/A
	Rear	N/A
	Side	N/A
	Street Side	N/A
Cluster Lot Setback (4 lot cluster on shared driveway)		
	Front (to street)	10 feet
	Rear	10 feet
	Side (interior)	5 feet
	To Common Drive	3 feet
5,000 SF - 12,000 SF		
	Front	10 feet to living or side load garage, 20 feet to garage door
	Rear	20 feet
	Side	5 feet
	Street Side	12 feet
Greater than 12,000 SF		
	Front	15 feet to living or side load garage, 25 feet to garage door
	Rear	30 feet
	Side	5 feet single story/ 7.5 feet if 2 story element is more than 50% of side
	Street Side	15 feet

Staff Reviewed Comments from the Preliminary Plat Approval/Findings of Fact:

The Preliminary Plat consists of 267 single family residential lots, 22 common lots, 8 driveway lots and one private road lot. The common area is approximately 62.15 acres or 42.8% of the

overall property. Lot sizes range from the smallest at 5,454 sq. ft. to the largest at 34,727 sq. ft., with the average lot size at 10,202 square feet, creating a density of 1.84 dwelling units per acre. The main access point for this development will come from one main access from W. Moon Valley Road at S. Blue Moon Avenue. There are two emergency access roads planned, one to the west of the property and one on the eastern side of the property.

- Private Streets
All private streets shall be built to ACHD roadway standards and shall be constructed to a minimum of 33 feet of improved width.
- Blocks Lengths exceeding 500'
The Applicant has received a waiver of the block length requirement for this development.
- Sidewalks
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.
- Street Names
Street names will be approved by the Ada Street Naming Committee prior to signature of final plat.
- Mailbox Clusters
The City of Eagle, Idaho Postmaster has provided approval for the mail clusters in a previous phase.
- The Council voted unanimously to approve the Comprehensive Plan Map Amendment to Mixed Use, the Rezone to Mixed Use (MU), the Development Agreement Modification to allow waivers to the design standards of the Unified Development Code, the Conditional Use Permit to allow residential uses in the Mixed Use zone and limited gravel crushing as part of the creation of the pond amenities, and approval of the Preliminary Plat for Moon Valley Subdivision on June 4, 2019.
 - Site Specific Conditions of Approval included the following:
 1. The applicant shall provide public access to the greenbelt from Highway 44 to the river by means of a permanent access easement. The easement(s) shall be recorded and provided to the City prior to approval of the final plat.
 2. The applicant shall tile the irrigation ditch along Moon Valley Road, with the HOA being responsible for the maintenance of the ditch.

- 3. Street lights shall be of a design intended to direct lighting downward and protect the dark sky.
- 4. All private streets shall be built to ACHD roadway standards and shall be constructed to a minimum of 33 feet of improved width.

Staff analysis of Final Plat Submittal:

Common/Open Space and Amenities – The open space and amenities for the subdivision that are included in Phase 5 include landscaped common areas, and tree lined landscape strips between the detached sidewalks.

Landscaping - As required by the Unified Development Code, Chapter 4, Section B-7-C-3 Street Trees; the minimum density of one (1) tree per thirty-five (35) linear feet is required within the landscape strips of the detached sidewalks. 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 were submitted a part of Phase 1 final plat approval. Streetlights should be consistent throughout the development.

PUBLIC NOTIFICATIONS

Notifications of this application were sent to agencies having jurisdiction on December 22, 2021.

December 30, 2021	Keller Associates	Checklist with Conditions
December 30, 2021	DEQ	Standard 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.
The Council 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.
Council 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.
Council knows of no financial hardship that would prevent services from being provided.
- D. The development will not be detrimental to the public health, safety or general welfare; and,

Council finds no 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.

Council finds that existing conditions have not substantially changed from the approved Preliminary Plat of this subdivision.

CONDITIONS OF APPROVAL

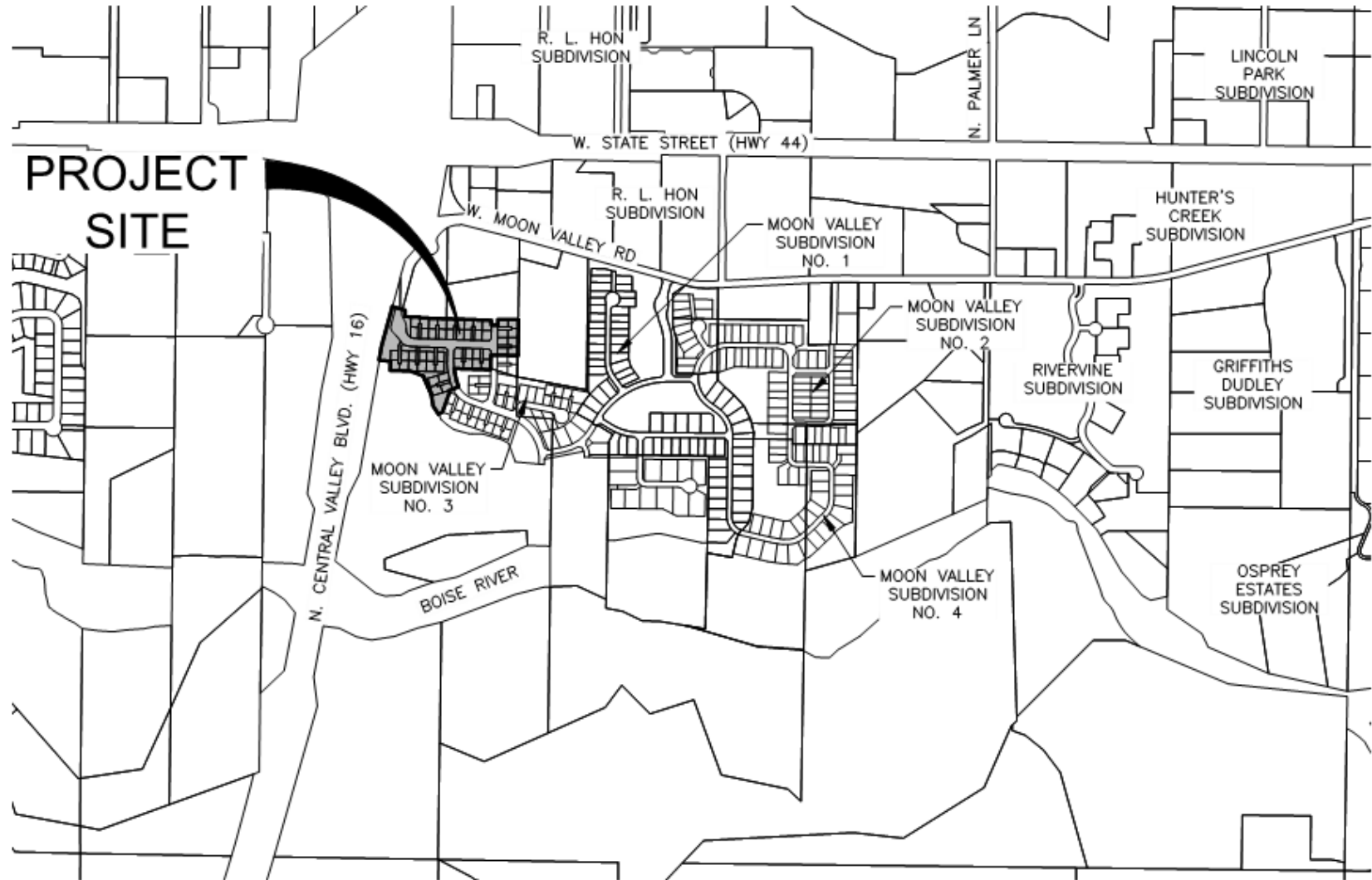
1. The final plat for Moon Valley Subdivision shall comply with all statutory requirements of applicable agencies and districts having jurisdiction in the City of Star.
2. **Prior to construction in any Floodplain or Floodway area the applicant shall meet all requirements of the City Flood Administrator, IDWR and FEMA regarding approval of CLOMR, Hydrology Analysis and No-Rise Certifications.**
3. **Applicant/Owner shall install conduit in the shared utility trench to be used for fiber at a later date. The conduit shall be a minimum of 2-inch diameter or larger to accommodate the needs of the development.**
4. All approvals relating to floodplain/floodway issues and requirements shall be completed and approved by the City Flood Administrator **prior to signature of the final plat.**
5. As built plans for pressurized irrigation systems shall be submitted to the City of Star **prior to signature of the final plat.**
6. **Should any substantial changes be made to this plat, including new phasing, the application may be subject to new Council approval.**
7. Applicant shall provide the City with two (2) full size and two (1) 11"x17" copy of the signed recorded final plat with all signatures, prior to any building permits being issued.
8. Mylar's/final plats must include the statement supporting the "Right to Farm Act" as per Idaho Code Title 22, Chapter 45.
9. 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.
10. The mylar/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.
11. A copy of signed irrigation agreements shall be submitted to the City **prior to signature of the final plat.**
12. All common areas shall be maintained by the Homeowners Association.
13. Streetlights shall be continuous throughout the subdivision and shall be maintained by the Homeowners Association. Streetlights shall be installed prior to any building occupancy. Design shall follow Code with requirements for light trespass and "Dark Skies" lighting.
14. Street trees shall be installed per Unified Development Code Standards for Street Trees.
15. A form signed by the Star Sewer & Water District shall be submitted to the City **prior to signature of the final** stating that all conditions have been met.
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,

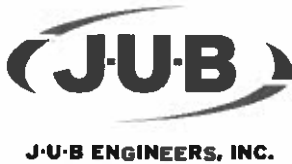
starting/stopping hours for contractors (7a.m. start time). **Sign shall be approved by the City prior to start of construction.**

17. A copy of the recorded CC&R's shall be submitted to the City of Star prior to any building permits being issued.
18. **Prior to signature of the final plat**, a signed Irrigation District Agreement with the Irrigation Districts shall be provided to the City of Star. This requirement shall be with each subsequent Final Plat application.
19. **Prior to signature of the final plat**, written approval from Boise River Flood Control District #10 shall be provided to the City stating that recordation of necessary maintenance and access easements have been completed, if applicable.
20. The property associated with this approved Final Plat, in addition to the property of all future phases shall be satisfactorily weed abated at all times, preventing a public nuisance, per Star City Code Chapter 3, Section 3-1-1 through 3-1-7.
21. A sign application is required for any subdivision sign.
22. Any additional Condition of Approval as required by Staff and City Council.

COUNCIL DECISION

The Star City Council _____ File # FP-21-32 Moon Valley Subdivision, Final Plat, Phase 5
on _____, 2022.





J-U-B COMPANIES

THE
LANGDON
GROUPGATEWAY
MAPPING
INC.

November 24, 2021

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

RE: MOON VALLEY SUBDIVISION NO. 5 FINAL PLAT SUBMITTAL LETTER

To Whom It May Concern:

On behalf of M3 ID Moon Valley, LLC , please accept this request for Final Plat approval for Moon Valley Subdivision No. 5 located adjacent to phase 3 of Moon Valley Commons Subdivision. The proposed development includes a total of 68 lots on 9.09 acres; 50 lots are single family residential, 17 lots are common lots, and 1 lot is a private road lot. This phase has a gross density of 5.5 units per acre. Lots range in size from 3,815 sf to 4,813 sf, the average lot size is 4,721 sf.

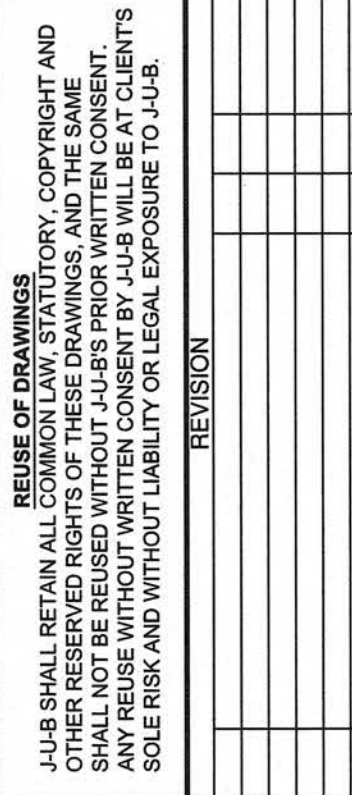
The specific provisions requested in the final plat application are intended to be addressed in the plat and construction documents as described below:

- The final plat conforms to the approved preliminary plat.
- The final plat conforms to the applicable provisions of the City of Star Code.
- The final plat and development plans conform to best management practices and acceptable surveying, engineering, and landscape architectural practices, and local standards.

The enclosed applications have been submitted in accordance with the requirements of the City of Star. The development has also been designed in accordance with the City of Star Code. Please contact me at 376-7330 if you have any questions regarding this application.


Sincerely,
J-U-B ENGINEERS, Inc.

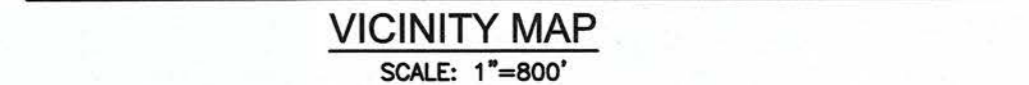
Wendy Shrief, AICP












FILE : MV-PRE-PLAT
JUB PROJ. # : 10-19-###
DRAWN BY: ---
DESIGN BY: ---
CHECKED BY: ---

AT FULL SIZE, IF NOT ONE
INCH, SCALE ACCORDINGLY
LAST UPDATED: 1/10/2020
SHEET NUMBER:
PP-01

FILE : MV-PRE-PLAT
JUB PROJ. # : 10-19-###
DRAWN BY: ---
DESIGN BY: ---
CHECKED BY: ---

AT FULL SIZE, IF NOT ONE
INCH, SCALE ACCORDINGLY
LAST UPDATED: 1/10/2020
SHEET NUMBER:
PP-01

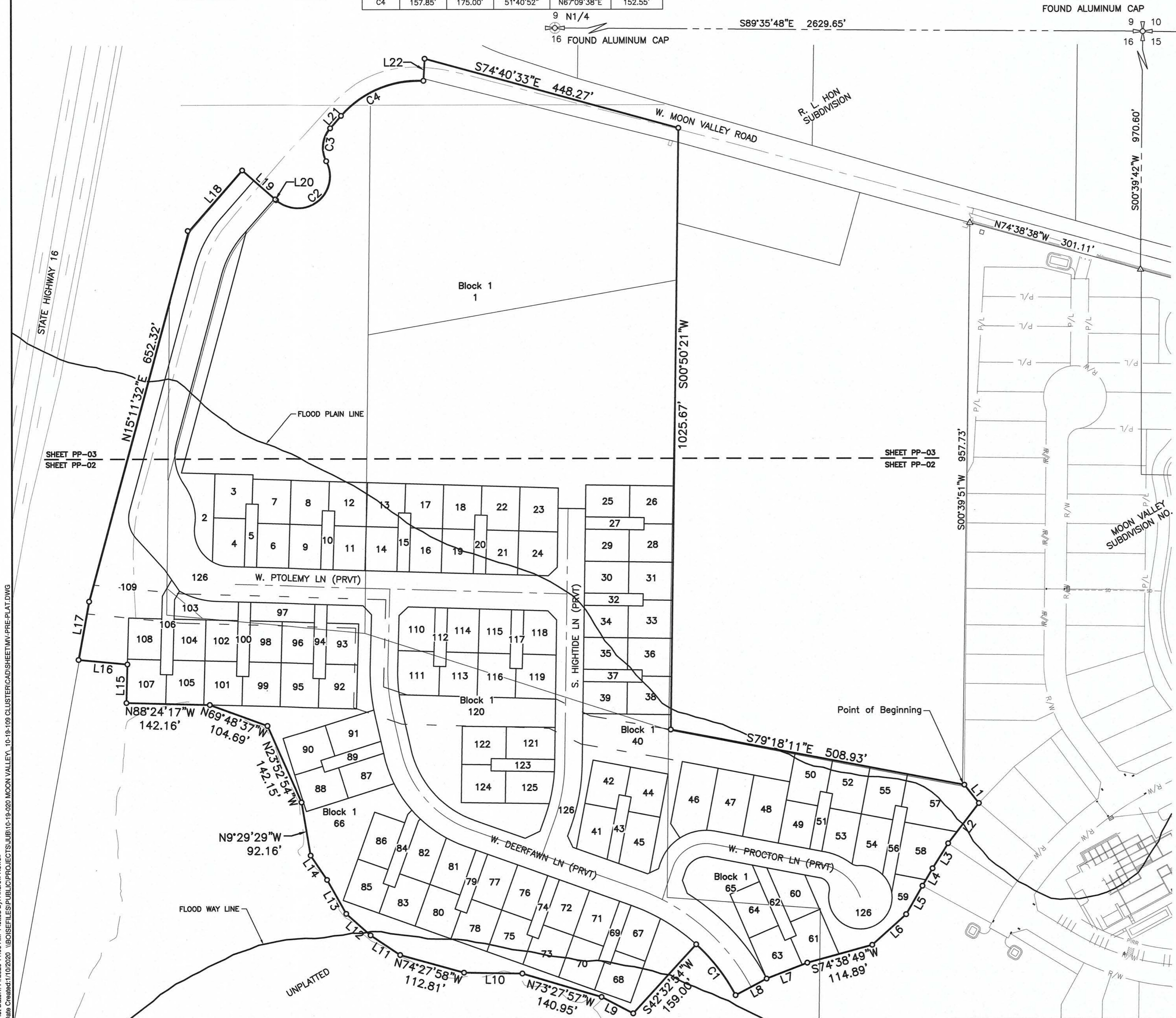
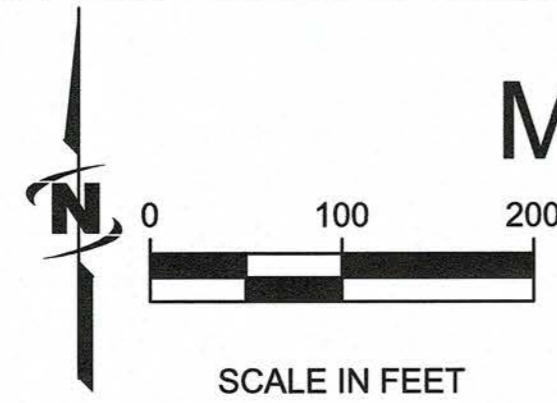


STAR, IDAHO
2020


























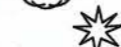









	- Subdivision Boundary Line
	- Section Line
	- Center Line
	- Right-of-way Line
	- Existing Parcel Line
	- Section Corner
	- Quarter-Section Corner
	- Property Corner
	- Calculated Point

Line Table		
Line #	Direction	Length
L12	N48°25'36"W	55.40'
L13	N29°26'34"W	66.43'
L14	N33°50'44"W	49.99'
L15	N01°35'43"E	65.94'
L16	N84°37'17"W	83.67'
L17	N10°21'20"E	101.07'
L18	N41°19'10"E	138.75'
L19	S48°41'42"E	75.00'
L20	S48°40'50"E	2.00'
L21	N41°19'10"E	28.18'
L22	N02°59'37"E	37.46'

Curve Table					
Curve #	Length	Radius	Delta	Chord Bearing	Chord Length
C1	109.80'	322.00'	19°32'16"	N37°40'58"W	109.27'
C2	152.42'	55.00'	158°46'56"	N51°55'44"E	108.12'
C3	60.02'	50.00'	68°46'42"	N06°55'37"E	56.48'
C4	157.85'	175.00'	51°40'52"	N67°09'38"E	152.55'



1. CONTOUR AND SPOT ELEVATION DATA IS REFERENCED TO NAVD '88 DATUM.
2. ALL STREETS PROPOSED IN THIS DEVELOPMENT ARE PRIVATE STREETS AND SHALL BE CONSTRUCTED IN ACCORDANCE WITH ADA COUNTY HIGHWAY DISTRICT (AChD) STANDARDS FOR PUBLIC STREETS WITH A MINIMUM GRADIENT OF 0.40%.
3. ALL LOTS ARE RESIDENTIAL BUILDING LOTS EXCEPT LOTS 2, 40, 59, 65, 66, 97, 103, 109, AND 120, BLOCK 1, WHICH ARE COMMON AREA/DRAINAGE STORAGE LOTS. LOTS 5, 10, 15, 20, 27, 32, 37, 43, 51, 56, 62, 69, 74, 79, 84, 89, 94, 100, 106, 112, 117, AND 123, BLOCK 1 ARE SHARED DRIVEWAY LOTS. LOT 126, BLOCK 1 IS A PRIVATE ROAD. LOT 1, BLOCK 1 IS A MIXED USE LOT.
4. STORMWATER RUN-OFF 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 PRESSURIZED IRRIGATION FROM A PRESSURE IRRIGATION SYSTEM OWNED AND MAINTAINED BY THE HOME OWNERS ASSOCIATION.
7. THIS DEVELOPMENT RECOGNIZES SECTION 22-4503 OF 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 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."
8. DOMESTIC AND FIRE PROTECTION WATER SHALL BE PROVIDED BY THE STAR SEWER AND WATER DISTRICT.
9. SANITARY SEWER COLLECTION SHALL BE PROVIDED BY THE STAR SEWER AND WATER DISTRICT.
10. IRRIGATION DITCHES THROUGH THE PROJECT SHALL BE PIPED WHERE THEY CROSS ROADWAYS WITH ALL STRUCTURES LOCATED BEYOND ANY PUBLIC RIGHT-OF-WAY.
11. LANDSCAPED COMMON LOTS ARE LOCATED THROUGHOUT THE PROJECT AND ARE IDENTIFIED ON THE PLAN. THESE LOTS SHALL BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION.
12. BUILDING SETBACKS AND DIMENSIONAL STANDARDS SHALL BE IN ACCORDANCE WITH THE CITY OF STAR STANDARDS IN EFFECT AT THE TIME OF DEVELOPMENT.
13. ANY RE-SUBDIVISION OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE ZONING REGULATIONS IN EFFECT AT THE TIME OF THE RE-SUBDIVISION.
14. THE OWNER SHALL COMPLY WITH IDAHO CODE, SECTION 31-3805 OR ITS PROVISIONS THAT MAY APPLY TO IRRIGATION RIGHTS.
15. A STORMWATER DRAINAGE EASEMENT SHALL BE RESERVED ON THE DRAINAGE LOTS. LANDSCAPING OVER SAID LOTS SHALL BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION AND SHALL PROVIDE HEAVY MAINTENANCE OF THE STORM DRAINAGE FACILITIES AS DEFINED IN THE COVENANTS, CONDITIONS AND RESTRICTIONS FOR MOON VALLEY SUBDIVISION.
16. THIS PROPERTY HAS PORTIONS LOCATED IN ZONE X AND ZONE AE OF THE FLOOD INSURANCE RATE MAP NO. 16001C0140 H, COMMUNITY PANEL NO. 0140 H, AND PORTIONS LOCATED IN ZONE X AND ZONE AE FLOODWAY OF MAP NO. 16027C0300 F, COMMUNITY PANEL NO. 0300 F WHICH BEARS AN EFFECTIVE DATE OF FEBRUARY 19, 2003 AND MAY 24, 2011, RESPECTIVELY. THIS PROPERTY IS LOCATED IN A SPECIAL FLOOD HAZARD AREA.
17. ALL LOTS SHALL HAVE PERMANENT 5' WIDE SIDE LOT EASEMENTS AND A 10' WIDE REAR LOT EASEMENT FOR PUBLIC UTILITIES, IRRIGATION, AND LOT DRAINAGE.
18. STORM DRAINAGE FACILITIES SHALL BE LOCATED WITHIN A DRAINAGE EASEMENT.

EXISTING		PROPOSED
	SANITARY SEWER LINE	
	WATER LINE	
	GRAVITY IRRIGATION PIPE	
	PRESSURE IRRIGATION PIPE	
	STORM DRAIN LINE	
	CENTERLINE	
	LOT LINE	
	6" VERTICAL CURB & GUTTER	
	ROLLED CURB & GUTTER	
	5' SIDEWALK	
	SEWER MANHOLE	
	DITCH FLOW LINE	
	IRRIGATION MANHOLE	
	STREET LIGHT	
	TREE DECIDUOUS	
	TREE CONIFER	
	EDGE OF PAVEMENT	
	GAS LINE	
	FENCE LINE	
	FIRE HYDRANT	
	5' CONTOUR LINE	
	1' CONTOUR LINE	

LITTLE PIONEER DITCH CO.
PO BOX 70
STAR, ID 83669

ROBERT L. KAZARINOFF, P.L.S.
J-U-B ENGINEERS
250 S. BEECHWOOD AVE. STE
201
BOISE, ID 83709
208-376-7330

ANDREW F. NEWELL, P.E.
J-U-B ENGINEERS
250 S. BEECHWOOD AVE.
STE. 201
BOISE, ID 83709
208-376-7330

M3 COMPANIES
1087 W. RIVER STREET
SUITE 310
BOISE, ID 83702
MARK TATE 208-939-6263

TOTAL AREA:	30.78 AC.
MIXED USE AREA:	11.13 AC.
RESIDENTIAL AREA:	19.65 AC.
TOTAL LOTS:	126 LOTS
RESIDENTIAL LOTS:	93 LOTS
MIXED USE LOT:	1 LOT
COMMON AREA LOTS:	9 LOTS
COMMON DRIVEWAY LOTS:	22 LOTS
PRIVATE ROAD LOT:	1 LOT
RESIDENTIAL DENSITY:	3.02 DU/AC
QUALIFIED OPEN SPACE	4.36 AC. (14.2%)
AVERAGE LOT SIZE:	4.721 S.F.
SMALLEST LOT:	3,815 S.F.
EXISTING ZONE:	MU-DA



Plot Date: 1/14/2020 11:06 AM Plotted By: Andrew Newell
 Date Created: 1/10/2020 \\ROISFEI1\ESPIR\IC\PROJECTS\JUR10-19-020 MOON VALLEY_10-19-109 CLUSTER\CAD\SHEET\MV-PRE-PLAT.DWG

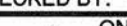
REUSE OF DRAWINGS

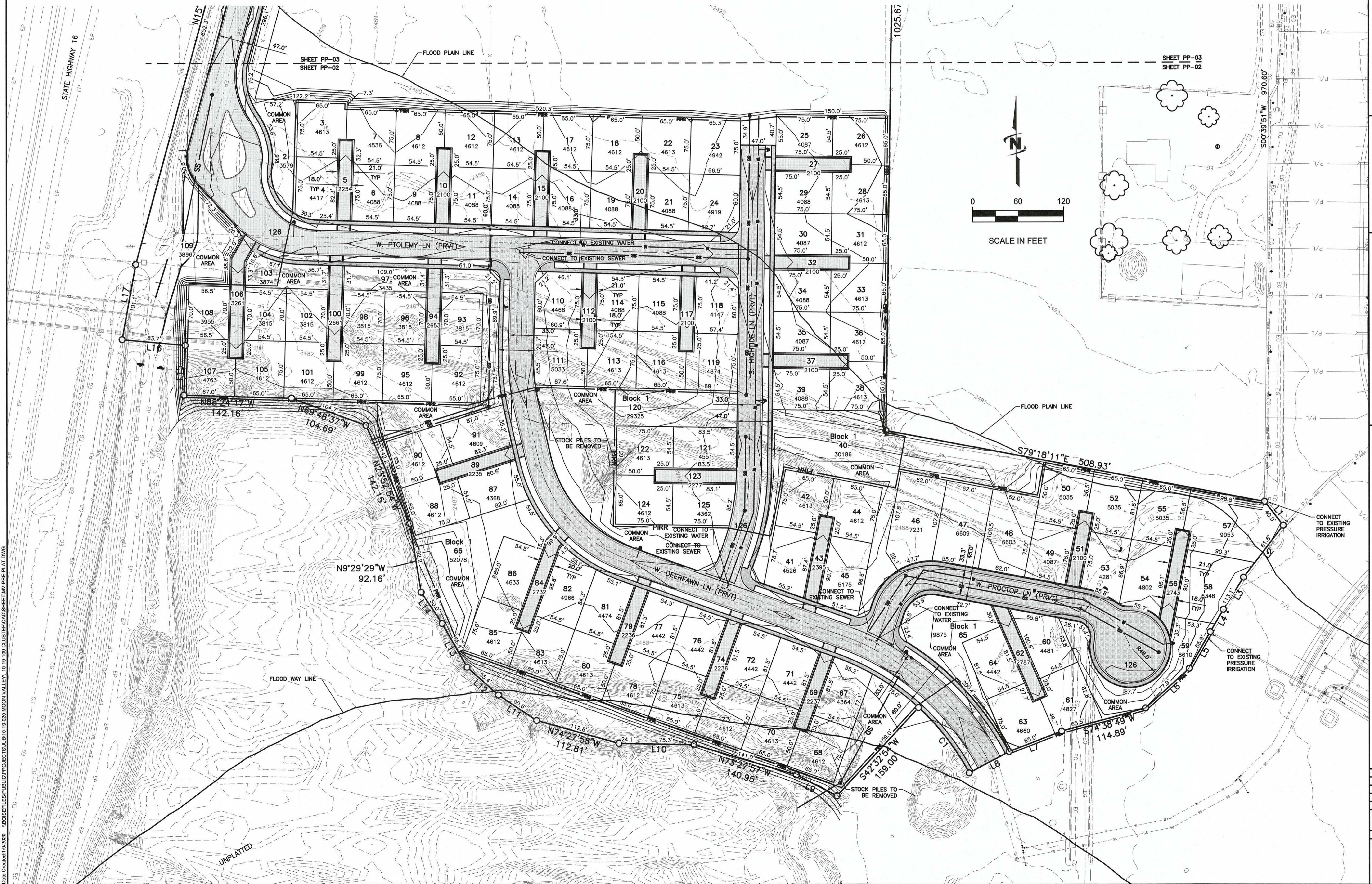
J-J-B SHALL RETAIN ALL COMMON LAW, STATUTORY, COPYRIGHT AND OTHER RESERVED RIGHTS OF THESE DRAWINGS, AND THE SAME SHALL NOT BE REUSED WITHOUT J-J-B'S PRIOR WRITTEN CONSENT. ANY REUSE WITHOUT WRITTEN CONSENT BY J-J-B WILL BE AT CLIENT'S SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO J-J-B.

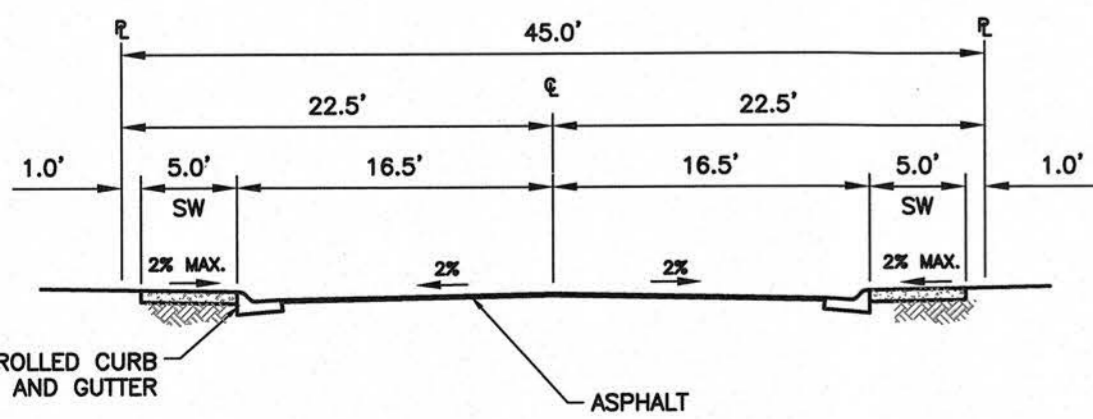
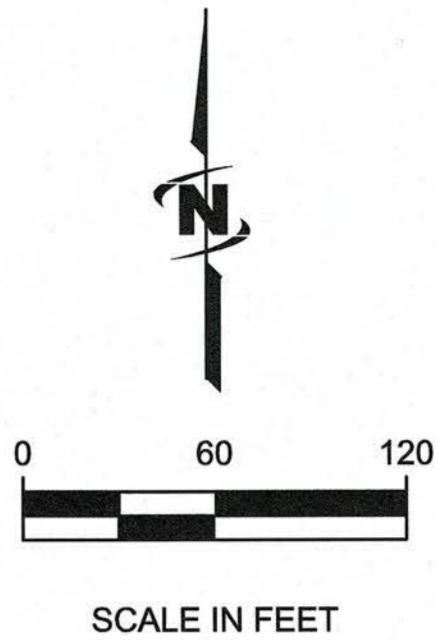
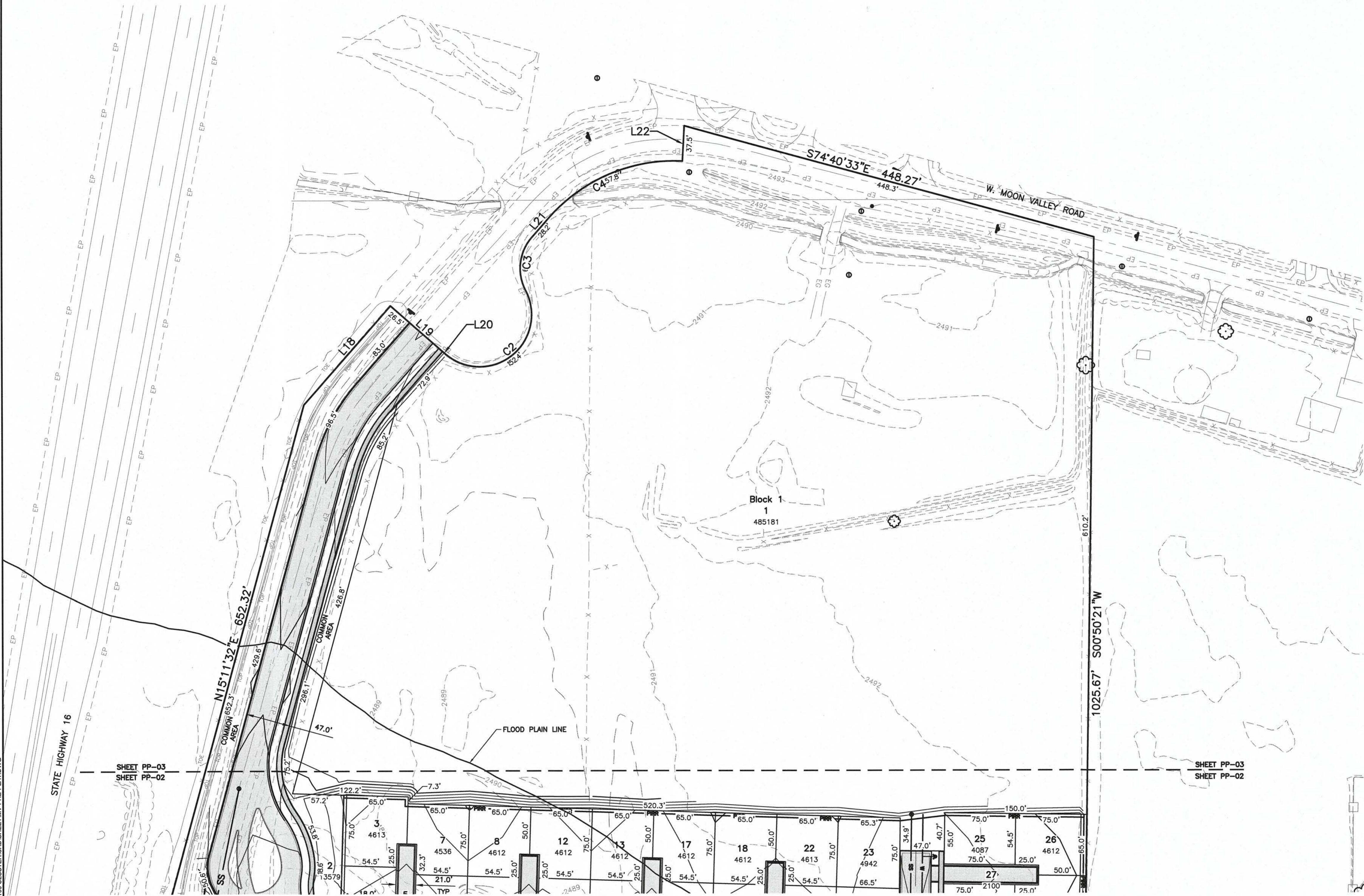
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MOON VALLEY COMMONS SUBDIVISION
STAR, IDAHO

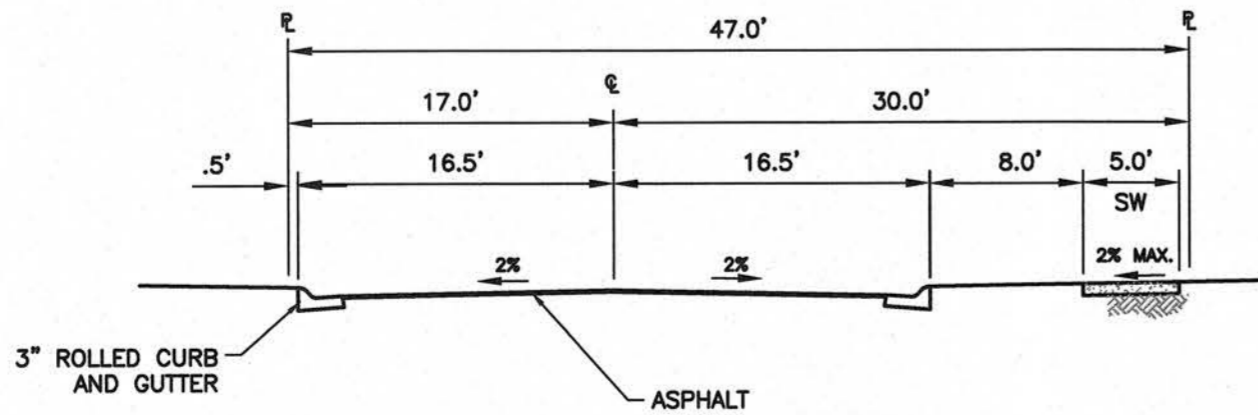
EXISTING AND PROPOSED CONDITIONS

FILE : MV-PRE-PLAT
JUB PROJ. # : 10-19-###
DRAWN BY: ---
DESIGN BY: ---
CHECKED BY: ---

AT FULL SIZE, IF NOT ONE
INCH, SCALE ACCORDINGLY
LAST UPDATED: 1/9/2020
SHEET NUMBER:
PP-02

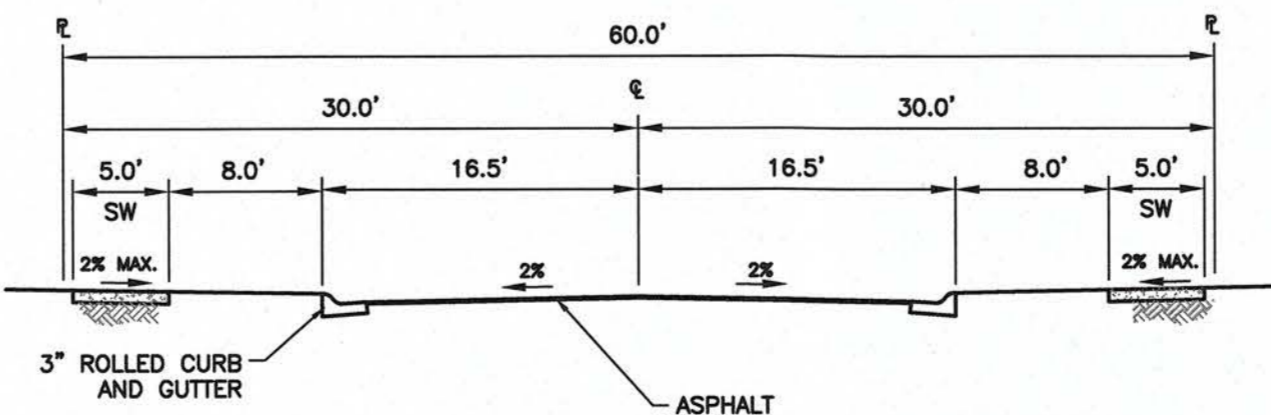




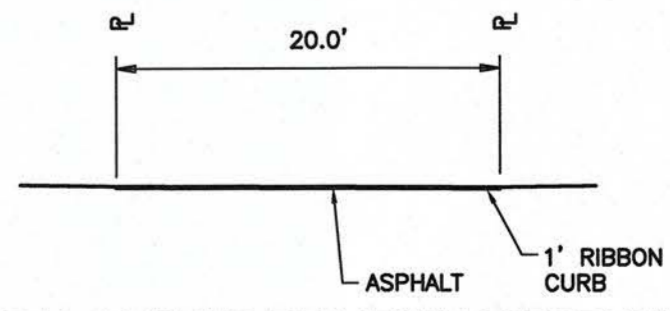
TYPICAL 45' STREET SECTION
SCALE: N.T.S.



TYPICAL 47' STREET SECTION
SCALE: N.T.S.



TYPICAL 60' STREET SECTION
SCALE: N.T.S.



TYPICAL SHARED DRIVEWAY SECTION
SCALE: N.T.S.

JUB
J-U-B ENGINEERS, INC.
J-U-B ENGINEERS, INC.
250 S. Beechwood Ave.
Suite 201
Boise, ID 83709-0944
Phone: 208.376.7330
www.jub.com



REUSE OF DRAWINGS
J-U-B SHALL RETAIN ALL COMMON LAW, STATUTORY, COPYRIGHT AND
OTHER RESERVED RIGHTS OF THESE DRAWINGS, AND THE SAME
SHALL NOT BE REUSED WITHOUT J-U-B'S PRIOR WRITTEN CONSENT.
J-U-B ACCEPTS NO LIABILITY FOR ANY DAMAGES OR INJURIES
SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO J-U-B.

NO.	REVISION	DESCRIPTION	BY	DATE

MOON VALLEY COMMONS SUBDIVISION
STAR, IDAHO

EXISTING AND PROPOSED CONDITIONS

FILE: MV-PRE-PLAT
JUB PROJ #: 10-19-##
DRAWN BY: ---
DESIGN BY: ---
CHECKED BY: ---
ONE INCH
AT FULL SIZE, IF NOT ONE
INCH, SCALE ACCORDINGLY
LAST UPDATED: 1/9/2020
SHEET NUMBER:
PP-03

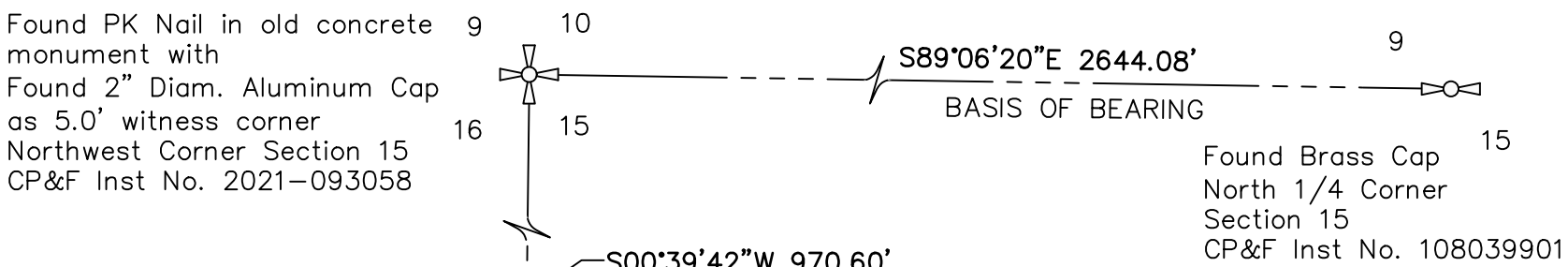
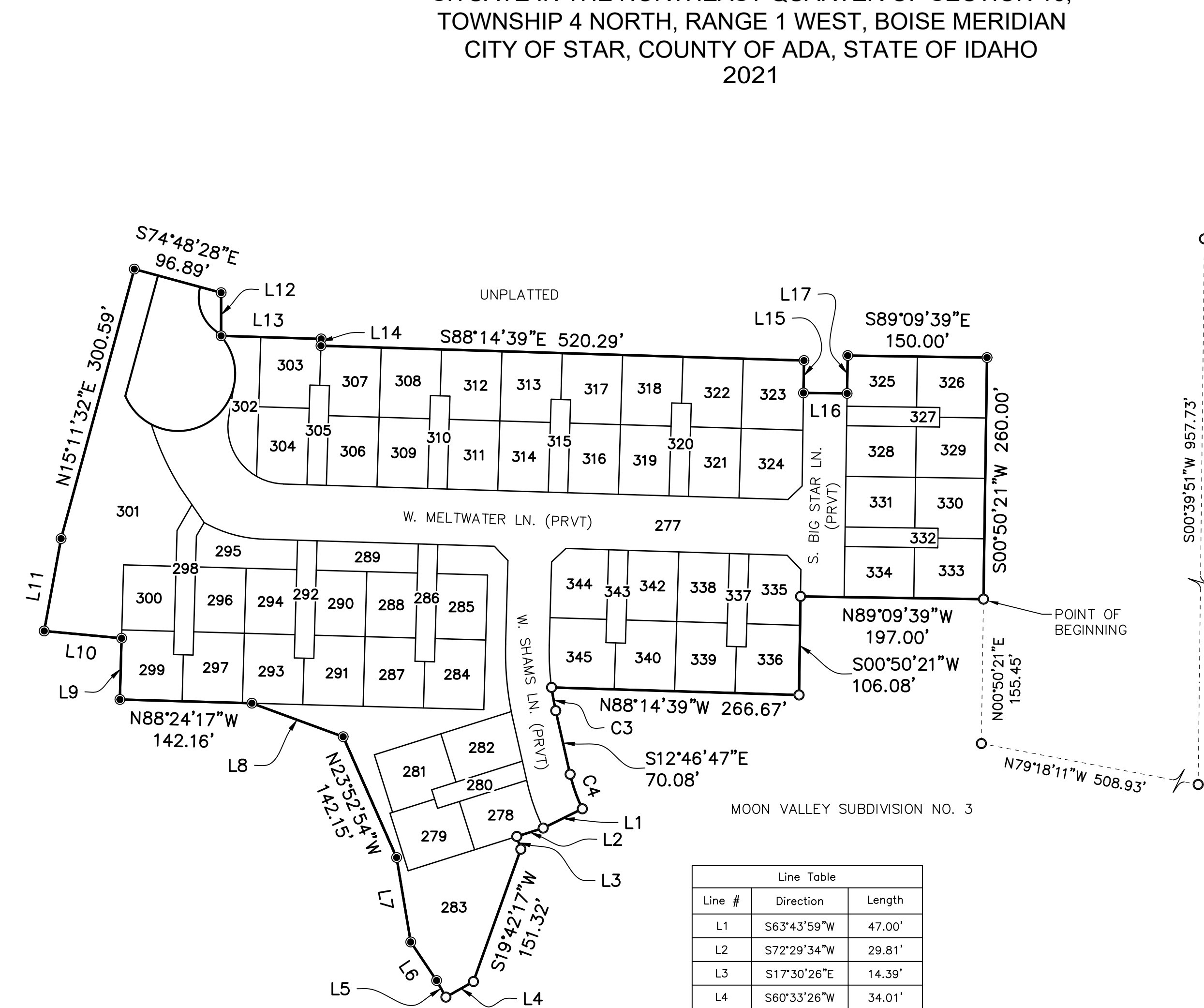
Residential Setbacks		
Less than 5,000 SF, Multi-Family, or Attached		
	Front	N/A
	Rear	N/A
	Side	N/A
	Street Side	N/A
Cluster Lot Setback (4 lot cluster on shared driveway)		
	Front (to street)	10 feet
	Rear	10 feet
	Side (interior)	5 feet
	To Common Drive	3 feet
5,000 SF - 12,000 SF		
	Front	10 feet to living or side load garage, 20 feet to garage door
	Rear	20 feet
	Side	5 feet
	Street Side	12 feet
Greater than 12,000 SF		
	Front	15 feet to living or side load garage, 25 feet to garage door
	Rear	30 feet
	Side	5 feet single story/ 7.5 feet if 2 story element is more than 50% of side
	Street Side	15 feet

Staff Reviewed Comments from the Preliminary Plat Approval/Findings of Fact:

The Preliminary Plat consists of 267 single family residential lots, 22 common lots, 8 driveway lots and one private road lot. The common area is approximately 62.15 acres or 42.8% of the

PLAT OF
MOON VALLEY SUBDIVISION NO. 5
SITUATE IN THE NORTHEAST QUARTER OF SECTION 16,
TOWNSHIP 4 NORTH, RANGE 1 WEST, BOISE MERIDIAN
CITY OF STAR, COUNTY OF ADA, STATE OF IDAHO
2021

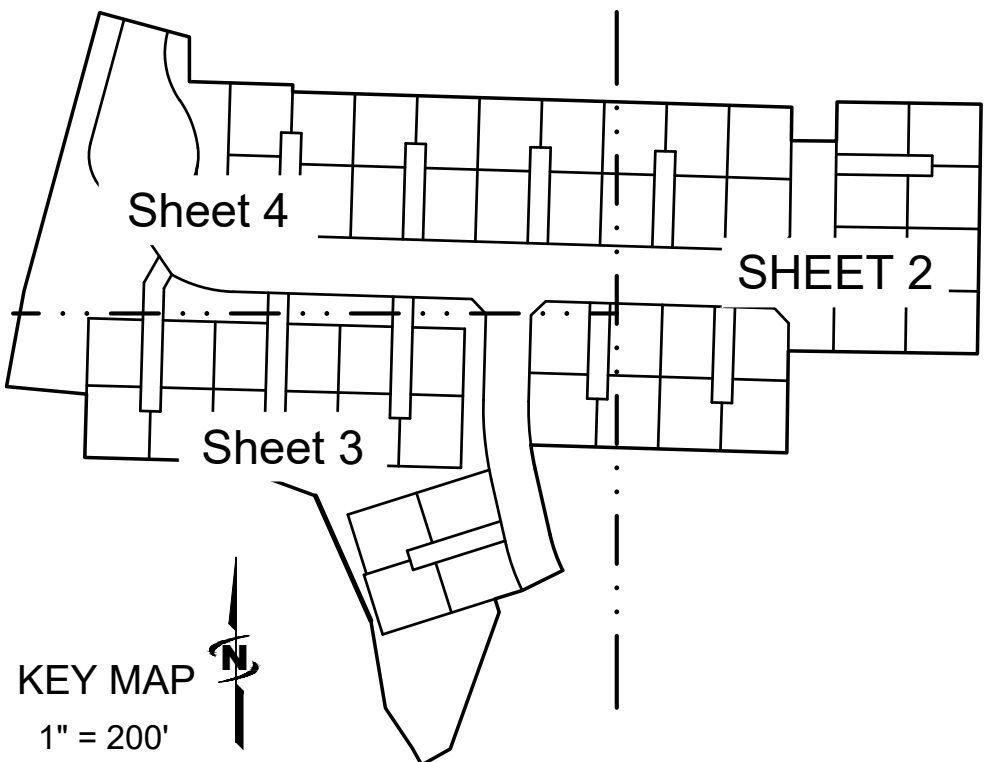
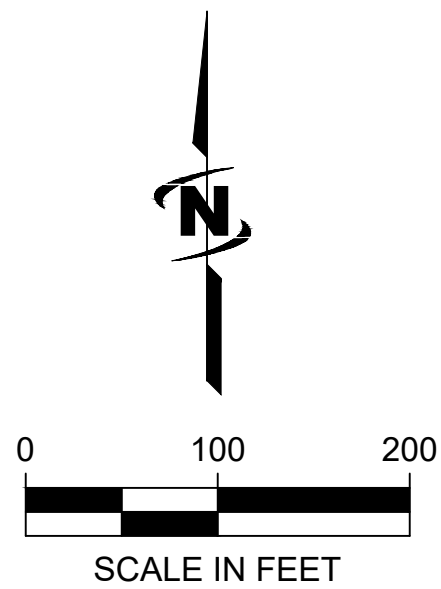
PLAT BOOK _____ PAGE _____



- Legend**
- Subdivision Boundary Line
 - Lot Line
 - Right-of-way Line
 - Section Line
 - Adjacent Property Line
 - Match Line
 - Tie Line
 - Utility Easement Line
 - Drainage District No. 2 Easement Line
 - SSWD Easement Line
 - FEMA Flood Hazard Zone Line
- Section Corner, as noted
 - Quarter-Section Corner, as noted
 - Found 5/8" Rebar w/ Plastic Cap Marked "J-U-B 16642"
 - Set 1/2"x24" Rebar, with Plastic Cap Marked "J-U-B 15528"
 - Set 5/8"x24" Rebar, with Plastic Cap Marked "J-U-B 15528"
 - Set 1-3/16" Bern't'sen BP Cap with Magnet Marked "J-U-B 15528"
 - Set 1/2"x24" Rebar, with Plastic Cap Marked "EASEMENT JUB 15528"
 - Point Not Set or Found
 - Curve Number (Typical)
 - Course Number (Typical)
 - Lot Number (Typical)
 - PLS Number Found on Monument

Line Table		
Line #	Direction	Length
L1	S63°43'59"W	47.00'
L2	S72°29'34"W	29.81'
L3	S17°30'26"E	14.39'
L4	S60°33'26"W	34.01'
L5	N29°26'34"W	20.45'
L6	N33°50'44"W	49.99'
L7	N09°29'29"W	92.16'
L8	N69°48'37"W	104.69'
L9	N01°35'43"E	65.94'
L10	N84°37'17"W	83.67'
L11	N10°21'20"E	101.07'
L12	S00°01'18"W	46.47'
L13	S88°14'39"E	107.77'
L14	S01°45'21"W	7.31'
L15	S00°50'21"W	34.91'
L16	S89°24'52"E	47.00'
L17	N00°50'21"E	40.74'

Curve Table					
Curve #	Length	Radius	Delta	Chord Bearing	Chord Length
C3	25.53'	283.00'	5°10'08"	S10°11'43"E	25.52'
C4	39.55'	168.00'	13°29'14"	S19°31'24"E	39.46'



16 NOVEMBER 2021

THIS IS A DRAFT VERSION OF THE PLAT AND IT IS PRELIMINARY IN NATURE. IT HAS NOT YET RECEIVED AGENCY APPROVAL NOR HAVE MONUMENTS BEEN PLACED.
NOT FOR RECORDATION

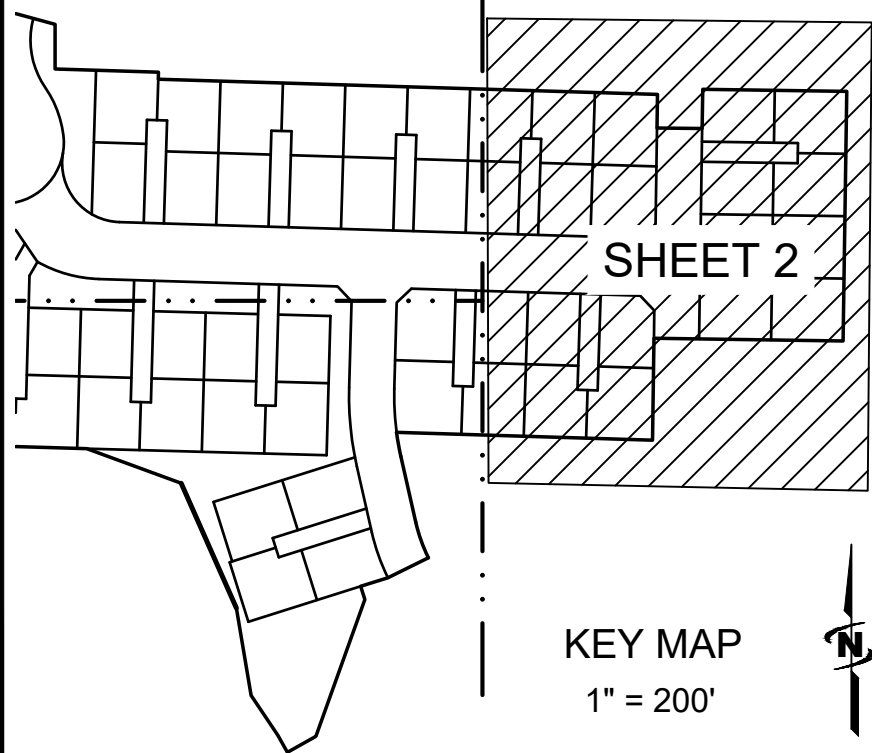
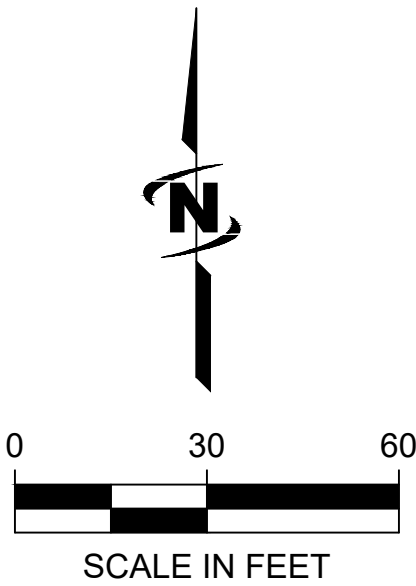


J-U-B ENGINEERS, INC.
2760 West Excursion Lane, Suite 400, Meridian, ID 83642-5313
p 208 376 7330 w www.jub.com
JOB No. 10-21-134

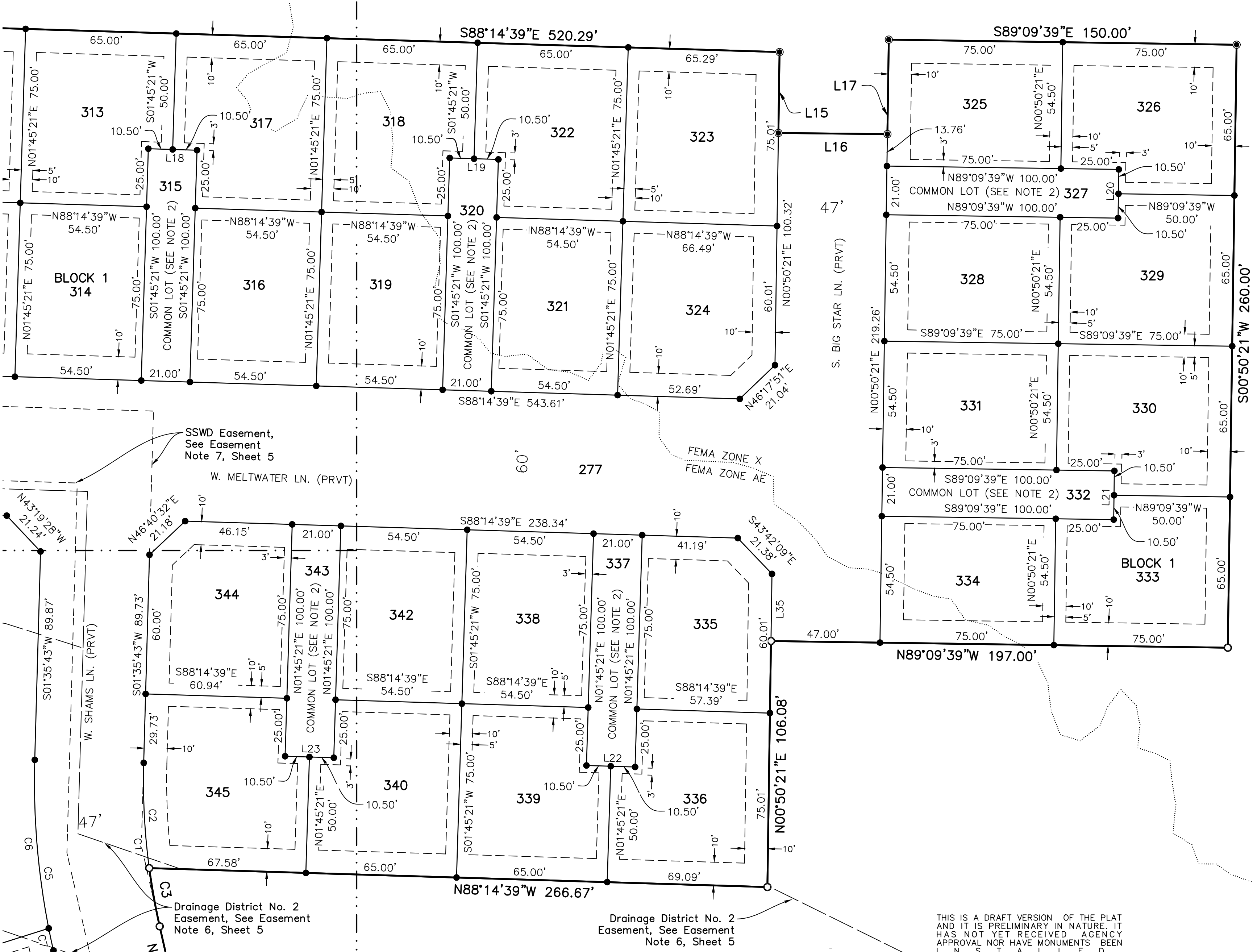
PLAT OF
MOON VALLEY SUBDIVISION NO. 5

PLAT BOOK _____ PAGE _____

Line Table		
Line #	Direction	Length
L15	S00°50'21"W	34.91'
L16	S89°24'52"E	47.00'
L16	S89°24'52"E	47.00'
L17	N00°50'21"E	40.74'
L18	N88°14'39"W	21.00'
L19	N88°14'39"W	21.00'
L20	N00°50'21"E	21.00'
L21	N00°50'21"E	21.00'
L22	S88°14'39"E	21.00'
L23	S88°14'39"E	21.00'
L35	N00°50'21"E	28.94'



SEE SHEET 1 FOR LEGEND.
SEE SHEET 5 FOR NOTES,
EASEMENT NOTES, REFERENCES,
AND SURVEYOR'S NARRATIVE



Curve Table					
Curve #	Length	Radius	Delta	Chord Bearing	Chord Length
C1	71.00'	283.00'	14°22'30"	S05°35'32"E	70.82'
C2	45.47'	283.00'	9°12'22"	S03°00'28"E	45.42'
C3	25.53'	283.00'	5°10'08"	S10°11'43"E	25.52'
C5	82.79'	330.00'	14°22'30"	S05°35'32"E	82.58'
C6	73.06'	330.00'	12°41'03"	S04°44'48"E	72.91'
C7	9.74'	330.00'	1°41'27"	S11°56'03"E	9.74'



16 NOVEMBER 2021

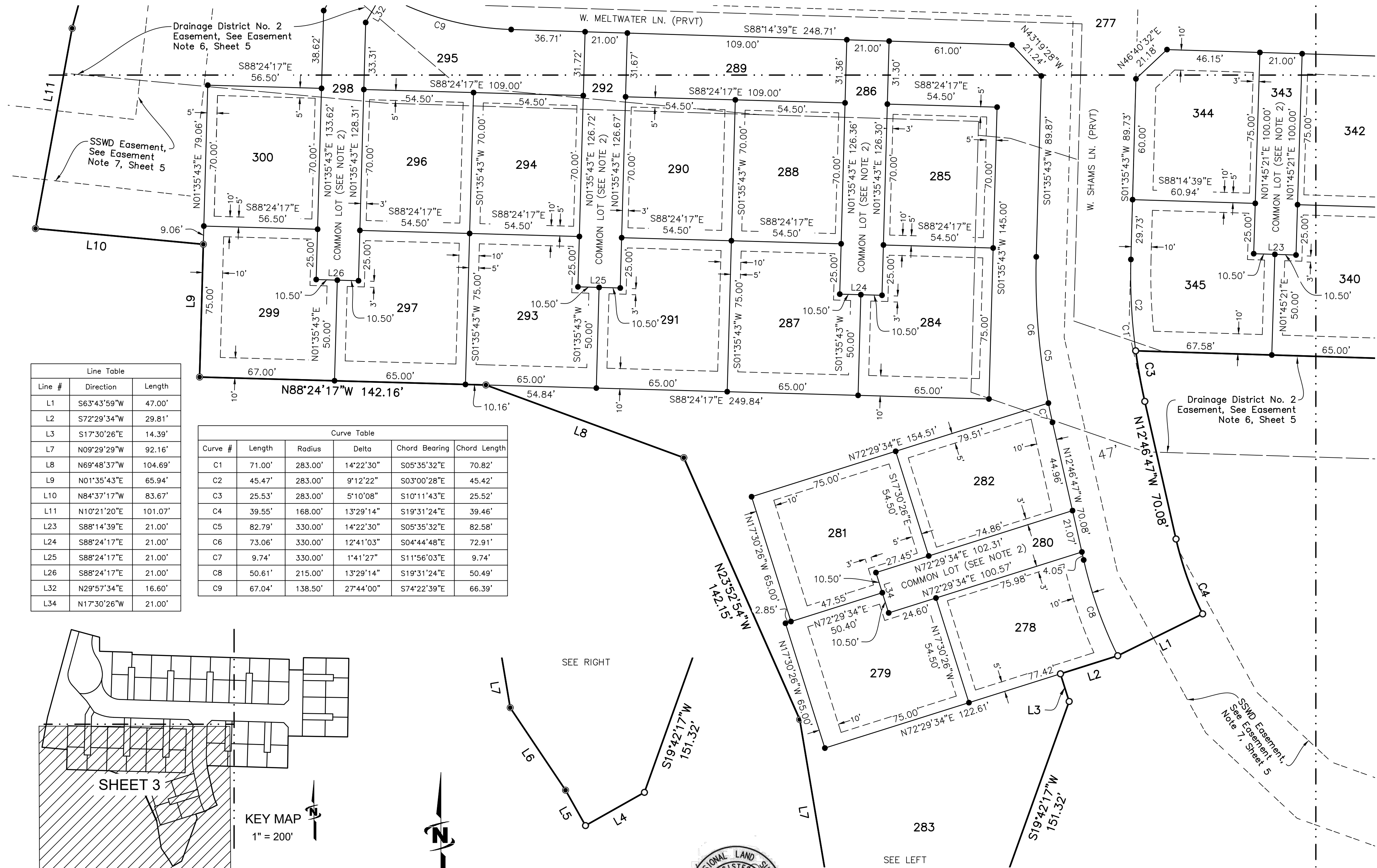
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HAS NOT YET RECEIVED AGENCY
APPROVAL NOR HAVE MONUMENTS BEEN
IN S T A L L E D .
NOT FOR RECORDATION



J-U-B ENGINEERS, INC.
2760 West Excursion Lane, Suite 400, Meridian, ID 83642-5313
p 208 376 7330 w www.jub.com

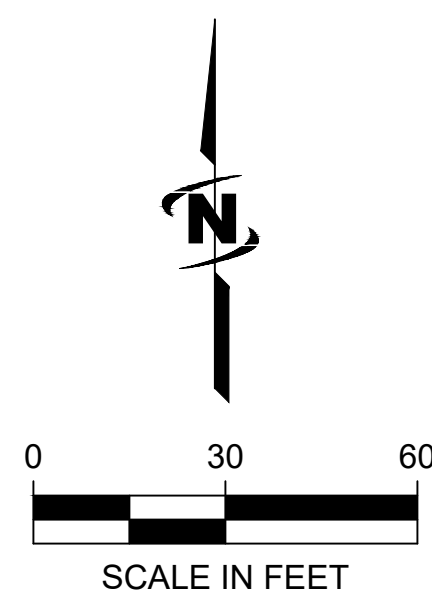
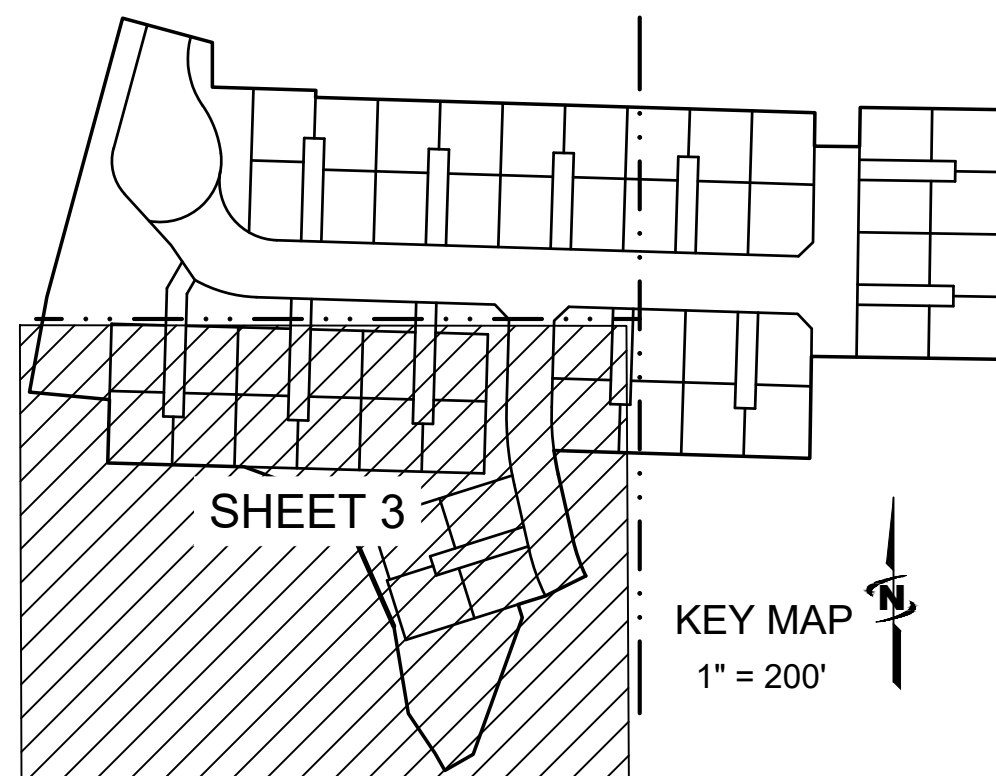
PLAT OF
MOON VALLEY SUBDIVISION NO. 5

PLAT BOOK _____ PAGE _____



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L7	N09°29'29"W	92.16'
L8	N69°48'37"W	104.69'
L9	N01°35'43"E	65.94'
L10	N84°37'17"W	83.67'
L11	N10°21'20"E	101.07'
L23	S88°14'39"E	21.00'
L24	S88°24'17"E	21.00'
L25	S88°24'17"E	21.00'
L26	S88°24'17"E	21.00'
L32	N29°57'34"E	16.60'
L34	N17°30'26"W	21.00'

Curve Table					
Curve #	Length	Radius	Delta	Chord Bearing	Chord Length
C1	71.00'	283.00'	14°22'30"	S05°35'32"E	70.82'
C2	45.47'	283.00'	9°12'22"	S03°00'28"E	45.42'
C3	25.53'	283.00'	5°10'08"	S10°11'43"E	25.52'
C4	39.55'	168.00'	13°29'14"	S19°31'24"E	39.46'
C5	82.79'	330.00'	14°22'30"	S05°35'32"E	82.58'
C6	73.06'	330.00'	12°41'03"	S04°44'48"E	72.91'
C7	9.74'	330.00'	1°41'27"	S11°56'03"E	9.74'
C8	50.61'	215.00'	13°29'14"	S19°31'24"E	50.49'
C9	67.04'	138.50'	27°44'00"	S74°22'39"E	66.39'



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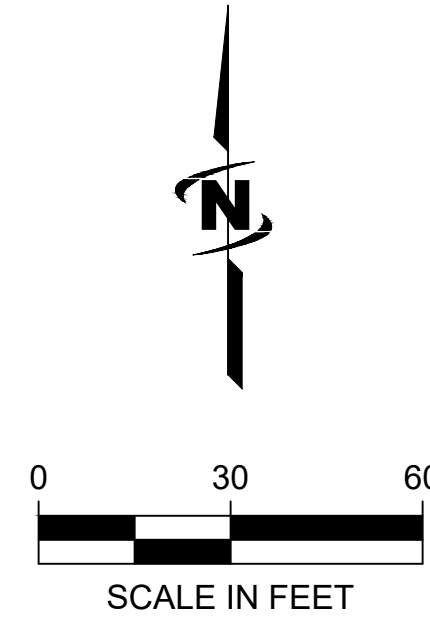
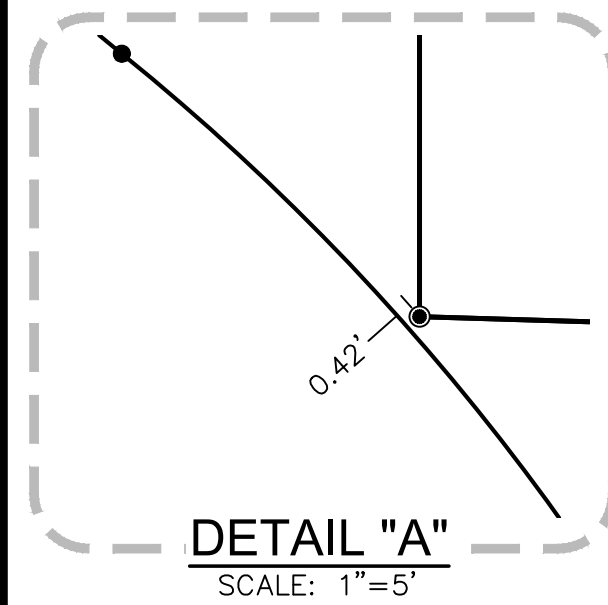
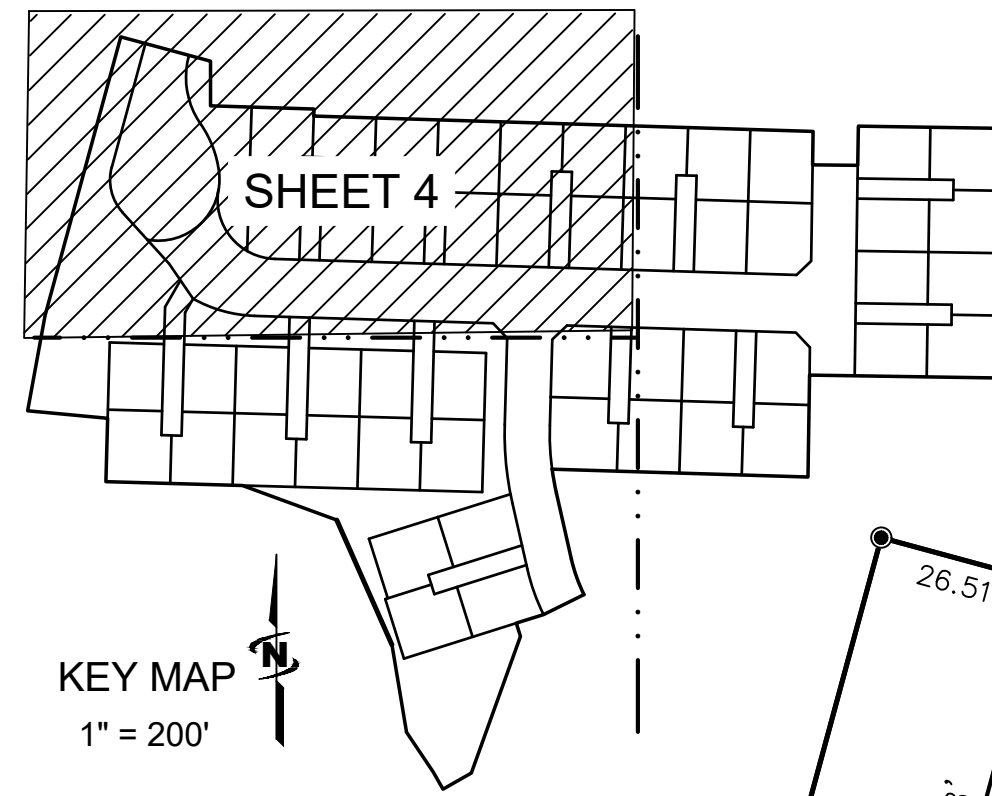


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PLAT OF MOON VALLEY SUBDIVISION NO. 5

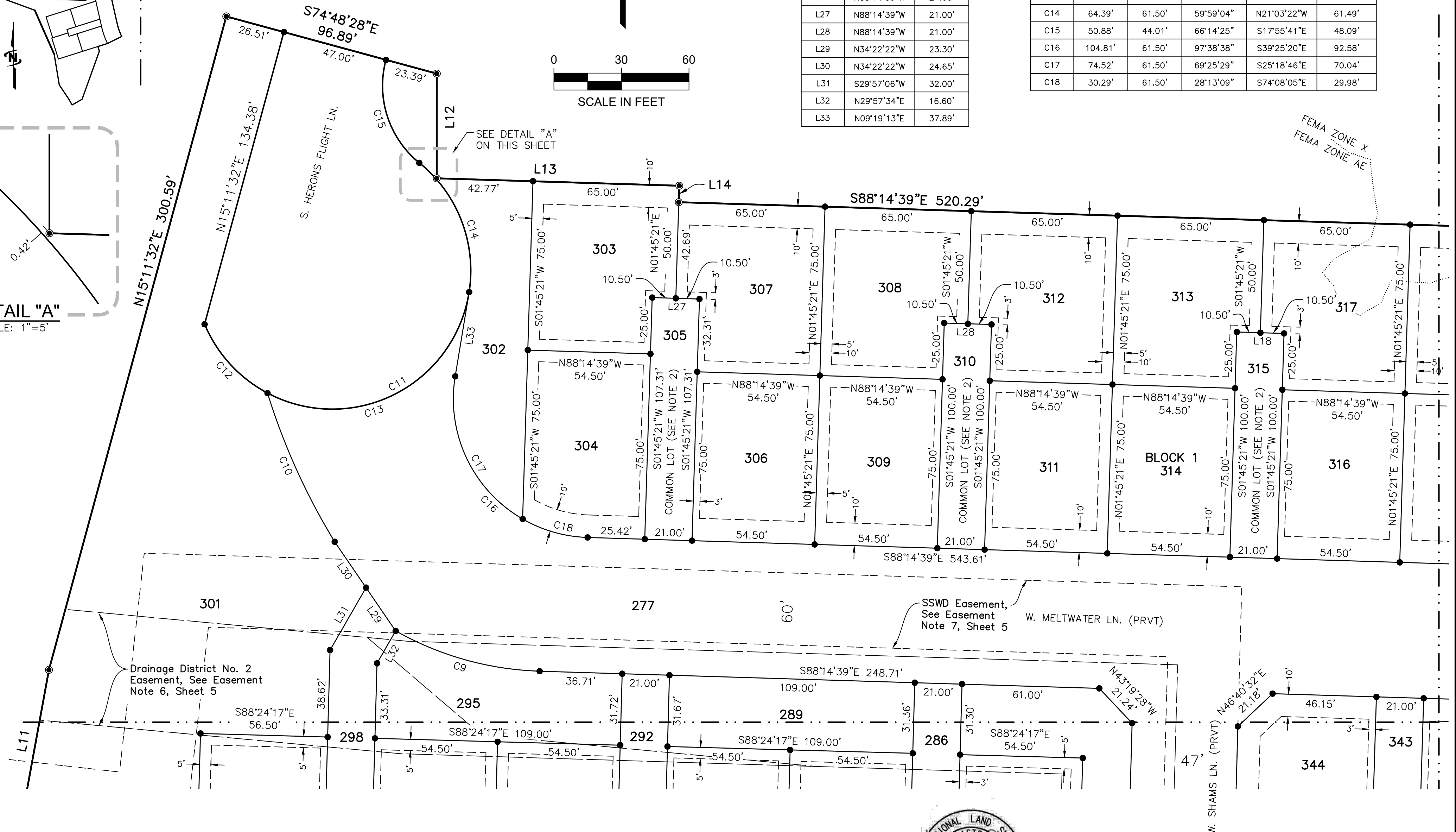
PLAT BOOK _____ PAGE _____

Section 5, Item C.



Line Table		
Line #	Direction	Length
L11	N10°21'20"E	101.07'
L12	S00°01'18"W	46.47'
L13	S88°14'39"E	107.77'
L14	S01°45'21"W	7.31'
L18	N88°14'39"W	21.00'
L27	N88°14'39"W	21.00'
L28	N88°14'39"W	21.00'
L29	N34°22'22"W	23.30'
L30	N34°22'22"W	24.65'
L31	S29°57'06"W	32.00'
L32	N29°57'34"E	16.60'
L33	N09°19'13"E	37.89'

Curve Table					
Curve #	Length	Radius	Delta	Chord Bearing	Chord Length
C9	67.04'	138.50'	27°44'00"	S74°22'39"E	66.39'
C10	72.64'	292.17'	14°14'40"	S24°19'59"E	72.45'
C11	223.58'	61.50'	208°17'49"	N53°06'01"E	119.27'
C12	42.26'	61.50'	39°22'03"	S42°26'06"E	41.43'
C13	116.94'	61.50'	108°56'42"	N63°24'31"E	100.10'
C14	64.39'	61.50'	59°59'04"	N21°03'22"W	61.49'
C15	50.88'	44.01'	66°14'25"	S17°55'41"E	48.09'
C16	104.81'	61.50'	97°38'38"	S39°25'20"E	92.58'
C17	74.52'	61.50'	69°25'29"	S25°18'46"E	70.04'
C18	30.29'	61.50'	28°13'09"	S74°08'05"E	29.98'



SEE SHEET 1 FOR LEGEND.
SEE SHEET 5 FOR NOTES,
EASEMENT NOTES, REFERENCES,
AND SURVEYOR'S NARRATIVE

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SHEET 4 OF 7

PLAT OF
MOON VALLEY SUBDIVISION NO. 5

PLAT BOOK _____ PAGE _____

Notes

1. Lot 277 of Block 1 is designated as a private road; and Lots 280, 283, 286, 289, 292, 295, 298, 301, 302, 305, 310, 315, 320, 327, 332, 337, and 343 of Block 1, are common lots and will be owned and maintained by Riverstone Homeowner's Association, Inc.
2. Lot 280 of Block 1 is a common driveway lot for lot access to lots 278, 279, 281 & 282 of Block 1. Lot 286 of Block 1 is a common driveway lot for lot access to lots 284, 285, 287 & 288 of Block 1. Lot 292 of Block 1 is a common driveway lot for lot access to lots 290, 291, 293 & 294 of Block 1. Lot 298 of Block 1 is a common driveway lot for lot access to lots 296, 297, 299, & 300 of Block 1. Lot 305 of Block 1 is a common driveway lot for lot access to lots 303, 304, 306 & 307 of Block 1. Lot 310 of Block 1 is a common driveway lot for lot access to lots 308, 309, 311 & 312 of Block 1. Lot 315 of Block 1 is a common driveway lot for lot access to lots 313, 314, 316 & 317 of Block 1. Lot 320 of Block 1 is a common driveway lot for lot access to lots 318, 319, 321 & 322 of Block 1. Lot 327 of Block 1 is a common driveway lot for lot access to lots 325, 326, 328 & 329 of Block 1. Lot 332 of Block 1 is a common driveway lot for lot access to lots 330, 331, 333 & 334 of Block 1. Lot 337 of Block 1 is a common driveway lot for lot access to lots 335, 336, 338 & 339 of Block 1. Lot 343 of Block 1 is a common driveway lot for lot access to lots 340, 342, 344 & 345 of Block 1. These common driveway lots shall be owned and maintained by the Riverstone Homeowners Association.
3. The pressurized irrigation system shall be owned and maintained by Riverstone Homeowner's Association. Irrigation water will be provided by Pioneer Ditch Company LTD. The Lots within this subdivision will be obligated for assessments from the Pioneer Ditch Company LTD.
4. Any re-subdivision of this plat shall comply with the applicable zoning regulations in effect at the time of the re-subdivision.
5. 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.
6. This Development is subject to a Development Agreement Instrument No. _____.
7. Lots shall not be reduced in size without prior approval from the Health Authority.
8. No additional domestic water supplies shall be installed beyond the water system approved in sanitary restriction release.
9. Reference is made to the public health letter on file with Ada County Recorder regarding additional restrictions.
10. This development recognizes Section 22-4503 of 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 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."
11. No work shall be performed within the FEMA Floodway without a permit.
12. This Subdivision is located within Special Flood Hazard Areas Zone AE and Zone X, as specified on FEMA Flood Insurance Rate Maps 16001C0130 J and 16001C0140 J, both with effective date of June 19, 2020.
13. 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. No work shall be performed within the Floodway Area without a permit. No rise certificates will be required for any work within the Floodway Area.
14. This Development is subject to Drainage District No. 2 License Agreement Instrument No. 2020-049626.

Reference Documents

Subdivisions: Moon Valley Subdivision No. 1 (Bk. 118 Plats. Pgs. 18219-18229)
Moon Valley Subdivision No. 3 (Bk. ____ Plats. Pgs. _____-_____)

Surveys: ROSs 706, 1216, 11900.

Deeds: 97026153, 97066505, 104023529 & 104046780.

Easements: 95048768, 2019-119140, 2019-119141, 2019-119142, 2019-122482,
2020-001323, 2020-001324, 2020-024742, 2020-024743, 2020-024744,
2020-039593, 2020-039594, 2020-04672, 2020-046723, 2020-046724,
2020-049627 & 2020-049628.

Easement Notes

1. Lots 280, 283, 286, 289, 292, 295, 298, 301, 302, 305, 310, 315, 320, 327, 332, 337, and 343 of Block 1 are hereby designated as having a Utility Easement co-situate with said lot.
2. Lot 277 of Block 1 is hereby designated as having a Private Road Easement and a Star Sewer and Water District Easement co-situate with said lot.
3. All Utility Easements shown or designated hereon are non-exclusive, perpetual, shall run with the land, are appurtenant to the lots shown hereon, and are hereby reserved for the installation, maintenance, operation, and use of public & private utilities, pressurized irrigation, water & sewer service, cable television/data; appurtenances thereto; and lot drainage.
4. Sidewalk Easements as shown hereon are non-exclusive, perpetual, shall run with the land, are appurtenant to the lots shown hereon, and are hereby reserved for ingress & egress; the installation, maintenance, operation, and use of sidewalks; and appurtenances thereto. Moon Valley Subdivision Homeowner's Association shall be responsible for maintenance of sidewalks.
5. The Private Road Easement designated hereon is non-exclusive, perpetual, shall run with the land, is appurtenant to the lots shown hereon, and is hereby reserved for the ingress and egress of emergency vehicles; the installation, maintenance, operation, and use of roadways, sidewalks, driveways, and landscaping; and appurtenances thereto.
6. See Instrument No. 2020-049628 for Drainage District No. 2 Easement.
7. See Instrument No. 2019-119142 for Star Sewer & Water District Easements.
8. No easement shown or designated hereon shall preclude the construction and maintenance of hard-surfaced driveways, landscaping, parking, side & rear property line fences, or other such nonpermanent improvements.
9. All easements are parallel (or concentric) to the lines (or arcs) that they are dimensioned from unless otherwise noted.

Surveyor's Narrative

SURVEY PURPOSE: To determine the boundary of a portion of Parcel III of that land as described in that Special Warranty Deed recorded under Instrument No. 104023529, Ada County Records, Idaho and of a portion of that land as described in that Warranty Deed recorded under Instrument No. 97026153, Ada County Records, Idaho, and to include said portions of said lands within this subdivision.

DOCUMENTS USED: See Reference Documents below left.

BOUNDARY CONTROLLED BY: The east boundary is controlled by that land as described in that Warranty Deed recorded under Instrument No. 97066505, Ada County Records and as surveyed according to Record of Survey No. 11900.

The southeasterly boundary is controlled by Moon Valley Subdivision No. 3.

The west boundary is controlled by the easterly right-of-way line of State Highway 16.

The southwesterly and north boundaries and are controlled by a boundary line created by the client reflecting how portions of the lands of hereinabove described Warranty Deeds are desired to be subdivided.



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PLAT OF
MOON VALLEY SUBDIVISION NO. 5

PLAT BOOK _____ PAGE _____

Certificate of Owners

Know all people by these presents: that Sundance Investments, L.L.L.P. (formerly Sundance Investments Limited Partnership), an Idaho limited liability partnership, does hereby certify that it is the owner of that real property to be known as Moon Valley Subdivision No. 5, and that it intends to include said real property, as described below, in this plat:

That portion of the Northeast Quarter of Section 16, Township 4 North, Range 1 West, Boise Meridian, City of Star, Ada County Idaho, particularly described as follows:

COMMENCING at the corner common to Sections 9, 10, 15 and 16, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, from which the north quarter corner of said Section 15 bears South 89°06'20" East, 2644.08 feet; Thence, along the line common to said Sections 15 and 16, South 00°39'42" West, 970.60 feet to the southerly right-of-way line of Moon Valley Road; Thence, along said southerly right-of-way line, North 74°38'38" West, 301.11 feet to the northeast corner of the lands of Akins as described in that Warranty Deed recorded under Instrument No. 97066505, Ada County Records, said northeast corner being the most northerly corner of Moon Valley Subdivision No. 1 according to the official plat thereof filed in Book 118 of Plats at Pages 18219 through 18229, Ada County Records; Thence, along the westerly boundary line of said Moon Valley Subdivision No. 1, South 00°39'51" West, 957.73 feet to an angle point thereon, said angle point being the southeast corner of said lands of Akins and an angle point in the northerly boundary line of Moon Valley Subdivision No. 3 according to the official plat thereof filed in Book _____ of Plats at Pages _____ through _____, Ada County Records; Thence N 79°18'11" W, 508.93 feet along said northerly boundary line; Thence N 00°50'21" E, 155.45 feet along said northerly boundary line to the POINT OF BEGINNING;

Thence along said northerly boundary line the following three (3) courses:

- 1)N 89°09'39" W, 197.00 feet;
- 2)S 00°50'21" W, 106.08 feet;
- 3)N 88°14'39" W, 266.67 feet to the beginning of a non-tangent curve;

Thence along the westerly boundary line of said Moon Valley Subdivision No. 3 the following eight (8) courses:

- 1)Along said non-tangent curve to the left an arc length of 25.53 feet, having a radius of 283.00 feet, a central angle of 05°10'08", a chord bearing of S 10°11'43" E and a chord length of 25.52 feet;
- 2)S 12°46'47" E, 70.08 feet to the beginning of a curve;
- 3)Along said curve to the left an arc length of 39.55 feet, having a radius of 168.00 feet, a central angle of 13°29'14", a chord bearing of S 19°31'24" E and a chord length of 39.46 feet;
- 4)S 63°43'59" W, 47.00 feet;
- 5)S 72°29'34" W, 29.81 feet;
- 6)S 17°30'26" E, 14.39 feet;
- 7)S 19°42'17" W, 151.32 feet;
- 8)S 60°33'26" W, 34.01 feet;

Thence N 29°26'34" W, 20.45 feet departing from said westerly boundary line;
Thence N 33°50'44" W, 49.99 feet; Thence N 09°29'29" W, 92.16 feet;
Thence N 23°52'54" W, 142.15 feet; Thence N 69°48'37" W, 104.69 feet;
Thence N 88°24'17" W, 142.16 feet;
Thence N 01°35'43" E, 65.94 feet;
Thence N 84°37'17" W, 83.67 feet to the easterly right-of-way line of Highway 16 according to Record of Survey No. 10034 recorded under Instrument No. 2015-015318, Ada County Records;
Thence N 10°21'20" E, 101.07 feet along said easterly right-of-way line;
Thence N 15°11'32" E, 300.59 feet along said easterly right-of-way line;
Thence S 74°48'28" E, 96.89 feet departing from easterly right-of-way line;
Thence S 00°01'18" W, 46.47 feet; Thence S 88°14'39" E, 107.77 feet; Thence S 01°45'21" W, 7.31 feet;
Thence S 88°14'39" E, 520.29 feet; Thence S 00°50'21" W, 34.91 feet; Thence S 89°24'52" E, 47.00 feet;
Thence N 00°50'21" E, 40.74 feet; Thence S 89°09'39" E, 150.00 feet to the west line of said lands of Akins;
Thence S 00°50'21" W, 260.00 feet to the POINT OF BEGINNING.

The hereinabove-described parcel contains 9.09 acres, more or less.

The private roads shown on this plat are not dedicated to the public. The easements shown on this plat are not dedicated to the public, however the right to use said easements is hereby reserved for the uses specifically depicted on the plat, and for any other purposes designated hereon, and no permanent structures, other than for such uses and purposes, are to be erected within the lines of said easements. All of the lots within this subdivision are eligible to receive water and sewer service from the Star Sewer & Water District and the Star Sewer & Water District has agreed in writing to serve all lots within the subdivision. Irrigation water has been provided from Pioneer Ditch Company, LTD., in compliance with Idaho Code 31-3805(1)(b). Lots within this subdivision will be entitled to irrigation water rights, and will be obligated for assessments from the Pioneer Ditch Company, LTD.

In witness whereof, I have hereunto set my hands:

Sundance Investments, L.L.L.P.
(formerly Sundance Investments Limited Partnership),
an Idaho limited liability partnership

By: The Sundance Company, an Idaho corporation,
its general partner

By: _____
Christopher L. Anderson

Acknowledgment

State of _____ }
County of _____ } ss.

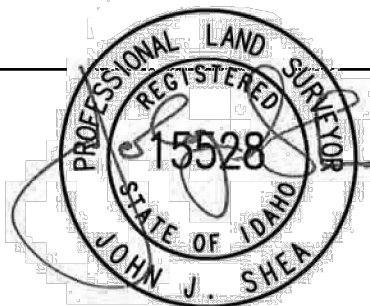
On this _____ day of _____, in the year 20____, before me, a Notary Public in and for the State of _____, personally appeared Christopher L. Anderson, known or identified to me to be _____ of The Sundance Company, the general partner of SUNDANCE INVESTMENTS, L.L.L.P. (formerly Sundance Investments Limited Partnership) the entity that executed the within instrument and acknowledged to me that said entity executed the same.

Notary public for _____
My commission expires _____

Certificate of Surveyor

I, John. J. Shea, do hereby certify that I am a Professional Land Surveyor, licensed by the State of Idaho, and that this plat of Moon Valley Subdivision No. 5, as described in the Certificate of Owners and as shown on the attached plat is correct and was surveyed in accordance with Idaho Code relating to plats and surveys.

John J. Shea, PLS 15528



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MOON VALLEY SUBDIVISION NO. 5

PLAT BOOK _____ PAGE _____

APPROVAL OF CENTRAL DISTRICT HEALTH

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 A CERTIFICATE OF DISAPPROVAL.

CENTRAL DISTRICT HEALTH
DATE

APPROVAL OF ADA COUNTY HIGHWAY DISTRICT

THE FOREGOING PLAT WAS ACCEPTED AND APPROVED BY THE BOARD OF ADA COUNTY HIGHWAY DISTRICT COMMISSIONERS ON THE_____DAY OF_____, 20_____.

COMMISSION PRESIDENT
ADA COUNTY HIGHWAY DISTRICT

APPROVAL OF CITY ENGINEER

I, THE UNDERSIGNED, CITY ENGINEER IN AND FOR THE CITY OF STAR, ADA COUNTY, IDAHO, ON THIS DAY

_____, HEREBY APPROVE THIS PLAT.

CITY ENGINEER

APPROVAL OF CITY COUNCIL

THE FOREGOING PLAT WAS ACCEPTED AND APPROVED THIS _____ DAY OF _____, _____, BY THE CITY OF STAR, IDAHO.

CITY CLERK

CERTIFICATE OF COUNTY SURVEYOR

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

ADA COUNTY SURVEYOR
DATE

CERTIFICATE OF COUNTY TREASURER

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

ADA COUNTY TREASURER
DATE

COUNTY RECORDER'S CERTIFICATE

STATE OF IDAHO }
COUNTY OF ADA } SS. INSTRUMENT NO. _____

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED AT THE REQUEST OF JUB ENGINEERS, INC.

AT _____MINUTES PAST_____O'CLOCK__M.,

THIS_____DAY OF_____,_____, IN MY OFFICE, AND WAS RECORDED IN

BOOK_____OF PLATS AT PAGES ____ THROUGH ____.

FEE: _____

DEPUTY
EX-OFFICIO RECORDER



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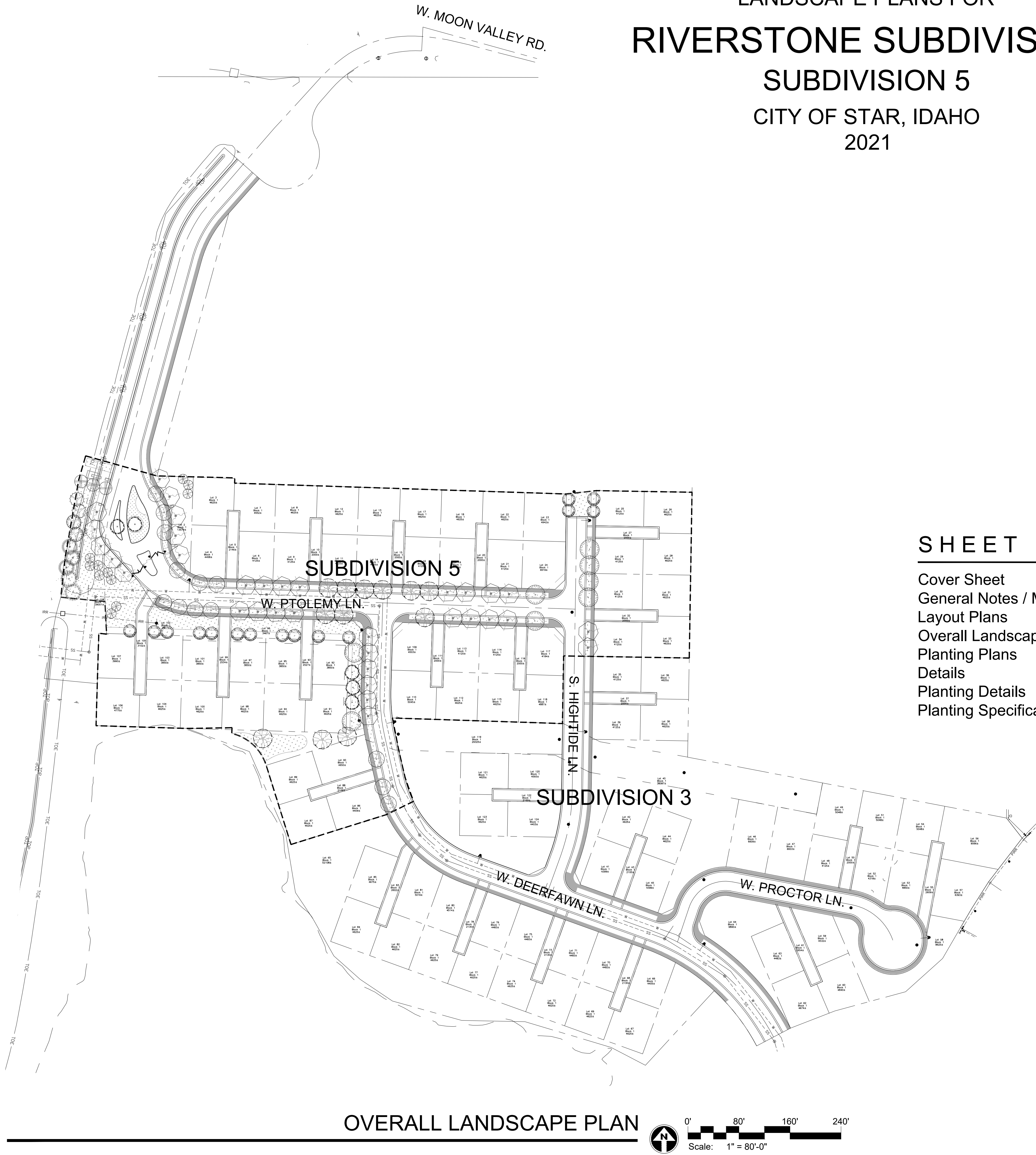
LANDSCAPE PLANS FOR

RIVERSTONE SUBDIVISION

SUBDIVISION 5

CITY OF STAR, IDAHO

2021



SHEET INDEX	
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Overall Landscape Sheet Layout	L3.0
Planting Plans	L3.1-L3.3
Details	L6.1-L6.2
Planting Details	L7.1
Planting Specifications	L8.1

DEVELOPER

M3 COMPANIES
1087 W. River Street
Suite 310
Boise, Idaho 83702
(208) 939-6263 Fax: 208-939-6752

CIVIL ENGINEERS

J-U-B ENGINEERS, INC.
250 S. Beechwood Ave. Suite 201
Boise, ID 83709-0944
(208) 376-7330 Fax: 208-323-9336

LANDSCAPE ARCHITECT

Greey | Pickett
Landscape Architecture | Community Design
7144 E. Stetson Drive, Suite 205
Scottsdale, Arizona 85251
(480) 609-0009 Fax: (480) 609-0068

PLANTING GENERAL NOTES:

1. THE CONTRACTOR SHALL REVIEW PLANTING PLANS WITH LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
2. THE LANDSCAPE ARCHITECT OR HIS REPRESENTATIVE RESERVES THE RIGHT TO REFUSE ANY PLANT MATERIALS HE DEEMS UNACCEPTABLE. SEE SPECIFICATIONS.
3. THE CONTRACTOR SHALL SUPPLY AND INSTALL ALL PLANT MATERIAL AS SPECIFIED ON THE PLANTING PLANS. HOWEVER, SHOULD THE PLANT MATERIAL BE TEMPORARILY UNAVAILABLE, THE CONTRACTOR SHALL NOTIFY THE LANDSCAPE ARCHITECT AND INSTALL 3 GALLON NURSERY BUCKETS WITH IRRIGATION AT EACH PLANT LOCATION. AS THE PLANT MATERIAL BECOMES AVAILABLE, THE 3 GALLON BUCKETS SHALL BE REMOVED AND PLANT MATERIAL INSTALLED.
4. ANY AND ALL SUBSTITUTIONS TO BE APPROVED BY THE LANDSCAPE ARCHITECT.
5. LOCATE PLANTS AWAY FROM SPRINKLER HEADS, LIGHT FIXTURES AND OTHER OBSTRUCTIONS.
6. FINAL LOCATION OF ALL PLANT MATERIAL SHALL BE SUBJECT TO THE APPROVAL OF THE OWNER'S AUTHORIZED REPRESENTATIVE.
7. PLANTING AND IRRIGATION DESIGN MAY BE MODIFIED TO ADAPT TO WALK CONFIGURATIONS THAT DIFFER FROM THESE PLANS, OR BECAUSE OF GRADE LIMITATIONS ON SITE.
8. WATER TEST ALL TREE PLANTING HOLES PRIOR TO PLANTING. IF TREE HOLE DOES NOT DRAIN, DO NOT PLANT.
9. REFER TO THE SPECIFICATIONS FOR ADDITIONAL REQUIREMENTS NOT SHOWN ON DRAWINGS.
10. TREES SHALL BE PLANTED A MINIMUM OF 10'-0" FROM STREET LIGHTS/SEEPAGE BEDS/IDAHO POWER APPURTENANCES/ FIRE HYDRANTS, 6'-0" FROM EDGE OF UNDERGROUND PIPELINES AND A MINIMUM OF 4'-0" FROM WALKS, CURBS AND WALLS. SHRUBS SHALL BE PLANTED A MINIMUM OF 2'-0" FROM CURB AND WALKS.
11. ALL SPECIMEN TREES, SHRUBS AND GROUNDCOVER SHALL BE FIELD LOCATED BY LANDSCAPE ARCHITECT OR OWNER'S AUTHORIZED REPRESENTATIVE.
12. THE CONTRACTOR SHALL INSTALL "SHAWTOWN ROOT BARRIER PANELS" (OR APPROVED EQUAL) AT ALL TREES WITHIN 7'-0" FEET OF HARDSCAPE ELEMENTS INCLUDING (BUT NOT LIMITED TO) SIDEWALKS, ASPHALT, CONCRETE SLABS / FOOTINGS AND STRUCTURES. CONTRACTOR SHALL SUBMIT SPECIFICATION SHEETS OF PROPOSED ROOT BARRIER PANELS TO THE LANDSCAPE ARCHITECT FOR APPROVAL PRIOR TO INSTALLATION, IF APPLICABLE.
13. ON-SITE AND OFF-SITE TOPSOIL SHALL CONFORM TO CONTENT REQUIREMENTS AS SPECIFIED IN PART 2 OF THE PLANTING SPECIFICATIONS. AGRONOMY TEST SUBMITTALS ARE REQUIRED FOR ALL MATERIAL USED FOR TOPSOIL AND BACKFILL. SUBMIT REPORT TO LANDSCAPE ARCHITECT FOR REVIEW.
14. ALL PLANT MATERIAL SHALL BE IN COMPLIANCE WITH THE AMERICAN STANDARDS FOR NURSERY STOCK, LATEST EDITION.
15. THE CONTRACTOR SHALL PROVIDE MAINTENANCE FOR ALL PLANT MATERIAL FROM THE TIME OF INSTALLATION THROUGH SUBSTANTIAL COMPLETION AND 90 DAY MAINTENANCE AFTER SUBSTANTIAL COMPLETION PRIOR TO TURNOVER TO HOME OWNER'S ASSOCIATION (HOA).
16. PLANT MATERIAL MARKED 'SALVAGE' SHALL BE SELECTED FROM ON-SITE SALVAGE INVENTORY. ALL MATERIAL SELECTIONS SHALL BE APPROVED BY LANDSCAPE ARCHITECT AND/OR OWNER'S AUTHORIZED REPRESENTATIVE.
17. ALL PLANTER BEDS SHALL BE TREATED WITH PRE-EMERGENT AS PER MANUFACTURER'S INSTRUCTIONS. RE-APPLY AS NECESSARY TO ELIMINATE INVASIVE WEEDS. REMOVE ALL DEAD DEBRIS.
18. ALL TREE STAKING SHALL CONFORM TO THE PLANTING DETAILS OR AS NOTED IN THE SPECIFICATIONS. THE LANDSCAPE ARCHITECT OR OWNER'S AUTHORIZED REPRESENTATIVE SHALL REVIEW TYPICAL TREE STAKING PRIOR TO FINAL ACCEPTANCE.

GRADING GENERAL NOTES:

1. CONTRACTOR SHALL GRADE TO MAINTAIN POSITIVE DRAINAGE AWAY FROM ALL STRUCTURES. REVIEW ENGINEERS PLAN FOR DRAINAGE.
2. FINISH GRADING SHALL BE BY THE DIRECTION OF THE LANDSCAPE ARCHITECT.
3. LANDSCAPE ARCHITECT SHALL APPROVE GRADING PRIOR TO PLANTING.
4. GRADING FOR THIS PROJECT INCLUDES THE FOLLOWING:
 - A) FINE GRADING OF EXISTING ROUGH GRADES IS REQUIRED TO PROVIDE SMOOTH, EVEN GRADE TRANSITION IN LANDSCAPE AREA.
 - B) IMPORTING AND PLACING "OFF-SITE 3/8" MINUS TOPSOIL" IN THE FOLLOWING AREAS:
 - i) TURF, AND ANNUAL AREAS (6" DEPTH).
 - ii) PLANT BACKFILL (CAN BE SCREENED ON-SITE SOIL).
5. THE CONTRACTOR IS RESPONSIBLE FOR REMOVING ANY CALICHE ENCOUNTERED ON SITE AT NO ADDITIONAL COST TO THE OWNER. THE OWNER AND CONTRACTOR SHALL COORDINATE A SUITABLE LOCATION ON SITE TO DISPOSE OF THE CALICHE MATERIAL. SHOULD A SUITABLE LOCATION ON SITE NOT EXIST, THE OWNER SHALL BE RESPONSIBLE FOR ALL FEES ASSOCIATED WITH REMOVAL AND DISPOSAL OF THE CALICHE.
6. FINISH GRADE OF ALL PLANTING AREAS IS TO BE 1.5" BELOW ADJACENT PAVING UNLESS NOTED OTHERWISE.
7. REFERENCE CIVIL ENGINEERING DRAWINGS FOR GRADING AND DRAINAGE FLOWS. THE CONTRACTOR SHALL BE RESPONSIBLE THAT THESE ARE PROVIDED FOR AND NOT IMPAIRED WITH OBSTRUCTIONS.
8. THE CONTRACTOR IS RESPONSIBLE FOR GRADING ALL AREAS AT THE DIRECTION OF THE LANDSCAPE ARCHITECT TO CREATE A NATURALLY UNDULATING GROUND PLANE.

HARDSCAPE GENERAL NOTES:

1. FOOTINGS, WALLS AND FENCES SHALL BE PLACED OUTSIDE OF THE PUBLIC RIGHT-OF-WAY.
2. REFER TO CIVIL PLANS PREPARED BY MASON STANFIELD AND JUB ENGINEERS, INC. FOR ALL INFORMATION REGARDING HORIZONTAL AND VERTICAL CONTROLS.
3. ALL DETAILS SHALL BE REVIEWED BY A STRUCTURAL ENGINEER AND MODIFIED (IF NECESSARY) PRIOR TO CONSTRUCTION.
4. ALL DIMENSIONS SHOWN ON THIS PLAN ARE BASED ON THE CIVIL PLAN SUBMITTED BY CIVIL ENGINEER. SHOULD DISCREPANCIES OCCUR, FIELD REVISIONS SHALL BE REQUIRED.
5. THE CONTRACTOR SHALL HAVE SIDEWALK SURVEYED AND STAKED FOR REVIEW BY THE LANDSCAPE ARCHITECT, OR OWNER'S REPRESENTATIVE, PRIOR TO INSTALLATION.
6. IN ADDITION TO SUBMITTING MATERIAL SAMPLES OF ALL SITE RELATED MATERIALS, THE CONTRACTOR SHALL PREPARE A 4'X4' SAMPLE PANEL FOR EACH TYPE OF CONSTRUCTION, I.E., A) CONCRETE PAVERS, B) EXPOSED AGGREGATE PAVING, C) INTEGRAL COLORED CONCRETE, ETC., FOR APPROVAL BY THE LANDSCAPE ARCHITECT AND OWNER'S AUTHORIZED REPRESENTATIVE PRIOR TO FINAL CONSTRUCTION.
7. UNLESS NOTED OTHERWISE ON CONSTRUCTION DOCUMENTS OR NOTED IN DETAILS, SIDEWALKS SHALL BE 5'-0" WIDE (VARIES), 4" THICK, 3,000 PSI CONCRETE ON COMPACTED BASE WITH CONSTRUCTION JOINTS AT 5'-0" (VARIES) ON CENTER AND EXPANSION JOINTS AT 20'-0" (VARIES) ON CENTER. SIDEWALKS SHALL HAVE A MEDIUM BROOM, NON-SKID FINISH WITH 1/2" RADIUS TOOLED EDGES.
8. RADIUS AT SIDEWALK INTERSECTIONS SHALL BE 5'-0" (TYPICAL), UNLESS NOTED OTHERWISE.
9. THE CONTRACTOR SHALL LAYOUT AND VERIFY ALL HARDSCAPE ELEMENTS PRIOR TO CONSTRUCTION FOR REVIEW BY THE LANDSCAPE ARCHITECT OR OWNER'S AUTHORIZED REPRESENTATIVE. SHOULD DISCREPANCIES EXIST, CONTRACTOR SHALL NOTIFY THE LANDSCAPE ARCHITECT OR OWNER'S AUTHORIZED REPRESENTATIVE BEFORE PROCEEDING FURTHER.

GENERAL NOTES:

1. THESE CONSTRUCTION DOCUMENTS, INCLUDING ALL PLANS, NOTES, DETAILS AND SPECIFICATIONS ARE INTENDED TO FACILITATE THE INSTALLATION CONTRACTOR BY PROVIDING GENERAL GUIDELINES FOR DESIGN INTENT. IT IS THE GOAL OF THE DOCUMENTS THAT THE WORK IS TO BE COMPLETED WITHOUT CHANGE ORDERS. ALL QUANTITIES SHOWN IN THE DOCUMENTS ARE ESTIMATES ONLY AND ARE NOT GUARANTEED; THE CONTRACTOR SHALL SUPPLY ALL MATERIALS, LABOR AND EQUIPMENT IN ORDER TO FULFILL THE INTENT OF THE DESIGN DRAWINGS.
2. INTERPRETATION OF THE PLANS AND SPECIFICATIONS SHALL BE MADE BY THE "AUTHOR" OR "ARCHITECT/ENGINEER-OF-RECORD" OF THE RESPECTIVE DOCUMENT AND SHALL BE CONSIDERED FINAL. ANY POSSIBLE AMBIGUITY SHALL BE SUBMITTED IN WRITING BY THE CONTRACTOR PRIOR TO SUBMITTING FORMAL BIDS. ALL CLARIFICATIONS SHALL BE PREPARED IN WRITING BY THE "ARCHITECT/ENGINEER-OF-RECORD" PRIOR TO BIDDING. THE CONTRACTOR SHALL ACCEPT THE INTERPRETATION OF THE "ARCHITECT/ENGINEER-OF-RECORD" AS THE CORRECT AND FINAL INTERPRETATION.
3. ANY INCIDENTAL INSTALLATION PROCEDURE, MATERIAL OR EQUIPMENT, NOT MENTIONED IN THESE CONSTRUCTION DOCUMENTS, THE SPECIFICATIONS NOR SHOWN ON THE PLANS, WHICH MAY BE NECESSARY FOR COMPLETION AND SATISFACTORY OPERATION OF THE DESIGN SYSTEM SHALL BE FURNISHED AND INSTALLED (AS BASED ON INDUSTRY STANDARDS) AS THOUGH SHOWN OR PROVIDED FOR.
4. EXISTING CONDITIONS AND BASE INFORMATION ARE BASED ON PLANS PREPARED BY: MASON STANFIELD AND JUB ENGINEERS, INC. THE CONTRACTOR SHALL BECOME FAMILIAR WITH THE LOCATIONS OF EXISTING AND FUTURE UNDERGROUND SERVICES AND IMPROVEMENTS WHICH MAY CONFLICT WITH THE WORK TO BE DONE. NOTIFY THE OWNER'S AUTHORIZED REPRESENTATIVE IMMEDIATELY SHOULD A CONFLICT ARISE.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR SECURING ALL NECESSARY PERMITS AND SHALL NOTIFY ALL UTILITY COMPANIES WITH UTILITIES ON SITE PRIOR TO THE CONSTRUCTION OF THE PROJECT.
6. FOR UNDERGROUND UTILITY COORDINATION AND 48 HOURS PRIOR TO START OF CONSTRUCTION (DEPENDING ON AREA OR JURISDICTION), THE CONTRACTOR SHALL CONTACT:
 - A) UTILITY DIG LINE SERVICE OF IDAHO 1-800-342-1585
 - B) UNDERGROUND SERVICES ALERT (USA) 1-800-227-2600
 - C) OVERHEAD UTILITIES
7. THESE NOTES ARE TO BE USED FOR GENERAL REFERENCE IN CONJUNCTION WITH AND AS A SUPPLEMENT TO THE WRITTEN SPECIFICATIONS, APPROVED ADDENDUMS, AND THE CHANGE ORDERS AS ASSOCIATED WITH THESE CONSTRUCTION DOCUMENTS.
8. SHOULD THE CONTRACTOR HAVE ANY QUESTIONS REGARDING THESE CONSTRUCTION DOCUMENTS OR SHOULD THERE BE ANY DISCREPANCIES, HE SHALL CONTACT THE LANDSCAPE ARCHITECT FOR CLARIFICATION BEFORE PROCEEDING FURTHER.
9. ALL WORK SHALL CONFORM TO THE CONTRACT DOCUMENTS AND PER GOVERNING CODES AND/OR ORDINANCES.
10. THE CONTRACTOR SHALL PROVIDE BARRICADES AND TRAFFIC CONTROL ALONG PUBLIC STREETS, IF REQUIRED, DURING INSTALLATION.
11. IT IS THE CONTRACTOR'S RESPONSIBILITY TO REPORT TO THE LANDSCAPE ARCHITECT AND/OR THE OWNER'S AUTHORIZED REPRESENTATIVE ANY DISCREPANCIES BETWEEN THE CONSTRUCTION DOCUMENTS AND FIELD CONDITIONS PRIOR TO THE START OF WORK.
12. BEFORE WORK BEGINS ON THE PROJECT, THE CONTRACTOR SHALL REVIEW THE PROJECT WITH THE LANDSCAPE ARCHITECT AND/OR THE OWNER'S AUTHORIZED REPRESENTATIVE.
13. THE LANDSCAPE ARCHITECT AND/OR THE OWNER'S AUTHORIZED REPRESENTATIVE SHALL APPROVE ANY OR ALL CHANGES PRIOR TO THE START OF WORK.
14. THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING AND COORDINATING EXISTING SITE CONDITIONS.
15. THE CONTRACTOR SHALL ADHERE TO ALL APPLICABLE LOCAL, STATE, AND/OR FEDERAL LAWS AND/OR REGULATIONS PERTAINING TO THE PROJECT.
16. THE CONTRACTOR SHALL PROPERLY COORDINATE HIS WORK WITH OTHER CONTRACTOR'S WORK PRIOR TO INSTALLATION.
17. THE CONTRACTOR SHALL TAKE PRECAUTIONARY MEASURES TO PROTECT EXISTING IMPROVEMENTS AND THE PUBLIC FROM DAMAGE THROUGHOUT CONSTRUCTION.
18. THE CONTRACTOR SHALL ASSUME FULL RESPONSIBILITY FOR ANY DAMAGES IMPOSED, UNINTENTIONALLY OR ACCIDENTALLY TO EXISTING UTILITIES, STRUCTURES, WALLS, OR OTHER AMENITIES, DUE TO THE ACTION OF THE CONTRACTOR, CONTRACTOR'S EMPLOYEES AND/OR THE CONTRACTOR'S SUBCONTRACTORS. DAMAGE OCCURRED DURING THE CONTRACTOR'S OPERATION SHALL BE REPAIRED, AT THE EXPENSE OF THE CONTRACTOR, TO THE SATISFACTION OF THE OWNER'S AUTHORIZED REPRESENTATIVE.
19. MATCH GRADES, LAYOUT AND ELEVATIONS OF ADJOINING LANDSCAPE WORK. NOTIFY THE LANDSCAPE ARCHITECT OF CONFLICTS BEFORE PROCEEDING WITH CONSTRUCTION.

MATERIAL SCHEDULE:

KEY	DESCRIPTION	SUPPLIER	TYPE/MODEL / SIZE	COLOR/FINISH/PATTERN	COMMENTS
1.1	CONCRETE SIDEWALK -CONCRETE	CONTRACTOR		UNCOLORED	
1.2	LIMIT OF TURF -SPADE CUT EDGE	CONTRACTOR			
2.1	MARQUEE SIGN WALL -BOARD FORMED CONCRETE WALL -SHELF -SIGNAGE LETTERS	CONTRACTOR CONTRACTOR CONTRACTOR	1x6 SANDBLASTED HIGH GRAIN CEDAR BOARD, TIGHT JOINTS 3/16" PLATE STEEL SHELF REVERSE PAN LETTERS, INTERNAL LIT LED, FONT: NUNITO SANS REGULAR	UNCOLORED CONCRETE SHERWIN WILLIAMS POWDERCOAT COLOR: GRANITE GRAY RAL 7026 REVERSE PAN LETTERS; LED /COLOR: CARDINAL POWDER COATINGS #P099-WH13, WHITE 90 GLOSS	SEE DETAIL 2.4/L6.2 SHOP DRAWINGS REQUIRED. CONTRACTOR TO PROVIDE COLOR CHIP. SHOP DRAWINGS REQUIRED, (STEEL OR ALUM.)
2.2	ENTRY PORTAL WALLS -BOARD-FORMED CONCRETE -CONCRETE CAP	CONTRACTOR CONTRACTOR	1x6 SANDBLASTED HIGH GRAIN CEDAR BOARD, TIGHT JOINTS	UNCOLORED CONCRETE UNCOLORED CONCRETE/TROWELED FINISH	SEE DETAIL 2.5/L6.2
2.3	ENTRY PORTAL TRELLIS -BEAM -RAFTERS/LEDGER	CONTRACTOR CONTRACTOR	8x12 STEEL I BEAM 4x8 TUBE STEEL RAFTERS	SHERWIN WILLIAMS POWDERCOAT COLOR: GRANITE GRAY RAL 7026 SHERWIN WILLIAMS POWDERCOAT COLOR: GRANITE GRAY RAL 7026	PER STRUCTURAL ENGINEERS DETAILS CONTRACTOR TO PROVIDE COLOR CHIP. CONTRACTOR TO PROVIDE COLOR CHIP.
2.4	ENTRY GATE WALL -BOARD-FORMED CONCRETE WALL -CONCRETE CAP	CONTRACTOR CONTRACTOR	1x6 SANDBLASTED HIGH GRAIN CEDAR BOARD, TIGHT JOINTS	UNCOLORED CONCRETE UNCOLORED CONCRETE/TROWELED FINISH	SEE DETAIL 2.7/L6.2
2.5	ENTRY KEYPAD PANEL -STEEL PANEL -STEEL CAP -TELEPHONE ENTRY	CONTRACTOR CONTRACTOR DOOR KING	3/16" HOT-ROLLED STL. PLATE/STEEL FRAME STRUCTURE 1 X 1 ALUM. 3/16" HOT-ROLLED STL. PLATE 1834 PC PROGRAMMABLE W/1812-145 CCTV CAMERA	POWDER COAT PAINT: SHERWIN WILLIAMS (SW) UMBRA GRAY RAL 7022 POWDER COAT PAINT: SHERWIN WILLIAMS (SW) UMBRA GRAY RAL 7022 STOCK	OR APPROVED EQUAL SEE DETAILS 1.3 - 1.8/L6.1
2.6	VEHICULAR GATES -GATE FRAME -POSTS -HORIZONTAL & VERTICAL RAILS -PERFORATED PANELS -STEEL CAP -SOLID PANELS -GLASS PANELS -SOLID WOOD PANELS VEHICLE GATE HARDWARE HINGES GATE MOTORS ACCESS CONTROLLER CLICKER CONTROLLER	 CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR DOOR KING DOOR KING	2 5/16" X 3" ALUM. I BEAM, MITERED CORNERS 6" SQ POST 1 X 1 ALUM. 1/8" THK. ALUM. PERF. PANEL 1/2" SQ. HOLES, 30% OPEN 3/16" ALUM. PLATE PANELS, SIZE VARIES TEMPERED GLASS HARDWOOD PANELS, SIZE VARIES	POWDER COATED PAINT COLOR: SW UMBRA GRAY RAL 7022 POWDER COAT PAINT: SHERWIN WILLIAMS (SW) UMBRA GRAY RAL 7022 POWDER COAT PAINT: SW UMBRA GRAY RAL 7022 SHERWIN WILLIAMS POWDERCOAT COLOR: GRANITE GRAY RAL 7026 FINISH: BRUSHED; POWDER COAT: SW UMBRA GRAY RAL 7022 1/4" SQ. ALUM. INSERTS, POWDER COAT PAINT: SW UMBRA GRAY RAL 7022 COLOR: IPE & MAHOGANY WOOD; INTERIOR FRAME: ALUM U CHANNEL	SHOP DRAWINGS REQUIRED SUBMIT SAMPLE SUBMIT CUTSHEET SUBMIT WOOD SAMPLES
NOTE TO GATE CONTRACTOR: GATE CONTRACTOR TO COORDINATE ALL INSTALLATION, ADDITIONAL SLEEVING, AND PLACEMENT OF EQUIPMENT WITH LANDSCAPE ARCHITECT AND OWNER'S REPRESENTATIVE. CONTRACTOR TO COORDINATE LOCATION OF CARD READERS AND CAMERAS WITH LANDSCAPE ARCHITECT PRIOR TO INSTALLATION. CONTRACTOR TO PROVIDE (3) SAFETY LOOPS PER GATE AND AN EMS PUCK ENTRY SYSTEM PER GATE.					
2.7	RAISED PLANTER WALL - STONE VENEER -BASE WALL -STONE VENEER	CONTRACTOR ROCKY MOUNTAIN SUPPLY	8x8x16 CMU BLOCK NATURAL THIN STONE VENEER	COLOR: UNCOLORED COLOR: SEABED	SEE DETAIL 2.6/L6.2 CONTRACTOR TO PROVIDE SAMPLES
2.8	STEEL ACCENT WALL - PARCEL SIDE -CUSTOM LASER CUT PANEL -STEEL PANEL STRUCTURE/TS FRAME -BOARD-FORMED CONCRETE WALL	CONTRACTOR CONTRACTOR CONTRACTOR	3/16" HOT-ROLLED STL. PLATE/STEEL FRAME STRUCTURE 3/16" HOT-ROLLED STL. PLATE/STEEL FRAME STRUCTURE 1x6 SANDBLASTED HIGH GRAIN CEDAR BOARD, TIGHT JOINTS	POWDER COAT PAINT: SHERWIN WILLIAMS (SW) UMBRA GRAY RAL 7022 POWDER COAT PAINT: SHERWIN WILLIAMS (SW) UMBRA GRAY RAL 7022 COLOR: UNCOLORED	SEE DETAIL 3.1/L6.3
2.9	STEEL ROD FENCE -STEEL RODS	CONTRACTOR	3/4" DIA. HOT ROLLED STEEL ROUND BARS	POWDER COAT PAINT: SHERWIN WILLIAMS (SW) UMBRA GRAY RAL 7022	SEE DETAIL 2.9/L6.2
3.1	LANDSCAPE AREA -MULCH	CONTRACTOR	PREMIUM BLEND		INSTALL @ 2" DEPTH IN ALL PLANTING AREAS
3.2	TURF AREA -SODDED TURF	CONTRACTOR	FESCUE SOD		
5.1	NEIGHBORHOOD SIDEWALK -REFER TO CIVIL IMPROVEMENT PLANS				PER CIVIL PLANS
5.2	GRAVEL PATH -REFER TO CIVIL IMPROVEMENT PLANS				PER CIVIL PLANS
MANUFACTURER		REPRESENTATIVE	PHONE #	ADDRESS	COMMENTS
JAMES HARDIE			(888) 542-7343		WWW.JAMESHARDIEPROS.COM
LOCKEY USA			(888) 392-0163		WWW.LOCKEYUSA.COM
TREASURE VALLEY STEEL COMPANY			(888) 717-8335		WWW.TREASUREVALLEYSTEEL.COM



revisions:

project #:
MTC069
scale:
NTS
issued for:
REVIEW
drawn by:
TEAM
date:
11-03-2021
drawing:
General Notes



RIVERSTONE SUBDIVISION
SUBDIVISION 5
Landscape Construction Documents
STAR, IDAHO

revisions:

project #: **MTC069**
scale: **As Shown**
issued for: **REVIEW**
drawn by: **TEAM**
date: **11-03-2021**
drawing: **Layout Plan**

sheet #

L2.1
3 of 17

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KEY NOTES:
REFER TO MATERIAL SCHEDULE
ON SHEET L0.1, AND SHEET L6.1
FOR MORE INFORMATION .

- 1.1 CONCRETE SIDEWALK.
- 1.2 LIMIT OF TURF.
- 2.1 SIGNAGE.
- 2.2 ENTRY MONUMENT.
- 2.3 PARK MONUMENT.
- 2.4 ENTRY GATE WALL.
- 2.5 ENTRY KEYPAD PANEL.
- 2.6 ENTRY VEHICULAR GATES.
- 2.7 RAISED PLANTER WALL.
- 2.8 STEEL FEATURE BOX.
- 2.9 STEEL ROD FENCE.
- 3.1 LANDSCAPE AREA. SEE PLANTING PLANS.
- 3.2 TURF AREA. SEE PLANTING PLANS.
- 5.1 NEIGHBORHOOD SIDEWALK:
SEE CIVIL DRAWINGS
- 5.2 GRAVEL PATH:
SEE CIVIL DRAWINGS

NOTES:

1. SURVEY TO VERIFY LOT PROPERTY LINE WITH LAYOUT.
2. LOT LINES BEYOND WALLS TO BE DETERMINED.
3. ALL TOP OF WALL HEIGHTS, FINISH GRADE, FFE: SEE GRADING AND DRAINAGE PLAN BY RCI.

Lc
Blo
46:

Lot 2
Block 1
13579±

Lot 4
Block 1
4458±

ENTRY - LAYOUT PLAN - L2.1



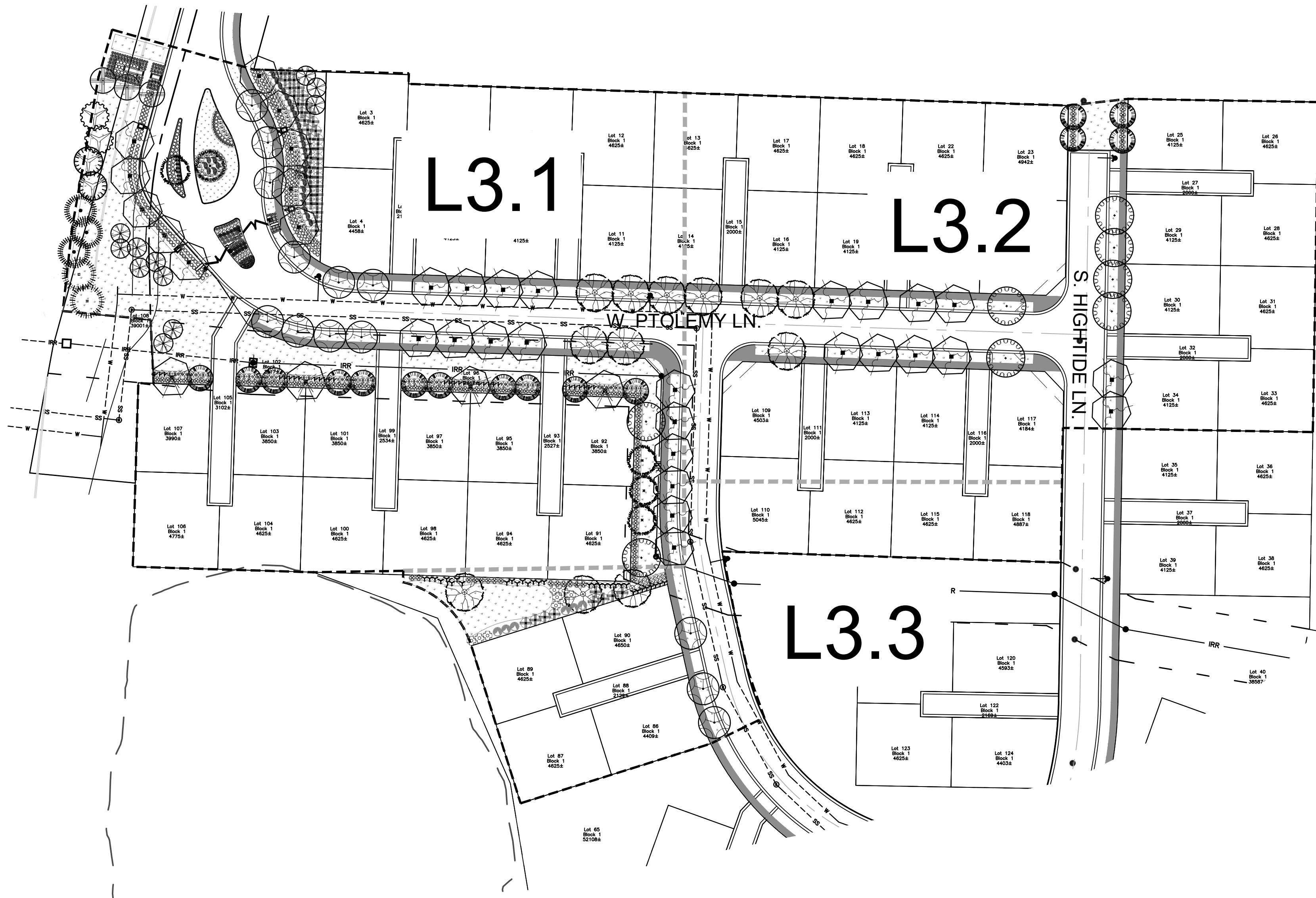
0' 10' 20' 30'

Scale: 1" = 10'-0"

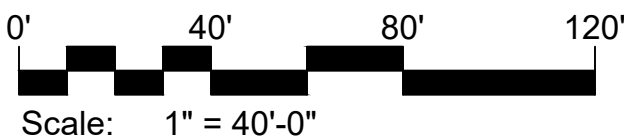
KEY MAP
SCALE: NTS



L2.1



LANDSCAPE SHEET LAYOUT



P L A N T MATERIALS PALETTE

Sym. Plant Name Size Qty. Remarks

Class I Trees

	<i>Cercis canadensis</i> Eastern Redbud	2" B&B	5	Multi
	<i>Prunus cerasifera</i> 'Newport' Newport Purple Leaf Plum	2" B&B	15	Standard
	<i>Pyrus calleryana</i> 'Chanticleer' Chanticleer Pear	2" B&B	3	Standard

Class II Trees

	<i>Acer truncatum</i> 'Pacific Sunset' Pacific Sunset Maple	2" B&B	8	Standard
	<i>Acer plantanoides</i> 'Crimson King' Crimson King Maple	2" B&B	12	Standard
	<i>Fraxinus pennsylvanica</i> 'Palmore' Palmore Green Ash	2" B&B	4	Standard
	<i>Gleditsia triacanthos</i> var. <i>inermis</i> 'Shademaster' Shademaster Honey Locust	3" B&B	24	Standard
	<i>Tilia americana</i> 'Little Leaf' Little leaf Linden	2" B&B	13	Standard

Conifer Trees

	<i>Picea abies</i> Norway Spruce	8' - 10' HT. B&B	2	
	<i>Pinus flexilis</i> 'Vanderwolfs' Vanderwolfs Pine	8' - 10' HT. B&B	11	
	<i>Picea glauca</i> Black Hills Spruce	8' - 10' HT. B&B	3	
	<i>Picea pungens</i> Colorado Spruce	8' - 10' HT. B&B	2	
	<i>Pinus sylvestris</i> Scotch Pine	8' - 10' HT. B&B	2	

Shrubs

	<i>Berberis thunbergii</i> 'Gentry' Royal Burgundy Barberry	5 gal.	51	
	<i>Buddleja davidii</i> 'Black Knight' Black Knight Butterfly Bush	5 Gal.	31	
	<i>Buddleja x flutterby</i> 'Miss Ruby' Miss Ruby Butterfly Bush	5 Gal.	29	
	<i>Buxus x 'Green Gem'</i> Green Gem Boxwood	5 gal.	134	
	<i>Caryopteris x clandonensis</i> 'Dark Knight' Dark Knight Bluebeard	5 gal.	26	
	<i>Euonymus fortunei</i> 'Emerald 'n Gold' Emerald & Gold Euonymus	5 gal.	15	
	<i>Euonymus japonicus microphyllus</i> Boxleaf Euonymus	5 Gal.	87	
	<i>Euonymus kiautschovicus</i> 'Manhattan' Manhattan Euonymus	5 Gal.	106	
	<i>Euonymus kiautschovicus</i> 'Manhattan' Manhattan Euonymus	3 Gal.	31	
	<i>Euonymus japonicus</i> 'Silver King' Silver King Euonymus	3 Gal.	32	
	<i>Perovskia atriplicifolia</i> Russian Sage	5 Gal.	15	
	<i>Photinia x fraseri</i> Photinia Frasier	5 Gal.	35	
	<i>Photinia x fraseri</i> Photinia Frasier	3 Gal.	9	
	<i>Physocarpus lentifolius</i> Summer Wine Ninebark	5 gal.	38	
	<i>Prunus x cistena</i> Cistena Plum	3 gal.	9	
	<i>Rosa</i> 'Nearly Wild' Nearly Wild Rose	5 gal.	155	
	<i>Rosa x 'Noare'</i> Flower Carpet TM Red Rose	5 Gal.	16	
	<i>Rosa x 'Noare'</i> Flower Carpet TM Red Rose	3 Gal.	16	
	<i>Spiraea x bumalda</i> 'Goldflame' Gold Flame Spirea	5 gal.	54	
	<i>Viburnum opulus</i> 'Roseum' Common Snowball Viburnum	3 gal.	6	

Groundcovers

	<i>Helioeris multiflora</i> Showy Goldeneye	3 gal.	8	
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Perennials

	<i>Lavandula angustifolia</i> 'Munstead' Lavender Munstead	3 Gal.	12	
	<i>Veronica spicata</i> 'Red Fox' Red Fox Veronica	3 Gal.	23	

INERTS

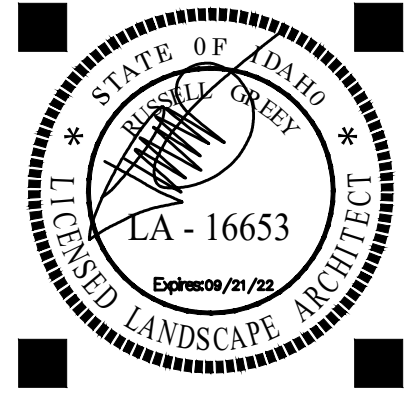
Sym. Description

BARK MULCH, PREMIUM BLEND

MASS PLANTING

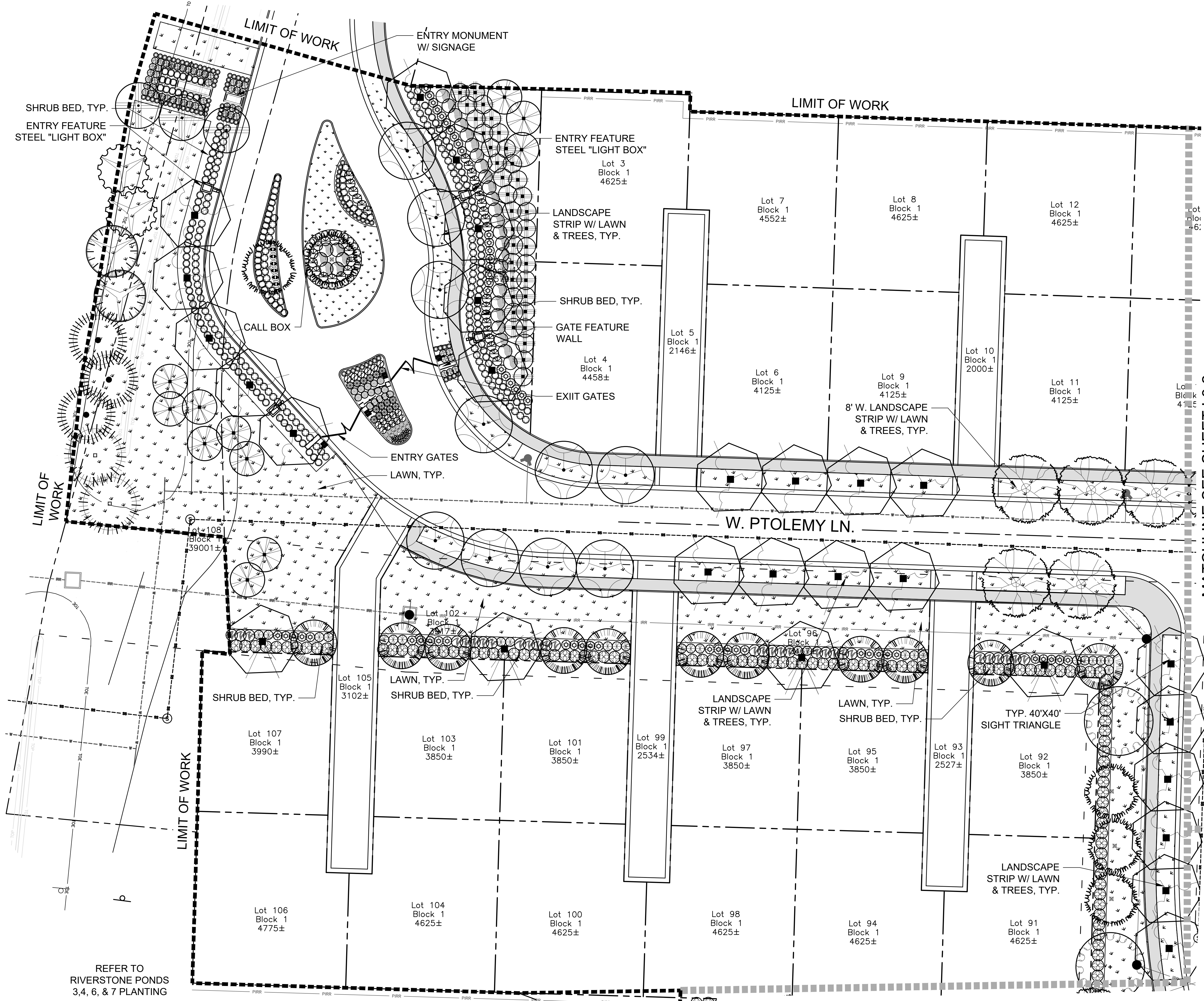
Sym. Description

SODDED FESCUE



revisions:
▲
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project #:
MTC069
scale:
As Shown
issued for:
REVIEW
drawn by:
TEAM
date:
11-03-2021
drawing:
Overall Landscape Plan



PLANT MATERIALS PALETTE

Sym.	Plant Name	Size	Qty.	Remarks
Class I Trees				
	<i>Cercis canadensis</i> Eastern Redbud	2" B&B	5	Multi
	<i>Prunus cerasifera</i> 'Newport' Newport Purple Leaf Plum	2" B&B	15	Standard
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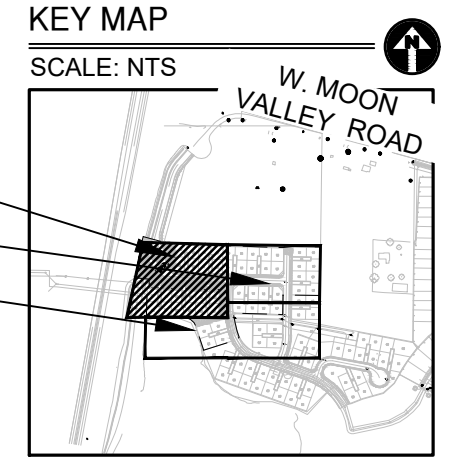
Class II Trees				
	<i>Acer truncatum</i> 'Pacific Sunset' Pacific Sunset Maple	2" B&B	8	Standard
	<i>Acer platanoides</i> 'Crimson King' Crimson King Maple	2" B&B	12	Standard
	<i>Fraxinus pennsylvanica</i> 'Palmore' Palmore Green Ash	2" B&B	4	Standard
	<i>Gleditsia triacanthos</i> var. <i>inermis</i> 'Shademaster' Shademaster Honey Locust	3" B&B	24	Standard
	<i>Tilia americana</i> 'Little Leaf' Little leaf Linden	2" B&B	13	Standard

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	<i>Pinus flexilis</i> 'Vanderwolfs' Vanderwolfs Pine	8' - 10' HT. B&B	11	
	<i>Picea glauca</i> Black Hills Spruce	8' - 10' HT. B&B	3	
	<i>Picea pungens</i> Colorado Spruce	8' - 10' HT. B&B	2	
	<i>Pinus sylvestris</i> Scotch Pine	8' - 10' HT. B&B	2	

Shrubs				
	<i>Berberis thunbergii</i> 'Gentry' Royal Burgundy Barberry	5 gal.	51	
	<i>Buddleja davidii</i> 'Black Knight' Black Knight Butterfly Bush	5 Gal.	31	
	<i>Buddleja x flutterby</i> 'Miss Ruby' Miss Ruby Butterfly Bush	5 Gal.	29	
	<i>Buxus x</i> 'Green Gem' Green Gem Boxwood	5 gal.	134	
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	<i>Euonymus fortunei</i> 'Emerald 'n Gold' Emerald & Gold Euonymus	5 gal.	15	
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	<i>Euonymus japonicus</i> 'Silver King' Silver King Euonymus	3 Gal.	32	
	<i>Perovskia atriplicifolia</i> Russian Sage	5 Gal.	15	
	<i>Photinia x fraseri</i> Photinia Frazeri	5 gal.	35	
	<i>Photinia x fraseri</i> Photinia Frazeri	3 Gal.	9	
	<i>Physocarpus lentifolius</i> Summer Wine Ninebark	5 gal.	38	
	<i>Prunus x cistena</i> Cistena Plum	3 gal.	9	
	<i>Rosa</i> 'Nearly Wild' Nearly Wild Rose	5 gal.	155	
	<i>Rosa x</i> 'Noare' Flower Carpet 1M Red Rose	5 Gal.	16	
	<i>Rosa x</i> 'Noare' Flower Carpet 1M Red Rose	3 Gal.	16	
	<i>Spiraea x bumalda</i> 'Goldflame' Gold Flame Spirea	5 gal.	54	
	<i>Viburnum opulus</i> 'Roseum' Common Snowball Viburnum	3 gal.	6	

Groundcovers				
	<i>Heliomeris multiflora</i> Showy Goldeneye	3 gal.	8	
Perennials				
	<i>Lavandula angustifolia</i> 'Munstead' Lavander Munstead	3 Gal.	12	
	<i>Veronica spicata</i> 'Red Fox' Red Fox Veronica	3 Gal.	23	

INERTS	
Sym.	Description
	BARK MULCH, PREMIUM BLEND
MASS PLANTING	
Sym.	Description
	SODDED FESCUE



GREY PICKETT
landscape architecture community design
714 e steinon drive, suite 205
scottsdale, arizona 85251
480.609.0009p 480.609.0006f

STATE OF ARIZONA
LANDSCAPE ARCHITECT
LA - 16653
Exp. 06/30/22

RIVERSTONE SUBDIVISION
SUBDIVISION 5
Landscape Construction Documents
STAR, IDAHO

project #:
MTC069
scale:
As Shown
issued for:
REVIEW
drawn by:
TEAM
date:
11-03-2021
drawing:
Planting Plan

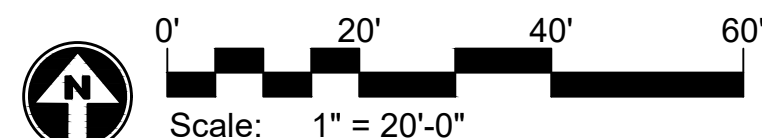
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sheet #
L3.1
5 of 11

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REFER TO
RIVERSTONE PONDS
3,4, 6, & 7 PLANTING

MATCHLINE SEE SHEET L3.3
CLUSTER PLANTING PLAN - L3.1



MATCHLINE SEE SHEET L3.2

MATCHLINE SEE
SHEET L3.4



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L3.2
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PLANT MATERIALS PALETTE

Sym.	Plant Name	Size	Qty.	Remarks
------	------------	------	------	---------

Class I Trees

	<i>Cercis canadensis</i> Eastern Redbud	2" B&B	5	Multi
	<i>Prunus cerasifera</i> 'Newport' Newport Purple Leaf Plum	2" B&B	15	Standard
	<i>Pyrus calleryana</i> 'Chanticleer' Chanticleer Pear	2" B&B	3	Standard

Class II Trees

	<i>Acer truncatum</i> 'Pacific Sunset' Pacific Sunset Maple	2" B&B	8	Standard
	<i>Acer platanoides</i> 'Crimson King' Crimson King Maple	2" B&B	12	Standard
	<i>Fraxinus pennsylvanica</i> 'Palmore' Palmore Green Ash	2" B&B	4	Standard
	<i>Gleditsia triacanthos</i> var. <i>inermis</i> 'Shademaster' Shademaster Honey Locust	3" B&B	24	Standard
	<i>Tilia americana</i> 'Little Leaf' Little leaf Linden	2" B&B	13	Standard

Conifer Trees

	<i>Picea abies</i> Norway Spruce	8' - 10' HT. B&B	2	
	<i>Pinus flexilis</i> 'Vanderwolfs' Vanderwolfs Pine	8' - 10' HT. B&B	11	
	<i>Picea glauca</i> Black Hills Spruce	8' - 10' HT. B&B	3	
	<i>Picea pungens</i> Colorado Spruce	8' - 10' HT. B&B	2	
	<i>Pinus sylvestris</i> Scotch Pine	8' - 10' HT. B&B	2	

Shrubs

	<i>Berberis thunbergii</i> 'Gentry' Royal Burgundy Barberry	5 gal.	51	
	<i>Buddleja davidii</i> 'Black Knight' Black Knight Butterfly Bush	5 Gal.	31	
	<i>Buddleja x flutterby</i> 'Miss Ruby' Miss Ruby Butterfly Bush	5 Gal.	29	
	<i>Buxus x</i> 'Green Gem' Green Gem Boxwood	5 gal.	134	
	<i>Caryopteris x clandonensis</i> 'Dark Knight' Dark Knight Bluebeard	5 gal.	26	
	<i>Euonymus fortunei</i> 'Emerald 'n Gold' Emerald & Gold Euonymus	5 gal.	15	
	<i>Euonymus japonicus microphyllus</i> Boxleaf Euonymus	5 Gal.	87	
	<i>Euonymus kiautschovicus</i> 'Manhattan' Manhattan Euonymus	5 Gal.	106	
	<i>Euonymus kiautschovicus</i> 'Manhattan' Manhattan Euonymus	3 Gal.	31	
	<i>Euonymus japonicus</i> 'Silver King' Silver King Euonymus	3 Gal.	32	
	<i>Perovskia atriplicifolia</i> Russian Sage	5 Gal.	15	
	<i>Photinia x fraseri</i> Photinia Fraseri	5 Gal.	35	
	<i>Photinia x fraseri</i> Photinia Fraseri	3 Gal.	9	
	<i>Physocarpus lentifolius</i> Summer Wine Ninebark	5 gal.	38	
	<i>Prunus x cistena</i> Cistena Plum	3 gal.	9	
	<i>Rosa</i> 'Nearly Wild' Nearly Wild Rose	5 gal.	155	
	<i>Rosa x</i> 'Noare' Flower Carpet 1M Red Rose	5 Gal.	16	
	<i>Rosa x</i> 'Noare' Flower Carpet 1M Red Rose	3 Gal.	16	
	<i>Spiraea x bumalda</i> 'Goldflame' Gold Flame Spirea	5 gal.	54	
	<i>Viburnum opulus</i> 'Roseum' Common Snowball Viburnum	3 gal.	6	

Groundcovers

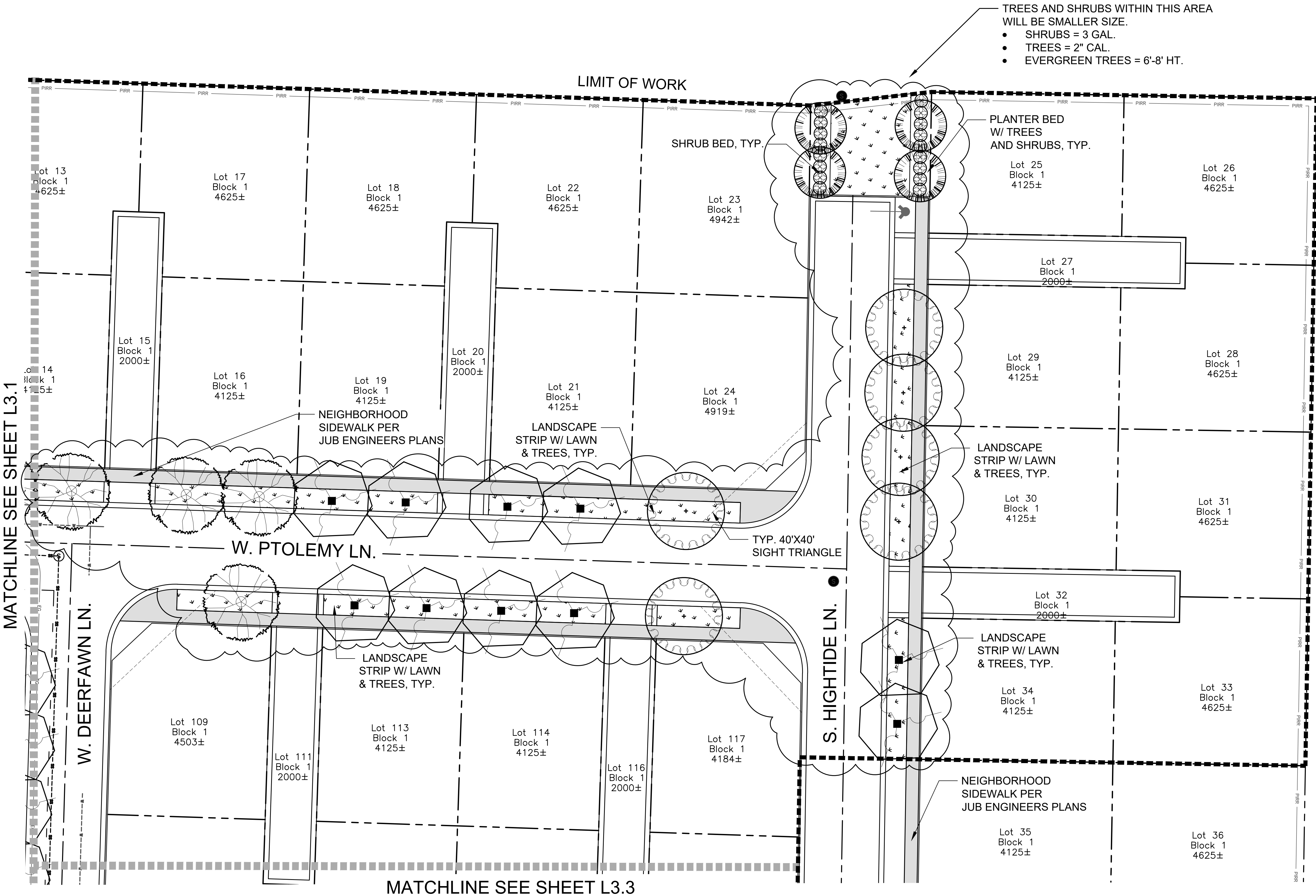
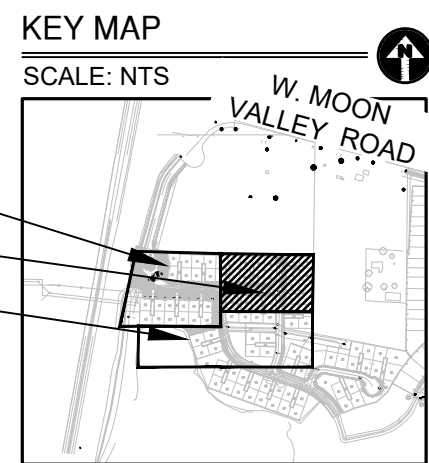
	<i>Helioeris multiflora</i> Showy Goldeneye	3 gal.	8	
	<i>Lavandula angustifolia</i> 'Munstead' Lavander Munstead	3 Gal.	12	
	<i>Veronica spicata</i> 'Red Fox' Red Fox Veronica	3 Gal.	23	

INERTS

Sym.	Description
	BARK MULCH, PREMIUM BLEND

MASS PLANTING

Sym.	Description
	SODDED FESCUE

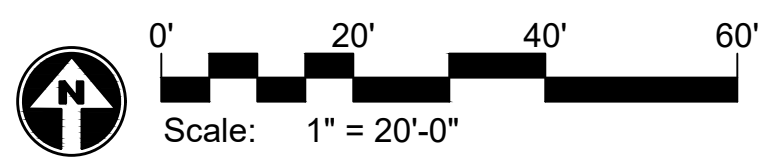


MATCHLINE SEE SHEET L3.1

LIMIT OF WORK

MATCHLINE SEE SHEET L3.3

CLUSTER PLANTING PLAN - L3.2





RIVERSTONE SUBDIVISION
SUBDIVISION 5
Landscape Construction Documents
STAR, IDAHO

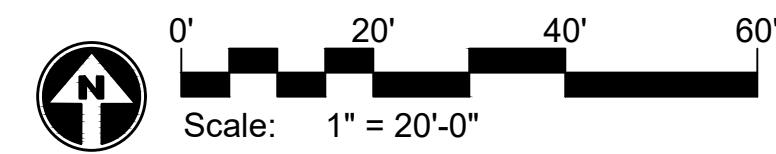
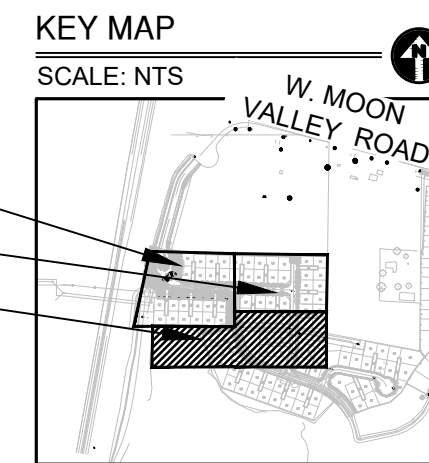
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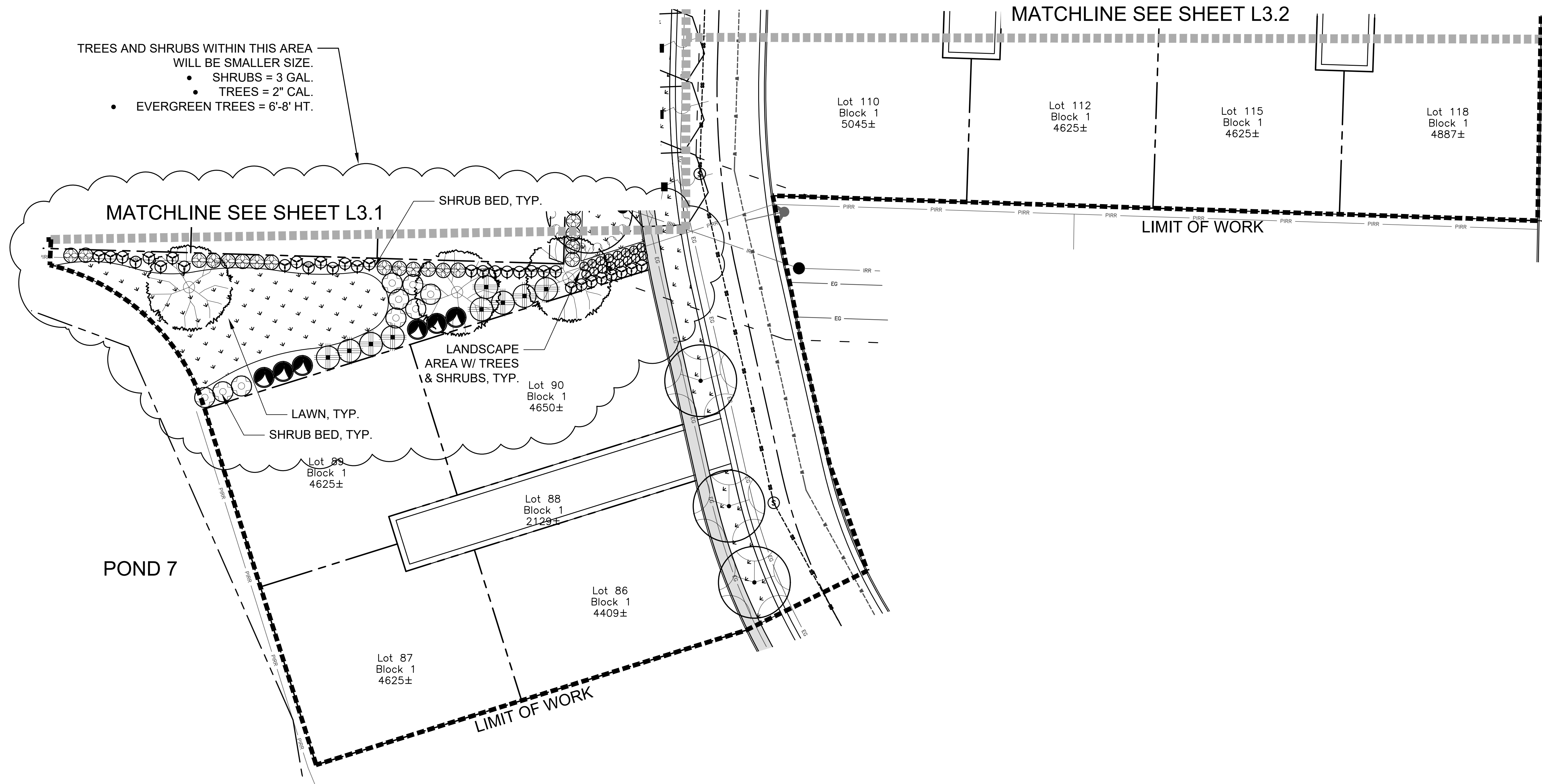
sheet #

L3.3
7 of 11

P L A N T M A T E R I A L S P A L E T T E				
Sym.	Plant Name	Size	Qty.	Remarks
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Conifer Trees				
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	<i>Perovskia atriplicifolia</i> Russian Sage	5 Gal.	15	
	<i>Photinia x fraseri</i> Photinia Frazeri	5 Gal.	35	
	<i>Photinia x fraseri</i> Photinia Frazeri	3 Gal.	9	
	<i>Physocarpus lentifolius</i> Summer Wine Ninebark	5 gal.	38	
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	<i>Rosa</i> 'Nearly Wild' Nearly Wild Rose	5 gal.	155	
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	<i>Viburnum opulus</i> 'Roseum' Common Snowball Viburnum	3 gal.	6	
Groundcovers				
	<i>Heliomeris multiflora</i> Showy Goldeneye	3 gal.	8	
Perennials				
	<i>Lavandula angustifolia</i> 'Munstead' Lavander Munstead	3 Gal.	12	
	<i>Veronica spicata</i> 'Red Fox' Red Fox Veronica	3 Gal.	23	
INERTS				
Sym.	Description			
	BARK MULCH, PREMIUM BLEND			
MASS PLANTING				
Sym.	Description			
	SODDED FESCUE			



CLUSTER PLANTING PLAN - L3.3



TREES AND SHRUBS WITHIN THIS AREA
WILL BE SMALLER SIZE.

- SHRUBS = 3 GAL.
- TREES = 2" CAL.
- EVERGREEN TREES = 6'-8' HT.

MATCHLINE SEE SHEET L3.1

SHRUB BED, TYP.

LANDSCAPE
AREA W/ TREES
& SHRUBS, TYP.

LAWN, TYP.

SHRUB BED, TYP.

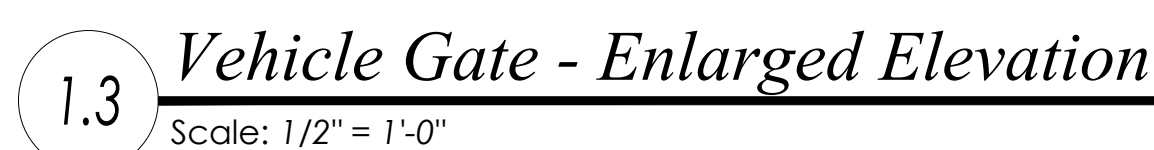
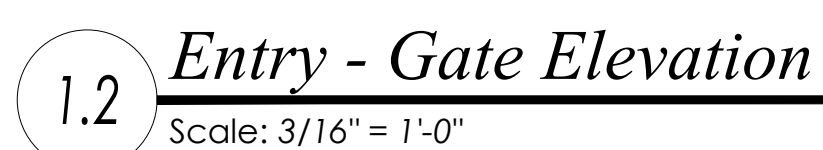
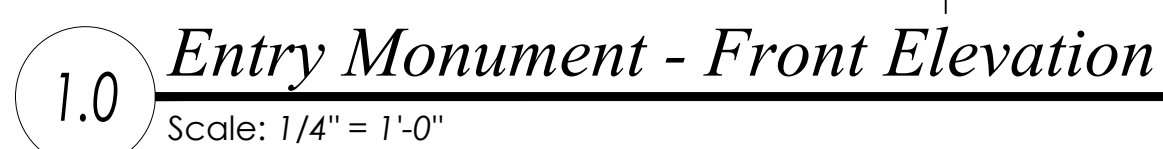
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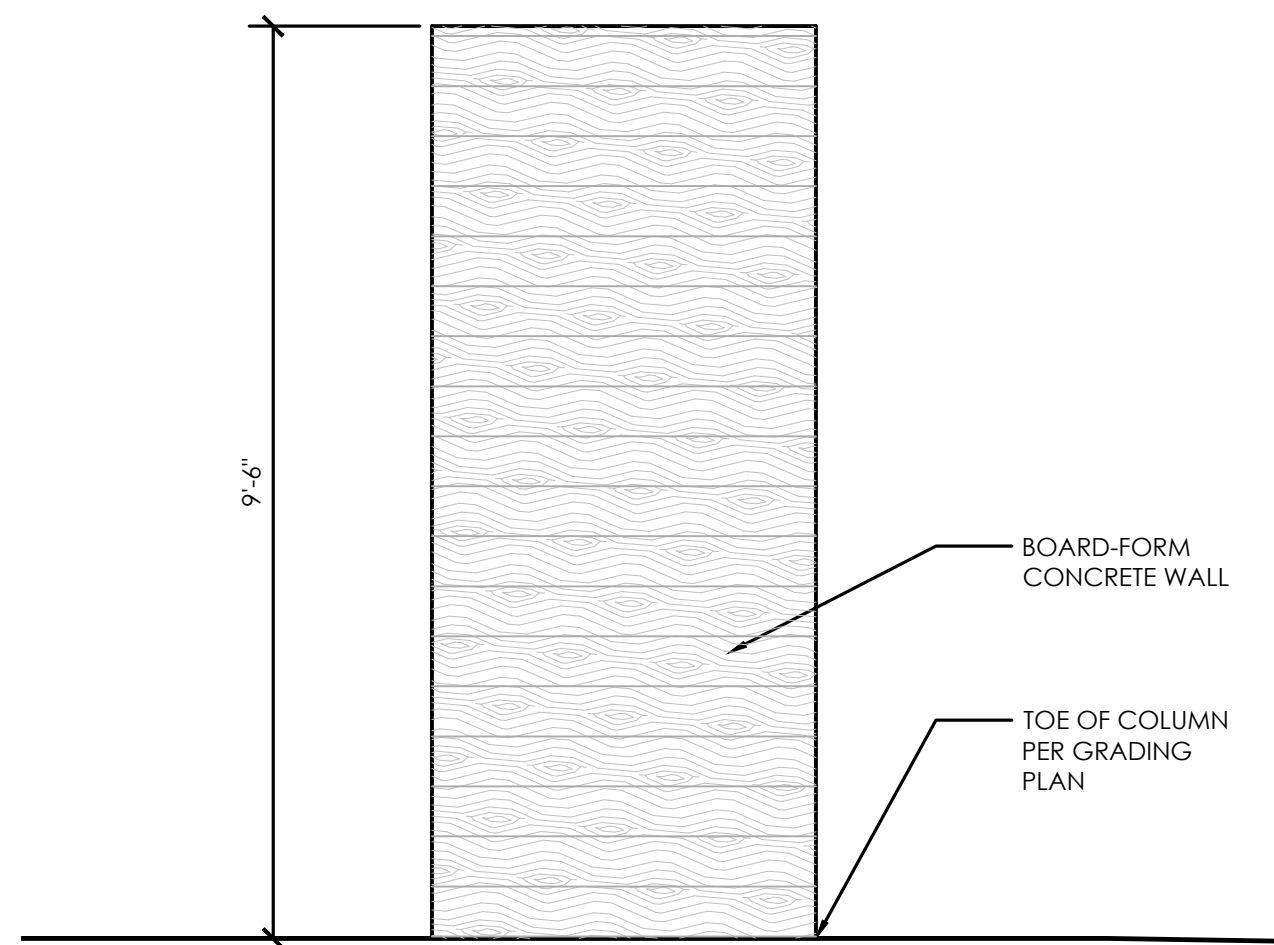
LIMIT OF WORK

MATCHLINE SEE SHEET L3.2

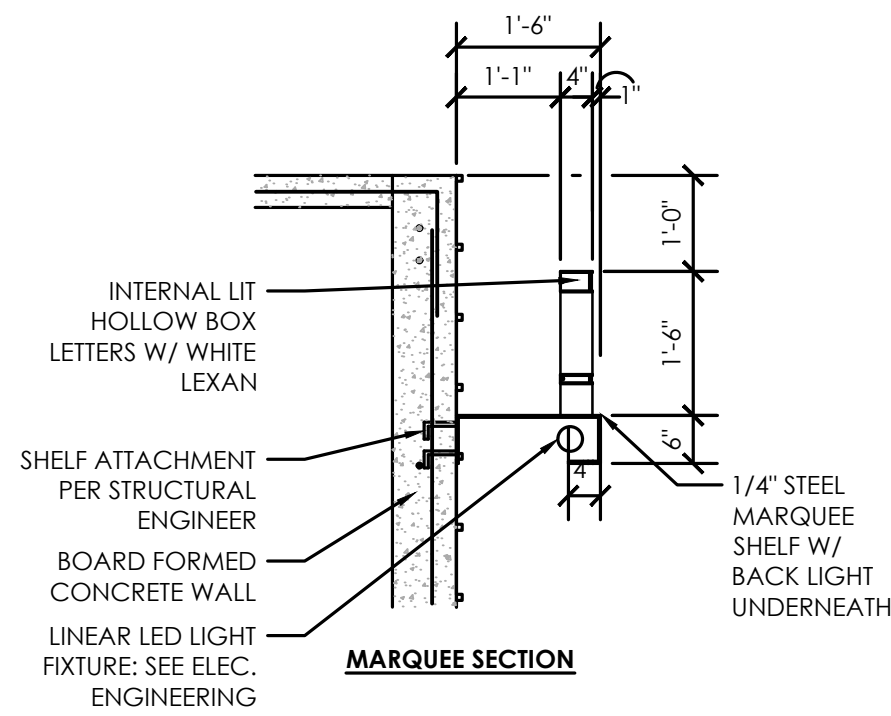
LIMIT OF WORK

LIMIT OF WORK

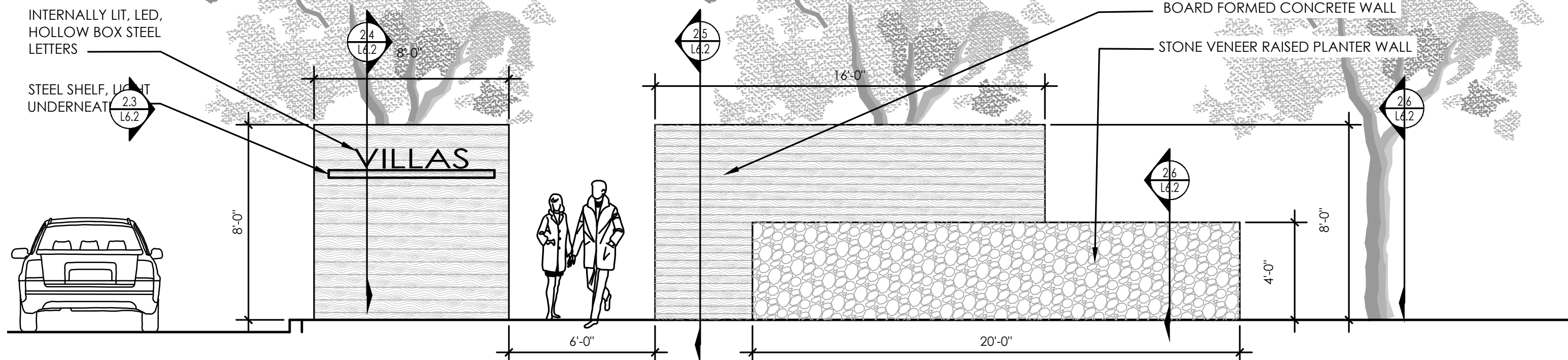




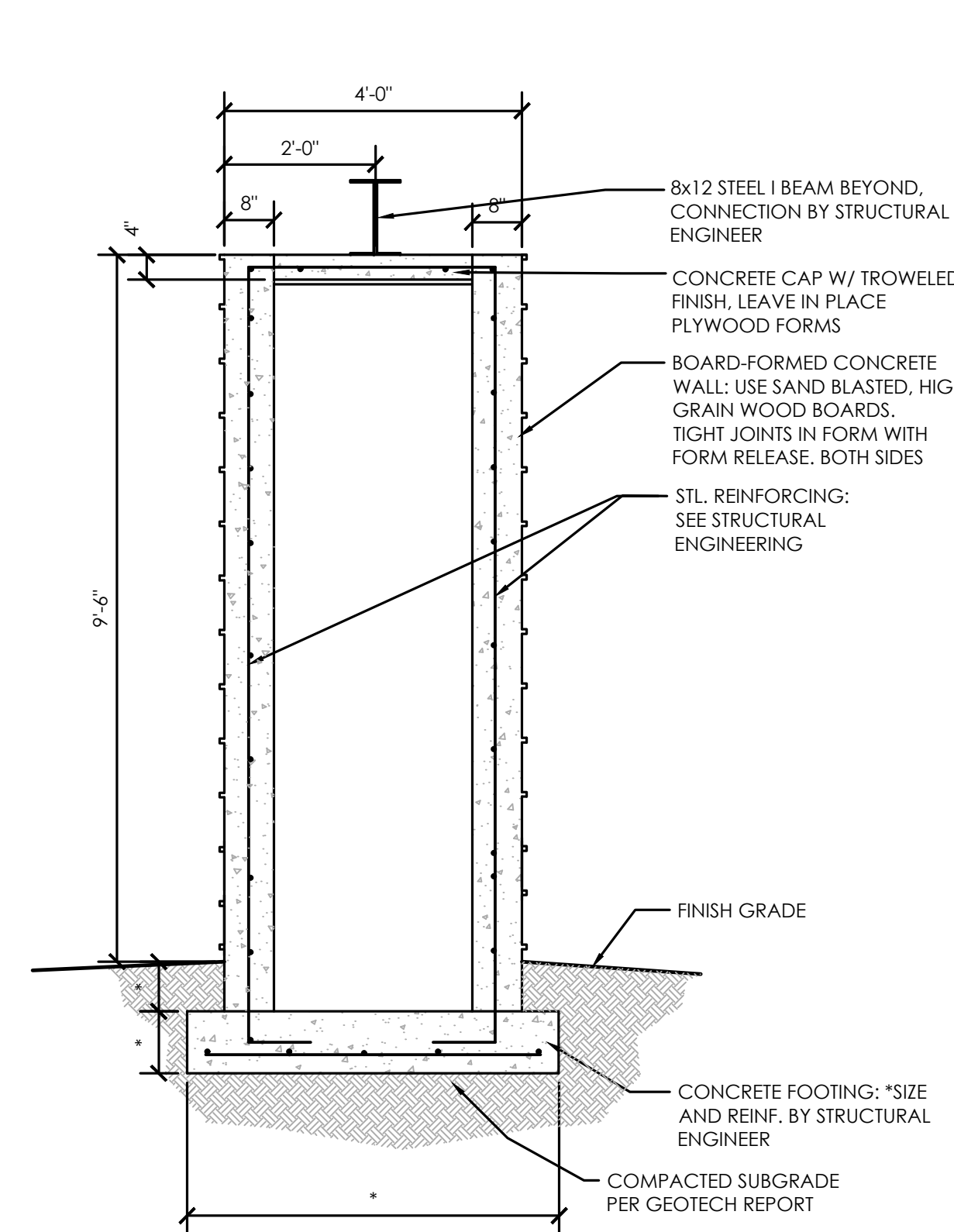
2.3 Portal - Side Elevation
Scale: 1/2" = 1'-0"



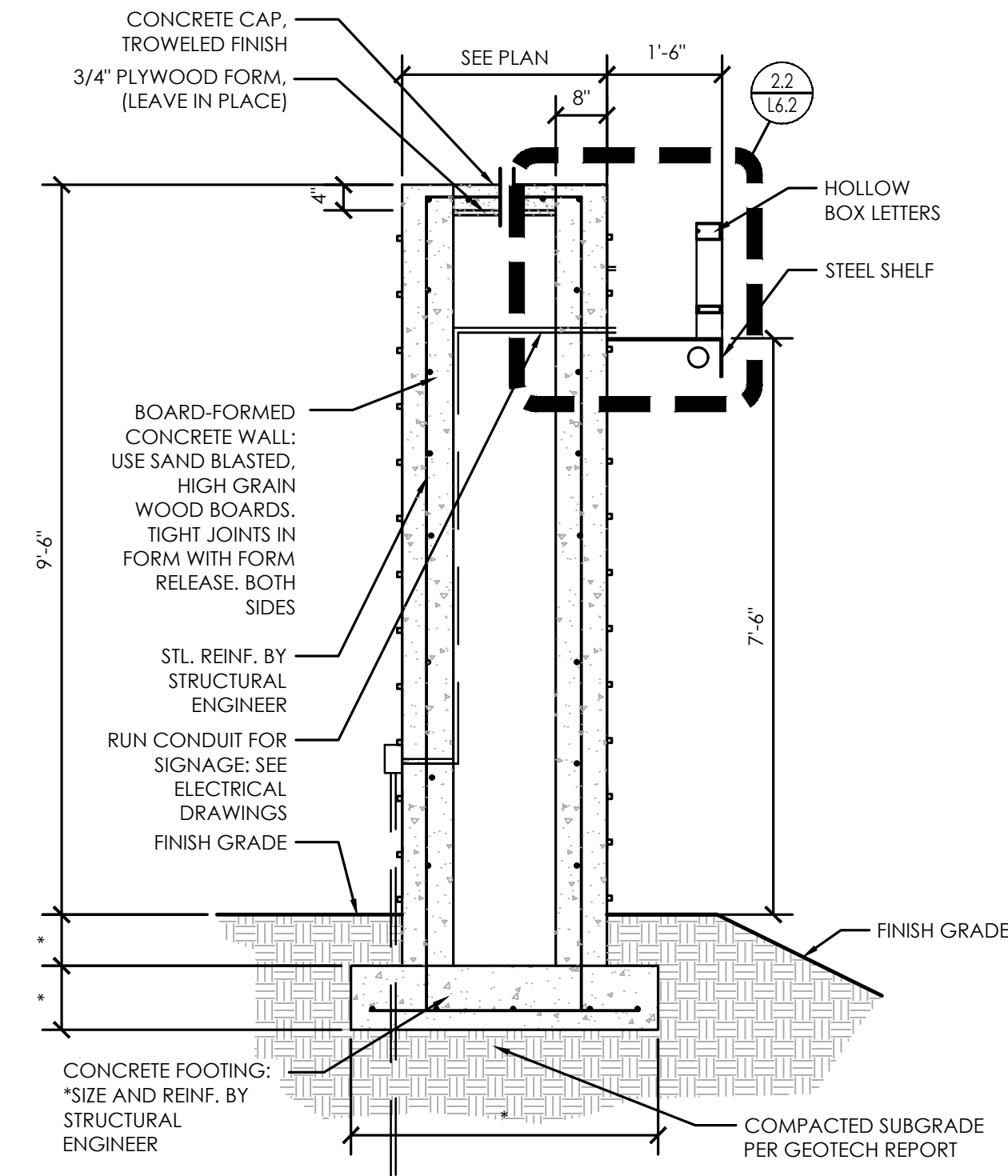
2.2 Entry Marquee Sign
Scale: 1" = 1'-0"



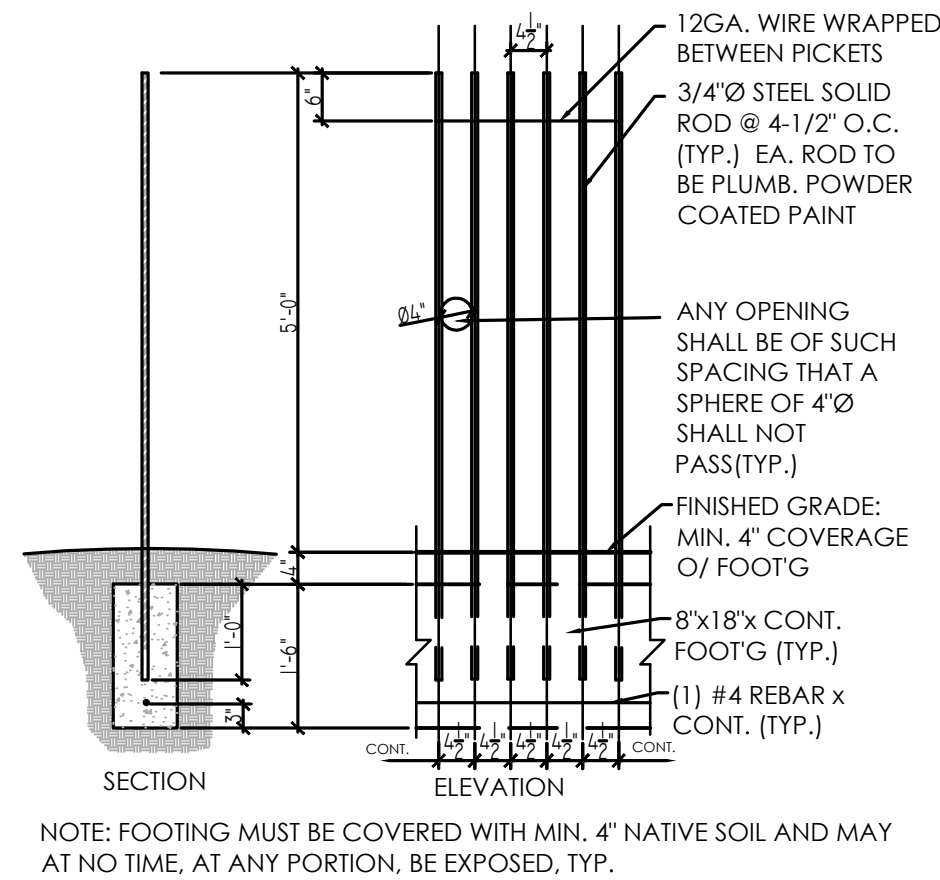
2.1 Entry Monument - Signage
Scale: 1/4" = 1'-0"



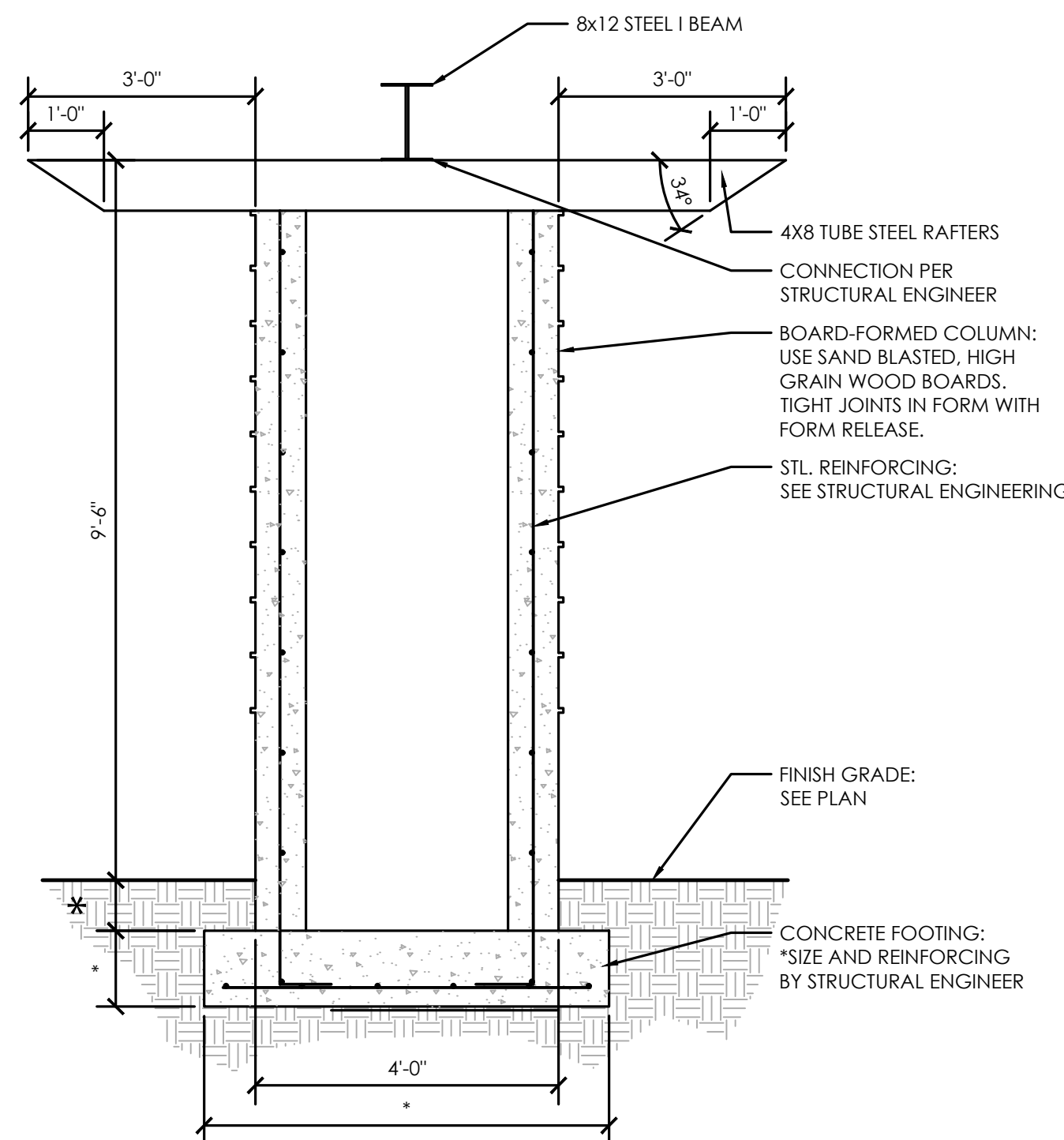
2.5 Board Formed Concrete Wall
Scale: 1/2" = 1'-0"



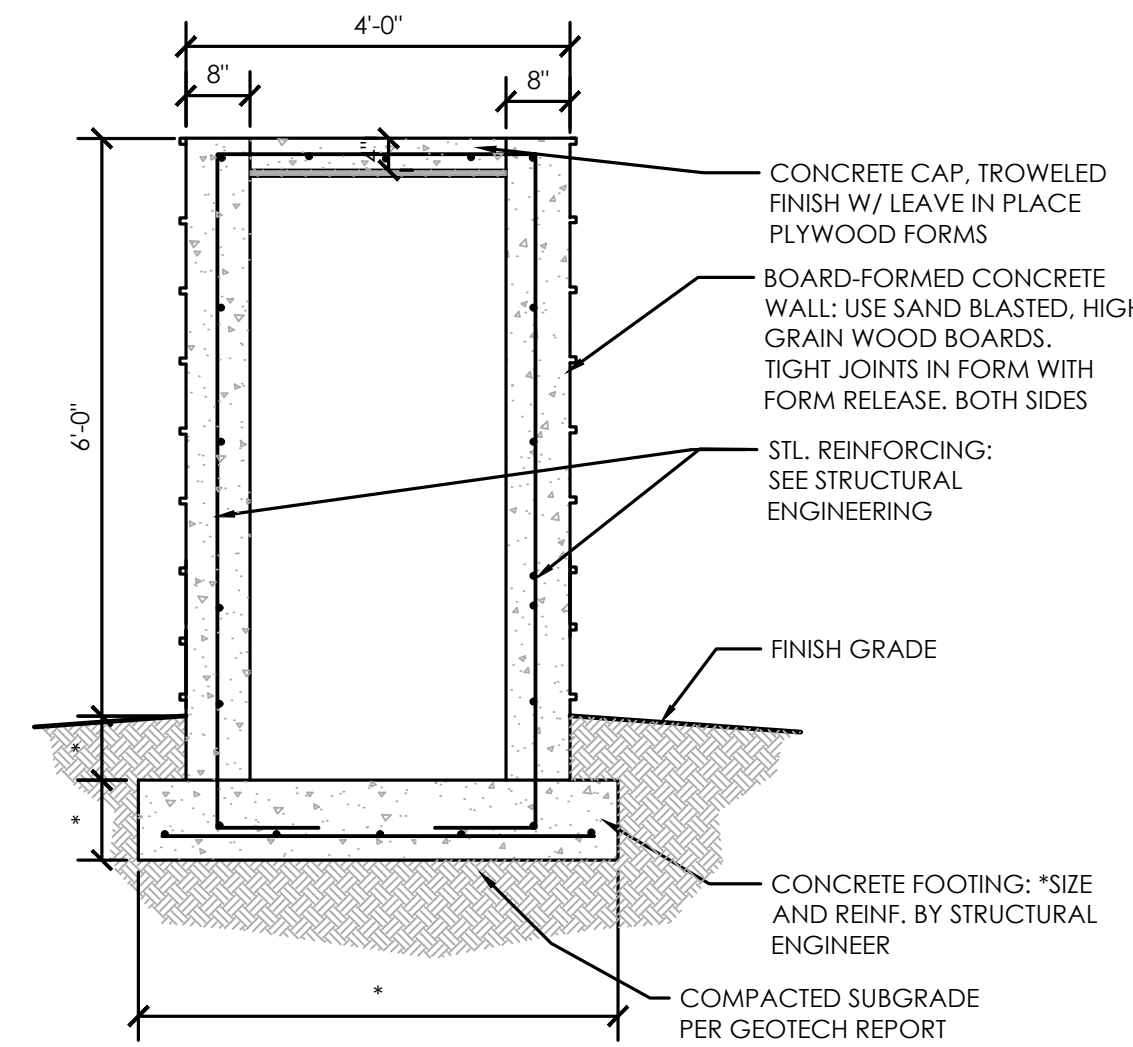
2.4 Marquee Wall - Section
Scale: 1/2" = 1'-0"



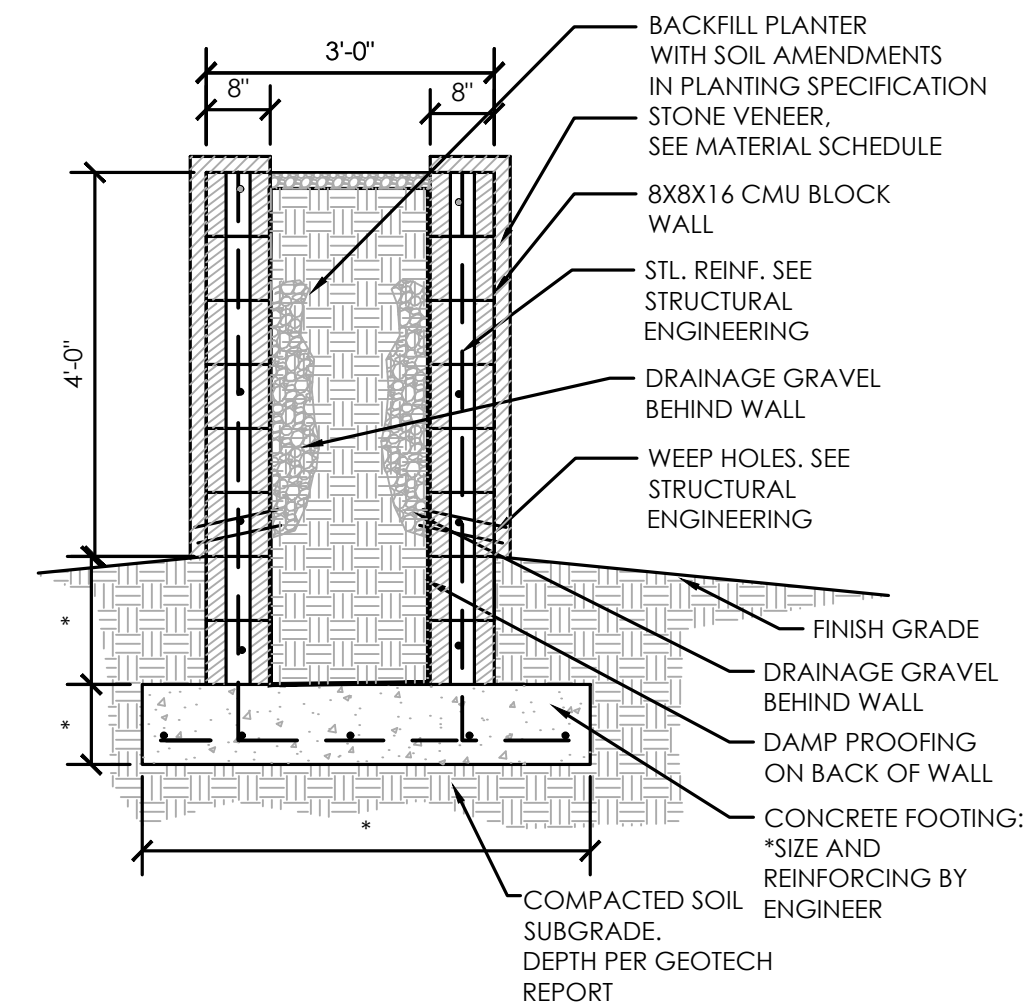
2.9 Steel "Rod" View Fence
Scale: 1/2" = 1'-0"



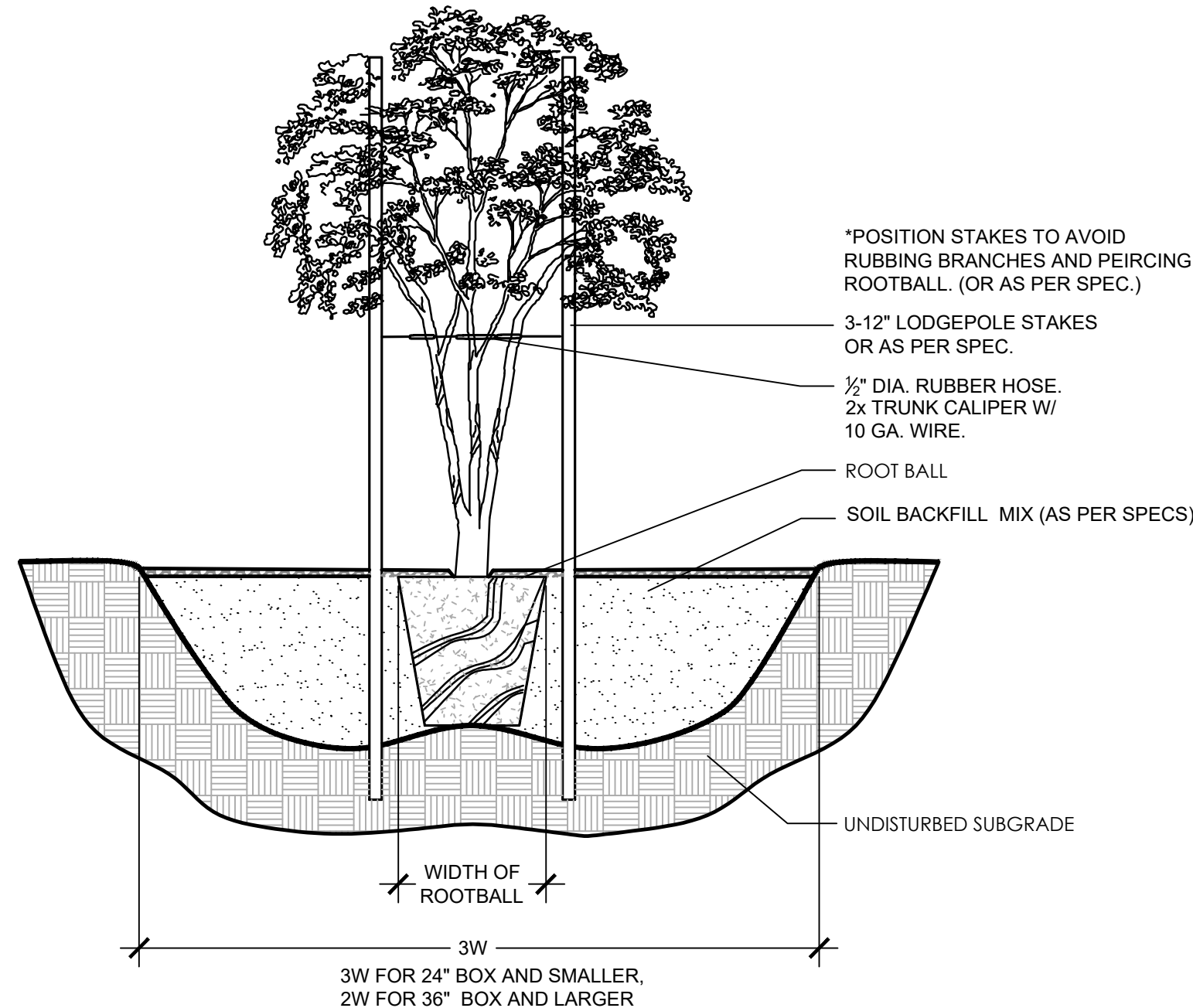
2.8 Beam/Rafter Detail
Scale: 1/2" = 1'-0"



2.7 Board Formed Concrete Wall
Scale: 1/2" = 1'-0"

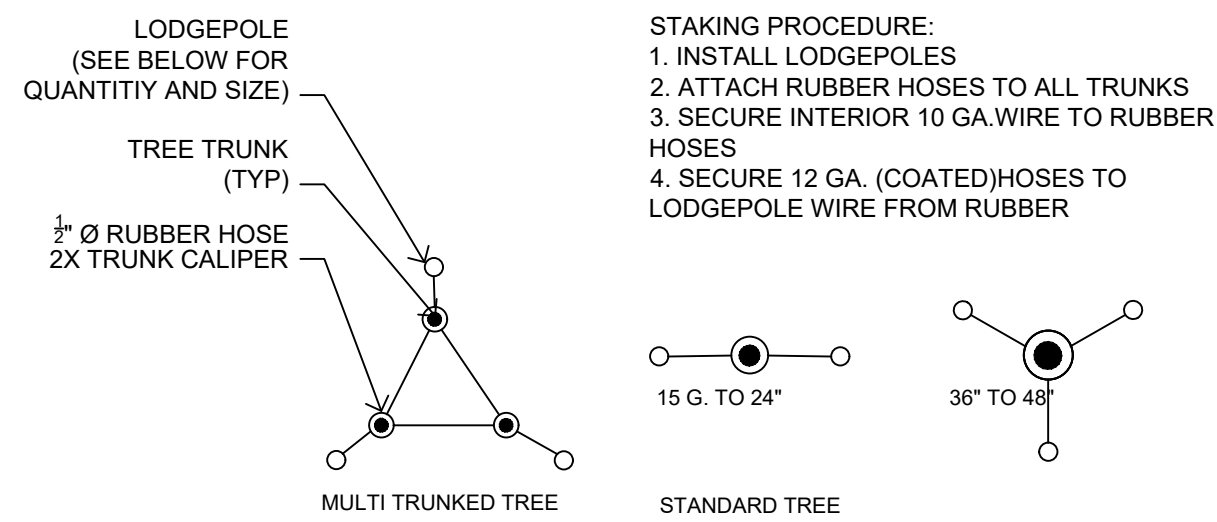


2.6 Raised Planter Wall - River Rock
Scale: 1/2" = 1'-0"



1.3 Tree Staking Detail

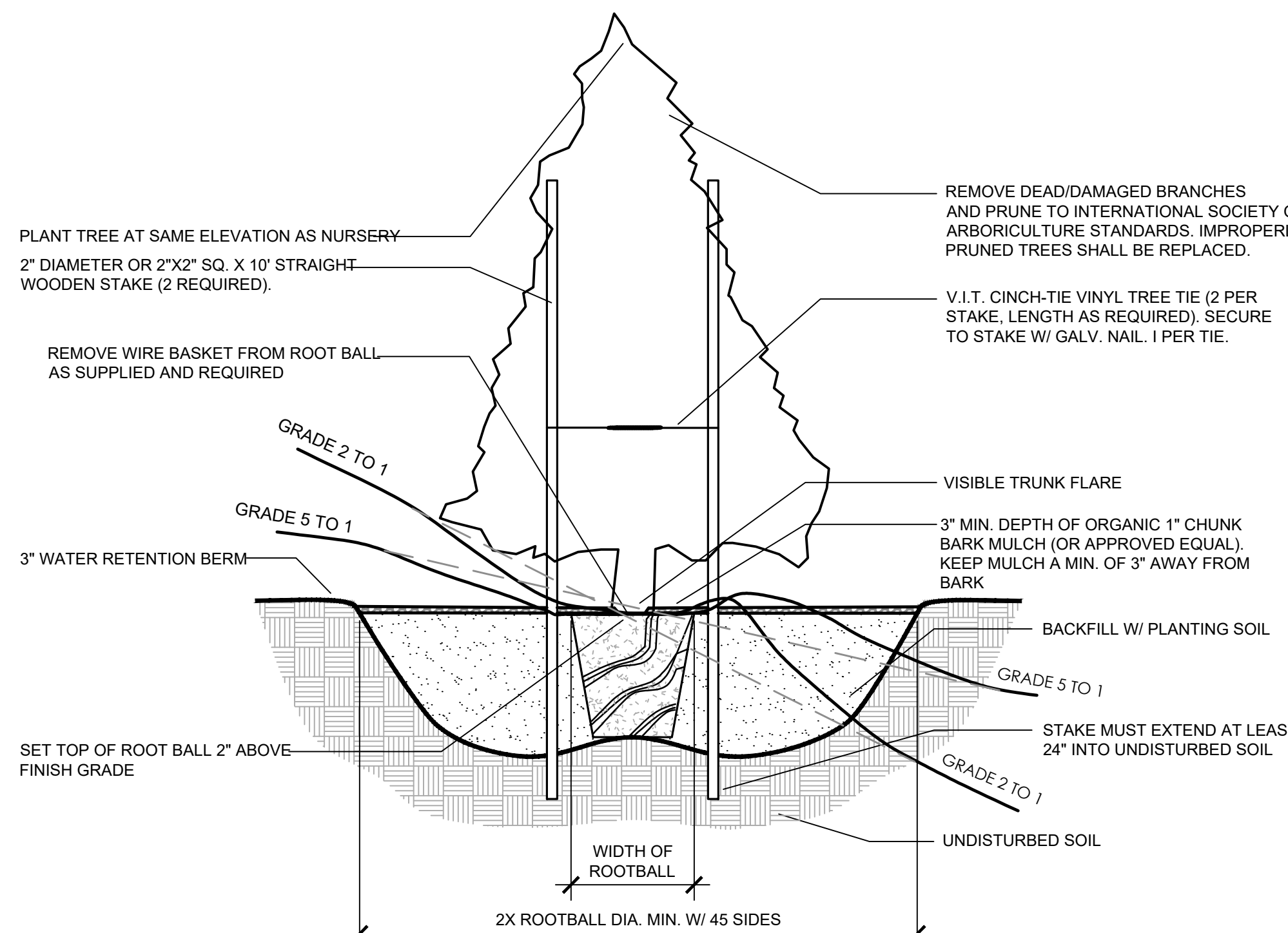
Scale: N.T.S.



LODGEPOLE SIZING CHART	
15 GAL TO 24" BOX MATERIAL	2- 2" X 10'-0" LODGEPOLE STAKES
36" BOX AND 48" BOX	3- 3" X 12'-0" LODGEPOLE STAKES
*NOTE: STAKES MAY BE TRIMMED AS NECESSARY	

1.7 Tree Staking Diagram

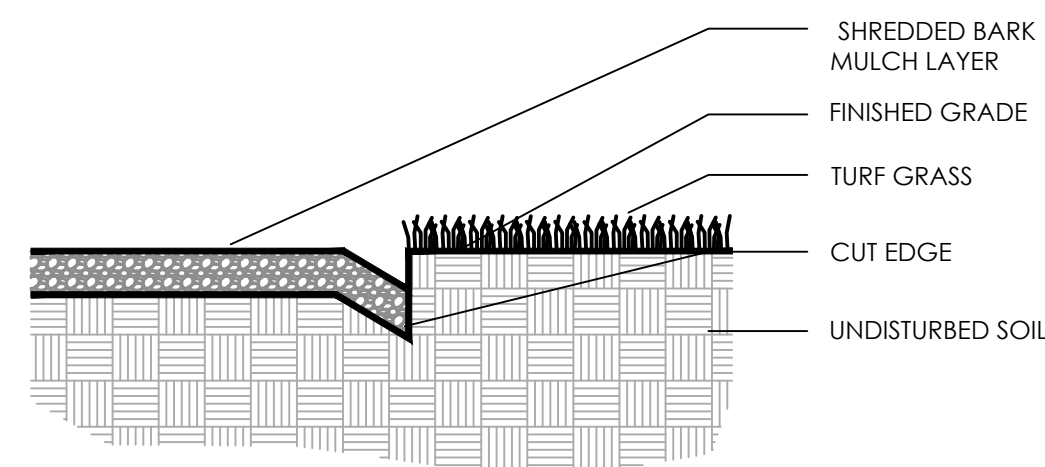
Scale: NTS



- NOTES:
1. THE CONTRACTOR IS RESPONSIBLE TO INSURE THAT ALL TREES ARE PLANTED STRAIGHT AND THAT THEY REMAIN STRAIGHT FOR THE TERM OF THE WARRANTY
 2. WRAP RUBBER CINCH-TIE (OR APPROVED EQUAL) AROUND THE TREE TRUNKS AND STAKES USING EITHER THE STANDARD OR THE FIGURE EIGHT METHOD. SECURE THE TIES TO THE STAKES WITH GALVANIZED NAILS TO PREVENT MOVEMENT.
 3. WATER IN BACKFILL BELOW THE ROOT BALL PRIOR TO SETTING TREE (TO INSURE NO SETTLING WILL OCCUR).
 4. DEEP SOAK TREE TWICE WITHIN THE FIRST 48 HOURS.

1.2 Evergreen Tree Planting Detail

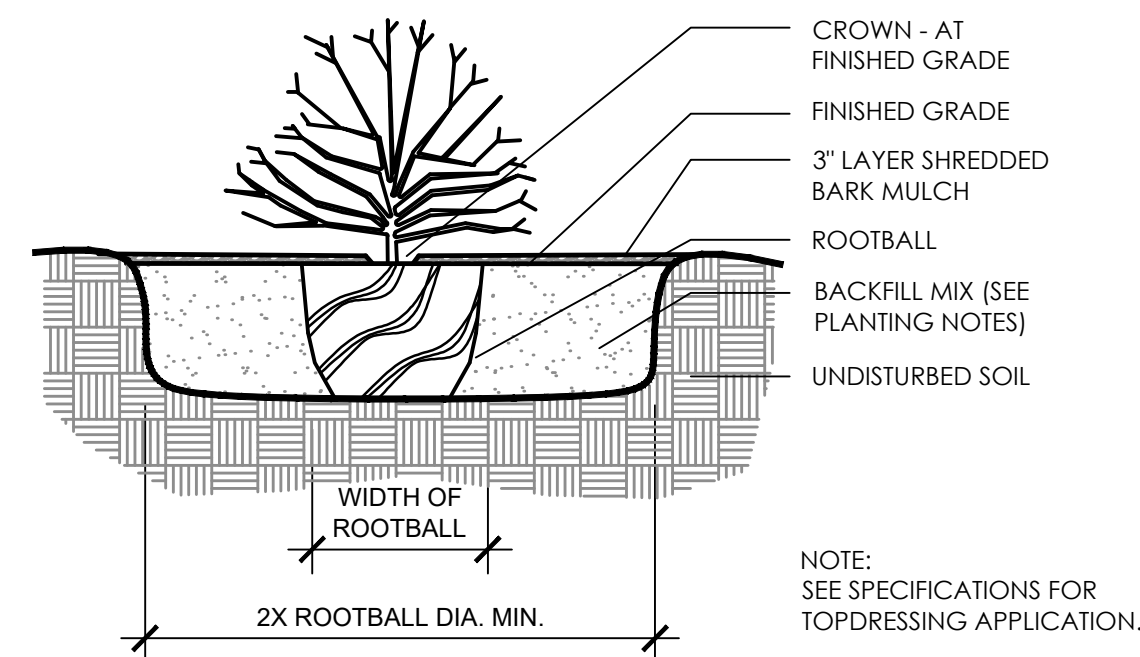
Scale: N.T.S.



ALL PLANTING BEDS ADJACENT TO LAWN AREAS SHALL HAVE A SHOVEL EDGE TO PROVIDE A DISTINCT SEPARATION BETWEEN LANDSCAPE TYPES.

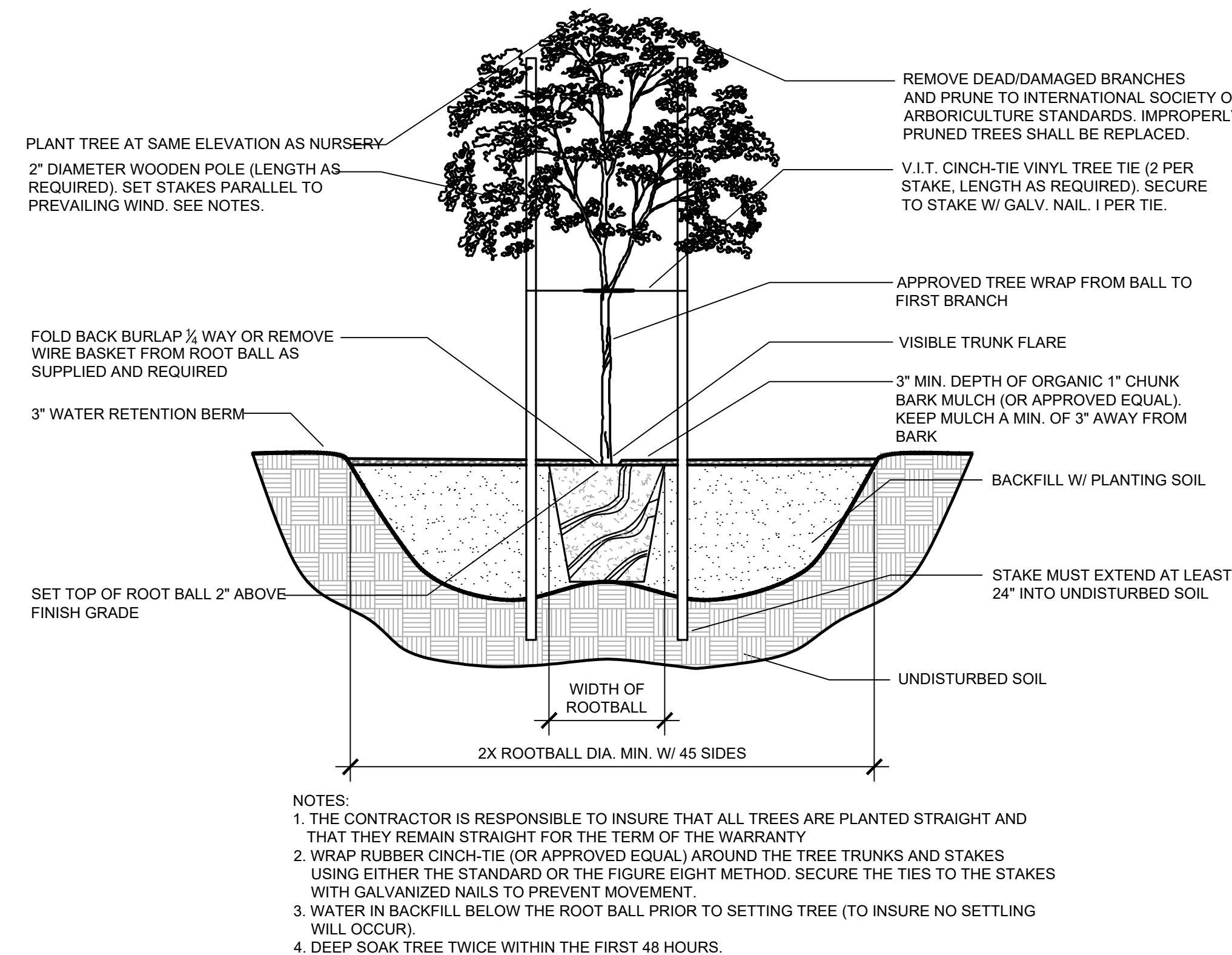
1.6 Cut Edge Detail

Scale: N.T.S.



1.5 Shrub Planting Detail

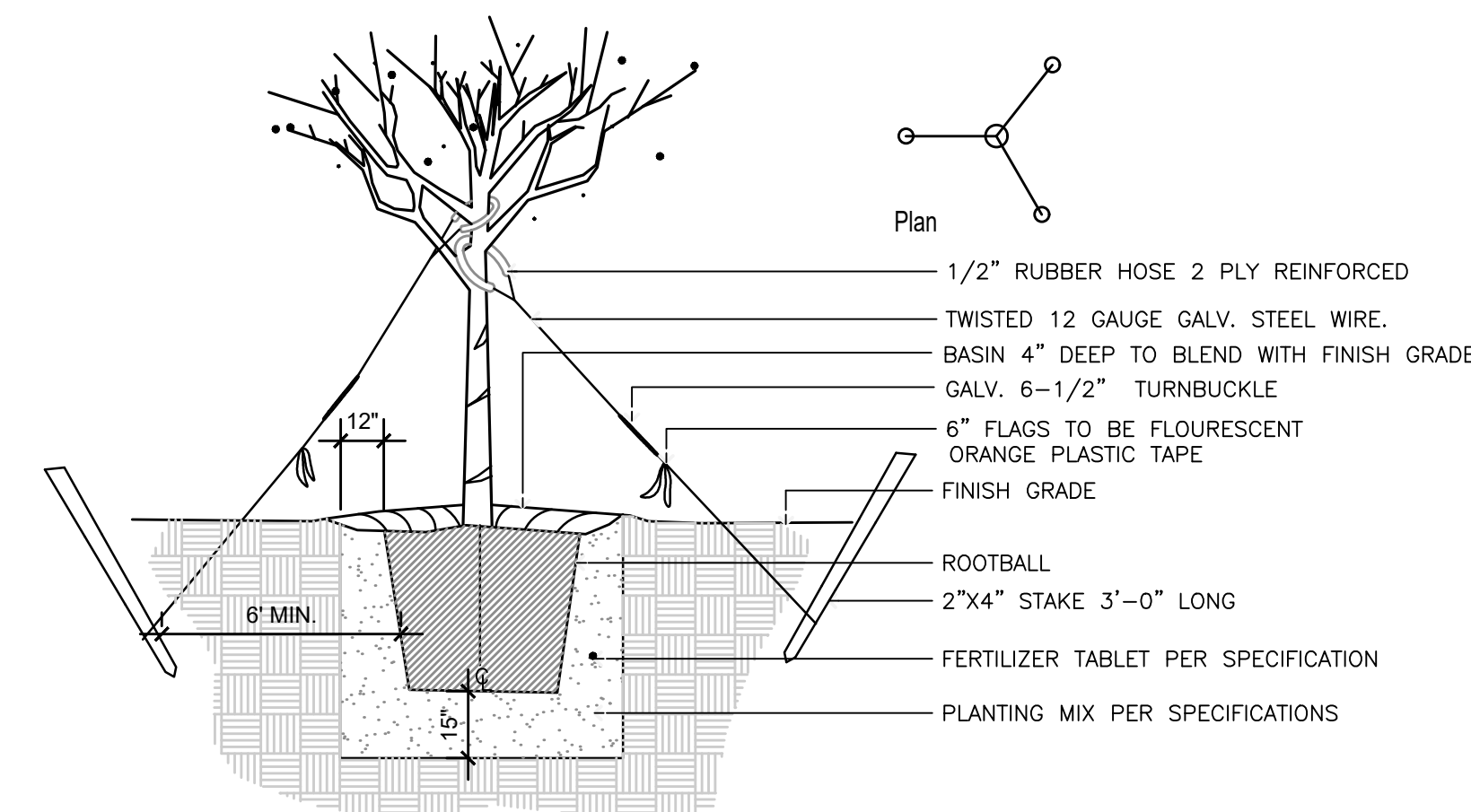
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- NOTES:
1. THE CONTRACTOR IS RESPONSIBLE TO INSURE THAT ALL TREES ARE PLANTED STRAIGHT AND THAT THEY REMAIN STRAIGHT FOR THE TERM OF THE WARRANTY
 2. WRAP RUBBER CINCH-TIE (OR APPROVED EQUAL) AROUND THE TREE TRUNKS AND STAKES USING EITHER THE STANDARD OR THE FIGURE EIGHT METHOD. SECURE THE TIES TO THE STAKES WITH GALVANIZED NAILS TO PREVENT MOVEMENT.
 3. WATER IN BACKFILL BELOW THE ROOT BALL PRIOR TO SETTING TREE (TO INSURE NO SETTLING WILL OCCUR).
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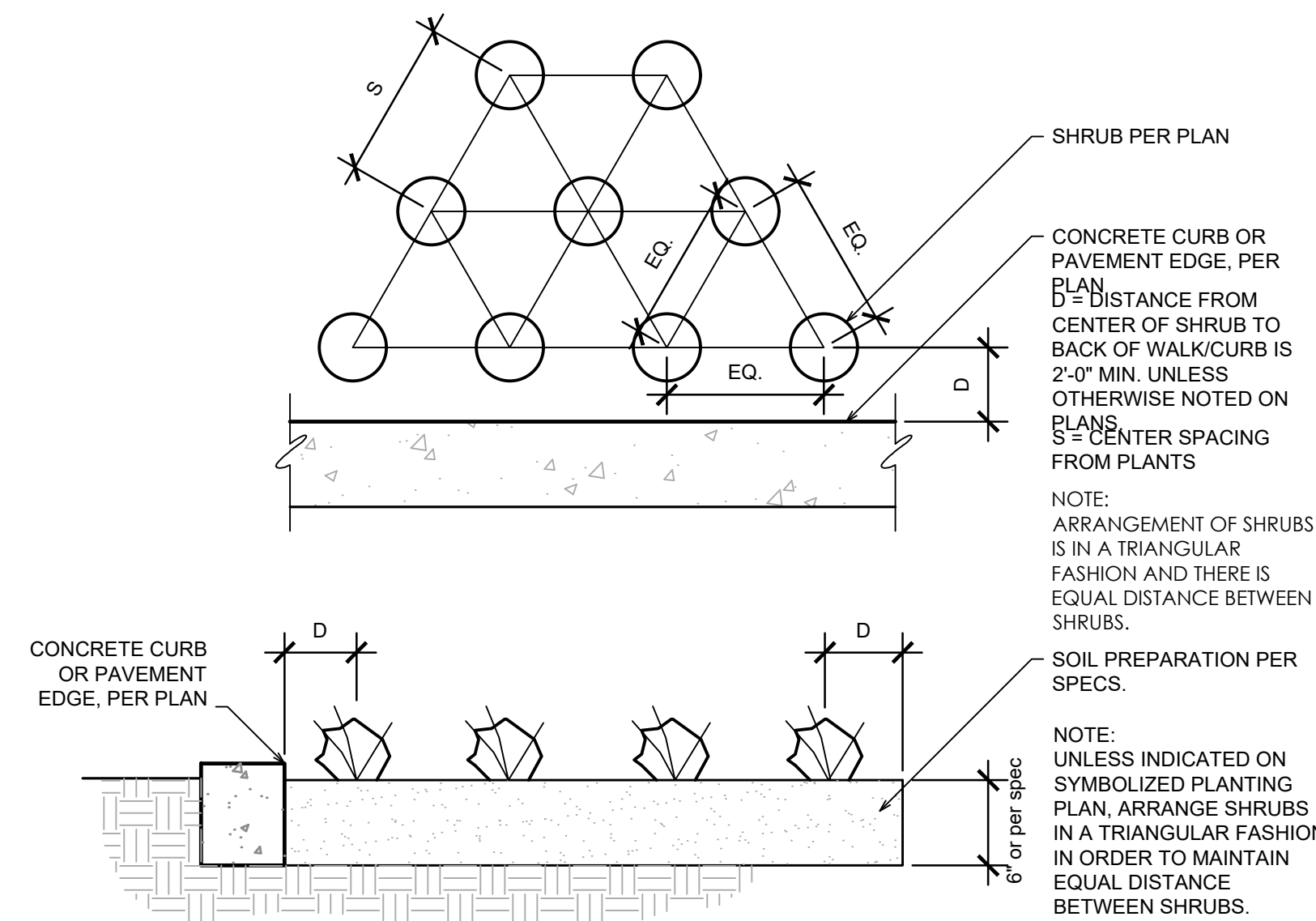
1.1 Deciduous Tree Planting Detail

Scale: N.T.S.



1.4 Tree Guying Detail

Scale: N.T.S.



1.8 Plant Spacing Detail

Scale: N.T.S.

SECTION - 02900 LANDSCAPE
PART 1 - GENERAL

1.01 WORK INCLUDED

- *Landscape finish grading.
 - * Soil preparation
 - *Tree supports
 - *Planting
 - *Watering
 - *Maintenance
- Definitions:
Owner's representative - an authorized agent determined by owner to act on their behalf, in some cases the Landscape Architect may be the owner representative as outlined in these specs.
Plants - all shrubs other than trees and turf.
Plant Material - all trees, shrubs, ground cover, grasses, and other plants.

1.02 RELATED WORK

Contractor : Minimum 5 years experience in supply and installation of landscape materials. A Foreman with a minimum of 5 years experience in related work shall be on site at all times.

1.03 SOURCE QUALITY CONTROL

Provide certificates of inspection for all materials as required by law or regulation.

Package standard materials with manufacturers certified analysis. Provide analysis by recognized laboratory made in accordance with methods established by the Association of Official Chemists for all other material.

Provide trees and shrubs grown in a recognized nursery in accordance with good horticultural practice. Provide healthy, undamaged, vigorous stock grown under climatic conditions similar to conditions at project site and free of disease, insects, eggs, larvae and defects such as sun-scald, knots, injuries, abrasions or disfigurements. Provide trees and shrubs of the sizes indicated. Trees and shrubs of sizes larger than those indicated may be used provided roots, root ball, staking and planting pits are increased proportionately.

1.04 REFERENCE STANDARDS

ANSI 60.1 - American Standards for Nursery Stock.

1.05 SAMPLES

Submit the following material samples to Owner's Representative a minimum of 48 hours prior to start of work.

- a. Topsoil for backfill mix (trees and shrubs).
- b. Wood Shavings/Mulch.
- c. Tree supports.
- d. Reserved
- e. Boulders.

The Owner's Representative reserves the right to take and analyze samples of materials for conformity to Specification at any time. Furnish samples upon request by Owner's Representative. Rejected materials shall be immediately removed from the site and replaced at the contractors additional expense.

Submit samples of decomposed granite for approval of graduation and color. Sample shall be representative of variations within size and color to be provided.

1.06 PRODUCT DATA

Submit to Owner's Representative a minimum of 48 hours prior to start of work manufacturers comprehensive product description, including specifications and installation instructions.

1.07 CERTIFICATES AND TEST REPORTS

Provide and pay for all materials testing. Testing agency shall be acceptable to the Landscape Architect. Submit to Owner's Representative a minimum of 48 hours prior to start of work 2 copies of certificates of inspection as required by governmental authorities, and manufacturers' vendors certified analysis for soil amendments, fertilizer materials, and chemicals. Submit other data substantiation that materials comply with specified requirements. Certificates are required to determine the quality and quantity of all specified soil amendments.

Materials certification to be submitted include, but are not limited to: Topsoil source and nutrient analysis, mulch, fertilizers/soil amendments/chemicals. Test representative material samples proposed for use. Provide the following data:

- a. Topsoil and planting backfill.
- b. Soil PH.
- c. Particle size, percentage soil texture.
- d. Percentage organic material.
- e. Percolation rate.
- f. Nutrient level analysis.
- g. All macro, secondary and micro nutrient salinity.
- h. ESP.
- i. Free lime.

Recommendations on type and quantity of amendments required to bring levels into acceptable ranges as detailed in Part 2 - Products of Materials of these specifications.

Separate recommendations to be submitted for each crop. Crop to be identified as:
a. Irrigated trees and shrubs.
b. Turf.

1.08 MAINTENANCE DATA

Submit to Owner's Representative 2 copies of typewritten instructions, prior to expiration of the initial maintenance period, recommending procedures to be followed by the Owner for the maintenance of landscape work for one full year.

1.09 PRODUCT DELIVERY, STORAGE AND HANDLING

Deliver packaged material in containers showing weight, analysis and identification of manufacturer. Protect materials from deterioration at all times.

Provide protective covers to plant life and trees during delivery. Do not prune trees prior to delivery. Do not bend-tie trees or shrubs in such a manner as to cause damage or destroy shape. Deliver materials after preparation for planting have been completed. Plant immediately. If planting is delayed for more than 6 hours after delivery, set plant material in shade, protect from weather and mechanical damage and keep roots moist.

Do not remove container grown stock including ground cover, from containers until planting time.

1.10 SITE CONDITIONS

Determine location of underground utilities. Execute work as required to prevent damage.

Maintain grade stakes set by others until directed otherwise.

Protect all existing plant life not scheduled for removal. If any plant material that is to remain is damaged, the Contractor, at his expense, will pay for a replacement plant of the same size and species (to be approved by Owner's Representative).

Protect existing utilities, paving and other facilities from damage during landscaping operation.

Coordinate with other contractors.

1.11 WARRANTY

Submit warranty to Owner's Representative. All plant material shall conform to the American Nurseryman Standards for type and size shown. Plants will be rejected if not in a sound and healthy condition.

Trees:
Warranty that trees will be alive and in good health for a period of 1 year after acceptance except for defects resulting from neglect by Owner, abuse or damage by others.

Owner must follow Contractors maintenance schedule and provide current maintenance log to Owner's Representative.

Remove and replace dead, unhealthy or girdled trees, that lose original form and size during warranty period with material equal to that specified. Replace any material which does not meet requirements within fifteen days of notification. All replacement trees shall be subject to an additional one year maintenance period.

Shrubs and Other Plantings:
Guarantee all other planting will be alive and in satisfactory condition for a period of 1 year from date of acceptance or will be replaced at no additional cost to the Owner. All plant material shall be maintained in a healthy, sturdy condition during the warranty period by the Contractor.

All replacement plants, including shrubs, groundcovers, grasses, vines and perennials shall be subject to an additional 1 year maintenance period.

PART 2 - PRODUCTS AND MATERIALS

2.01 FILL MATERIALS

Provide dry, loose material for fill, backfill, planting backfill and topsoil for planter beds. Frozen or muddy soils are not acceptable. Salts not to exceed 1500 ppm; and material shall be free of debris, noxious weeds, ingredients or objects detrimental to healthy plant growth. Topsoil: Screened, fertile, friable, from well drained arable land, free of nut grass, refuse, roots, heavy clay, noxious weeds or any material toxic to plant growth; contents as follows:

- a. Silt: 20-45 %
- b. Clay: 15-20 %
- c. Sand: 30-60 %
- d. Organic Material (natural or otherwise): 2 % minimum
- e. pH: 7.0-8.3
- f. Soluble salts: 1,500 ppm.
- g. Nutrients: enough to bring levels up to acceptable plant growth.

Percolation rate shall be between 3 to 4 inches per hour. Existing top soil may be used provided it meets these requirements.

2.02 COMMERCIAL GRADE FERTILIZERS

Agri-Sul, Dispersul - use only for sulfur
Agriculture grade gypsum

2.03 SOIL AMENDMENTS

Wood shavings: nitrogen stabilized fir or pine shavings containing 0.75% total nitrogen and 0.1 to 0.15% total iron, and under 60 ppm total manganese; composted, leached and aged for a minimum of 10 to 12 months; ph factor, 4.0 to 4.5. No soil amendments are required for salvaged plant material unless otherwise specified.

2.04 TREE SUPPORTS

Tree Stakes: 2" diameter or 2X2" square x 10' straight wooden stake (2 required) for 15 gallon or larger tree. No tree stakes area required for salvaged plant material.

Tree Ties: Provide a minimum of two per tree; V.I.T. Cinch-tie vinyl tree tie (2 per stake, length as required). Secure to stake with galvanized nail, 1 per tree.

Anchor (Deadmen): 2 inch x 4 inch x 3 feet long; construction grade redwood.

Signals (Flags): For guy wires, 1/2 inch diameter, white or orange plastic tubing 5 feet long over each guy used.

2.05 HERBICIDES

Pre-emergent and contact Herbicides:

Fertilize all trees and shrubs with 'Agriform' planting tablets, 21 gram or approved equal. Quantity per manufacturer's recommendation.

2.06 PLANTING MATERIAL

Plant Material: Healthy, shapely and well rooted. Roots shall show no evidence of having been restricted or deformed at any time. All plants shall be representative of their normal species and variety. They shall have normally developed branch systems. Plants shall be free from disfiguring knots, sun scald injuries and abrasions of bark. Plants not meeting these requirements shall be considered defective and shall be replaced immediately. All plants shall be true to name and shall be tagged, one of each variety. All plant material shall be grown in nurseries inspected by the State Department of Agriculture unless otherwise approved by the Owner's Representative.

Provide "Specimen" plants with a special height, shape or character. Tag at the source of supply prior to notifying Landscape Architect for inspection. The Landscape Architect shall inspect selections at source of supply for suitability and adaptability to selected location. When specimen plants cannot be purchased locally, provide sufficient photographs of proposed material for approval.

Plants may be inspected and approved at place of growth for compliance with specification requirements for quality, size, and variety. Such approval shall not impair the right of inspection and rejection upon delivery at the site or during the progress of the work.

2.07 TURF SOD

As noted on plans.

2.08 MULCH

All planting beds and tree wells in lawn areas (wells to be 3' in diameter) shall be covered with a minimum of 3" of small (1") bark chips. Submit sample for approval.

2.09 SEED MIXTURE

All lawn areas shall be seeded with 100% Turf Type Tall Fescue. Immediately after placement of sod, water to saturate sod and top 4" of topsoil, install and seed rate per manufacturer's recommendations.

2.10 TREE ROOT BARRIER

Tree root barriers shall be placed adjacent to all trees located in the landscape planter strip and planter islands per The City of Eagle and ACHD standard details. Install per City of Eagle standard detail and manufacturer's recommendations.

PART 3 - EXECUTION

3.01 GENERAL

Install in accordance with the methods, techniques and specifications of each representative manufacturer. If a conflict occurs between manufacturers and these specifications, consult with Owner's Representative for a decision.

Do not begin planting until the irrigation system is completely installed, is adjusted for full coverage and is completely operational.

3.02 BACKFILL, IMPORTED FILL OR ARTIFICIAL SOIL AND GRAVEL

Inspect the integrity of all damp-proofing and water-proofing membranes which occur over, on or against any construction to be fully or partially concealed by earthwork prior to the placement of any imported soil, backfill, gravel fill or sub-base.

Planting back fill for trees and planting beds shall be 5 parts topsoil and 1 part Nu-Earth compost with straw. Stake all trees per details.

Correct defects prior to proceeding with the work.

3.03 TOPSOIL

All seeded lawn areas shall have 6" of topsoil and all planting beds shall have 12" of topsoil. Topsoil shall be a loose, sandy loam, clean and free of toxic materials, noxious weeds, wee seeds, rocks, grass, or other foreign material larger than 1" in any dimension, a pH from 5.5 to 7.0. Topsoil from site shall be used if meeting these standards. Place 3/4" Nu-Earth compost over all landscaped areas and rototill into top 4". Spread, compact, and fine grade topsoil to a smooth and uniform grade, 1" below surface of walks and curbs in areas to be sodded and 3" in planting bed areas.

Import additional topsoil only as required to bring planting areas up to finish grade. Spread and cultivate soil so that no settling takes place at any time.

3.04 LANDSCAPE FINE GRADING

Allow for the addition of soil amendments, conditioners and any specified top dressing when determining and executing finish grade.

Set finish grade 1-1/2 inches below adjacent paving, curb and headers for shrubs and ground cover beds and areas or as required for installation of mulch or turf sod.

At all planting areas, make entire area smooth and even to finish grade. Cultivate all areas so that there are no bumps or hollows, and the area drains as indicated. Grade and maintain all flow lines, designated or not, to allow free flow of surface water. Cultivate entire area to a depth of 6 inches minimum and remove all rock in excess of 1-1/2 inches diameter, all building rubble, building construction material, waste and any other material that will impair satisfactory growth.

3.05 MULCH

3.06 HERBICIDE APPLICATION

Apply pre-emergent herbicides in accordance with manufacturer's instructions.

Apply contact herbicides in accordance with manufacturer's recommendations. Prior to application, moisten areas for fourteen days to encourage weed germination and growth. Apply before weeds attain a height of 6 inches. Remove taller weeds manually.

Areas to be landscaped shall be maintained in a weed-free condition at all times during construction and maintenance period.

Do not apply pre-emergent herbicides at locations of revegetation seeding. The contractor shall manually remove invasive weeds within these areas.

3.07 TREE SUPPORT

Staked Trees: Stake trees as shown on the drawings within 48-hours of planting.

Tree supports shall be installed to prevent lodging, yet allow for trunk movement. Hoses that encircle trunks shall be large enough to allow for normal growth of the trunk during the first year without girdling.

3.08 TREES, SHRUBS, AND VINES

Layout locations with stakes or gypsum. Coordinate with Owner's Representative to assure appropriate location, prior to installation.

Test drainage of plant beds and pits by filling with water. Notify Owner's Representative of areas where water is retained more than 24 hours.

Where rock, underground construction or other detrimental conditions are encountered at plant pits, Owner's Representative may select alternate location.

Do not expose roots to air except during transplanting. Set up of plants at same level when planted as in the container. Cut plant containers on 2 sides without injuring root ball and carefully remove plant. Do not cut container with spade. Damaged plants will be rejected.

Dig pits with perpendicular sides to a minimum of 2 to 3 times the width (see details) of the root ball for containerized trees and shrubs. Dig pits only as deep as the root ball to prevent settling of the tree or shrub.

Place rootball of vines as close to structure or support system as possible. If rootball can't be placed closer than 12" notify Owner's Representative of situation for inspection and remedy.

Tie vines to trellis supports if applicable with green plant tape and remove any staking supplied with plant material.

Planting Mixture: One part wood shavings Two parts excavated soil amended to meet standards in Part 2.

Mix thoroughly outside the hole before start of backfilling.

3.09 BACKFILLING

Backfill plant pits and form shallow basin around the plant to hold enough water to saturate the root ball and backfill (only form basins if specified on detail). Water plants immediately after planting and allow backfill to settle in plant pit. Do not raise basin rim above surrounding grade.

Puddle planting mixture when pit is 2/3 full of plant mix. Continue back filling to within 1 inch of surrounding grade.

Finish grade to 2 inches below headers or concrete work.

Planting back fill for trees and planting beds shall be 5 parts topsoil and 1 part Nu-Earth compost with straw.

Treat all planting areas with a pre-emergent.

3.10 GROUND COVER

At time of transplanting, soil in flats shall be sufficient so as not to fall apart when lifting plants. Plant each plant with its proportionate amount of the flat soil in a manner that will ensure a minimum disturbance to the root structure.

Plant flat material sufficiently deep to cover all roots. Firmly tamp the earth around each plant to force out large air pockets.

3.11 TURF SOD

Soil Preparation: Provide soil with an organic matter content of 25-percent to 30-percent. Cultivate entire area to a depth of 6" minimum and remove all rock in excess of 1 1/2" all building rubble, building construction material waste and any other material that will impair satisfactory growth. This top 6" must meet the topsoil requirements noted in Section 2.01.

Soil Amendments: Prior to rototilling, apply gypsum at a rate of 100 lbs per 1,000 sq. ft. phosphate at a rate of 2 lbs per 1,000 sq. ft., and soil sulfur at 5 lbs per 1,000 sq. ft. Rototill into soil.

Install sod along the straightest edge of turf area. Stagger joints in a brick-like pattern. Avoid gaps and overlapping. Place sod diagonally across, to avoid sliding. Water sod at least every 30 min. during installation. Finish by watering lightly and roll in two directions w/sod roller.

3.12 WATERING

Water all plants immediately after planting with hose in planting hole until the roots are completely saturated from the bottom of the hole to the top of the ground to avoid drying out until the entire planted area is thoroughly watered and the soil soaked to the full depth of each plant hole. Water stream shall not cause damage to planting hole or plant. Keep exposed roots wet by means of moist sawdust, peat moss or bulwip at all times during planting operation. Repeat watering as often as necessary to keep the ground moist but not soaked, well below the root system of the plants.

3.13 CLEAN UP

Keep all areas clean and orderly during and after execution of work. Burning of trash is not permitted.

3.14 ADJUSTMENT

Prune each tree and shrub to preserve the natural character of the plant per American Standards for Nursery stock, as published by the American Association of Nurserymen. Prune only as directed by Owner's Representative and Landscape Architect to remove deadwood, suckers, or broken or badly bruised branches. Replace all plants damaged by excessive pruning, planting operations or construction damage.

3.15 MAINTENANCE PERIOD

When the Owner's Representative and Landscape Architect determine the work to be substantially complete in accordance with the Conditions of the Contract, Contractor will be advised, in writing, that the maintenance period is to begin.

Landscape contractor shall be responsible for maintenance of landscaped areas for a period of 90 days. Maintenance includes watering, trimming, weeding and cultivating of beds.

Landscape contractor, in order to protect his guarantee, shall give typewritten to Owner, a complete maintenance instruction booklet on the care and feeding of the landscape.

Contractor shall request, in writing, a Final Inspection with Landscape Architect at the completion of the maintenance period. If the Owner's Representative determines the work is satisfactory, the maintenance period will end on the date of the Final Inspection. If the maintenance is unsatisfactory, the maintenance period will be extended, at the Contractors expense, until such time as all corrections are made and the work is inspected and approved by the Owner's Representative and Landscape Architect. Retention will not be released until Final Inspection is made and approval issued by the Owner's Representative.

3.16 FIELD QUALITY CONTROL

Notify Owner's Representative of the requirement for inspection at least 48 hours in advance. Inspections are required, but not limited to, the following:

- Inspection and acceptance of plant material prior to shipping.
- At completion of rough grade and boulder placement
- At completion of landscape finish grading and soil preparation, prior to planting.
- At installation of irrigation system, prior to backfilling trenches and planting.
- During installation of specimen trees, or other specimen plant material.
- After staking locations for plant holes, but prior to planting; for approval.
- During the planting process.
- During the placement and aiming of all light fixtures.
- At Substantial Completion of the Work.
- During warranty period to observe maintenance procedures.
- At final Completion of the Work.

SECTION - 02930 SEEDING
PART 4 - APPLICATION

4.01 MATERIALS

Materials shall reflect evidence of proper storage and handling. Any material with indications of improper storage or handling (water, heat, chemical damage and the like), will be removed from the site and replaced by the contractor. All material shall be fresh and delivered in unopened containers. Seed shall be of the latest seasons crop and conform to state and federal seed laws.

2.02 ACCESSORY MATERIALS

Fertilizer: Uniform in composition, granular, free flowing and suitable for application with approved equipment - guaranteed analysis, 16-20-0, ammonium phosphate, or equal at a rate of 300 lbs per acre.

70% Virgin Wood Cellulose Fiber, 30% Max. recycled cellulose fiber:

Specially prepared wood cellulose fiber processed to contain no growth or germination inhibiting factors - maximum moisture content, air dry weight, 12% plus or minus 3% at the time of manufacture; pH range, 4.5 to 6.5.

Ash content 0.8% - 0.3% max.

Charcoal: Gro-Safe agricultural grade powered activated charcoal at a rate of 100 lbs. per acre.

Tackifier: Organic psillium muciloid hydrophilic water soluble dry. Derived from *Plantago ovata/insularis powder* at 70% min. purity, containing no agents toxic to seed germination. Addition of tackifier to the slurry mix shall not change the properties of the tackifier. When applied, tackifier shall form a transparent crust permeable by water and air.

Water: Free of substances harmful to seedling growth - water source to be approved by Owner's Representative prior to use.

PART 5 - EXECUTION

5.01 PREPARATION

Limit preparation to areas that will be immediately seeded. Do not disturb natural areas or newly planted trees or shrubs in seed areas. Where equipment can operate, loosen topsoil to a depth of 4 inches by ripping using scarifier teeth. Rip along the contour to prevent runoff and erosion. Use hand tools where equipment can not operate. Remove and dispose of all stones 4" or greater, sticks, roots, rubbish or other deleterious material. Repair erosion damage, grade and slope as directed prior to seeding.

Spread 300 lbs./acre fertilizer as specified.

Rough harrow to break up any large dirt clods.

Fine harrow to create suitable seed bed.

5.02 APPLICATION

Apply seed immediately upon completion of tillage operation.

Seeding work should commence as soon as possible after site has been prepared. It is desirable to seed into a loose, friable surface which has not been allowed to crust or erode. Any undesirable weak growth or competing vegetation should be removed prior to seeding operations.

Hydrosed all material evenly in one (1) application of a uniform slurry of water, hydrofiber (mulch), seed, tackifier, fertilizer, soil conditioner, and other specified materials. Material shall be sprayed on all designated areas with overlapping on the crests of tops of berms and cuts.

Seed indicated areas within contract limits and areas adjoining contract limits disturbed due to the seeding preparation process.

Use a hydroseder with a gear type pump with continuous paddle agitation during application. Do not put seed into water until just before the start of seeding.

Apply seed, mulch, fertilizer and tackifier in a one step process: Slurry mix of water, seed, 300 lbs./acre of fertilizer, 80 lbs./acre tackifier for slopes less than 3:1, 100 lbs./acre for slopes greater than 3:1 and 2000 lbs./acre of wood fiber for slopes greater than 3:1, 1800 lbs./acre for slopes less than 3:1.

5.03 ESTABLISHMENT

Provide protective devices as required to protect seeded areas from traffic for 30 days.

Repair and reseed areas damaged by erosion or poor germination.

5.04 INSPECTION

Seeding operations and areas are subject to inspection at any time during installation for compliance with specified materials and installation requirements. Any method of installation or use of materials not in conformance with the Contract Documents will be reinstalled, repaired or removed, as directed by the Owner's Representative, at no additional cost to the Owner.

Formal inspections will be conducted by the Owner's Representative at the following work intervals:

Soil scarification upon completion.
Seed containers at time of delivery.
At time of seed and slurry mixing.
During application of seed.
During application of mulch.
Weekly for seed and weed germination.
Final inspection and approval - at the end of landscape establishment.

5.05 ACCEPTANCE

Upon notice of completion of the work from the landscape contractor, at the end of the Landscape Establishment period, the Owner's Representative will make an inspection. If all work provided for in the Contract Documents is found to be complete and the planted seeds yield a minimum stand as determined by the Owner's Representative based upon the specified germination rates and species used, and the seeded areas are free of weeds, disease and insects, this inspection will constitute the Final Inspection. The Owner's Representative will notify the Contractor in writing of this Acceptance.

If the inspection reveals any unsatisfactory work, the Contractor will reseed as necessary until the work is accepted by the Owner's Representative.



CITY OF STAR FINAL PLAT AND CONSTRUCTION DRAWING REVIEW CHECKLIST

Subdivision: Moon Valley No 5 Phase: 5 Date: 12/30/2021

Developable Lots: 50 Review No: 1

Developer: M3 Companies

Tel: 208.939.6263 Fax: _____ Email: _____

Engineer: Keith Morse, P.E.

Tel: 208.376.7330 Fax: _____ Email: _____

Property Address: HWY 16 and Moon Valley Rd

Reviewed By: Mike Hickman, 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 only 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.

8	X			Right to Farm Act Note on face of plat.
9	X			Note on face of plat: "This subdivision is located within zone XX as shown on the firm panel ###, City of Star, Ada County, (or Canyon 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: "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."
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. In Owner Certification referencing sewer and water.
14	X			On the signature page of the plat please include the following "I, THE UNDERSIGNED, CITY ENGINEER IN AND FOR THE CITY OF STAR, ADA COUNTY, IDAHO, ON THIS DAY, _____ , HEREBY APPROVE THIS PLAT." underneath the <u>APPROVAL OF CITY ENGINEER</u> 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.
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. At every corner and end of cul-de-sac. All street lighting shall be in accordance with the current edition of the ISPWC and the City of Star Supplemental Specifications.
ITEM	OK	NEED	N/A	FLOODPLAIN DEVELOPMENT
21			X	Provide completed Floodplain Application. Floodplain application must be approved prior to approval of final plat.
22			X	Floodplain and floodway boundaries and elevations are shown on the grading plans and final plat.
23			X	Building lowest floor elevations are greater than or equal to 2-feet above the base flood elevation, or verification is provided of flood proofing.
24			X	Enclosed spaces located below 2-feet above the BFE adequately vented (1 square inch of venting per square foot of enclosed space).
25			X	Roadway centerline elevations and manhole and other minor structure rim elevations are 0.5-feet above the base flood elevation.
26			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.
27			X	Easements and conveyance provisions have been made for connection between the floodway and any detached floodwater storage impoundment.
28			X	Calculations are provided and show 48-hour max time period for 100% utilization of detached storage impoundment.
ITEM	OK	NEED	N/A	GRADING PLAN
29	X			Grading plans are provided and are stamped, dated, and signed by a professional engineer licensed in the State of Idaho.
30	X			Grading plans show finished, existing, and base flood 1-foot contour elevations.
31		X		Drainage facilities and easements are shown. It appears that S Big Star Ln is not included in the drainage report for this phase or phase 3 where the water is draining into. Please clarify.
32	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.
33	X			Existing irrigation ditches, canals, and easements are shown.

34	X			Cut and fill slopes are no steeper than 2H:1V. (Spot checked by City Engineer)
35	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)
36	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)
37	X			Provisions have been made for erosion control at pipe outfalls, along steep earth slopes, and within drainage ditches.
38	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.
39	X			Existing and proposed elevations match at property boundaries.
ITEM	OK	NEED	N/A	DRAINAGE PLAN
40	X			Drainage plans are provided and stamped, dated, and signed by a professional engineer licensed in the State of Idaho.
41	X			Drainage calculations are provided and stamped, dated, and signed by a professional engineer licensed in the State of Idaho.
42	X			Narrative is provided that describes the proposed method of stormwater retention.
43	X			Drainage calculations contain no arithmetic errors. Drainage basin map areas match calculations. (Spot checked by City Engineer)
44	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)
45	X			Peak discharge rate and velocity through sand and grease traps calculated and are less than 0.5 ft/sec.
46	X			Section view of drainage facility provided.
47	X			Able to determine drainage directions from information given.
48	X			Drainage facilities do not conflict with other utilities. (Spot check by City Engineer)
49			X	Provision for conveyance or disposal of roof drainage provided for commercial developments.
50		X		Storm water pretreatment provided. BMP facilities are designed in conformance with the "State of Idaho Catalog of Stormwater Best Management Practices". Provide an approved BMP pretreatment facility prior

				to discharging into pond.
51	X			5-foot setback from property line maintained for drainage facilities.
52	X			Drainage basin / pond dimensions listed or noted.
53			X	Drainage facilities drawn to scale on grading and drainage plan.
54			X	Drain rock, ASTM C33 sand, or pond liner specified.
55			X	3-foot separation from bottom of drainage facility to maximum seasonal high groundwater elevation shown on detail.
56			X	Vegetative cover shown over biofiltration facilities.
57	X			Appropriate license agreements have been executed and are provided for offsite discharge of storm water.
ITEM	OK	NEED	N/A	GRAVITY IRRIGATION
58		X		Plan approval letter is provided from the appropriate irrigation district.
ITEM	OK	NEED	N/A	PRESSURE IRRIGATION
59	X			Plans for a pressure irrigation system are provided (Required only if development contains more than four lots).
60	X			The pressure irrigation system is <i>not</i> connected to the potable water system.
61		X		Design provides a minimum of 15 gpm @ 45 PSI to each destination point. Please provide pressure irrigation report.
62	X			Easements are provided for all pressure irrigation piping. (Note on face of plat).
63	X			Main line distribution piping is 3-inches in diameter or greater.
64	X			Provisions are made for diversion and flow measurement from a gravity irrigation source ditch.
65	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.
66			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.
67	X			Provided verification that water rights will be transferred to the association managing entity.
68		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.
ITEM	OK	NEED	N/A	RE-SUBMITTAL REQUIREMENTS*

69		X		Return (1) one revised plan set in pdf format with the redlined set for review and/or approval to Keller Associates. Unbound or un-collated plan sets will not be accepted.
70		X		Provide a response letter, referencing the City of Star , 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:



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

December 30, 2021

By e-mail: snickel@staridaho.org

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

Subject: Moon Valley Subdivision Final Plat Ph 5, FP-21-32

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:
<https://www.deq.idaho.gov/public-information/assistance-and-resources/outreach-and-education/>.

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: <https://www.deq.idaho.gov/water-quality/drinking-water/>). 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 an Idaho Pollution Discharge Elimination System (IPDES) Permit. A Construction General Permit from DEQ 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.
- For questions, contact James Craft, IPDES Compliance Supervisor, at (208) 373-0144.
- 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 <https://www.deq.idaho.gov/waste-management-and-remediation/storage-tanks/leaking-underground-storage-tanks-in-idaho/> for assistance.

Response to Request for Comment
December 30, 2021
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- 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.

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,



Aaron Scheff
Regional Administrator
DEQ-Boise Regional Office

EDMS#: 2021AEK283

FINDINGS OF FACT AND CONCLUSIONS OF LAW
INSPIRADO SUBDIVISION
FILE NO. AZ-21-09/DA-21-11/PUD-21-01/PP-21-12

The above-entitled Annexation, Development Agreement, Planned Unit Development and Preliminary Plat land use application came before the Star City Council for their action on January 11, 2022, at which time public testimony was taken and the public hearing was closed. The Star City Council, having requested and taken oral and written testimony, and having duly considered the matter, does hereby make the following Findings of Fact and Conclusions of Law.

Procedural History:

A. Project Summary:

The Applicant is seeking approval of an Annexation and Zoning (R-3-PUD-DA, MU-PUD-DA, C-2-PUD-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. 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.). 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.

B. Application Submittal:

A neighborhood meeting was held on June 3, 2020, in compliance with the application submittal requirement of the Star Unified Development Code (Section 8-1 A-6 C). The Land Use application was deemed complete on May 17, 2021.

C. Notice of Public Hearing:

Notice of Public Hearing on the application for the City of Star Council was published in accordance with the requirements of Title 67, Chapter 65, Idaho Code and the Star Unified Development Code on August 2, 2021 & December 22, 2021. Notice of this public hearing was mailed to property owners within three-hundred feet (300') of the subject property in accordance with the requirements of Title 67, Chapter 65, Idaho Code and Star Unified Development Code on August 2, 2021 & December 22, 2021. Notice was sent to agencies having jurisdiction in the City

of Star on May 6, 2021. The property was posted in accordance with the Star Unified Development Code on August 6, 2021 & December 30, 2021.

D. History of Previous Actions:

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

E. Comprehensive Plan Land Use Map and Zoning Map Designations:

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

F. Development Features.

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:

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

- 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. – (Not approved by Council)

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

G. Existing Site Characteristics:

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.

H. Agencies Responding:

The following agencies responded, and correspondence was attached to the staff report.

ITD	December 28, 2021
Star Fire District	August 9, 2021
Ada County Development Services	May 7, 2021
DEQ	May 14, 2021
ACHD	January 7, 2022
West Ada School District	July 1, 2021
Keller and Associates	May 28, 2021
Central District Health	May 12, 2021

I. Staff received the following letters & emails for the development:

Rick Bean Letter

August 16, 2021

J. *Comprehensive Plan and Unified Development Code Provisions:*

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

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.

Encourage commercial facilities to locate on transportation corridors.

Locate neighborhood services within walking distance to residential development.

Discourage the development of strip commercial areas.

Maintain and develop convenient access and opportunities for shopping and employment activities.

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.

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 a 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:

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.

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.

<u>ZONING DISTRICT USES - RESIDENTIAL</u>	A	R-R	R
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

8-3A-3: USES WITHIN ZONING DISTRICTS

The tables above and below list principal permitted (P), accessory uses (A), conditional (C), or prohibited (N) uses.

ZONING DISTRICT USES

Section 5, Item D.

USES	C-2	MU
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:

Zoning District	Maximum Height	Minimum Yard Setbacks Note Conditions			
	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'
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.

8-1B-1C ANNEXATION/REZONE FINDINGS:

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

The Council finds that 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 finds that this annexation is in compliance with the Comprehensive Plan.

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

The Council finds that that the proposal complies with the proposed districts and purpose statements. 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 finds that there is no indication from the material and testimony submitted that the rezoning 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 finds that the City 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. Emergency services were reviewed and mitigation recommended by the Star Fire District.

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

The Council finds the annexation request is reasonably necessary for the continued, orderly development of the City.

8-7-5 : PLANNED UNIT DEVELOPMENT 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.

The Council finds that the planned unit development includes a site design, street and pathway layout, and building design that is cohesive, continuous and visually and functionally appropriate for the area.

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

The Council finds that the planned unit development preserves significant natural, scenic and historic features found on the property.

- 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.

The Council finds that the planned unit development is arranged so that the uses and structures will 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.

The Council finds that the planned unit development has been designed to take into consideration internal street, bike and pedestrian circulation. CHD4 and ITD have reviewed and commented on the application with requirements incorporated into the approval of the development.

- 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.

The Council finds that the planned unit development includes park, recreational and open space that will be functionally related and accessible to all dwelling units through the pedestrian and bicycle pathway system.

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

The Council finds that the planned unit development complies with the density and use standards requirement of the UDC.

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

The Council finds that the planned unit development includes the appropriate number and scale of amenities to the proposed development.

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

The Council finds that the planned unit development is in conformance to the comprehensive plan and the pertinent land use designations.

8-6A-7: PRELIMINARY PLAT FINDINGS:

1. The plat is in conformance with the Comprehensive Plan;
The Council finds that the Preliminary Plat, as approved and conditioned meets all requirements associated with Section 8-6A-3 of the UDC and is consistent with the Comprehensive Plan and will meet the intent of the Land Use designation. Further, the property is required to develop under the guidelines of the Comprehensive Plan and requirements of the Unified Development Code.
2. Public Services are available or can be made available and are adequate to accommodate the proposed development;
The Council finds that Agencies having jurisdiction on this parcel were notified of this action. The City has not received notice that public services are not available or cannot be made available for this development. Emergency services were reviewed and mitigation recommended by the Star Fire District.
3. There is public financial capability of supporting services for the proposed development;
The Council finds that the City has not received notice from any jurisdictional agency that there are any problems with public financial capability for this development.
4. The development will not be detrimental to the public health, safety or general welfare;
The Council finds that the City has not been made aware of any known detriment that will be caused by this development. Residential uses are a permitted use and are compatible with other residential uses in the immediate area.
5. The development preserves significant natural, scenic or historic features;
The Council finds that there are no known natural, scenic, or historic features that have been identified with this Preliminary Plat. The property has been in previous agricultural production.

Public Hearing of the Council:

- a. A public hearing on the application was heard by the City Council on January 11, 2022, at which time testimony was heard and the public hearing was closed. The City Council made their decision at that time.

b. Oral testimony regarding the application was presented to the City Council by:

- Debra Nelson
- Teller Bard
- Randy Clarno
- Michael Keyes

c. Written testimony in favor of or opposing the application was presented to the City Council at the hearing by:

None

Deliberations and Conclusions of Law:

The Council reviewed the particular facts and circumstances of this proposed annexation and zoning and preliminary plat application in accordance with the City of Star Title 8 (Unified Development Code), deliberated on the matter, resulting in review of the record, including the staff report, and discussions on the rezoning and platting of the development. Review and discussion included development layout, access and street configuration, setbacks, open space, pathways and landscaping, and proposed commercial uses. The Council concluded that the Applicant's request meets the requirements for annexation, planned unit development and preliminary plat. Council hereby incorporates the staff report dated January 11, 2022, together with the hearing minutes into the official decision as part of these Findings of Fact, Conclusions of Law.

Statement of Compliance:

Council finds the Applicant has met all requirements of the Unified Development Code and the intent and purpose of the Comprehensive Plan and Map requirements.

Council added to the Preliminary Plat application and Development Agreement the following conditions of approval to their decision to approve the applications to include the following:

- 7' Sidewalks shall be constructed along Collector Roadways and Star Road, or bonded for through ACHD
- Provide a public pathway easement along the south side of the Phyliss Canal for potential future pathway
- The Developer agrees to provide the Bean property two (2) built driveways per their agreement in Phase 1
- There shall be no residential uses allowed within the Commercially zoned district
- Any storage units proposed in the Mixed-Use or Commercial areas shall require a Conditional Use Permit

- All streets within the development shall have minimum 36' roadway widths. The detached sidewalk planter strips shall be allowed at 6 ½ feet on each side with Class I trees.
- Non-single-family detached residential dwellings will be limited to a maximum of 10% of the subject gross R-3 development parcel.
- Setbacks shall be approved as follows:
 - 5' side yard setbacks for all patio homes
 - 7' side yard setbacks for all single-family detached homes

Conditions of Approval:

1. The approved Preliminary Plat for 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 work with staff and submit a streetlight design that meets city standards prior to Final Plat approval. Streetlights shall comply with the Star City Code regarding light trespass and "Dark Sky" initiative.**
4. The property with the approved Preliminary Plat shall be satisfactorily weed abated, preventing a public nuisance, per Star City Code.
5. The property associated with this approved Final Plat, in addition to the property of all future phases shall be properly maintained throughout the construction process to include trash picked up and trash receptacles emptied with regular frequency, streets swept and cleaned weekly, including any streets used to access the property and all debris shall be prevented from accumulating on any adjacent property or public right of way and shall remove all debris from public way at least daily.
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. **Street trees shall be installed per Chapter 8, Section 8-8C-2-M(2) Street Trees. Applicant shall provide locations for the local street trees at the time of final plat. If driveway locations will not be determined until sale of the lot, Applicant agrees to not receive the Certificate of Occupancy until street trees are confirmed in place.**

8. 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.
9. A plat note supporting the "Right to Farm Act" as per Idaho Code Title 22, Chapter 45, shall be shown on the Final Plat.
10. A copy of the CC&R's shall be submitted to the City of Star at Final Plat.
- 11. A letter from the US Postal Service shall be provided 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. Prior to signing the final plat, Applicant shall provide approval from Ada County for all street names and they should be accurately reflected on the plat.**
14. 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.
15. 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.
16. All common areas shall be owned and maintained by the Homeowners Association.
17. 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.**
18. A sign application is required for any subdivision signs.
- 19. Owner/Developer will agree to install at least one, 2" maximum (High Density Polyethylene) HDPE SDR-11 roll pipe/conduit in the joint utility trench to be used for future fiber optic and/or copper telecommunication cables.**

Council Decision:

The Council voted 4-0 to approve the Annexation, Development Agreement, Planned Unit Development and Preliminary Plat for Inspirado Subdivision on January 11, 2022.

Dated this 15th day of February 2022.

Star, Idaho

By: _____

Trevor A. Chadwick, Mayor

ATTEST:

Jacob M. Qualls, City Clerk

FINDINGS OF FACT AND CONCLUSIONS OF LAW
STARPOINTE SUBDIVISION
FILE NO. AZ-21-07/DA-21-09/PP-21-10

The above-entitled Annexation, Development Agreement and Preliminary Plat land use application came before the Star City Council for their action on January 11, 2022, at which time public testimony was taken and the public hearing was closed. The Star City Council, having requested and taken oral and written testimony, and having duly considered the matter, does hereby make the following Findings of Fact and Conclusions of Law.

Procedural History:

A. Project Summary:

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. 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. This application was originally scheduled for Council on August 17, 2021 but was postponed allowing ACHD and ITD additional time to provide review comments.

B. Application Submittal:

A neighborhood meeting was held on June 3, 2020, in compliance with the application submittal requirement of the Star Unified Development Code (Section 8-1 A-6 C). The Land Use application was deemed complete on May 18, 2021.

C. Notice of Public Hearing:

Notice of Public Hearing on the application for the City of Star Council was published in accordance with the requirements of Title 67, Chapter 65, Idaho Code and the Star Unified Development Code on August 5, 2021 & December 22, 2021. Notice of this public hearing was mailed to property owners within three-hundred feet (300') of the subject property in accordance with the requirements of Title 67, Chapter 65, Idaho Code and Star Unified Development Code on August 2, 2021 & December 21, 2021. Notice was sent to agencies having jurisdiction in the City of Star on May 18, 2021. The property was posted in accordance with the Star Unified Development Code on August 6, 2021 & December 30, 2021.

D. History of Previous Actions:

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

E. Comprehensive Plan Land Use Map and Zoning Map Designations:

	Zoning Designation	Comp Plan Designation	Land Use
Existing	RUT (County)	Neighborhood Residential	Single Family Residential/Agriculture
Proposed	R-3-DA	Neighborhood Residential	Single Family Residential/Commercial
North of site	RUT (County)	Neighborhood Residential	Single Family Residential/Agriculture/ Proposed Oaklawn Crossing Subdivision
South of site	RUT (County)	Commercial	Single Family Residential/Agriculture
East of site	RUT (County) R-1 (County)	CBD (Central Business District)/Neighborhood Residential	Star Road/R.C. Bean Saddlery/Pasture Proposed Inspirado Subdivision (annexation path)
West of site	RUT (County)	Neighborhood Residential	Single Family Residential/Agriculture

*F. Development Features:***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

G. *Existing Site Characteristics:*

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/ Creason Lateral Association
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.

H. *Agencies Responding:*

The following agencies responded, and correspondence was attached to the staff report.

ITD

August 11, 2021

Star Fire District	August 9, 2021
DEQ	May 21, 2021
ACHD	January 7, 2022
Keller and Associates	August 6, 2021
Central District Health	May 12, 2021

I. Staff received the following letters & emails for the development:

Email from Mark Phillips regarding water development plans associated with Eureka Water Company/Creason Lateral Association.

J. *Comprehensive Plan and Unified Development Code Provisions:*

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.

Site layout is to provide for a transition in density and lot sizing with all policies regarding compatibility herein applying.

Modified street sections, such as with no curbs gutters or sidewalks, should be encouraged for adjacent compatibility where determined appropriate.

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.

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:

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.

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.

<u>ZONING DISTRICT USES</u>	A	R-R	R
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

Section 5, Item E.

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. Parkway 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.

8-1B-1C ANNEXATION/REZONE FINDINGS:

1. The map amendment complies with the applicable provisions of the Comprehensive Plan.
The Council finds that 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 finds that this annexation is in compliance with the Comprehensive Plan.

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

The Council finds that 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.

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

The Council finds that there is no indication from the material and testimony submitted that the rezoning 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 finds that the City 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. Emergency services were reviewed and mitigation recommended by the Star Fire District.

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

The Council finds the annexation request is reasonably necessary for the continued, orderly development of the City.

8-6A-7: PRELIMINARY PLAT FINDINGS:

1. The plat is in conformance with the Comprehensive Plan;
The Council finds that the Preliminary Plat, as approved and conditioned meets all requirements associated with Section 8-6A-3 of the UDC and is consistent with the Comprehensive Plan and will meet the intent of the Land Use designation. Further, the property is required to develop under the guidelines of the Comprehensive Plan and requirements of the Unified Development Code.
2. Public Services are available or can be made available and are adequate to accommodate the proposed development;
The Council finds that Agencies having jurisdiction on this parcel were notified of this action. The City has not received notice that public services are not available or cannot be made available for this development. Emergency services were reviewed and mitigation recommended by the Star Fire District.
3. There is public financial capability of supporting services for the proposed development;
The Council finds that the City has not received notice from any jurisdictional agency that there are any problems with public financial capability for this development.
4. The development will not be detrimental to the public health, safety or general welfare;
The Council finds that the City has not been made aware of any known detriment that will be caused by this development. Residential uses are a permitted use and are compatible with other residential uses in the immediate area.
5. The development preserves significant natural, scenic or historic features;
The Council finds that there are no known natural, scenic, or historic features that have been identified with this Preliminary Plat. The property has been in previous agricultural production.

Public Hearing of the Council:

- a. A public hearing on the application was heard by the City Council on January 11, 2022, at which time testimony was heard and the public hearing was closed. The City Council made their decision at that time.
- b. Oral testimony regarding the application was presented to the City Council by:
 - Debra Nelson
 - Pete Aldrich
 - Teller Bard
- c. Written testimony in favor of or opposing the application was presented to the City Council at the hearing by:

None

Deliberations and Conclusions of Law:

The Council reviewed the particular facts and circumstances of this proposed annexation and zoning and preliminary plat application in accordance with the City of Star Title 8 (Unified Development Code), deliberated on the matter, resulting in review of the record, including the staff report, and discussions on the rezoning and platting of the development. Review and discussion included development layout, access and street configuration, setbacks, open space, pathways and landscaping. The Council concluded that the Applicant’s request meets the requirements for annexation and preliminary plat. Council hereby incorporates the staff report dated January 11, 2022, together with the hearing minutes into the official decision as part of these Findings of Fact, Conclusions of Law.

Statement of Compliance:

Council finds the Applicant has met all requirements of the Unified Development Code and the intent and purpose of the Comprehensive Plan and Map requirements.

Council added to the Preliminary Plat application and Development Agreement the following conditions of approval to their decision to approve the applications to include the following:

- 7’ Sidewalks shall be constructed along Collector Roadways and Star Road, or bonded for through ACHD
- All streets within the development shall have minimum 36’ roadway widths. The detached sidewalk planter strips shall be allowed at 6 ½ feet on each side with Class I trees
- Council approves reduction in 10% usable open space to allow detached sidewalk planter strip reduction
- Setbacks shall be approved as follows:
 - 7’ side yard setbacks for all single-family detached homes
- Maintain artesian irrigation water flows at historic levels to the Aldrich property

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 \$131,671. 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 at least one, 2" maximum (High Density Polyethylene) HDPE SDR-11 roll pipe/conduit in the joint utility trench to be used for future fiber optic and/or copper telecommunication cables.**

Council Decision:

The Council voted 4-0 to approve the Annexation, Development Agreement and Preliminary Plat for Starpointe Subdivision on January 11, 2022.

Dated this 15th day of February 2022.

Star, Idaho

By: _____
Trevor A. Chadwick, Mayor

ATTEST:

Jacob M. Qualls, City Clerk

FINDINGS OF FACT AND CONCLUSIONS OF LAW
OAKLAWN CROSSING SUBDIVISION
FILE NO. AZ-21-08/DA-21-10/PP-21-11

The above-entitled Annexation, Development Agreement and Preliminary Plat land use application came before the Star City Council for their action on January 11, 2022, at which time public testimony was taken and the public hearing was closed. The Star City Council, having requested and taken oral and written testimony, and having duly considered the matter, does hereby make the following Findings of Fact and Conclusions of Law.

Procedural History:

A. Project Summary:

The Applicant is seeking approval of an Annexation and Zoning to Residential (R-4-DA) and Mixed-Use (MU-DA), 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. The subject property is generally located on the southwest corner of N. Star Road and W. Joplin Road. Ada County Parcel Number S0419417200. This application was originally scheduled for Council on August 17, 2021 but was postponed allowing ACHD and ITD additional time to provide review comments.

B. Application Submittal:

A neighborhood meeting was held on January 29, 2021, in compliance with the application submittal requirement of the Star Unified Development Code (Section 8-1 A-6 C). The Land Use application was deemed complete on May 17, 2021.

C. Notice of Public Hearing:

Notice of Public Hearing on the application for the City of Star Council was published in accordance with the requirements of Title 67, Chapter 65, Idaho Code and the Star Unified Development Code on August 5, 2021 & December 22, 2021. Notice of this public hearing was mailed to property owners within three-hundred feet (300') of the subject property in accordance with the requirements of Title 67, Chapter 65, Idaho Code and Star Unified Development Code on August 2, 2021 & December 21, 2021. Notice was sent to agencies having jurisdiction in the City of Star on May 10, 2021. The property was posted in accordance with the Star Unified Development Code on August 6, 2021 & December 30, 2021.

D. *History of Previous Actions:*

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

E. *Comprehensive Plan Land Use Map and Zoning Map Designations:*

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

F. *Development Features.*

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

G. Existing Site Characteristics:

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/ Creason Lateral Association
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.

H. *Agencies Responding:*

The following agencies responded, and correspondence was attached to the staff report.

ITD	January 11, 2022
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

I. Staff received the following letters & emails for the development:

Email from Mark Phillips regarding water development plans associated with Eureka Water Company/Creason Lateral Association.

J. *Comprehensive Plan and Unified Development Code Provisions:*

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:

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.

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.

<u>ZONING DISTRICT USES (RESIDENTIAL)</u>		A	R-R	F
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
<u>ZONING DISTRICT USES (MIXED-USE)</u>		MU		
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		

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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			
	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).
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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. Parkway 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.

8-1B-1C ANNEXATION/REZONE FINDINGS:

1. The map amendment complies with the applicable provisions of the Comprehensive Plan.
The Council finds that 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 finds that this annexation is in compliance with the Comprehensive Plan.*
2. The map amendment complies with the regulations outlined for the proposed district, specifically, the purposes statement.
The Council finds that 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 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 finds that there is no indication from the material and testimony submitted that the rezoning 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 finds that the City 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. Emergency services were reviewed and mitigation recommended by the Star Fire District.

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

The Council finds the annexation request is reasonably necessary for the continued, orderly development of the City.

8-6A-7: PRELIMINARY PLAT FINDINGS:

1. The plat is in conformance with the Comprehensive Plan;

The Council finds that the Preliminary Plat, as approved and conditioned meets all requirements associated with Section 8-6A-3 of the UDC and is consistent with the Comprehensive Plan and will meet the intent of the Land Use designation. Further, the property is required to develop under the guidelines of the Comprehensive Plan and requirements of the Unified Development Code.

2. Public Services are available or can be made available and are adequate to accommodate the proposed development;
The Council finds that Agencies having jurisdiction on this parcel were notified of this action. The City has not received notice that public services are not available or cannot be made available for this development. Emergency services were reviewed and mitigation recommended by the Star Fire District.
3. There is public financial capability of supporting services for the proposed development;
The Council finds that the City has not received notice from any jurisdictional agency that there are any problems with public financial capability for this development.
4. The development will not be detrimental to the public health, safety or general welfare;
The Council finds that the City has not been made aware of any known detriment that will be caused by this development. Residential uses are a permitted use and are compatible with other residential uses in the immediate area.
5. The development preserves significant natural, scenic or historic features;
The Council finds that there are no known natural, scenic, or historic features that have been identified with this Preliminary Plat. The property has been in previous agricultural production.

Public Hearing of the Council:

- a. A public hearing on the application was heard by the City Council on January 11, 2022, at which time testimony was heard and the public hearing was closed. The City Council made their decision at that time.
- b. Oral testimony regarding the application was presented to the City Council by:
 - Debra Nelson
 - Teller Bard
 - Michael Keyes
 - Pete Aldrich
 - Doug Perry
- c. Written testimony in favor of or opposing the application was presented to the City Council at the hearing by:
None

Deliberations and Conclusions of Law:

The Council reviewed the particular facts and circumstances of this proposed annexation and zoning and preliminary plat application in accordance with the City of Star Title 8 (Unified Development Code), deliberated on the matter, resulting in review of the record, including the staff report, and discussions on the rezoning and platting of the development. Review and discussion included development layout, access and street configuration, setbacks, open space, pathways and landscaping. The Council concluded that the Applicant's request meets the requirements for annexation and preliminary plat. Council hereby incorporates the staff report dated January 11, 2022, together with the hearing minutes into the official decision as part of these Findings of Fact, Conclusions of Law.

Statement of Compliance:

Council finds the Applicant has met all requirements of the Unified Development Code and the intent and purpose of the Comprehensive Plan and Map requirements.

Council added to the Preliminary Plat application and Development Agreement the following conditions of approval to their decision to approve the applications to include the following:

- 7' Sidewalks shall be constructed along Joplin Road and Star Road, or bonded for through ACHD
- All streets within the development shall have minimum 36' roadway widths.
- Coordinate with Star Sewer and Water District and the Aldrich property on a sewer stub
- The following uses are approved as principally permitted in the Mixed-Use zone:
 - Shopping/Retail
 - Professional Office
 - Restaurant/Drive-Thru
- Commercial uses shall be disclosed within the CC&R's regarding lights, noise and operation.

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 not exceed \$1,630 per lot. 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 at least one, 2" maximum (High Density Polyethylene) HDPE SDR-11 roll pipe/conduit in the joint utility trench to be used for future fiber optic and/or copper telecommunication cables.**

Council Decision:

The Council voted 4-0 to approve the Annexation, Development Agreement and Preliminary Plat for Oaklawn Crossing Subdivision on January 11, 2022.

Dated this 15th day of February 2022.

Star, Idaho

By: _____
Trevor A. Chadwick, Mayor

ATTEST:

Jacob M. Qualls, City Clerk

FINDINGS OF FACT AND CONCLUSIONS OF LAW
LANGTREE BUNGALOWS SUBDIVISION
FILE NO. AZ-21-11/DA-21-16/PP-21-15/PR-21-08

The above-entitled Annexation, Development Agreement, Preliminary Plat and Private Street land use application came before the Star City Council for their action on January 18, 2022, at which time public testimony was taken and the public hearing was closed. The Star City Council, having requested and taken oral and written testimony, and having duly considered the matter, does hereby make the following Findings of Fact and Conclusions of Law.

Procedural History:

A. Project Summary:

The Applicant is seeking approval of an Annexation and Zoning (R-4), a Development Agreement, a Preliminary Plat and a Private Street for a proposed residential subdivision consisting of 103 residential lots and 21 common lots/common drive lots. The property is located at 9670 and 10090 W. Floating Feather Road in Star, Idaho, and consists of 27.09 acres with a proposed density of 3.8 dwelling units per acre. This application was originally heard by Council on October 5, 2021 and tabled to November 16, 2021. The applicant then requested the application to be tabled to January 18, 2022.

B. Application Submittal:

A neighborhood meeting was held on April 19, 2021, in compliance with the application submittal requirement of the Star Unified Development Code (Section 8-1 A-6 C). The Land Use application was deemed complete on June 17, 2021.

C. Notice of Public Hearing:

Notice of Public Hearing on the application for the City of Star Council was published in accordance with the requirements of Title 67, Chapter 65, Idaho Code and the Star Unified Development Code on September 16, 2021. Notice of this public hearing was mailed to property owners within three-hundred feet (300') of the subject property in accordance with the requirements of Title 67, Chapter 65, Idaho Code and Star Unified Development Code on September 14, 2021. Notice was sent to agencies having jurisdiction in the City of Star on June 17, 2021. The property was posted in accordance with the Star Unified Development Code on September 17, 2021.

D. History of Previous Actions:

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

E. *Comprehensive Plan Land Use Map and Zoning Map Designations:*

	Zoning Designation	Comp Plan Designation	Land Use
Existing	Rural Urban Transition (RUT)	Neighborhood Residential	Single Family Residential/Agricultural
Proposed	R-4-DA	Neighborhood Residential	Single Family Residential
North of site	Rural Urban Transition (RUT) County Residential (R-3)	Neighborhood Residential	Single Family Residential/Agricultural/Star Middle School
South of site	Residential (R-2) Rural Urban Transition (RUT) County	Neighborhood Residential	Single Family Residential/Agricultural
East of site	Residential (R-3)	Neighborhood Residential	Single Family Residential/Agricultural/Approved Welton Estates
West of site	Residential (R-3-DA) Rural Urban Transition (RUT)	Neighborhood Residential	Single Family Residential/Agricultural Colt Place Subdivision

F. *Development Features:*

ANNEXATION & REZONE:

The annexation and zoning request of Residential (R-4) on the applicant's property will allow for the subdivision of the property to develop with urban densities that will be consistent with the current Comprehensive Plan Map. The overall gross density of the proposed development is 3.80 dwelling units per acre. The current Comprehensive Plan Land Use Map designates this property as Neighborhood Residential, with an anticipated density of 3 to 5 dwelling units per acre. The requested density is within this designation. The requested zoning designation and density meets the intent of the Comprehensive Plan.

PRELIMINARY PLAT & PRIVATE STREET:

The application submitted is for an age restricted, private, gated community, regulated by restrictive CC&R's. The Preliminary Plat submitted contains 103 residential lots, 17 common lots, 4 common drive lots and 1 private road lot for a total of 125 lots with a density of 3.80 dwelling units per acre. The buildable, residential lots range in size from 5,202 square feet to 15,625 square feet with an average buildable lot of 6,841 square feet. The applicant has indicated that the development will contain a total of 4.43 acres (15.4%) of open space. The applicant states that useable open space, not including street buffers and endcaps equal 3.67 acres (13.55%)

exceeding the requirement for usable open space in the current Unified Development Code, Section 8-4E-2. The development will be accessed from a single ingress/egress off W. Floating Feather Road. An emergency access is proposed at the far north end of the development that will connect through the Star Acres Subdivision lot owned by the applicant. This access shall have appropriate traffic control devices as approved by the Star Fire District to prevent full time access to the north. The applicant states they have worked out an emergency access agreement with the property owner to the east to allow a secondary access through a common driveway.

Internal streets are proposed to be private and proposed to measure 33 feet from back of curb to back of curb with a right of way of 47 feet. This does not satisfy Section 8-4D-34B (4) of the UDC which calls for roads to be 36 feet from back of curb to back of curb in a 50 foot right of way. The applicant is requesting a reduction in the width of the roadway.

The development will have a thirty (30) foot buffer along Floating Feather Road with a minimum of five (5) feet high berm/fence satisfying the Unified Development Code section 8-8C-2, J4b. There will also be a five (5) foot detached sidewalk along Floating Feather which will satisfy section 8-4A-17 of the UDC.

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 central park with a clubhouse, pickleball court, connected pathways throughout the development and if approved by the irrigation district, a pathway along the canal that bisects the property. There is also a 2.7-acre park in the northwest corner of the property.

ADDITIONAL DEVELOPMENT FEATURES:

- Sidewalks
Applicant is proposing five (5) foot wide attached sidewalks 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 not submitted a streetlight plan. The applicant has not provided a streetlight design/cut sheet with the application, this will be required and must be approved by Staff before final plat approval.**
- Street Names
Applicant has provided verification from Ada County that the proposed street names have been approved. There were changes required of the applicant and all changes are reflected on the submitted preliminary 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 landscape plan as submitted appears to meet the requirements for trees in the street buffer along W. Floating Feather Road and the common open area.
- School Pathway Lot– The City had requested that the Applicant provide a 6-foot common lot along the eastern boundary of the subdivision to allow for the future school pathway from W. Floating Feather Road to the Star Middle School. The Welton Estates Subdivision to the east has also provided a 6-foot lot for the other half of the future pathway. The submitted preliminary plat indicates Lot 42 as that common lot. Staff is requiring that the lot be dedicated to the City of Star at final plat and that the lot be extended through Lot 68 and to the southeast corner of the development. Staff is also recommending that rear lot fencing along the future pathway common lot be open style fencing to enhance student safety on the pathway.
- Setbacks – Client is requesting a front set back of ten (10) feet to living area, as opposed to the fifteen (15) feet in the R-4 code. All other setbacks in the R-4 zoning district shall be met.
- Mailbox Cluster – Star Postmaster, Mel Norton, has authorized the mailbox cluster to be placed on the east side of the main entry in front of the gate and facing N. Langtree Lane. This letter is part of the applicant packet.

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;
- Private Road Maintenance;
- Private Road Study Every Three (3) Years;
- Fencing and Berming Adjacent to Existing Neighborhoods

- Fencing along School Pathway
- Dedication of Pathway Lot to the City
- Emergency Access/Easements
- Future Development

G. Existing Site Characteristics:

Existing Site Characteristics: The property is currently in agricultural use with a single-family home and outbuildings.

Irrigation/Drainage District(s): - Middleton Irrigation Association, Inc.
Middleton Mill Ditch Company
PO Box 848
Middleton, ID 83644

Flood Zone: A small portion of the eastern edge of the property is in a Special Flood Hazard Area. The rest of the parcel is NOT located in a Special Flood Hazard Area.

FEMA FIRM Panel: 16001C0130J

FIRM Effective Date: 06/19/2020

Flood Zone: Zone A

LOMR 20-10-1292P has been filed with FEMA and becomes effective on October 14, 2021 that will remove this portion of the development from the Special Flood Hazard Area.

Special On-Site Features:

- ✧ Areas of Critical Environmental Concern – No known areas.
- ✧ Evidence of Erosion – No known areas.
- ✧ Fish Habitat – No known areas.
- ✧ Mature Trees – Yes, Mitigation is TBD.
- ✧ Riparian Vegetation – No known areas.
- ✧ Steep Slopes – No.
- ✧ Stream/Creek – None.
- ✧ 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.
- ✧ Wildlife Habitat – No wildlife habitat has been developed or will be destroyed.
- ✧ Historical Assets – No historical assets have been observed.

H. Agencies Responding:

The following agencies responded, and correspondence was attached to the staff report.

Keller and Associates

July 13, 2021; Follow up Letter Pending

ITD	October 1, 2021
ACHD	August 11, 2021
DEQ	June 25, 2021
Star Fire District	September 23, 2021
Ada County Dev. Services	June 18, 2021
Central Dist. Health	June 25, 2021
ID Dept. Water Resources	June 21, 2021

I. Staff received the following letters & emails for the development:

Mo Haws
 John Ford
 Ann Kuck
 John Northrup
 Robert Fehlau
 Petition from Neighbors

J. *Comprehensive Plan and Unified Development Code Provisions:*

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.

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:

- Manage urban sprawl in order to minimize costs of urban services and to protect rural areas.

- Retain and encourage rural areas where it will not result in increased costs for urban service.
- 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
- C. Site layout within the Special Transition Overlay Area is to provide for a transition in density and lot sizing. Base densities may be significantly reduced or home sites may be clustered to increase open space within a portion of a site when property is within this overlay.

8.5.4 Policies 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. This may include new abutting lots to be one acre in size or may include buffering.
- 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 may exist and may include clustering of the urban lots in order to provide an open space area avoiding urban lots directly abutting Special Transition Overlay Area lots, or may include the provision of a buffer strip avoiding urban lots directly abutting Special Transition Overlay Area lots, or may include setbacks within the urban lots similar to the Special Transition Overlay Area lots directly abutting, or may include the provision of one half to one acre size lots directly abutting the 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.
- Encourage landscaping to enhance the appearance of subdivisions, structures, and parking areas.
- Require more open space and trees in subdivisions.
- 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.
- The City should utilize the 2018 Treasure Valley Tree Selection Guide when requiring trees within developments.

18.4 Implementation Policies:

- E. 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.

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.

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.

<u>ZONING DISTRICT USES</u>	A	R-R	R
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-3: USES WITHIN ZONING DISTRICTS

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

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-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'

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.

8-4D-3: STANDARDS (PRIVATE STREETS):

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 through a Planned Unit Development or Development Agreement.

B. Construction Standards:

1. Obtain approval from the county street naming committee 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 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 one side of the street in commercial districts. This requirement may be waived if the applicant can demonstrate that an alternative pedestrian path exists.
6. 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.
7. 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 Road 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 road 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 road 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 road 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 (PRIVATE STREETS):

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.

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.

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.

E. Maintenance:

1. All common open space and site amenities shall be the responsibility of an owners' association for the purpose of maintaining the common area and improvements thereon.

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.

8-3B-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.

8-1B-1C ANNEXATION/REZONE FINDINGS:

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

The Council finds that 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 finds that this annexation is in compliance with the Comprehensive Plan.

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

The Council finds that 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.

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

The Council finds that there is no indication from the material and testimony submitted that the rezoning 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 finds that the City 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. Emergency services were reviewed and mitigation recommended by the Star Fire District.

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

The Council finds the annexation request is reasonably necessary for the continued, orderly development of the City.

8-6A-7: PRELIMINARY PLAT FINDINGS:

1. The plat is in conformance with the Comprehensive Plan;
The Council finds that the Preliminary Plat, as approved and conditioned meets all requirements associated with Section 8-6A-3 of the UDC and is consistent with the Comprehensive Plan and will meet the intent of the Land Use designation. Further, the property is required to develop under the guidelines of the Comprehensive Plan and requirements of the Unified Development Code.
2. Public Services are available or can be made available and are adequate to accommodate the proposed development;
The Council finds that Agencies having jurisdiction on this parcel were notified of this action. The City has not received notice that public services are not available or cannot be

made available for this development. Emergency services were reviewed and mitigation recommended by the Star Fire District.

3. There is public financial capability of supporting services for the proposed development;
The Council finds that the City has not received notice from any jurisdictional agency that there are any problems with public financial capability for this development.
4. The development will not be detrimental to the public health, safety or general welfare;
The Council finds that the City has not been made aware of any known detriment that will be caused by this development. Residential uses are a permitted use and are compatible with other residential uses in the immediate area.
5. The development preserves significant natural, scenic or historic features;
The Council finds that there are no known natural, scenic, or historic features that have been identified with this Preliminary Plat. The property has been in previous agricultural production.

8-4D-4: PRIVATE STREET FINDINGS:

- A. The design of the private street meets the requirements of this article;
Council finds that the proposed private street meets the design standards in the Code.
- 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:
Council finds that it has not been presented with any facts stating this private road will cause damage, hazard or nuisance, or other detriment to persons, property or uses in the vicinity.
- C. The use and location of the private street shall not conflict with the comprehensive plan and/or the regional transportation plan.

Council finds that the use is not in conflict with the comprehensive plan and/or regional transportation plan.

Public Hearing of the Council:

- a. A public hearing on the application was heard by the City Council on January 11, 2022, at which time testimony was heard and the public hearing was closed. The City Council made their decision at that time.
- b. Oral testimony regarding the application was presented to the City Council by:
 - Debra Nelson

- Josh Jantz
- Ron Walsh
- Patrick Drake
- Maryanne Saunders
- Russell Jensen
- Mo Haws
- Bob Fehlau
- Kurt Krause
- Carol Ward
- John Northrop
- Maxine McCombs
- Geoff Bauchman
- Katy Slater
- Michael Keyes
- Joe Pachner

c. Written testimony in favor of or opposing the application was presented to the City Council at the hearing by:

None

Deliberations and Conclusions of Law:

The Council reviewed the particular facts and circumstances of this proposed annexation and zoning, preliminary plat application in accordance with the City of Star Title 8 (Unified Development Code), deliberated on the matter, resulting in review of the record, including the staff report, and discussions on the annexation and zoning and platting of the development. Review and discussion included development layout, access and street configuration, setbacks, open space, pathways, landscaping, and transitional lots. The Council concluded that the Applicant's request meets the requirements for annexation and preliminary plat. Council hereby incorporates the staff report dated October 5, 2021, together with the hearing minutes into the official decision as part of these Findings of Fact, Conclusions of Law.

Statement of Compliance:

Council finds the Applicant has met all requirements of the Unified Development Code and the intent and purpose of the Comprehensive Plan and Map requirements.

Council added to the Preliminary Plat application and Development Agreement the following conditions of approval to their decision to approve the applications to include the following:

- Provide emergency access to the east to connect to Welton Estates Subdivision
- All streets shall be a minimum 36' in width

- Relocate pickleball court out of natural area and to the eastern side of the common lot
- Provide a loop trail in the natural park area and provide with a natural pathway surface
- Provide minimum ½ acre lots or open space along the northern boundary of the subdivision
- Development is limited to a maximum density of 3.2 dwelling units per acre
- Lots along the western boundary shall match lot lines with the existing Colt Place Subdivision
- Provide concrete pathway to the school along the entire eastern boundary of the northern portion of the development
- Provide 7' sidewalk on Floating Feather Road, subject to ACHD approval

Conditions of Approval:

1. The approved Preliminary Plat for the Langtree Bungalows Subdivision shall comply with all statutory requirements of applicable agencies and districts having jurisdiction in the City of Star.
2. **All private streets shall have a minimum street width of 36' and shall be constructed to ACHD standards unless a reduced width is approved by Council.**
3. 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. 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.
4. **Applicant shall satisfy all ACHD requirements prior to issuing building permits.**
5. 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 any building permits being issued.** Design shall follow Code with requirements for light trespass and "Dark Skies" lighting. **Applicant/Owner shall submit a streetlight design/cut sheet for approval by city staff prior to Final Plat approval.**
6. Street trees shall be installed per Chapter 8, including Section 8-8C-2-M(2) Street Trees including one (1) tree per thirty-five (35) linear feet.
7. **A revised landscape plan shall be submitted to the City showing open style fencing along the eastern back yards of all lots adjacent to school pathway lot prior to approval of the Final Plat.**
8. Common area trees shall be provided as stated in Section 8-8C-2, J5, including one (1) tree per four thousand (4,000) square feet.
9. The property with the approved Preliminary Plat shall be satisfactorily weed abated, preventing a public nuisance, per Star City Code.

10. The entrance to W. Floating Feather Road shall be cleaned nightly to include dirt, dust, rocks, mud, and other debris. All trash shall be secured on site and trash receptacles emptied on a regular basis to avoid blowing debris.
11. During the entire construction process, dust from the site must be minimized as much as possible. Water trucks should be used as appropriate. Excess dust could result in fines and or work stoppage.
12. All signed Irrigation District Agreements with the Irrigation Districts shall be provided to the City of Star with each subsequent Final Plat application.
13. 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.
14. **The Applicant/Owner shall submit a private street maintenance plan, including future funding, in compliance with Section 8-4D-3C of the UDC, with the submittal of the final plat application.**
15. A plat note supporting the "Right to Farm Act" as per Idaho Code Title 22, Chapter 45, shall be shown on the Final Plat.
16. A copy of the CC&R's shall be submitted to the City of Star at Final Plat.
17. 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.
18. 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.
19. 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.
20. All common areas shall be owned and maintained by the Homeowners Association.
21. 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.**
22. A sign application is required for any subdivision signs.
23. **Owner/Developer will agree to install at least one, 2" maximum (High Density Polyethylene) HDPE SDR-11 roll pipe/conduit in the joint utility trench to be used for future fiber optic and/or copper telecommunication cables.**

Council Decision:

The Council voted 3-1 to approve the Annexation, Development Agreement, Preliminary Plat and Private Streets for Langtree Bungalows Subdivision on January 18, 2022.

Dated this 15th day of February 2022.

Star, Idaho

By: _____
Trevor A. Chadwick, Mayor

ATTEST:

Jacob M. Qualls, City Clerk

**FINDINGS OF FACT AND CONCLUSIONS OF LAW
UNION STREET/STATE STREET REZONE
FILE NO. RZ-21-07/DA-21-25**

The above-entitled Rezone and Development Agreement land use application came before the Star City Council for their action on February 1, 2022, at which time public testimony was taken and the public hearing was closed. The Star City Council, having requested and taken oral and written testimony, and having duly considered the matter, does hereby make the following Findings of Fact and Conclusions of Law.

Procedural History:

A. Project Summary:

The Applicant is seeking approval of a Rezone (C-1 to CBD), a Development Agreement, and a Zoning Certificate for a proposed commercial use consisting of 4,000 square foot retail building. The property is located on the northwest corner of N. Union Street and W. State Street in Star, Idaho, and consists of .48 acres. The subject property is generally located on the north side of W. State Street, approximately 600 feet west of N. Star Road. Ada County Parcel No's. R8108000528 & R8108000526.

B. Application Submittal:

A neighborhood meeting was held on November 3, 2021, in compliance with the application submittal requirement of the Star Unified Development Code (Section 8-1 A-6 C). The Land Use application was deemed complete on December 9, 2021.

C. Notice of Public Hearing:

Notice of Public Hearing on the application for the City of Star Council was published in accordance with the requirements of Title 67, Chapter 65, Idaho Code and the Star Unified Development Code on January 13, 2022. Notice of this public hearing was mailed to property owners within three-hundred feet (300') of the subject property in accordance with the requirements of Title 67, Chapter 65, Idaho Code and Star Unified Development Code on January 10, 2022. Notice was sent to agencies having jurisdiction in the City of Star on December 9, 2021. The property was posted in accordance with the Star Unified Development Code on January 12, 2022.

D. History of Previous Actions:

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

E. *Comprehensive Plan Land Use Map and Zoning Map Designations:*

	Zoning Designation	Comp Plan Designation	Land Use
Existing	Commercial C-1	Central Business District	Vacant – Pasture
Proposed	Central Business District (CBD)	Central Business District	Commercial, Retail
North of site	Residential (R-8)	Central Business District	Single Family Residential
South of site	Commercial C-2	Central Business District	Vacant
East of site	Central Business District (CBD)	Central Business District	Single Family Residential
West of site	Residential (R-8)	Central Business District	Single Family Residential

F. *Development Features.***REZONE & POTENTIAL LAND USES:**

The rezone from Commercial (C-1) to Central Business District (CBD) will allow for the property zoning to be consistent with the Comprehensive Plan and provide the applicant with the ability to market the property for commercial uses intended to be located within the Central Business District. At this time, the applicant states that an end user has potentially been determined. The rezone will allow the property as much flexibility as possible for the applicant to attract potential businesses. Future uses would be subject to additional review from the City, either as a Conditional Use Permit or as a Certificate of Zoning Compliance staff review.

ADDITIONAL ITEMS FOR CONSIDERATION:**Site Development Plan:**

Streetlights - All future lighting, including streetlights and parking lot lighting will need to be reviewed by staff and will be required to meet all Dark Sky lighting standards that may apply.

Sidewalks - With the surrounding properties also in the Central Business District and future development anticipated along W. State Street, providing safe pedestrian access and circulation to existing sidewalks through the Central Business District is a priority. Staff will require sidewalks be completed as part of any future development.

Fire -The Star Fire District has not provided a review of this rezone request. Any new use will be required to meet all requirements of the District regarding access and safety.

Land Uses – Specific land uses have not been proposed by the applicant as part of this application request. Future uses will need to be evaluated by staff , using the most current

zoning ordinance, to determine if additional Council approval is necessary. This would be the case for any requested conditional uses in the CBD zone.

G. Existing Site Characteristics:

Existing Site Characteristics: The property is currently vacant.

Irrigation/Drainage District(s): N/A

Flood Zone This property is not currently located in a Flood Hazard Area.
FEMA FIRM Panel Number: 16001C0130J
Effective Date: 6/19/2020

Special On-Site Features:

- ✧ Areas of Critical Environmental Concern – No known areas.
- ✧ Evidence of Erosion – No known areas.
- ✧ Fish Habitat – No known areas.
- ✧ Mature Trees – Yes.
- ✧ Riparian Vegetation – No known areas.
- ✧ Steep Slopes – None.
- ✧ Stream/Creek – None.
- ✧ 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.
- ✧ Wildlife Habitat – No wildlife habitat has been developed or will be destroyed.
- ✧ Historical Assets – No historical assets have been observed.

H. Agencies Responding:

The following agencies responded, and correspondence was attached to the staff report.

Keller and Associates	January 25, 2022
ACHD	January 18, 2022

I. Staff received the following letters & emails for the development:

No responses have been received from the public at this time.

J. Comprehensive Plan and Unified Development Code Provisions:

Comprehensive Plan:

8.2.3 Land Use Map Designations:

Central Business District

The Central Business District is planned to be a vibrant downtown center for the community. Uses encouraged are commercial, retail, civic, private offices, and entertainment. High density housing is encouraged on the upper floors of mixed-use buildings and at the fringes of the land use designation. Developments in this district are to place an emphasis on pedestrian and bicycle access and compatibility.

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.
- Work to create a vibrant Central Business District.
- Require the conservation and preservation of open spaces and public access to the Boise River and BLM lands and interconnected pathways to be open to the public in new developments.
- Encourage commercial development that is consistent with a family friendly fee, not overburdening the community with big box and franchise uses and discourage development of strip commercial areas.

8.5.5 Policies Related Mostly to the Central Business District Planning Areas:

- A. The CBD zoning district should allow for a mix of commercial, office, institutional, and civic type uses with specific provisions for residential use in appropriate locations with compatible densities.
- B. High density residential is suitable within the CBD in mixed use buildings with commercial or office type uses on the first floor and high density residential on upper floors.

8.5.9 Additional Land Use Component Policies:

- Encourage flexibility in site design and innovative land uses.
- Encourage landscaping to enhance the appearance of subdivisions, structures, and parking areas.
- 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.
- The City should utilize the 2018 Treasure Valley Tree Selection Guide when requiring trees within developments.

18.4 Implementation Policies:

E. 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.

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.

Section 8-3A-1 - ZONING DISTRICTS AND PURPOSE ESTABLISHED

District	Purpose
Central Business District (CBD)	To provide for commercial, retail, civic, office, and entertainment uses. High density housing is encouraged on the upper floors of mixed-use buildings and at the fringes of the land use designation shown on the comprehensive plan. 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.
Development Agreement (DA)	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.

TABLE 8-3A-3 - USES WITHIN ZONING DISTRICTS

Zoning District Uses	CBD	C-1
Bar/tavern/lounge/drinking establishment	P	C
Drive-through establishment/drive-up service window	P	P

Restaurant	P	C
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Notes:

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

8-3A-4 Zoning District Dimensional Standards for Central District (CBD):

Dimensional Standards	C-1	C-2	L-O	CBD
Front Setback	0'	0'	20'	0'
Rear Setback	20'	20'	20'	0'
Interior Side Setback	0'	0'	0'	0'
Street Side Setback	20'	20'	20'	0'
Maximum Building Height	35'	35'	35'	35'
Parking Requirements	See Chapter 4, Article B , "Off Street Parking And Loading Requirements", of this title			
Landscape Requirements	See Chapter 4, Article D , "Landscaping Requirements", of this title			

8-1B-1C REZONE FINDINGS:

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

The Council finds that 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 finds that this rezone is in compliance with the Comprehensive Plan.

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

The Council finds that that the proposal complies with the proposed district and purpose statement. The purpose of the central business district is to provide for commercial, retail, civic, office, and entertainment uses.

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

The Council finds that there is no indication from the material and testimony submitted that the rezoning 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 finds that the City 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. Emergency services were reviewed and mitigation recommended by the Star Fire District.

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

The Council finds the annexation request is reasonably necessary for the continued, orderly development of the City.

Public Hearing of the Council:

a. A public hearing on the application was heard by the City Council on January 11, 2022, at which time testimony was heard and the public hearing was closed. The City Council made their decision at that time.

b. Oral testimony regarding the application was presented to the City Council by:

- Jeff Likes

c. Written testimony in favor of or opposing the application was presented to the City Council at the hearing by:

None

Deliberations and Conclusions of Law:

The Council reviewed the particular facts and circumstances of this proposed rezone in accordance with the City of Star Title 8 (Unified Development Code), deliberated on the matter, resulting in review of the record, including the staff report, and discussions on the rezoning of the property. Review and discussion included development layout, access and street configuration, setbacks, building elevations and landscaping. The Council concluded that the

Applicant's request meets the requirements for rezone. Council hereby incorporates the staff report dated February 1, 2022, together with the hearing minutes into the official decision as part of these Findings of Fact, Conclusions of Law.

Statement of Compliance:

Council finds the Applicant has met all requirements of the Unified Development Code and the intent and purpose of the Comprehensive Plan and Map requirements.

Council added to the Development Agreement the following conditions of approval to their decision to approve the application to include the following:

- Provide future cross-access to the west in the form of an easement
- Coordinate with ITD on location of sidewalk on State Street
- Council approves a 4-parking space reduction as allowed in the CBD

Council Decision:

The Council voted 3-0 to approve the Rezone for Union Street/State Street Rezone on February 1, 2022.

Dated this 15th day of February 2022.

Star, Idaho

By: _____
Trevor A. Chadwick, Mayor

ATTEST:

Jacob M. Qualls, City Clerk

January 11, 2022

The Honorable Trevor Chadwick, Mayor
City of Star
10769 W State Street
Star, ID 83669

RE: Reimbursement Agreement for the Safe Routes to School Pathway on Floating Feather Road to Star Middle School Project Development Project

Dear Mayor Chadwick:

This letter serves as the Agreement between the City of Star (Star) and Community Planning Association of Southwest Idaho (COMPASS) for reimbursement of consultant costs in excess of \$25,000 for the Safe Rates to School pathway on Floating Feather Road to Star Middle School Project Development Project (the Project).

COMPASS and Star staff worked with the selected consultant, Alta Planning + Design, to develop the scope of work for the project, attached as Attachment 1. The total, not-to-exceed cost of the Project is \$35,000.00. At the January 11, 2022, meeting, the COMPASS Executive Committee approved the Project for funding at this level.

Alta Planning + Design will issue invoices to COMPASS, detailing work completed by task, as described in Attachment 1. COMPASS is responsible for the first \$25,000.00 in costs. COMPASS will invoice Star for reimbursement of actual amounts paid to Alta Planning + Design for the Project in excess of \$25,000.00, up to the not-to-exceed amount of \$35,000.00 for the Project. COMPASS will provide Star copies of the paid Alta Planning + Design invoices in support of COMPASS' requests for reimbursement. Reimbursement requests to Star from COMPASS shall not exceed \$10,000.00.

This letter, with Attachment, constitutes the entire agreement. This agreement expires on September 30, 2022.

If you have any questions, please contact Toni Tisdale at 208-475-2238 or ttisdale@compassidaho.org.

Sincerely,



Matthew J. Stoll
Executive Director

Accepted: Reimbursement Agreement for the for the Safe Rates to School pathway
on Floating Feather Road to Star Middle School Project Development Project

Mayor Trevor Chadwick City of Star	Date
---------------------------------------	------

Attachment 1: Scope of Work, Alta Planning + Design

Attachment 1

Scope of Work

Safe Routes to School Pathway Scope of Work

Project Description

CONTRACTOR will produce a pre-concept report for a Safe Routes to School pathway on Floating Feather Road along the west side of the cemetery to Star Middle School. The intent of the project is to create a safe walking route for Star students and community members.

Task 1: Project Team Coordination

- 1.1 Identify additional agency stakeholders to add to the Project Team as the project progresses.
- 1.2 Coordinate with COMPASS to conduct Project Team meetings (this task assumes up to three project coordination meetings)
 - Kickoff meeting (COMPASS to arrange)
 - Review the alternatives identified in Task 3.4 with the Project Team
 - Review the Initial and Revised Draft Pre-Concept Reports with the Project Team

Task 2: Project Supervision

- 2.1 Provide detailed monthly progress reports (this task assumes up to seven monthly progress reports)
 - Summary of period's activities
 - Tasks completed
 - Status of tasks not yet completed
 - Any issues with Task Order budget or schedule
- 2.2 Submit invoices to COMPASS (supported by 2.1)
 - Itemized staff time by task

Task 3: Project Concept Development and Draft Report Information

Tasks 3 through 6 must be included in the Pre-Concept Report specified in Task 8. The Pre-Concept Report must follow the format specified below, and the items in the report must appear in the report in the order listed. This task includes the work necessary to develop each element of the Pre-Concept Report.

- 3.1 Prepare project summary
 - One-page description that includes purpose and need, goals, cost, and schedule; this summary will be at the beginning of the Pre-Concept Report
 - Brief one-paragraph summary to be used in the Transportation Improvement Program

3.2 Complete a project description

- Statement of why Project Development was needed for this project
- Statement of the Scope of Work completed by the CONTRACTOR
- Assumptions
- Existing conditions in the project area
 - Land Use
 - Safety/Crash History
 - Traffic
 - Bike/Ped
 - Transit
 - Utilities and Irrigation
- Regional/network connections
- Comprehensive purpose and need description for grant narrative
 - Benefits expected
 - Evidence problem exists
 - Applicable strategic goals and performance measures re: *Communities in Motion 2040 2.0*
 - Consistency with existing plans and documents

3.3 Identify and evaluate project constraints

- Coordination with ACHD
- Coordination with developers adjacent to project area
- Coordination with Star Cemetery – easement provided along western property line
- Coordination with Star Middle School’s principal and school resource officer
- Coordination with Foothill Ditch

3.4 Define and recommend alternatives

- Description/configuration of alternatives considered
- Analysis and preferred alternative selection
 - Description of selection process
 - Justification for preferred alternative(s)
- Description and details of preferred alternative(s)
 - Configuration details
 - Safety improvements
 - Bicycle/pedestrian features

3.5 Assess right-of-way/easements needed

- Detailed description for each location
- Right-of-way/easement needs summary table
 - Location
 - Area (length and width)
 - Parcels involved
 - Estimated costs
 - Land value
 - Relocations

3.6 Environmental scan summary

- 3.7 Project stakeholders
- 3.9 Summary of public involvement plan to be used in the design phase
- 3.10 Project schedule and milestones, including future phases
- 3.11 Summary cost estimate(s) in federal dollars
- 3.12 Potential funding sources
- 3.13 Maps, sketches, and other images as appropriate throughout report

Task 4: Environmental Scan

- 4.1 Summary for Pre-Concept Report, as stated in 3.6
- 4.2 Append complete Environmental Scan to Pre-Concept Report

Task 5: Public Involvement Plan

- 5.1 Summary for Pre-Concept Report, as stated in 3.8
- 5.2 Append complete Public Involvement Plan to Pre-Concept Report

Task 6: Cost Estimates

- 6.1 Include project costs and ongoing operations and maintenance
- 6.2 Insert summary into Pre-Concept Report, as stated in 3.10
- 6.3 Append detailed Cost Estimates to Pre-Concept Report
- 6.4 Create cost estimates for each phase, if applicable
- 6.5 Complete Idaho Transportation Department forms (1150 and 2435)

Task 7: Team Meetings

- 7.1 Develop agendas
- 7.2 Provide graphic display of alternatives under consideration
- 7.3 Generate other visual demonstrations as needed
- 7.4 Lead Project Team discussions
- 7.5 Summarize meetings
 - Discussions/Decisions
 - Assignments

- Next steps

Task 8: Pre-Concept Report

- 8.1 Provide initial draft (version 1) to COMPASS in both .pdf and Word format for initial review by the team.
- 8.2 Provide revised draft (version 2) to COMPASS in both .pdf and Word format for team review.
- 8.2 Submit completed Final (version 3) Pre-Concept Report to COMPASS in both .pdf and Word format for approval/acceptance no later than September 15, 2022.

COMPASS RESPONSIBILITIES

Serve as Project Manager

Assemble Project Team

Coordinate Project Team meetings and information flow

Distribute meeting agendas and summaries

Provide facility for meetings as needed

Provide aerial mapping and GIS data as needed

Review invoices and draft/final reports for content and compliance with Task Order

Distribute draft/final reports to Project Team for comments and input

Publish Final Report

Prompt responses to inquiries

City of Star RESPONSIBILITIES

Identify and provide stakeholder contact information for Project Team

Prompt responses to inquiries

LEGAL NOTICE PUBLIC HEARING

Notice is hereby given that the Star City Council will hold a Public Hearing on **January 18, 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 for **Public Hearing instructions for Virtual Public Hearings if necessary.**

Application: Springtree Estates Subdivision
Files #'s AZ-21-16 Annexation-Zoning
DA-21-24 Development Agreement
PP-21-19 Preliminary Plat

Applicant/Representative: John Price, the Architects Office, PLLC, 499 W. Main St, Boise, ID 83702

Owner: Marianne Payne, P.O. Box 6964, Boise, ID 83707

Action: The Applicant is seeking approval of an Annexation and Zoning (RUT to R-3-DA), a Development Agreement, and Preliminary Plat for a proposed residential subdivision consisting of 14 residential lots and 2 common lots. The property is located at 9220 W. Beacon Light Road in Star, Idaho, and consists of 5 acres with a proposed density of 2.8 dwelling units per acre.

Property Location: The subject property is generally located on the northwest corner of N. Pollard Lane and W. Beacon Light Road. Ada County Parcel No. S0333334020.

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



CITY OF STAR

LAND USE STAFF REPORT

TO: Mayor & Council

FROM: City of Star – Planning & Zoning Department *Shawn T. Smith*

MEETING DATE: **February 15, 2022 – PUBLIC HEARING** (Tabled from 1-18-22)

FILE(S) #: AZ-21-16 Annexation and Zoning
DA-21-24 Development Agreement
PP-21-19 Preliminary Plat for Springtree Estates Subdivision

OWNER/APPLICANT/REPRESENTATIVE

Representative:

John Price
The Architects Office, PLLC
499 W. Main Street
Boise, Idaho 83702

Applicant/Property Owner:

Marianne Payne
P.O. Box 6964
Boise, Idaho 83707

REQUEST

Request: The Applicant is seeking approval of Annexation and Zoning (RUT to R-3-DA), a Development Agreement, and Preliminary Plat for a proposed residential subdivision consisting of 14 residential lots and 2 common lots. The property is located at 9220 W. Beacon Light Road in Star, Idaho, and consists of 5 acres with a proposed density of 2.8 dwelling units per acre.

PROPERTY INFORMATION

Property Location: The subject property is generally located on the northwest corner of N. Pollard Lane and W. Beacon Light Road. Ada County Parcel No. S0333334020.

Surrounding Land Use/Designations:

	Zoning Designation	Comp Plan Designation	Land Use
Existing	RUT (County)	Estate Residential	Agricultural/Residential
Proposed	R-3-DA	Estate Residential	Single Family Residential

North of site	RUT (County)	Estate Residential	Agricultural/Residential
South of site	Residential (R-2)	Neighborhood Residential	Single Family Residential/Proposed Rivercreek Landing Subdivision
East of site	Residential (R-2)	Estate Residential	River Birch Golf Course
West of site	Residential (R-3)	Estate Residential	Single Family Residential/Proposed Cresta Del Sol Subdivision

Existing Site Characteristics: The property currently has a single-family residential home with outbuildings and vacant ground.

Irrigation/Drainage District(s): Farmer's Union Ditch Company
P.O. Box 1474
Eagle, Idaho 83616

Flood Zone: This property is currently located in a Special Flood Hazard Area.
Flood Zone: Zone A
FEMA FIRM Panel Number: 16001C0130J
Effective Date: 6/19/2020

Special On-Site Features:

- ✧ Areas of Critical Environmental Concern – No known areas.
- ✧ Evidence of Erosion – No evidence.
- ✧ Fish Habitat – No.
- ✧ Floodplain – Yes.
- ✧ Mature Trees – None.
- ✧ Riparian Vegetation – No.
- ✧ Steep Slopes – None.
- ✧ Stream/Creek – None.
- ✧ 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	October 1, 2021
Neighborhood Meeting Held	September 15, 2021
Application Submitted & Fees Paid	September 21, 2021

Application Accepted	December 20, 2021
Residents within 300' Notified	December 21, 2021
Agencies Notified	December 21, 2021
Legal Notice Published	December 24, 2022
Property Posted	February 4, 2022

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.

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.

<u>ZONING DISTRICT USES</u>	A	R-R	Section 7, Item A.
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: COMMON OPEN SPACE AND SITE AMENITY REQUIREMENTS - 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 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.

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;

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:

Estate Residential

Suitable primarily for single family 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. A density bonus may be considered if open space is preserved, and land of at least 40% of additional preserved open space is developable.

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.

8.5.9 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 zoning application with a zoning designation of Residential (R-3-DA) on 5 acres . This zoning district would allow for a maximum residential density of 3 dwelling unit 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. The property will be accessed by a public road and 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 14 single family residential lots and 2 common area lots on 5.0 acres with a proposed density of 2.8 dwelling units per acre. The lots will have access and frontage from a public street. Lots will range in size from 8,363 square feet to 8,903 square feet with the average buildable lot being 8,535 square feet. The submitted preliminary plat is showing all local roads as public with paved streets measuring 36 feet from back of curb to back of curb. Primary access for the development will be from N. Pollard Road. Applicant is providing an emergency access on the southwest corner of the property to W. Beacon Light Road, with Fire District approval, this will provide two access point for the development. Sidewalks are proposed to be detached with a 5-foot, concrete sidewalk. Street names must be obtained by the Ada County Street Naming Committee prior to signature of the final plat. The applicant is proposing 2.47 acres (15%) of usable open space which satisfies the Unified Development Code.

The Unified Development Code, Section 8-4E-2 requires a development of this size to have a minimum of 1 site amenity. The applicant is proposing a pocket park with a walking path that will connect to a sidewalk along W. Beacon Light Road.

ADDITIONAL DEVELOPMENT FEATURES:

- 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 proposed streetlight plan. All proposed light locations satisfy City code. **Applicant has provided a streetlight design/cut sheet for City approval. The proposed fixture is not approved by the city. Applicant will be required to work with Staff and submit an updated cut sheet and design before signature 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 before the mylar can be signed.
- 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 appear to satisfy these requirements for the southwest common lot. Streets in the development do not show any street trees. These will need to be added once driveways are designed to receive occupancy permits.**
- Setbacks – The applicant is complying with the required setbacks of the R-3 zone, 5 feet per story on interior sides.
- Block lengths – All blocks meet the 750' block length requirement.
- Mailbox Cluster – Applicant has provided documentation from the Star Postmaster depicting the approved location for the mailbox cluster. Postmaster is authorizing a hitching post style mailbox on the west side of N. Pollard Road for the development.
- Phasing – The development is proposing to be built out in a single phase.
- Floodplain – The property is located in a Zone A SFHA. Base Flood Elevations will need to be established by the applicant and approved by the City Engineer/Flood Administrator prior to Final Plat approval.

DEVELOPMENT AGREEMENT

Through the Development Agreement process, the applicant is proposing to work with the City 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
- Future Development
- Private Street Option

AGENCY RESPONSES

DEQ	December 30, 2021
ACHD	January 13, 2022
Keller Associates as Floodplain Mgr.	February 8, 2022
Central District Health	December 21, 2021
Ada County Development Services	December 30, 2021
West Ada School District	January 14, 2022

PUBLIC RESPONSES

Geoffrey and Jessica Bauchman

STAFF ANALYSIS AND RECOMMENDATION

ACHD has responded to the application stating that a public street is not recommended due to the size of the subdivision with one roadway. Staff is also aware that the neighboring property owner to the north would not be in favor of the required ACHD stub street should the road be public. For these reasons, Staff is supportive of Council approving this development with a private street. If approved, Staff will place specific conditions of approval requiring a maintenance and funding agreement with the applicant.

Based upon the information provided to staff in the application 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 density of 2.8 dwelling unit per acre is within the range of 1-3 dwelling units per acre allowed in the Estate Residential Comprehensive Plan Future 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 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.
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 Springtree Estates 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 will calculate the fees and provide to the applicant and City. 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. **A Base Flood Elevation shall be completed and approved by the City Engineer/Floodplain Administrator prior to approval of the Final Plat.**
4. 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 work with staff and submit a streetlight design that meets city standards prior to Final Plat approval. Streetlights shall comply with the Star City Code regarding light trespass and "Dark Sky" initiative.**
5. The property with the approved Preliminary Plat shall be satisfactorily weed abated, preventing a public nuisance, per Star City Code.
6. The property associated with this approved Final Plat, in addition to the property of all future phases shall be properly maintained throughout the construction process to include trash picked up and trash receptacles emptied with regular frequency, streets swept and cleaned weekly, including any streets used to access the property and all debris shall be prevented from accumulating on any adjacent property or public right of way and shall remove all debris from public way at least daily.
7. All signed Irrigation District Agreements with the Irrigation Districts shall be provided to the City of Star with each subsequent Final Plat application.
8. **Street trees shall be installed per Chapter 8, Section 8-8C-2-M(2) Street Trees. Applicant shall provide locations for the local street trees at the time of final plat. If driveway locations will not be determined until sale of the lot, Applicant agrees to not receive the Certificate of Occupancy until street trees are confirmed in place.**
9. **Applicant shall provide an updated landscape plan showing the correct number of trees in the Lot 8, a common lot and the street trees.**

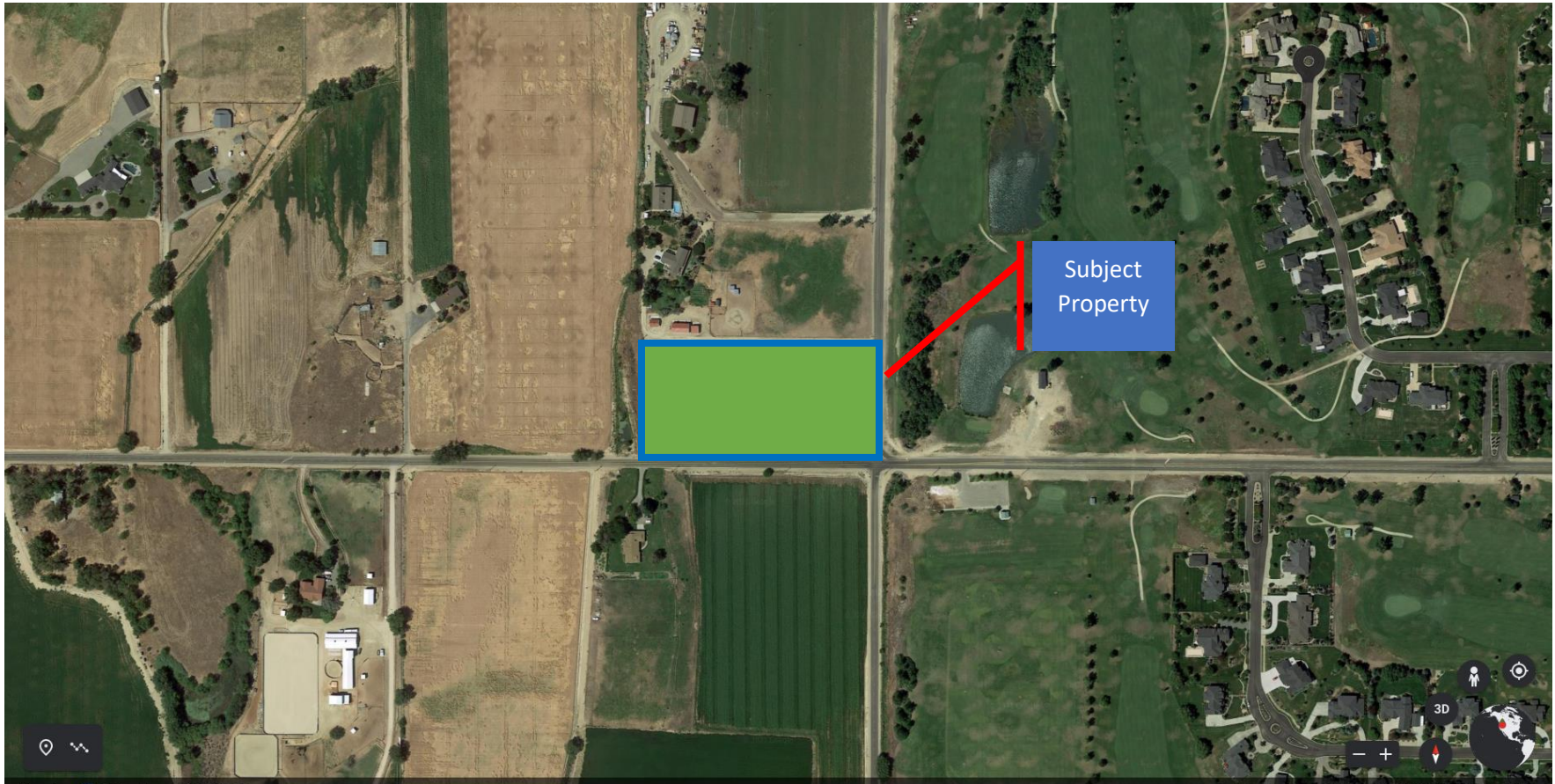
- 10. Pressurized irrigation systems shall comply with the Irrigation District(s) and the City of Star Codes. Plans for pressurized irrigation systems shall be submitted to, and approved by the City of Star Engineer, prior to installation.
- 11. A plat note supporting the "Right to Farm Act" as per Idaho 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 the US Postal Service shall be given to the City at Final Plat stating the subdivision is in compliance with the Postal Service.**
- 14. 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.
- 15. Prior to signing the final plat, Applicant shall provide approval from Ada County for all street names, and they should be accurately reflected on the plat.**
- 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-21-16/DA-21-24/PP-21-19 for Springtree Estates Subdivision on _____, 2022.

VICINITY MAP

9220 BEACON LIGHT, STAR IDAHO



Springtree Estates Subdivision

9220 Beacon Light, Star ID

Springtree Estates Subdivision is a proposed development of five-acre parcel on the north west corner of Beacon Light and Pollard. The development is proposed to be annexed and rezoned to R-3 which is consistent with the City of Star's Comprehensive Plan. Springtree Estates Subdivision will have estate size lots with thoughtful architectural elements and design. The proposed project would consist of 14 residential lots of 8,500 and larger lots with a common lot which incorporates community amenities. Landscaping has been designed to both address the neighbors' concerns of privacy and create a development which has a lush and comfortable neighborhood environment for the residents. Integrating a mix of hedges, evergreen and flowering trees in the landscape plan will promote privacy and foster a beautiful environment in all seasons.

Architecture of the proposed Springtree Estates Subdivision will have distinctly different elevations and exterior finishes throughout the neighborhood. A variety of paint colors, architectural elements and architectural elevations will be incorporated to make the community an interesting and unique environment.



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: Marianne Payne
Applicant Address: P.O. Box 6964, Boise, Idaho Zip: 83707
Phone: 208-918-5500 Email: marianne@concentrate.com

Owner Name: Same as Applicant
Owner Address: _____ Zip: _____
Phone: _____ Email: _____

Representative (e.g., architect, engineer, developer):
Contact: John Price Firm Name: The Architects Office, PLLC
Address: 499 W. Main Street, Boise, Idaho Zip: 83702
Phone: 208-343-2931 x2 Email: john@taoidaho.com

Property Information:

Subdivision Name: Springtree Estates Subdivision
Site Location: 9220 W. Beacon Light Road
Approved Zoning Designation of Site: R-3 - DA
Parcel Number(s): S0333334020

Zoning Designations:

	Zoning Designation	Comp Plan Designation	Land Use
Existing	RUT		Residential
Proposed	R-3 - DA		Residential
North of site	RUT		Residential
South of site	R-2		Residential
East of site	Golf Course		Golf Course
West of site	R-3		Residential

SITE DATA:

Total Acreage of Site - 5.0 acres
 Breakdown of Acreage of Land in Contiguous Ownership - 5.0 acres
 Total Acreage of Site in Special Flood Hazard Area - 3 acres plus/minus
 Dwelling Units per Gross Acre - 2.8 units/acre
 Minimum Lot Size - 8,363 s.f.
 Minimum Lot Width - 81'-3"

Total Number of Lots - 16
 Residential - 14
 Commercial -
 Industrial -
 Common - 2

Total Number of Units - 14
 Single-family - 14
 Duplex -
 Multi-family -

Percent of Site and Total Acreage of Common Area - 15.8% % / .79 acres
 Percent of Common Space to be used for drainage - 12%
 Describe Common Space Areas (amenities, landscaping, structures, etc.) - Landscaping
buffers along Beacon Light Road and Pollard Lane, picnic area at Lot 8
 Proposed Dedicated Lots & Acreage (school, parks, etc): N/A

Public Streets - Yes Private Streets -
 Describe Pedestrian Walkways (location, width, material) - 5' wide detached concrete
sidewalks. 5' wide concrete sidewalk connection to Beacon Light Road at west end.
 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 - 3.0 acres plus/minus

- 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.: 16001C0130
 FIRM effective date(s): mm/dd/year 06/19/2020
 Flood Zone(s): Zone X, Zone A, Zone AE, Zone AH, etc.: Zone A
 Base Flood Elevation(s): AE .0 ft., etc.:
- 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 - applying to Star Water and Sewer District
 Irrigation Water- no irrigation rights with property
 Sanitary Sewer- applying to Star Water and Sewer District
 Fire Protection - Star Fire Department
 Schools - West Ada School District, LS-Star Elementary, MS-Star Middle School,
 Roads - Beacon Light and Pollard, ACHD HS-Star High School

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 (✓)
✓	Pre-application meeting with Planning Department required prior to neighborhood meeting.	
✓	Copy of neighborhood meeting notice sent to property owners within 300 feet and meeting sign-in sheet. (Please contact the City for addresses & labels) (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.)	
✓	Completed and signed Preliminary Plat Application	
✓	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.	
✓	Narrative explaining the project. (must be signed by applicant)	
✓	Legal description of the property (word.doc and pdf version with engineer's seal)	
✓	Recorded warranty deed for the subject property	
N/A	If the signature on this application is not the owner of the property, an original notarized statement (affidavit of legal interest) from the owner stating the applicant is authorized to submit this application.	
✓	Approval of the proposed subdivision name from Ada County Surveyor's office.	
✓	One (1) 8½" X 11" copy and electronic copy in pdf. format of vicinity map showing the location of the subject property	
✓	One (1) full-size copy and one (1) 11" X 17" copy of the Preliminary Plat	
✓	Electronic copy in pdf. format of Preliminary Plat	
✓	One (1) full-size copy and one (1) 11" X 17" copy of the landscape plan	
✓	Electronic copy in pdf. format of landscape plan	
✓	Electronic copy in pdf. format of preliminary site grading & drainage plans	
N/A	Phasing plan shall be included in the application if the project is to be phased.	

✓	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.	
✓	List of name(s) and addresses of all canal or irrigation ditches within or contiguous to the proposed development.	
✓	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.	
✓	Site report of the highest seasonal groundwater elevation prepared by a registered soils scientist. (If requested by City Engineer)	
✓	Special Flood Information – Must be included on Preliminary Plat and Application form.	
✓	One (1) 8½" X 11" copy and electronic copy in pdf format of streetlight design and location information. Streetlights shall meet all City "Dark Sky" requirements.	
✓	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).	
✓	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.	
✓	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.	
✓	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.**

Mauanne Dai
Applicant/Representative Signature

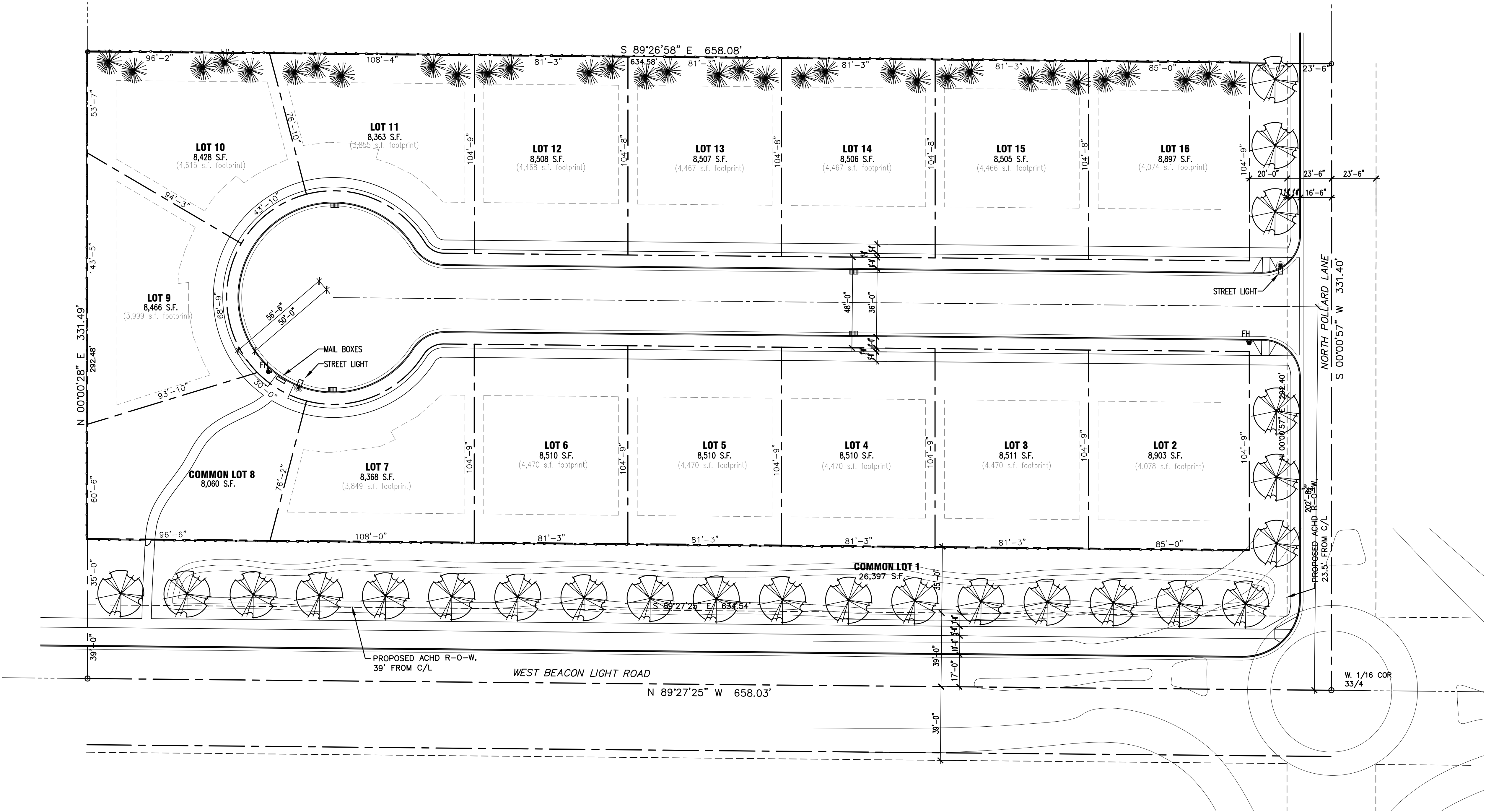
Sept 22, 2021
Date

SITE DATA

TOTAL SITE AREA:.....218,099 S.F. / 5.00 ACRES
BEACON LIGHT AND POLLARD RIGHT-OF-WAY..... 59,892 S.F. / 1.37 ACRES
RESIDENTIAL LOT AREA.....119,493 S.F. / 2.74 ACRES
COMMON LOT AREA.....34,457 S.F. / 0.79 ACRES

CURRENT ZONING:.....RUT
PROPOSED ZONING:.....R-3

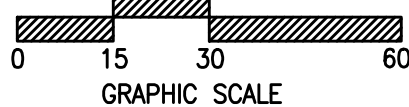
TOTAL NUMBER OF BUILDABLE LOTS:.....14 (2.8 UNITS PER ACRE)
TOTAL COMMON LOTS:..... 2



1 SITE PLAN

SCALE: 1" = 30'-0"

SITE SIZE: 218,099 S.F.
5.00 ACRES

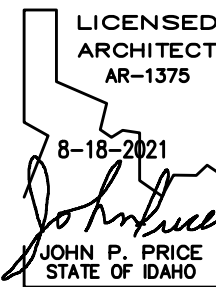


PROJECT

SPRINGTREE
ESTATES
SUBDIVISION

9220 W. BEACON LIGHT
ROAD
STAR, IDAHO

SEAL



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FILE

DATE
8-18-2021

FILE NO.
20-210 A1.0

DRAWN
JOHN PRICE

REVISIONS

SHEET

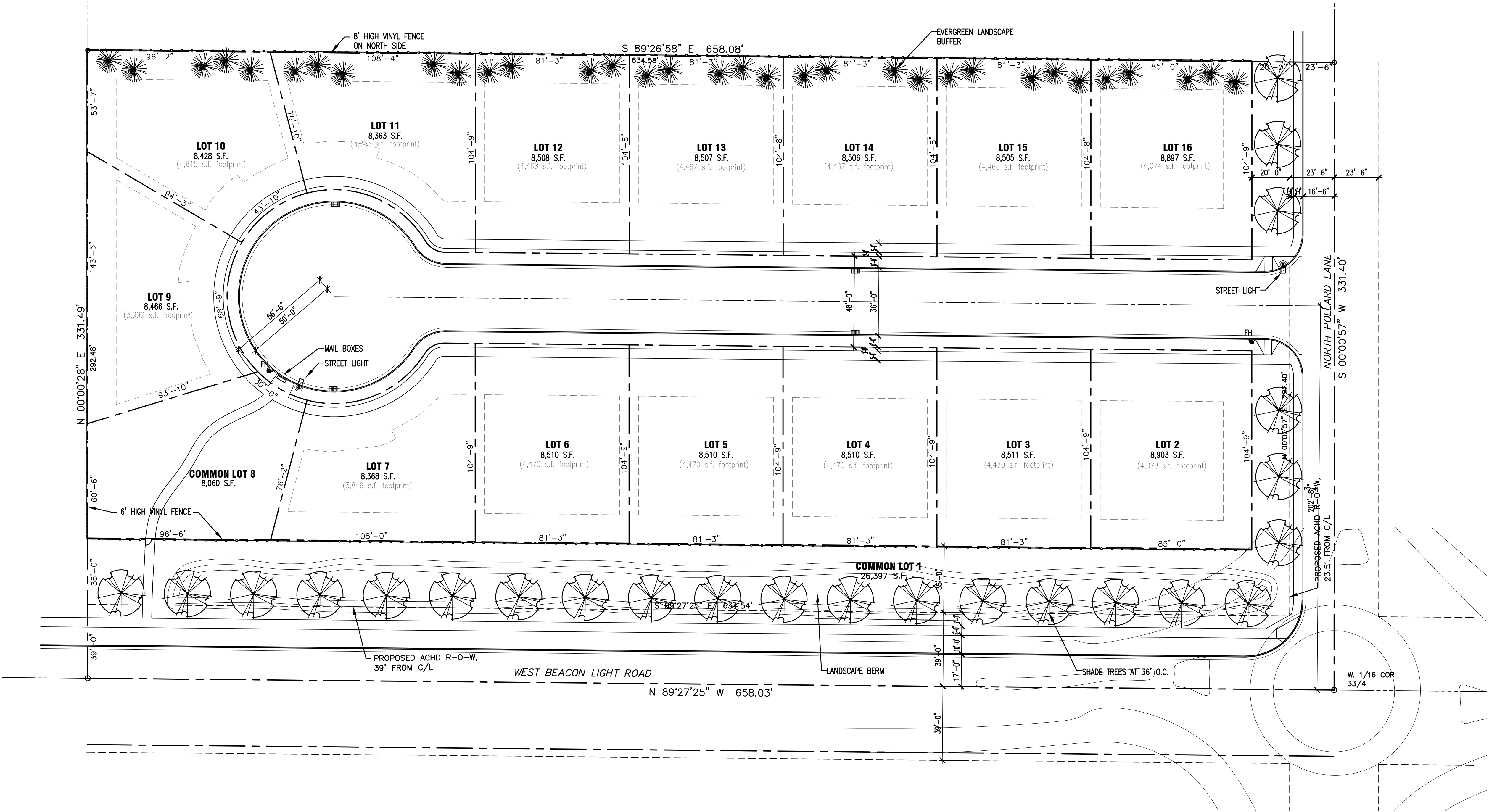
A1.0
SITE PLAN

SITE DATA

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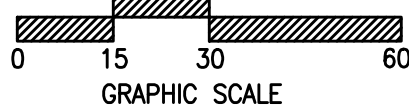
TOTAL NUMBER OF BUILDABLE LOTS:.....14 (2.8 UNITS PER ACRE)
TOTAL COMMON LOTS:..... 2



1 SITE PLAN / LANDSCAPE PLAN

SCALE: 1" = 30'-0"

SITE SIZE: 218,099 S.F.
5.00 ACRES

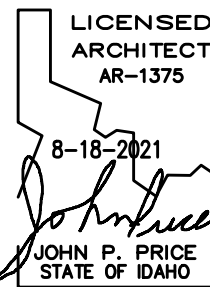


PROJECT

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STAR, IDAHO

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FILE

DATE
8-18-2021

FILE NO.
20-210 A1.0

DRAWN
JOHN PRICE

REVISIONS

SHEET

A1.0

SITE PLAN

08 February 2022

FROM: Geoffrey and Jessica Bauchman
TO: City of Star City Council

SUBJECT: Springtree Estates Subdivision 92220 W. Beacon Light Road Star, ID

We are the owners of 3301 N Pollard Ln Star, ID, the lot and land adjacent to the planned subdivision. We would like to start by saying that we are not opposed to the subdivision, but rather concerned with the overall layout and plan and how it affects us. Toll Brothers is developing the remaining land behind our property and because we purchased the home in July of last year we did not have the opportunity to be given consideration for 100' setback from home to home/structures, privacy berms, landscaping or fencing. After attending the January 18, 2022 City Council Meeting, and listening to both concerns and concessions regarding another new development not far from us, we were incredibly disheartened to learn that others developing were having to make compromises, while we watch Toll Brothers right outside our front door making none. Our hope is that taking on active participation in this process from the start will allow for the opportunity to listen, be heard and ultimately find a way to make all parties happy with the end result.

Our land borders lots 10-16 of the proposed development (see Attachment A). At the last City Counsel Meeting we listened to much discussion about transition zones from rural lots to planned subdivisions and setbacks of 100' from neighboring structures. On the current PLAT, this is not considered. Within the 5 acres of land available to develop, a large section will be required for setbacks for future expansion of Beacon light. This will drive smaller lots, seven of which will back up directly to our home and land. We would like to see a plan put in place that creates a natural transition between our home and the planned subdivision. The planned lot numbers 10-12 are less than 100' and some less than 50' from our current structures.

We believe that this plan could easily be achieved by requiring larger lot sizes that would create a natural transition. Additionally, a dirt berm with a fence built on top of it would create an additional privacy barrier for both us and the future residents of Springtree Estates.

Before Beacon light was repaved as part of the sewer expansion to feed the developments under instruction, a natural drainage existed that runs through the middle of our property into lot 13 of Springtree Estates and under the Beacon light (Attachment A). The culvert was removed during the Beacon light work. Our concern is that if the current culvert that runs from our property into lot 13 of Springtree Estates is removed, then we will be left with flooding in our field and nowhere for runoff water to run.

We would really like to see this development be single story homes. One of the most appealing parts about our property and those surrounding us, is the view. We would like to preserve the integrity of that view as much as possible. Privacy is also a top concern. The proposed subdivision has seven lots that, if occupied by two-story homes, would overlook where our

children play, where our animals live and where we gather regularly. We moved from a subdivision in Meridian for this exact reason; we no longer wanted to have our neighbors looking down into our yard from their top floor.

Our last concern is the plan to move the property address and entrance from Beacon Light to Pollard Lane. Pollard Lane between Beacon Light and Highway 16 is a quiet, rural road. The only cars that typically use Pollard between Beacon Light and Highway 16 are the few residents and visitors to the golf course. We feel that adding the entrance to a subdivision with 14 homes and likely 28+ vehicles will really change the road. We would like to see the entrance to the property remain off of Beacon Light to preserve the rural feel of our area as much as possible, amidst the overwhelming growth.

Very Respectfully,

A handwritten signature in cursive script, appearing to read "Geoffrey and Jessica Bauchman".

Geoffrey and Jessica Bauchman
3301 N Pollard Ln Star, ID 83669

Attachment A

This is not an completely accurate depiction of Springtree Estates Lot lines but an approximation for discussion.

The red line illustrates the current natural runoff, location of the culvert and drainage ditch.





CITY OF STAR

LAND USE STAFF REPORT

TO: Mayor & Council

FROM: City of Star – Planning & Zoning Department *Shawn T. Smith*

MEETING DATE: **February 15, 2022 – PUBLIC HEARING** (Tabled from 1-18-22)

FILE(S) #: AZ-21-16 Annexation and Zoning
DA-21-24 Development Agreement
PP-21-19 Preliminary Plat for Springtree Estates Subdivision

OWNER/APPLICANT/REPRESENTATIVE

Representative:

John Price
The Architects Office, PLLC
499 W. Main Street
Boise, Idaho 83702

Applicant/Property Owner:

Marianne Payne
P.O. Box 6964
Boise, Idaho 83707

REQUEST

Request: The Applicant is seeking approval of Annexation and Zoning (RUT to R-3-DA), a Development Agreement, and Preliminary Plat for a proposed residential subdivision consisting of 14 residential lots and 2 common lots. The property is located at 9220 W. Beacon Light Road in Star, Idaho, and consists of 5 acres with a proposed density of 2.8 dwelling units per acre.

PROPERTY INFORMATION

Property Location: The subject property is generally located on the northwest corner of N. Pollard Lane and W. Beacon Light Road. Ada County Parcel No. S0333334020.

Surrounding Land Use/Designations:

	Zoning Designation	Comp Plan Designation	Land Use
Existing	RUT (County)	Estate Residential	Agricultural/Residential
Proposed	R-3-DA	Estate Residential	Single Family Residential

North of site	RUT (County)	Estate Residential	Agricultural/Residential
South of site	Residential (R-2)	Neighborhood Residential	Single Family Residential/Proposed Rivercreek Landing Subdivision
East of site	Residential (R-2)	Estate Residential	River Birch Golf Course
West of site	Residential (R-3)	Estate Residential	Single Family Residential/Proposed Cresta Del Sol Subdivision

Existing Site Characteristics: The property currently has a single-family residential home with outbuildings and vacant ground.

Irrigation/Drainage District(s): Farmer's Union Ditch Company
P.O. Box 1474
Eagle, Idaho 83616

Flood Zone: This property is currently located in a Special Flood Hazard Area.
Flood Zone: Zone A
FEMA FIRM Panel Number: 16001C0130J
Effective Date: 6/19/2020

Special On-Site Features:

- ✧ Areas of Critical Environmental Concern – No known areas.
- ✧ Evidence of Erosion – No evidence.
- ✧ Fish Habitat – No.
- ✧ Floodplain – Yes.
- ✧ Mature Trees – None.
- ✧ Riparian Vegetation – No.
- ✧ Steep Slopes – None.
- ✧ Stream/Creek – None.
- ✧ 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	October 1, 2021
Neighborhood Meeting Held	September 15, 2021
Application Submitted & Fees Paid	September 21, 2021

Application Accepted	December 20, 2021
Residents within 300' Notified	December 21, 2021
Agencies Notified	December 21, 2021
Legal Notice Published	December 24, 2022
Property Posted	February 4, 2022

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.

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.

<u>ZONING DISTRICT USES</u>	A	R-R	Section 7, Item A.
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: COMMON OPEN SPACE AND SITE AMENITY REQUIREMENTS - 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 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.

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;

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:

Estate Residential

Suitable primarily for single family 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. A density bonus may be considered if open space is preserved, and land of at least 40% of additional preserved open space is developable.

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.

8.5.9 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 zoning application with a zoning designation of Residential (R-3-DA) on 5 acres . This zoning district would allow for a maximum residential density of 3 dwelling unit 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. The property will be accessed by a public road and 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 14 single family residential lots and 2 common area lots on 5.0 acres with a proposed density of 2.8 dwelling units per acre. The lots will have access and frontage from a public street. Lots will range in size from 8,363 square feet to 8,903 square feet with the average buildable lot being 8,535 square feet. The submitted preliminary plat is showing all local roads as public with paved streets measuring 36 feet from back of curb to back of curb. Primary access for the development will be from N. Pollard Road. Applicant is providing an emergency access on the southwest corner of the property to W. Beacon Light Road, with Fire District approval, this will provide two access point for the development. Sidewalks are proposed to be detached with a 5-foot, concrete sidewalk. Street names must be obtained by the Ada County Street Naming Committee prior to signature of the final plat. The applicant is proposing 2.47 acres (15%) of usable open space which satisfies the Unified Development Code.

The Unified Development Code, Section 8-4E-2 requires a development of this size to have a minimum of 1 site amenity. The applicant is proposing a pocket park with a walking path that will connect to a sidewalk along W. Beacon Light Road.

ADDITIONAL DEVELOPMENT FEATURES:

- 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 proposed streetlight plan. All proposed light locations satisfy City code. **Applicant has provided a streetlight design/cut sheet for City approval. The proposed fixture is not approved by the city. Applicant will be required to work with Staff and submit an updated cut sheet and design before signature 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 before the mylar can be signed.
- 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 appear to satisfy these requirements for the southwest common lot. Streets in the development do not show any street trees. These will need to be added once driveways are designed to receive occupancy permits.**
- Setbacks – The applicant is complying with the required setbacks of the R-3 zone, 5 feet per story on interior sides.
- Block lengths – All blocks meet the 750’ block length requirement.
- Mailbox Cluster – Applicant has provided documentation from the Star Postmaster depicting the approved location for the mailbox cluster. Postmaster is authorizing a hitching post style mailbox on the west side of N. Pollard Road for the development.
- Phasing – The development is proposing to be built out in a single phase.
- Floodplain – The property is located in a Zone A SFHA. Base Flood Elevations will need to be established by the applicant and approved by the City Engineer/Flood Administrator prior to Final Plat approval.

DEVELOPMENT AGREEMENT

Through the Development Agreement process, the applicant is proposing to work with the City 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
- Future Development
- Private Street Option

AGENCY RESPONSES

DEQ	December 30, 2021
ACHD	January 13, 2022
Keller Associates as Floodplain Mgr.	February 8, 2022
Central District Health	December 21, 2021
Ada County Development Services	December 30, 2021
West Ada School District	January 14, 2022

PUBLIC RESPONSES

Geoffrey and Jessica Bauchman

STAFF ANALYSIS AND RECOMMENDATION

ACHD has responded to the application stating that a public street is not recommended due to the size of the subdivision with one roadway. Staff is also aware that the neighboring property owner to the north would not be in favor of the required ACHD stub street should the road be public. For these reasons, Staff is supportive of Council approving this development with a private street. If approved, Staff will place specific conditions of approval requiring a maintenance and funding agreement with the applicant.

Based upon the information provided to staff in the application 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 density of 2.8 dwelling unit per acre is within the range of 1-3 dwelling units per acre allowed in the Estate Residential Comprehensive Plan Future 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 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.
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 Springtree Estates 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 will calculate the fees and provide to the applicant and City. 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. **A Base Flood Elevation shall be completed and approved by the City Engineer/Floodplain Administrator prior to approval of the Final Plat.**
4. 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 work with staff and submit a streetlight design that meets city standards prior to Final Plat approval. Streetlights shall comply with the Star City Code regarding light trespass and "Dark Sky" initiative.**
5. The property with the approved Preliminary Plat shall be satisfactorily weed abated, preventing a public nuisance, per Star City Code.
6. The property associated with this approved Final Plat, in addition to the property of all future phases shall be properly maintained throughout the construction process to include trash picked up and trash receptacles emptied with regular frequency, streets swept and cleaned weekly, including any streets used to access the property and all debris shall be prevented from accumulating on any adjacent property or public right of way and shall remove all debris from public way at least daily.
7. All signed Irrigation District Agreements with the Irrigation Districts shall be provided to the City of Star with each subsequent Final Plat application.
8. **Street trees shall be installed per Chapter 8, Section 8-8C-2-M(2) Street Trees. Applicant shall provide locations for the local street trees at the time of final plat. If driveway locations will not be determined until sale of the lot, Applicant agrees to not receive the Certificate of Occupancy until street trees are confirmed in place.**
9. **Applicant shall provide an updated landscape plan showing the correct number of trees in the Lot 8, a common lot and the street trees.**

- 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 the US Postal Service shall be given to the City at Final Plat stating the subdivision is in compliance with the Postal Service.**
- 14. 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.
- 15. Prior to signing the final plat, Applicant shall provide approval from Ada County for all street names, and they should be accurately reflected on the plat.**
- 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-21-16/DA-21-24/PP-21-19 for Springtree Estates Subdivision on _____, 2022.

VICINITY MAP

9220 BEACON LIGHT, STAR IDAHO



Springtree Estates Subdivision

9220 Beacon Light, Star ID

Springtree Estates Subdivision is a proposed development of five-acre parcel on the north west corner of Beacon Light and Pollard. The development is proposed to be annexed and rezoned to R-3 which is consistent with the City of Star's Comprehensive Plan. Springtree Estates Subdivision will have estate size lots with thoughtful architectural elements and design. The proposed project would consist of 14 residential lots of 8,500 and larger lots with a common lot which incorporates community amenities. Landscaping has been designed to both address the neighbors' concerns of privacy and create a development which has a lush and comfortable neighborhood environment for the residents. Integrating a mix of hedges, evergreen and flowering trees in the landscape plan will promote privacy and foster a beautiful environment in all seasons.

Architecture of the proposed Springtree Estates Subdivision will have distinctly different elevations and exterior finishes throughout the neighborhood. A variety of paint colors, architectural elements and architectural elevations will be incorporated to make the community an interesting and unique environment.



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: Marianne Payne
Applicant Address: P.O. Box 6964, Boise, Idaho Zip: 83707
Phone: 208-918-5500 Email: marianne@concentrate.com

Owner Name: Same as Applicant
Owner Address: _____ Zip: _____
Phone: _____ Email: _____

Representative (e.g., architect, engineer, developer):
Contact: John Price Firm Name: The Architects Office, PLLC
Address: 499 W. Main Street, Boise, Idaho Zip: 83702
Phone: 208-343-2931 x2 Email: john@taoidaho.com

Property Information:

Subdivision Name: Springtree Estates Subdivision
Site Location: 9220 W. Beacon Light Road
Approved Zoning Designation of Site: R-3 - DA
Parcel Number(s): S0333334020

Zoning Designations:

	Zoning Designation	Comp Plan Designation	Land Use
Existing	RUT		Residential
Proposed	R-3 - DA		Residential
North of site	RUT		Residential
South of site	R-2		Residential
East of site	Golf Course		Golf Course
West of site	R-3		Residential

SITE DATA:

Total Acreage of Site - 5.0 acres
 Breakdown of Acreage of Land in Contiguous Ownership - 5.0 acres
 Total Acreage of Site in Special Flood Hazard Area - 3 acres plus/minus
 Dwelling Units per Gross Acre - 2.8 units/acre
 Minimum Lot Size - 8,363 s.f.
 Minimum Lot Width - 81'-3"

Total Number of Lots - 16
 Residential - 14
 Commercial -
 Industrial -
 Common - 2

Total Number of Units - 14
 Single-family - 14
 Duplex -
 Multi-family -

Percent of Site and Total Acreage of Common Area - 15.8% % / .79 acres
 Percent of Common Space to be used for drainage - 12%
 Describe Common Space Areas (amenities, landscaping, structures, etc.) - Landscaping
buffers along Beacon Light Road and Pollard Lane, picnic area at Lot 8
 Proposed Dedicated Lots & Acreage (school, parks, etc): N/A

Public Streets - Yes Private Streets -
 Describe Pedestrian Walkways (location, width, material) - 5' wide detached concrete
sidewalks. 5' wide concrete sidewalk connection to Beacon Light Road at west end.
 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 - 3.0 acres plus/minus

- 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.: 16001C0130
 FIRM effective date(s): mm/dd/year 06/19/2020
 Flood Zone(s): Zone X, Zone A, Zone AE, Zone AH, etc.: Zone A
 Base Flood Elevation(s): AE .0 ft., etc.:
- 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 - applying to Star Water and Sewer District
 Irrigation Water- no irrigation rights with property
 Sanitary Sewer- applying to Star Water and Sewer District
 Fire Protection - Star Fire Department
 Schools - West Ada School District, LS-Star Elementary, MS-Star Middle School,
 Roads - Beacon Light and Pollard, ACHD HS-Star High School

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 (✓)
✓	Pre-application meeting with Planning Department required prior to neighborhood meeting.	
✓	Copy of neighborhood meeting notice sent to property owners within 300 feet and meeting sign-in sheet. (Please contact the City for addresses & labels) (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.)	
✓	Completed and signed Preliminary Plat Application	
✓	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.	
✓	Narrative explaining the project. (must be signed by applicant)	
✓	Legal description of the property (word.doc and pdf version with engineer's seal)	
✓	Recorded warranty deed for the subject property	
N/A	If the signature on this application is not the owner of the property, an original notarized statement (affidavit of legal interest) from the owner stating the applicant is authorized to submit this application.	
✓	Approval of the proposed subdivision name from Ada County Surveyor's office.	
✓	One (1) 8½" X 11" copy and electronic copy in pdf. format of vicinity map showing the location of the subject property	
✓	One (1) full-size copy and one (1) 11" X 17" copy of the Preliminary Plat	
✓	Electronic copy in pdf. format of Preliminary Plat	
✓	One (1) full-size copy and one (1) 11" X 17" copy of the landscape plan	
✓	Electronic copy in pdf. format of landscape plan	
✓	Electronic copy in pdf. format of preliminary site grading & drainage plans	
N/A	Phasing plan shall be included in the application if the project is to be phased.	

✓	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.	
✓	List of name(s) and addresses of all canal or irrigation ditches within or contiguous to the proposed development.	
✓	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.	
✓	Site report of the highest seasonal groundwater elevation prepared by a registered soils scientist. (If requested by City Engineer)	
✓	Special Flood Information – Must be included on Preliminary Plat and Application form.	
✓	One (1) 8½" X 11" copy and electronic copy in pdf format of streetlight design and location information. Streetlights shall meet all City "Dark Sky" requirements.	
✓	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).	
✓	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.	
✓	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.	
✓	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.**

Mauanne Dai
Applicant/Representative Signature

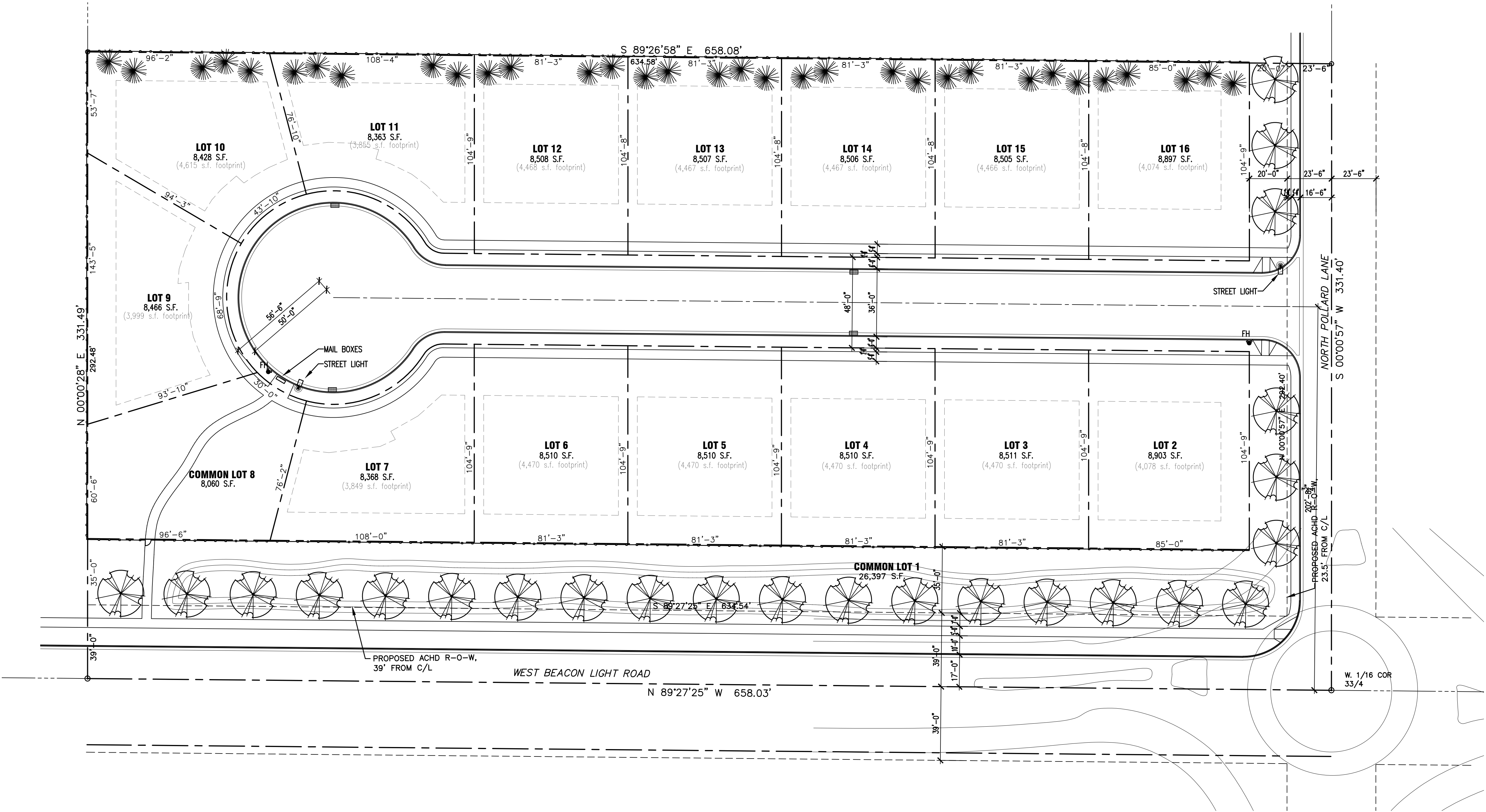
Sept 22, 2021
Date

SITE DATA

TOTAL SITE AREA:.....218,099 S.F. / 5.00 ACRES
BEACON LIGHT AND POLLARD RIGHT-OF-WAY..... 59,892 S.F. / 1.37 ACRES
RESIDENTIAL LOT AREA.....119,493 S.F. / 2.74 ACRES
COMMON LOT AREA.....34,457 S.F. / 0.79 ACRES

CURRENT ZONING:.....RUT
PROPOSED ZONING:.....R-3

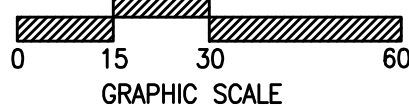
TOTAL NUMBER OF BUILDABLE LOTS:.....14 (2.8 UNITS PER ACRE)
TOTAL COMMON LOTS:..... 2



1 SITE PLAN

SCALE: 1" = 30'-0"

SITE SIZE: 218,099 S.F.
5.00 ACRES

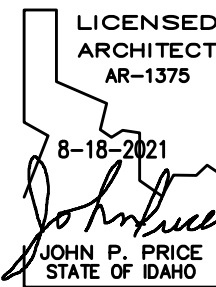


PROJECT

SPRINGTREE
ESTATES
SUBDIVISION

9220 W. BEACON LIGHT
ROAD
STAR, IDAHO

SEAL



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FILE

DATE
8-18-2021

FILE NO.
20-210 A1.0

DRAWN
JOHN PRICE

REVISIONS

SHEET

A1.0

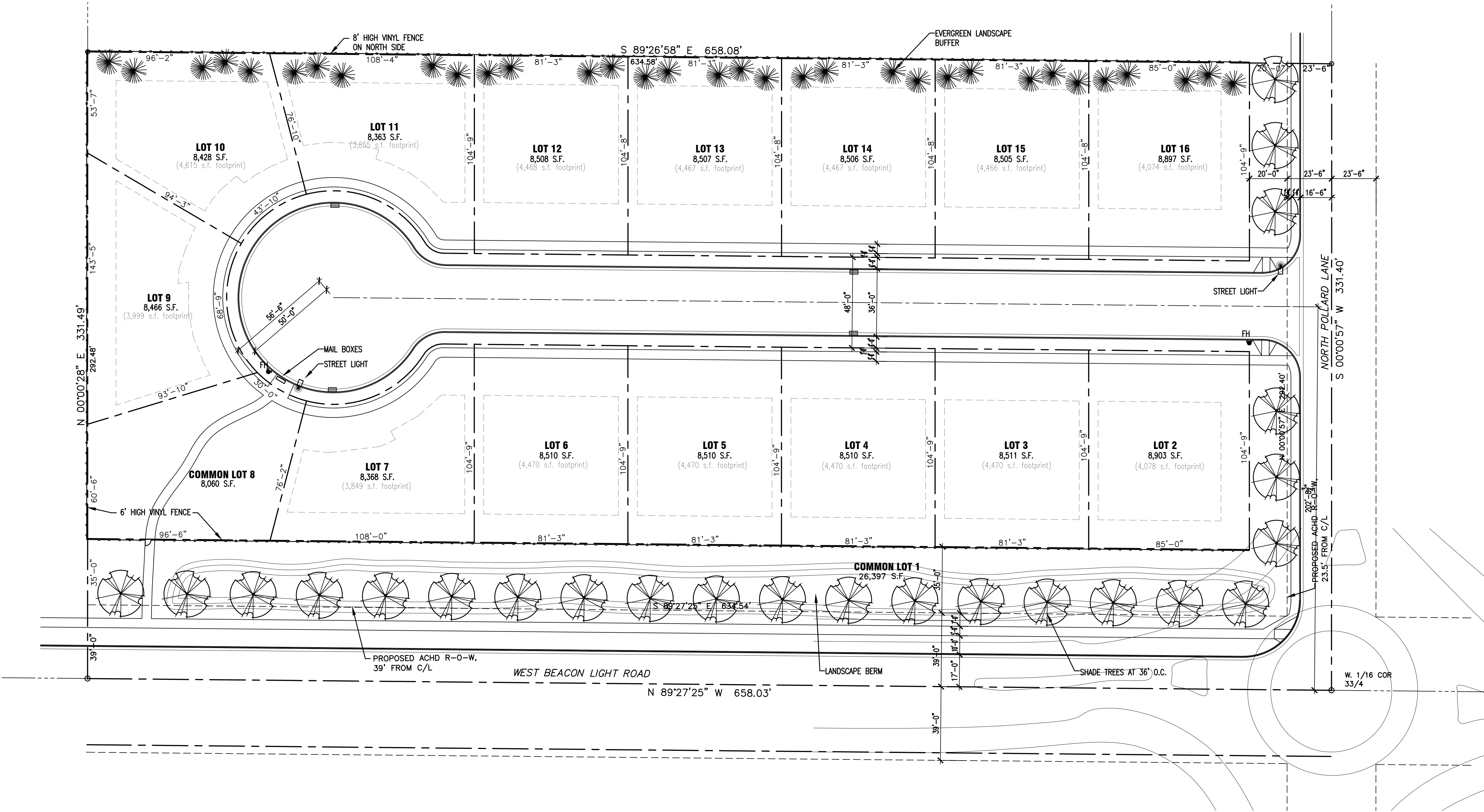
SITE PLAN

SITE DATA

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CURRENT ZONING:.....RUT
PROPOSED ZONING:.....R-3

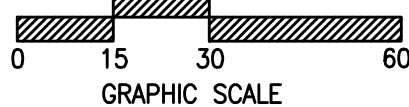
TOTAL NUMBER OF BUILDABLE LOTS:.....14 (2.8 UNITS PER ACRE)
TOTAL COMMON LOTS:..... 2



1 SITE PLAN / LANDSCAPE PLAN

SCALE: 1" = 30'-0"

SITE SIZE: 218,099 S.F.
5.00 ACRES

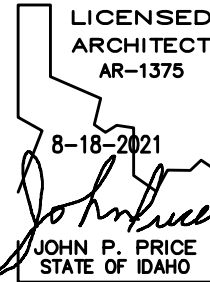


PROJECT

SPRINGTREE
ESTATES
SUBDIVISION

9220 W. BEACON LIGHT
ROAD
STAR, IDAHO

SEAL



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A1.0

SITE PLAN

08 February 2022

FROM: Geoffrey and Jessica Bauchman
TO: City of Star City Council

SUBJECT: Springtree Estates Subdivision 92220 W. Beacon Light Road Star, ID

We are the owners of 3301 N Pollard Ln Star, ID, the lot and land adjacent to the planned subdivision. We would like to start by saying that we are not opposed to the subdivision, but rather concerned with the overall layout and plan and how it affects us. Toll Brothers is developing the remaining land behind our property and because we purchased the home in July of last year we did not have the opportunity to be given consideration for 100' setback from home to home/structures, privacy berms, landscaping or fencing. After attending the January 18, 2022 City Council Meeting, and listening to both concerns and concessions regarding another new development not far from us, we were incredibly disheartened to learn that others developing were having to make compromises, while we watch Toll Brothers right outside our front door making none. Our hope is that taking on active participation in this process from the start will allow for the opportunity to listen, be heard and ultimately find a way to make all parties happy with the end result.

Our land borders lots 10-16 of the proposed development (see Attachment A). At the last City Counsel Meeting we listened to much discussion about transition zones from rural lots to planned subdivisions and setbacks of 100' from neighboring structures. On the current PLAT, this is not considered. Within the 5 acres of land available to develop, a large section will be required for setbacks for future expansion of Beacon light. This will drive smaller lots, seven of which will back up directly to our home and land. We would like to see a plan put in place that creates a natural transition between our home and the planned subdivision. The planned lot numbers 10-12 are less than 100' and some less than 50' from our current structures.

We believe that this plan could easily be achieved by requiring larger lot sizes that would create a natural transition. Additionally, a dirt berm with a fence built on top of it would create an additional privacy barrier for both us and the future residents of Springtree Estates.

Before Beacon light was repaved as part of the sewer expansion to feed the developments under instruction, a natural drainage existed that runs through the middle of our property into lot 13 of Springtree Estates and under the Beacon light (Attachment A). The culvert was removed during the Beacon light work. Our concern is that if the current culvert that runs from our property into lot 13 of Springtree Estates is removed, then we will be left with flooding in our field and nowhere for runoff water to run.

We would really like to see this development be single story homes. One of the most appealing parts about our property and those surrounding us, is the view. We would like to preserve the integrity of that view as much as possible. Privacy is also a top concern. The proposed subdivision has seven lots that, if occupied by two-story homes, would overlook where our

children play, where our animals live and where we gather regularly. We moved from a subdivision in Meridian for this exact reason; we no longer wanted to have our neighbors looking down into our yard from their top floor.

Our last concern is the plan to move the property address and entrance from Beacon Light to Pollard Lane. Pollard Lane between Beacon Light and Highway 16 is a quiet, rural road. The only cars that typically use Pollard between Beacon Light and Highway 16 are the few residents and visitors to the golf course. We feel that adding the entrance to a subdivision with 14 homes and likely 28+ vehicles will really change the road. We would like to see the entrance to the property remain off of Beacon Light to preserve the rural feel of our area as much as possible, amidst the overwhelming growth.

Very Respectfully,

A handwritten signature in cursive script, appearing to read "Geoffrey and Jessica Bauchman".

Geoffrey and Jessica Bauchman
3301 N Pollard Ln Star, ID 83669

Attachment A

This is not an completely accurate depiction of Springtree Estates Lot lines but an approximation for discussion.

The red line illustrates the current natural runoff, location of the culvert and drainage ditch.





February 8, 2022

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

Re: Springtree Subdivision Preliminary Plat Application

Dear Mayor:

Keller Associates, Inc. has reviewed the Preliminary Plat for the Springtree Subdivision. 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 and question based on our review.

1. Water and sewer mains shall be extended to the north property boundary in Pollard Road.
2. Potable water cannot be used for irrigation purposes. A separate pressure irrigation system will be required. Construction plans for a subdivision-wide pressure irrigation system will be required for each final plat. Plan approvals and license agreements from the affected irrigation and/or canal companies will be required.
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. Show all ditch and drainage easements.
6. This subdivision will need to be annexed into the Star Sewer and Water District to provide water and sewer to the site.

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.

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 7, Item A.

BUILDING • COMMUNITY PLANNING • ENGINEERING & SURVEYING • PERMITTING

December 30, 2021

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

RE: AZ-21-16 / 9220 W Beacon Light Road / Springtree Estates Subdivision

Feedback has been requested regarding the proposed annexation and preliminary plat for the Springtree Estates Subdivision, which will consist of 14 single-family homes on 5-acres at 9220 W Beacon Light Road. Ada County is supportive of the application due to the proximity of the site to existing public services, and due to its compliance with the Star Comprehensive Plan, as adopted by Ada County, which designates the site as *Medium Density Residential*, which is intended for single-family homes at densities of four dwelling units per acre or less.

The proposed subdivision of the land into 14 lots is supported by *Goal 2.2* of the Ada County Comprehensive Plan which calls for urban development to be directed to Areas of City Impact where investments in urban services have already been made. To improve future connectivity, it is recommended that a stub street to the north be considered to provide connectivity in compliance with *Goals 4.3b and 4.3c* of the Ada County Comprehensive Plan which promote connectivity through well-connected local street systems and stub streets connecting to future developments on adjacent lands wherever possible within Areas of City Impact.

Additionally, the proposal to set aside over 8,000 square feet of open space, which will include a picnic area is compatible with *Residential Policy 3* of the Star Comprehensive Plan, which encourages neighborhood parks and open spaces to be provided within residential areas, as well as to protect and enhance the hillside along the southwestern portion of the site, which is supported by *Recreation, Parks, Open Space and Pathways Policy 13*, which calls for the protection of steep slopes in order to preserve the natural lay of the land.

Thank you for this opportunity to provide feedback.

Sincerely,

Stacey Yarrington

Stacey Yarrington
Community & Regional Planner
Ada County Development Services



West Ada

SCHOOL DISTRICT

January 14, 2022

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

RE: Springtree Estates, PP-21-19

Dear Planners:

West Ada School District has experienced significant and sustained growth in student enrollment during the last ten years. Based on current enrollment data specific to the area surrounding this proposed development, we estimate a development consisting of 14 homes could house approximately **5 school aged children**. Approval of this application will affect enrollments at the following schools in West Ada School District based on attendance areas for the 2021-22 school year. For your information, included in this data is the number of approved preliminary plat parcels and multi-family units approved by this and other agencies.

	<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>
Star Elementary	651	650	3337	37
Star Middle School	834	1000	9045	278
Eagle High School	1775	1800	5953	577
Galileo STEM Academy (K-8 school of choice)	724	775	N/A	N/A

West Ada School District supports economic growth. To meet the need for additional school capacity in this area one or more of the following may need to be accomplished:

- Transporting students to an alternate school with available classrooms.
- Attendance area adjustments if there is availability in a nearby school.
- Passage of a bond to build a new elementary school on land already owned by West Ada School District.
- Portable classrooms placed on the property.

Please encourage the developer to provide safe walkways, bike paths and pedestrian access for our students. Future developments will continue to have an impact on the district's capacity.

Sincerely,

Marci Horner
Planning and Development Administrator

Project/File: **Springtree Estates Subdivision/ SPP22-0001**
This is an annexation, rezone, and preliminary plat application to allow for the development of a 16 lot subdivision on 5 acres.

Lead Agency: City of Star

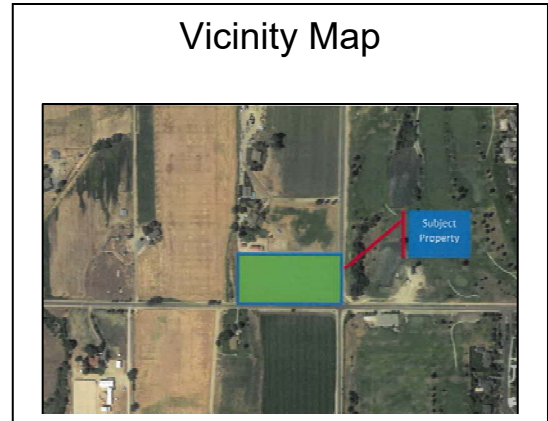
Site address: 9220 Beacon Light Road

Staff Approval: January 13, 2022

Applicant: Marianne Payne
 PO Box 6964
 Boise, ID 83707

Representative: John Price
 The Architects Office
 499 W Main Street
 Boise, ID 83702

Staff Contact: Mindy Wallace, AICP
 Phone: 387-6178
 E-mail: mwallace@achdidaho.org



A. Findings of Fact

- Description of Application:** The applicant is requesting approval of an annexation, rezone (RUT to R-3-DA), and preliminary plat application to allow for the development of a 16 lot subdivision consisting of 14 single family building lot and 2 common lots on 5 acres. This application includes a development agreement with the City of Star.

The applicant's proposal is consistent with the City of Star's comprehensive plan.

- Description of Adjacent Surrounding Area:**

Direction	Land Use	Zoning
North	Single family residential	RUT (Ada County)
South	Single family residential	R-2
East	Golf Course	Golf Course
West	Single family residential	R-3

- Site History:** ACHD has not previously reviewed this site for a development application.
- Adjacent Development:** The following developments are pending or underway in the vicinity of the site:
 - Rivercreek Landing Subdivision is located directly south of the site and consists of 144 single family building lot and was approved by ACHD on January 20,2021.
 - Moyle Estates No. 2 is located directly west of the site and consist of 86 single family building lots and was approved by ACHD on December 10, 2020.

5. **Transit:** Transit services are not available to serve this site.
6. **Pathway Crossings:** United States Access Board R304.5.1.2 Shared Use Paths. In shared use paths, the width of curb ramps runs and blended transitions shall be equal to the width of the shared use path.

AASHTO's Guidelines for the Development of Bicycle Facilities 5.3.5 Other Intersection Treatments: The opening of a shared use path at the roadway should be at least the same width as the shared use path itself. If a curb ramp is provided, the ramp should be the full width of the path, not including any flared sides if utilized. . . . Detectable warnings should be placed across the full width of the ramp.

FHWA's "Designing Sidewalks and Trails for Access" (1999) reflected common ADA-related concepts: Chapter 6, Page 16-6: The width of the ramp should be at least as wide as the average width of the trail to improve safety for users who will be traveling at various speeds. In addition, the overall width of the trail should be increased, so the curb ramp can be slightly offset to the side. The increased width reduces conflict at the intersection by providing more space for users at the bottom of the ramp.

7. **New Center Lane Miles:** The proposed development includes 0.13 centerline miles of new public road.
8. **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.
9. **Capital Improvements Plan (CIP)/ Integrated Five Year Work Plan (IFYWP):**
 - Beacon Light Road is listed in the CIP to be widened to 3-lanes from Munger Road to Pollard Lane between 2036 and 2040.
 - Beacon Light Road is listed in the CIP to be widened to 3-lanes from Pollard Lane to SH-16 between 2036 and 2040.
 - The intersection of Pollard Lane and Beacon Light Road is listed in the CIP to be widened and reconstructed as a single lane roundabout between 2036 and 2040.
10. **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 Beacon Light Road as an existing Level 1 facility and a future Level 3 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 133 vehicle trips per day; 14 vehicle trips per hour in the PM peak hour, based on the Institute of Transportation Engineers Trip Generation Manual, 11th 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
Pollard Lane	308-feet	Local	19	N/A
Beacon Light Road	650-feet	Minor Arterial	161	Better than "E"

* Acceptable level of service for a two-lane minor arterial is "E" (575 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 Pollard Lane north of Beacon Light Road was 798 on 7/8/2020.
- The average daily traffic count for Beacon Light Road west of SH-16 was 2,853 on 7/8/2020.

C. Findings for Consideration

1. Purple Sage/Beacon Light Alignment Study

The Purple Sage Road/Beacon Light Road alignment study is the result of a regional alignment study that was done in a collaborative effort between the Ada County Highway District (ACHD) and the Canyon Highway District #4 (CHD4). The study identifies Purple Sage Road/Beacon Light Road corridor is located in northeastern Canyon County and northwestern Ada County. The study was undertaken in response to Communities in Motion, the long-range transportation plan for southwest Idaho prepared by the regional planning organization, Community Planning Association of Southwest Idaho (COMPASS). Communities in Motion identified the corridor as a location that is expected to experience more traffic, serving as a reliever to State Highway 44. The purpose of the study is to identify a connection between Purple Sage Road and Beacon Light Road and make plans for corridor preservation.

On June 28, 2008 the ACHD Commission approved the Purple Sage/Beacon Light Alignment Study which included a preferred alignment for the roadway and determined that Beacon Light Road would be extended as a 3-lane minor arterial roadway. The study notes that right-of-way dedication and construction of the roadway will occur incrementally as development occurs.

2. MSM Roundabout – Beacon Light Road/Pollard Lane

- ACHD Master Street Map:** ACHD Policy Section 3111.1 requires the Master Street Map (MSM) guide the right-of-way acquisition, collector street requirements, roundabout requirements, and specific roadway features required through development. A new roundabout was identified on the MSM. The new single-lane roundabout is planned at the Beacon Light Road and Pollard Lane intersection.
- Applicant Proposal:** The applicant is not proposing to dedicate additional right-of-way abutting the site to accommodate for the future construction of the single-lane roundabout at the Beacon Light Road and Pollard Lane intersection.
- Staff comments/Recommendation:** Consistent with the MSM, the applicant should be required to dedicate additional right-of-way to accommodate the future construction of a single-lane roundabout at the Beacon Light Road/Pollard Lane intersection consistent with template shown as attachment 3. Compensation will be provided for the right-of-way dedication for the roundabout, as this project is listed as impact fee eligible in the CIP.

3. Beacon Light Road

a. **Existing Conditions:** Beacon Light Road is improved with 2-travel lanes, 24-feet of pavement and no curb, gutter or sidewalk abutting the site. There is 45-feet of right-of-way for Beacon Light (24-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 Policy 7205.2.1 & 7205.5.2 states that the standard 3-lane street section shall be 46-feet (back-of-curb to back-of-curb) within 70 feet of right-of-way. This width typically accommodates a single travel lane in each direction, a continuous center left-turn lane, and bike lanes.

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.

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 Beacon Light is designated in the MSM as a Residential Arterial with 3-lanes and on-street bike lanes, a 46-foot street section within 78-feet of right-of-way.

c. **Applicant Proposal:** The applicant is proposing to dedicate 39-feet of right-of-way from the centerline of Beacon Light Road abutting the site. No improvements are proposed.

d. **Staff Comments/Recommendations:** Typically, right-of-way would be measured from centerline of the roadway; however, the right-of-way dedication and the construction of improvements should be from the section line of Beacon Light Road because the centerline and section line do not align on this segment of the roadway.

Consistent with ACHD’s prior action on Moyle Estates 2 Subdivision located directly west of the site, the applicant should be required to dedicate right-of-way to total 40-feet from the section line of Beacon Light Road abutting the site. Compensation will be provided for this right-of-way dedication, as this segment of Beacon Light Road is listed for improvements in the CIP.

The applicant should be required to improve Beacon Light Road with additional pavement widening to total 17-feet from section line with 3-foot wide gravel shoulders abutting the site.

The applicant should be required to construct a 5-foot wide detached concrete sidewalk on Beacon Light Road abutting the site located a minimum 30-feet from section line. The applicant should be required to provide a permanent right-of-way easement for any sidewalks located outside of the dedicated right-of-way. The permanent easement shall encompass the entire area between the right-of-way line to 2-feet behind the back edge of the sidewalk. If street trees are required than an 8-foot wide planter strip should be provided.

4. Pollard Lane

a. **Existing Conditions:** Pollard Lane is improved with 2-travel lanes,20-feet of pavement, and no curb, gutter or sidewalk abutting the site. There is 44-feet of right-of-way for Pollard Lane (17-feet from centerline).

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: District Policy 7207.5.2 states that the standard street section shall be 33-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 47-feet of right-of-way.

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.

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.

Half Street Policy: District Policy 7207.2.2 required improvements shall consist of pavement widening to one-half the required width, including curb, gutter and concrete sidewalk (minimum 5-feet), plus 12-feet of additional pavement widening beyond the centerline established for the street to provide an adequate roadway surface, with the pavement crowned at the ultimate centerline. A 3-foot wide gravel shoulder and a borrow ditch sized to accommodate the roadway storm runoff shall be constructed on the unimproved side.

- c. **Applicant’s Proposal:** The applicant is proposing to dedicate 23.5-feet of right-of-way from the centerline of Pollard Lane abutting the site. No improvements are proposed.
- d. **Staff Comments/Recommendations:** There is a large irrigation canal, Big Gulch Creek, located on the east side of Pollard Lane across from and south of the site between Beacon Light Road and Floating Feather Road. Although not located as close to the Pollard Road, Big Gulch Creek, is extends from Beacon Light Road north, across from the site. In 2015 as part of ACHD’s action on Star Middle School it was determined that Pollard Lane should be widened to the west, due to the size of the canal and the cost associated with relocating the canal outside of the right-of-way.

Consistent with ACHD’s 2015 action on Star Middle School and other action along Pollard Lane and to ensure that north and south legs of the Beacon Light/Pollard Lane intersection align, the applicant should be required to dedicate additional right-of-way to total 54-feet from the existing edge of pavement on the east side of Pollard Lane across from the site and construct Pollard Lane as ½ of a 36-foot local street section with vertical curb, gutter, and 5-foot wide attached (or 5-foot wide detached) concrete sidewalk abutting the site. If detached sidewalk is desired a permanent right-of-way easement should be provided to 2-feet behind the back edge of the sidewalk. If street trees are desired, then an 8-foot wide planter strip should be provided.

A portion of the Pollard Lane frontage is located within the influence area of the intersection. Compensation will be provided for the right-of-way necessary to accommodate the construction of the future roundabout only.

5. 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.

Driveway Location Policy: District policy 7207.4.1 requires driveways near intersections to be located a minimum of 75-feet (measured centerline-to-centerline) from the nearest local street intersection, and 150-feet from the nearest collector or arterial street intersection.

- b. **Applicant Proposal:** The applicant has proposed to construct a public street with 48-feet of right-of-way. No street section or pedestrian improvements are proposed.
- c. **Staff Comments/Recommendations:** Staff is not supportive of the proposal to construct a public street and recommends that a private road be constructed to serve the site. The proposed

roadways essentially serve as a private drive for the homes providing little or no public benefit. If the applicant is required to construct a public street by the City of Star than a public stub street should be constructed to the parcel located north of the site and a revised site plan should be provided to ACHD for review and comment.

If the City of Star approves the private road, the applicant shall be required to pave the private roadway a minimum of 20 to 24-feet wide 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.

6. **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.

7. **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.

8. **Other Access**

Beacon Light Road is classified as a minor arterial roadway. Direct lot access is prohibited to this roadway and should be noted on the final plat.

D. **Site Specific Conditions of Approval**

1. Dedicate additional right-of-way abutting the site to accommodate the future construction of the single-lane roundabout at the Beacon Light/Pollard Lane intersection consistent with the template shown as attachment 3. Compensation will be provided for this right-of-way dedication.
2. Dedicate additional right-of-way to total 40-feet from section line of Beacon Light Road abutting the site. Compensation will be provided for this right-of-way dedication.

3. Improve Beacon Light Road with pavement widening to 17-feet from section line and 3-foot wide gravel shoulder abutting the site.
4. Construct a 5-foot wide detached concrete sidewalk on Beacon Light Road located a minimum 30-feet from section line abutting the site. Provide a permanent right-of-way easement for any public sidewalk placed outside of the dedicated right-of-way. The permanent easement shall encompass the entire area between the right-of-way line to 2-feet behind the back edge of the sidewalk.
5. Dedicate additional right-of-way to total 54-feet of right-of-way from the existing edge of pavement on the east side of Pollard Lane.
6. Construct Pollard Lane as $\frac{1}{2}$ of a 36-foot local street section with vertical curb, gutter, and 5-foot wide attached (5-foot wide detached) concrete sidewalk abutting the site. The 36-feet should be measured from the edge of pavement on the east side of the roadway across from the site. If detached sidewalk is desired a permanent right-of-way easement should be provided to 2-feet behind the back edge of the sidewalk. If street trees are desired, then an 8-foot wide planter strip should be provided.
7. Construct one 20 to 24-foot wide private road to intersect Pollard Lane located a minimum of 150-feet north of Beacon Light Road.
8. 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.
9. If an internal public street is required by the City of Star, then submit a revised preliminary plat which include a stub street to the parcel (No. S0333334000) located directly north of the site for review and approval.
10. Direct lot access to Beacon Light Road is prohibited and shall be noted on the final plat.
11. 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.
12. Payment of impact fees is due prior to issuance of a building permit.
13. 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, ISPMC 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.

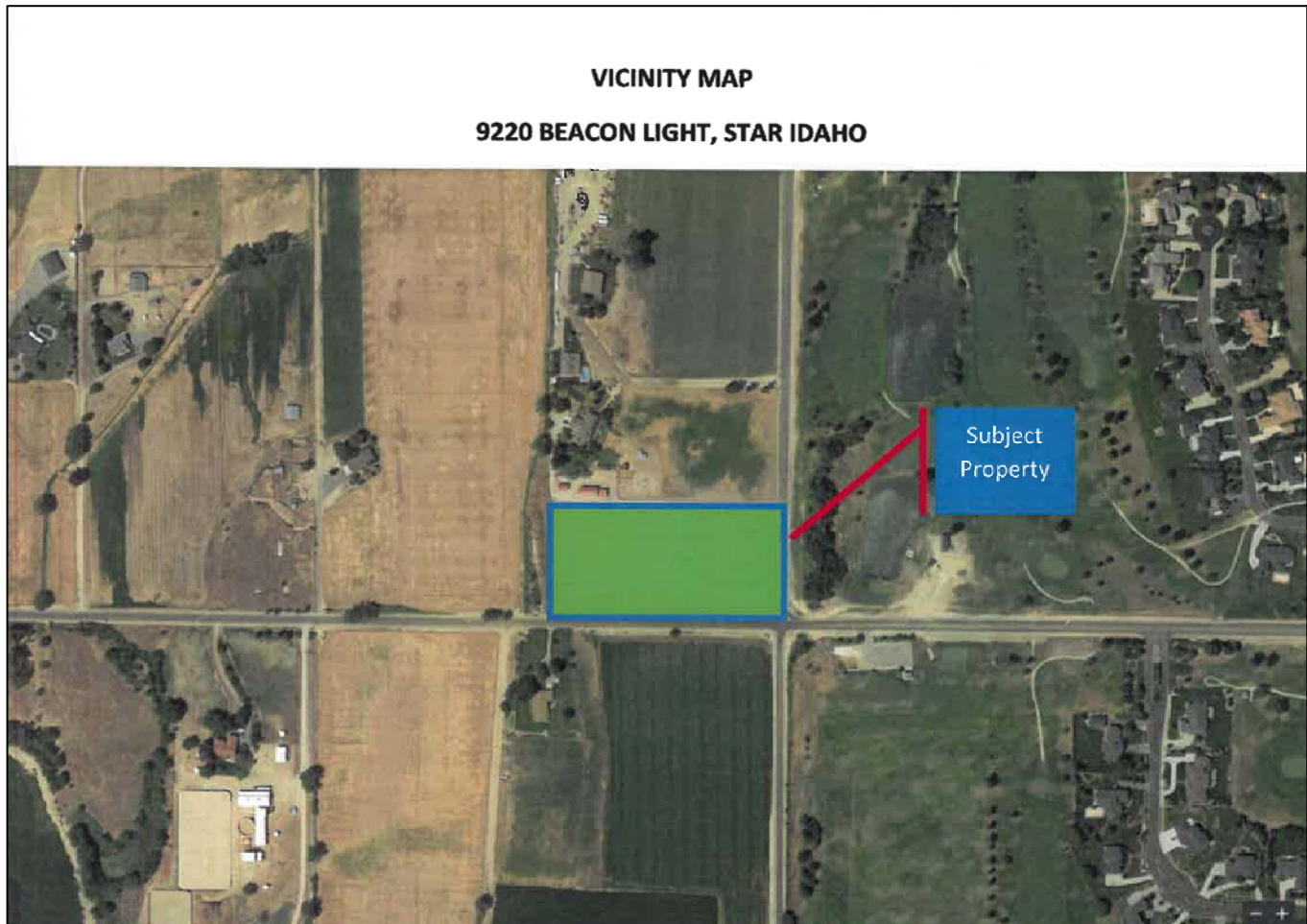
F. Conclusions of Law

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.

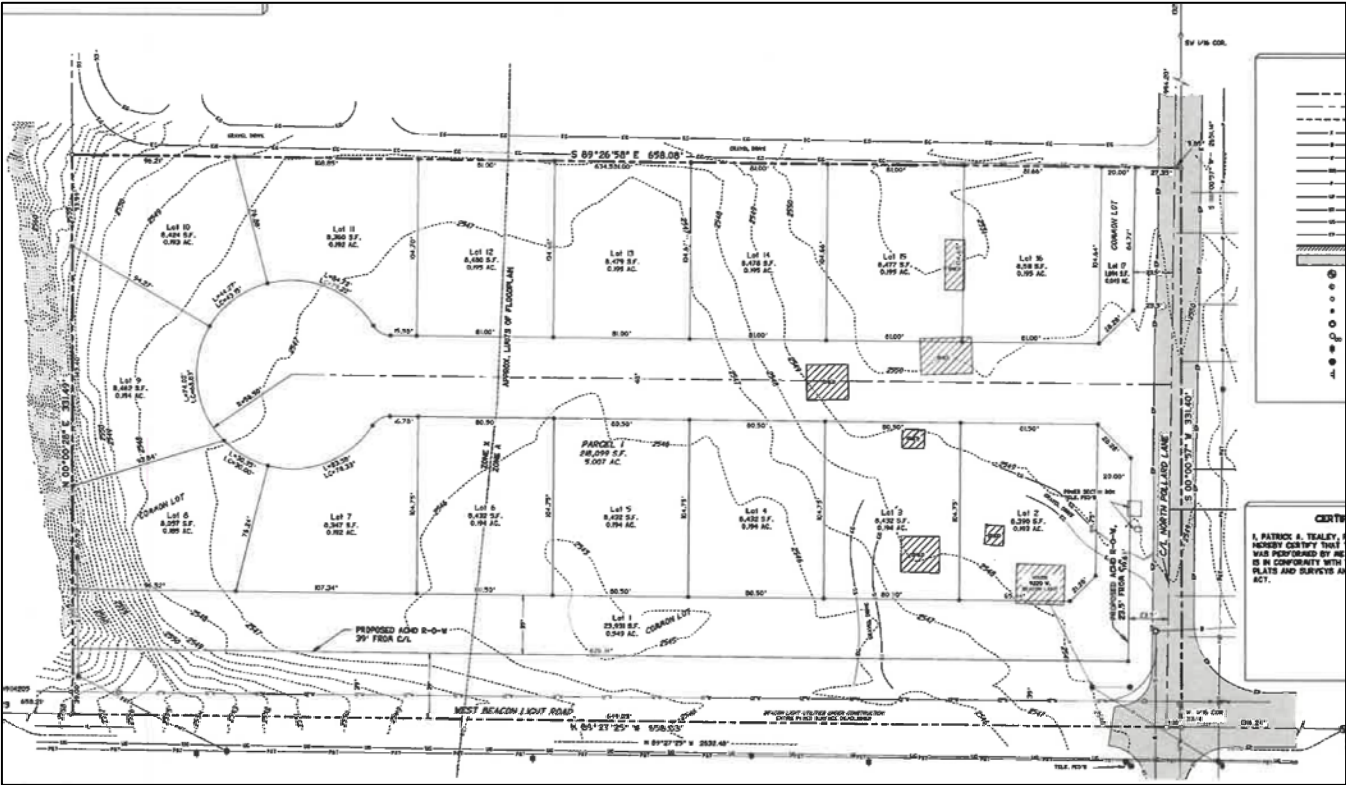
G. Attachments

1. Vicinity Map
2. Site Plan
3. Roundabout Template
4. Utility Coordinating Council
5. Development Process Checklist
6. Request for Reconsideration Guidelines **OR** Appeal Guidelines

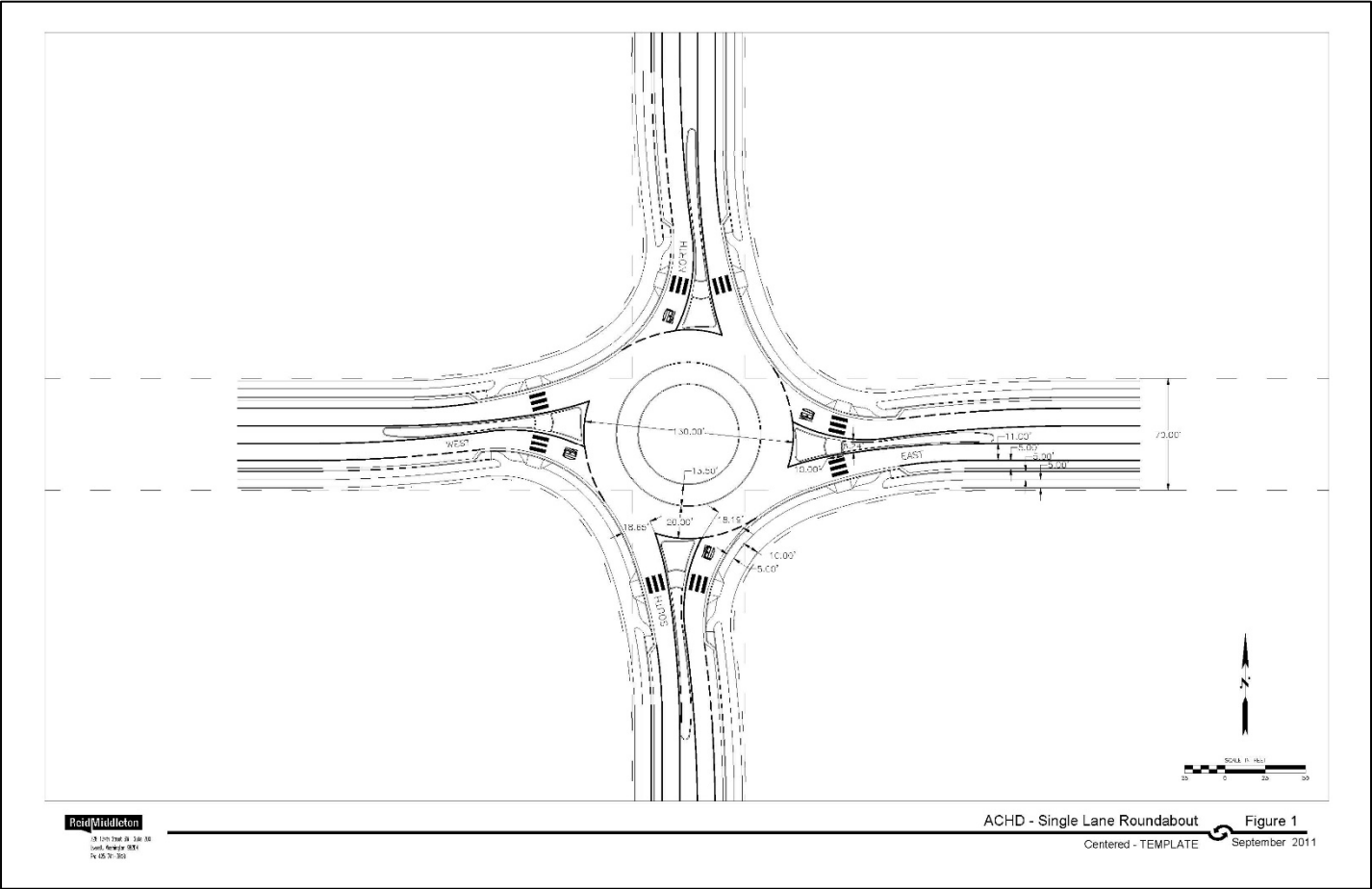
VICINITY MAP



SITE PLAN



Roundabout Template



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 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.

1. **Request for Reconsideration of Commission Action:** A Commissioner, a member of ACHD staff or any other person objecting to any final action taken by the Commission may request reconsideration of that action, provided the request is not for a reconsideration of an action previously requested to be reconsidered, an action whose provisions have been partly and materially carried out, or an action that has created a contractual relationship with third parties.

- a. Only a Commission member who voted with the prevailing side can move for reconsideration, but the motion may be seconded by any Commissioner and is voted on by all Commissioners present.

If a motion to reconsider is made and seconded it is subject to a motion to postpone to a certain time.

- b. The request must be in writing and delivered to the Secretary of the Highway District no later than 11:00 a.m. 2 days prior to the Commission's next scheduled regular meeting following the meeting at which the action to be reconsidered was taken. Upon receipt of the request, the Secretary shall cause the same to be placed on the agenda for that next scheduled regular Commission meeting.
- c. The request for reconsideration must be supported by written documentation setting forth new facts and information not presented at the earlier meeting, or a changed situation that has developed since the taking of the earlier vote, or information establishing an error of fact or law in the earlier action. The request may also be supported by oral testimony at the meeting.
- d. If a motion to reconsider passes, the effect is the original matter is in the exact position it occupied the moment before it was voted on originally. It will normally be returned to ACHD staff for further review. The Commission may set the date of the meeting at which the matter is to be returned. The Commission shall only take action on the original matter at a meeting where the agenda notice so provides.
- e. At the meeting where the original matter is again on the agenda for Commission action, interested persons and ACHD staff may present such written and oral testimony as the President of the Commission determines to be appropriate, and the Commission may take any action the majority of the Commission deems advisable.
- f. If a motion to reconsider passes, the applicant may be charged a reasonable fee, to cover administrative costs, as established by the Commission.



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

Section 7, Item A.

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

Brad Little, Governor
Jess Byrne, Director

December 30, 2021

By e-mail: snickel@staridaho.org

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

Subject: Springtree Estates Subdivision, AZ-21-16/DA-21-24/PP-21-19

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:
<https://www.deq.idaho.gov/public-information/assistance-and-resources/outreach-and-education/>.

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: <https://www.deq.idaho.gov/water-quality/drinking-water/>). 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 an Idaho Pollution Discharge Elimination System (IPDES) Permit. A Construction General Permit from DEQ 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.
- For questions, contact James Craft, IPDES Compliance Supervisor, at (208) 373-0144.
- 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 <https://www.deq.idaho.gov/waste-management-and-remediation/storage-tanks/leaking-underground-storage-tanks-in-idaho/> for assistance.

Response to Request for Comment
December 30, 2021
Page 5

- 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.

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,



Aaron Scheff
Regional Administrator
DEQ-Boise Regional Office

EDMS#: 2021AEK279



Ada County Transmittal
Division of Community and Environmental Health

Section 7, Item A.

Rezone # _____

Conditional Use # _____

Preliminary / Final / Short Plat PP-21-19

Springtree Estates

- ☐ 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: Lowrey

Date: 12/21/2021

LEGAL NOTICE PUBLIC HEARING

Notice is hereby given that the Star City Council will hold a Public Hearing on **February 15, 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 for **Public Hearing instructions for Virtual Public Hearings if necessary.**

Application: Kirshner-Dill Annexation 2689 N. Brandon Road
Files #'s AZ-21-15 Annexation-Zoning
DA-21-23 Development Agreement

Applicant/Owner: Karen Kirshner-Dill, 2689 N. Brandon Road, Star, ID 83669

Action: The Applicant is seeking approval of an Annexation and Zoning (RUT to R-1-DA) and a Development Agreement. The property is located at 2689 N. Brandon Road in Star, Idaho, and consists of 10.9 acres.

Property Location: The subject property is generally located on the southwest corner of N. Brandon Road and W. New Hope Road. Ada County Parcel No. R7626810020.

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



CITY OF STAR

LAND USE STAFF REPORT

TO: Mayor & Council

FROM: City of Star – Planning & Zoning Department *Shawn T. Muth*

MEETING DATE: **February 15, 2022 – PUBLIC HEARING**

FILE(S) #: AZ-21-15 Annexation and Zoning
DA-21-23 Development Agreement

OWNER/APPLICANT/REPRESENTATIVE

Representative:	Applicant/Property Owner:
Kim Owens	Karen Kirshner-Dill
J. Kent Erickson Real Estate	2689 N. Brandon Road
380 E. Parkcenter Blvd, Ste. 110	Star, Idaho 83669
Boise, Idaho 83706	

REQUEST

Request: The Applicant is seeking approval of Annexation and Zoning (RUT to R-1-DA), and a Development Agreement. The property is located at 2689 N. Brandon Road in Star, Idaho, and consists of 10.9 acres.

PROPERTY INFORMATION

Property Location: The subject property is generally located on the southwest corner of N. Brandon Road and W. New Hope Road. Ada County Parcel No. R7626810020.

Surrounding Land Use/Designations:

	Zoning Designation	Comp Plan Designation	Land Use
Existing	RUT (County)	Neighborhood Residential	Agricultural/Residential
Proposed	R-1-DA	Neighborhood Residential	Agricultural/Single Family Residential
North of site	Residential (R-3-DA)	Estate Residential	Approved Stargazer Subdivision
South of site	Residential (R-1-DA)	Neighborhood Residential	Approved Haven Ranch Subdivision
East of site	RUT (County)	Neighborhood Residential	Single Family Residential
West of site	Residential (R-4)	Neighborhood Residential	Single Family Residential/Agricultural

Existing Site Characteristics: The property currently has a single-family residential home with outbuildings and vacant ground.

Irrigation/Drainage District(s): Farmer's Union Ditch Company
P.O. Box 1474
Eagle, Idaho 83616

HRM Lateral

Flood Zone: This property is not located in a Special Flood Hazard Area.
Flood Zone: Zone X
FEMA FIRM Panel Number: 16001C0130J
Effective Date: 6/19/2020

Special On-Site Features:

- ✧ Areas of Critical Environmental Concern – No known areas.
- ✧ Evidence of Erosion – No evidence.
- ✧ Fish Habitat – No.
- ✧ Floodplain – No.
- ✧ Mature Trees – Yes.
- ✧ Riparian Vegetation – No.
- ✧ Steep Slopes – None.
- ✧ Stream/Creek – Pond and irrigation ditch.
- ✧ 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	September 8, 2021
Neighborhood Meeting Held	January 18, 2022
Application Submitted & Fees Paid	September 17, 2021
Application Accepted	January 6, 2022
Residents within 300' Notified	January 6, 2022
Agencies Notified	January 6, 2022
Legal Notice Published	January 27, 2022
Property Posted	January 13, 2022

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.

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.

<u>ZONING DISTRICT USES</u>	A	R-R	R
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-1	35'	30'	30'	10'	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.

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.

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.

8.5.9 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 zoning application with a zoning designation of Residential (R-1-DA) on 10.9 acres. This zoning district would allow for a maximum residential density of 1 dwelling unit 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. The property will be accessed from N. Brandon Road, as it is today. The rezone request includes a development agreement.

The property owners intent is to annex and zone the property and then split the property into two parcels. The owner intends to keep the eastern corner parcel and potentially sell the western parcel for redevelopment. Council should discuss whether to condition sidewalks along N. Brandon Road and W. New Hope Road as this may be the only opportunity to get this portion of sidewalk built. Council may want to consider or condition sidewalks upon development of the western parcel, should that happen in the future. Ada County Development Services has requested that sidewalks also be considered as part of their review.

DEVELOPMENT AGREEMENT

Through the Development Agreement process, the applicant is proposing to work with the City 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:

- Emergency Access
- Future Development
- Sidewalk along the property for both Brandon and New Hope Road

AGENCY RESPONSES

Ada County Development Services	January 10, 2022
ACHD	January 25, 2022

PUBLIC RESPONSES

No public comments have been received.

STAFF ANALYSIS AND RECOMMENDATION

The applicant originally requested an R-3 designation, however, without a clear plan on how the property will redevelop in the future, staff is only supportive of the R-1 designation at this time. Once a plan for development is clear, the applicant can submit a rezone application with the preliminary plat for redevelopment of the western parcel that meets the current Comprehensive Plan Future Land Use Map designation.

Based upon the information provided to staff in the applications and agency comments received to date, the proposed annexation and zoning request meets the requirements, standards and intent for development as they relate to the Comprehensive Plan and Unified Development Code. The proposed density of 1.0 dwelling unit per acre is well below the 3-5 dwelling units per acre allowed in the Neighborhood Residential Comprehensive Plan Future Land Use Map.

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 application, 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*

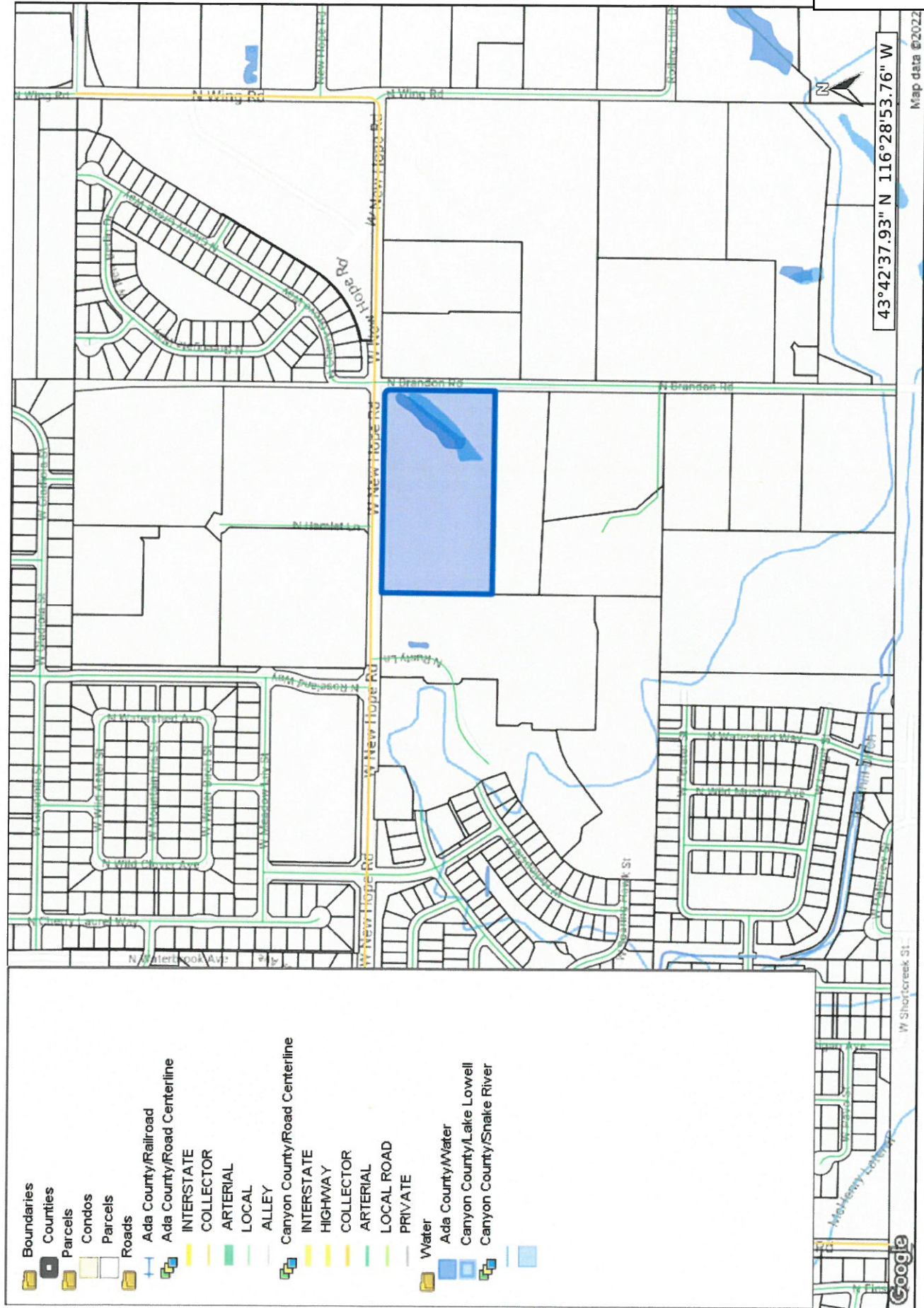
an assortment of amenities within walking distance of a residential development. The Council must find compliance with the Comprehensive Plan.

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 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.*
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.*

COUNCIL DECISION

The Star City Council _____ File Number AZ-21-15/DA-21-23 for the Kirshner-Dill property on _____, 2022.

2689 N. Brandon Road



Section 7, Item B.

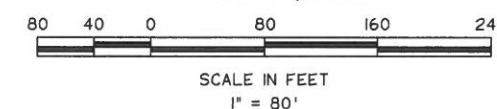
RECORD OF SURVEY FOR KIRSHNER PROPERTY

RECORD OF SURVEY NO. _____
INSTRUMENT NO. _____

SURVEYOR'S NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO DIVIDE THE EXISTING LOT INTO 2 PARCELS AT OWNERS REQUEST. FOUND AND USED THE EXISTING MONUMENTS SHOWN ON PLAT TO DIVIDE PARCEL.

LOT II, BLOCK I, RUSTY SPUR RANCHETTES SUBDIVISION NO. 3,
LYING IN THE NW 1/4, SECTION 5, T.4N., R.1W., B.M.,
ADA COUNTY, IDAHO



31 32
6 5

C.P.&F. NO. 94004062
CW 1/16 CORNER

BASIS OF BEARING
N 00°57'21" E 2708.68'

6 5 C.P.&F. NO. 2017-051887

WEST NEW HOPE ROAD

S 89°08'09" E 1317.62'
968.30'

S 89°08'09" E 913.28'

12' PUBLIC UTILITY, DRAINAGE AND IRRIGATION
EASEMENT PER PLAT OF RUSTY SPUR
RANCHETTES SUBDIVISION NO. 3 (TYPICAL)

PARCEL B
280,726 Sq Ft
6.44 Ac.

LOT 11, BLOCK 1
RUSTY SPUR RANCHETTES
SUBDIVISION NO. 3

PARCEL A
194,229 Sq Ft
4.46 Ac.

LOT 10, BLOCK 1
RUSTY SPUR RANCHETTES
SUBDIVISION NO. 3

CURVE TABLE					
CURVE	RADIUS	DELTA	LENGTH	BEARING	CHORD
C-1	25.00'	90°06'35"	39.32'	S 44°04'52" E	35.39'

ATTENTION







THE RECORDING OF THIS RECORD OF SURVEY DOES NOT ENABLE THE OWNERS OF THE PARCELS TO CONVEY OWNERSHIP BASED SOLELY ON THIS MAP. A WRITTEN CONVEYANCE MUST ACCOMPANY SUCH CHANGE IN OWNERSHIP. THIS RECORD OF SURVEY DOES NOT SERVE AS A LEGAL DESCRIPTION FOR THE PROPERTY SHOWN ON THIS MAP.

TEALEY'S LAND SURVEYING, ASSUMES NO LIABILITY FOR PRESENT OR FUTURE COMPLIANCE OR NON-COMPLIANCE WITH THE PLANNING AND ZONING ORDINANCE RESTRICTION AS IT PERTAINS TO BUILDING PERMITS AND THE ISSUANCE THEREOF.

REFERENCE SURVEYS AND PLATS

1. PLAT OF RUSTY SPUR RANCHETTES
SUBDIVISION NO. 3.
2. PLAT OF RUSTIC RIDGE SUBDIVISION.
3. RECORD OF SURVEY NO. 10380.

LEGEND

- | | |
|---|-------------------------------|
| ————— | BOUNDARY LINE |
| —— ——— | CENTER LINE |
| - - - - - | EASEMENT LINE |
|  | FOUND ALUMINUM CAP |
|  | FOUND 5/8" IRON PIN |
|  | SET 5/8" X 30" IRON PIN w/CAP |
|  | FOUND 1/2" IRON PIN |
|  | SET 1/2" X 24" IRON PIN w/CAP |
|  | CALCULATED POINT |

CERTIFICATE OF SURVEYOR

I, PATRICK A. TEALEY, PLS NO. 4347, STATE OF IDAHO, DO HEREBY CERTIFY THAT THE SURVEY REPRESENTED ON THIS PLAT WAS PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION AND IS IN CONFORMITY WITH THE STATE OF IDAHO CODES RELATING TO PLATS AND SURVEYS AND THE CORNER PERPETUATION AND FILING ACT.



RECORDED'S CERTIFICATE

STATE OF IDAHO)
COUNTY OF ADA) SS
FILED FOR RECORD AT THE REQUEST OF _____
____ MIN. PAST ____ O'CLOCK ____ M THIS ____ DAY OF _____, 20____
_____, RECORDER
BY _____, DEPUTY
FEE



TEALEY'S LAND SURVEYING

12594 W. EXPLORER DRIVE, SUITE 150
208-385-0636 BOISE ID 83713

DATE: DECEMBER, 2021	DRAWING NO.: 4909
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RECORDING INDEX NO. 141-05-4-0-0-66-6758



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 7, Item B.

BUILDING • COMMUNITY PLANNING • ENGINEERING & SURVEYING • PERMITTING

January 10, 2022

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

RE: AZ-21-15 / 2689 N Brandon Road / Kirshner-Dill Annexation

Feedback has been requested regarding the proposed annexation, rezone to R-1-DA with a development agreement on 10.9-acres at 2689 N Brandon Road. Ada County is supportive of the application due to the proximity of the site to existing public services, and due to its compliance with the Star Comprehensive Plan, as adopted by Ada County, which designates the site as *Low Density Residential*, which is intended for single-family homes at densities of up to two units per acre.

To improve future connectivity, it is recommended that a public road be considered rather than a private road in order to allow adjacent properties to access it as they develop, in conformance with *Goals 4.3b and 4.3c* of the Ada County Comprehensive Plan which promote connectivity through well-connected local street systems and pathways and discourage cul-de-sacs and private roads within Areas of City Impact.

It is also recommended that sidewalk be considered along the roadways in order to improve pedestrian comfort and safety and allow for a potential pedestrian connection to adjacent properties in the future, as supported by *Transportation Policy 9* of the Star Comprehensive Plan, as adopted by the County, which encourages non-motorized pathways between residential areas to reduce short trips and improve access for non-drivers.

Thank you for this opportunity to provide feedback.

Sincerely,

Stacey Yarrington

Stacey Yarrington
Community & Regional Planner
Ada County Development Services

**Project/File: Kirshner-Dill Annexation/ STAR22-0002/ A-21-15/ DA-21-23**

This is an annexation and rezone application with a development agreement with the City of Star for 10.9 acres.

Lead Agency: City of Star

Site address: 2689 N Brandon Road

Staff Approval: January 25, 2022

Applicant: Karen Kirshner-Dill
2689 N Brandon Road
Star, Idaho 83669

Staff Contact: Brenna Garro
Phone: 387-6346
E-mail: bgarro@achdidaho.org



A. Findings of Fact

- Description of Application:** The applicant is requesting approval of an annexation and rezone of 10.9 acres from RUT (Rural Urban Transition) to R-1-DA (Residential). This application includes a development agreement with the City of Star.

The applicant's proposal is consistent with the City of Star's Future Land Use Map which designates this area as neighborhood residential.

- Description of Adjacent Surrounding Area:**

Direction	Land Use	Zoning
North	Estate Residential	RUT
South	Neighborhood Residential	R-1-DA
East	Neighborhood Residential	RUT
West	Neighborhood Residential	R-4

- Site History:** ACHD has not previously reviewed this site for a development application.
- Adjacent Development:** The following developments are pending or underway in the vicinity of the site:
 - The Greendale Subdivision, a 142-lot subdivision located northwest of the site, was approved by ACHD in April 2019.
 - The Haven Ranch Subdivision, a 7-lot subdivision located directly south of the site, was approved by ACHD in October 2020.
- Transit:** Transit services are not available to serve this site.

6. **New Center Lane Miles:** The proposed development includes 0 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):**
- New Hope Road is scheduled in the IFYWP for pavement rehabilitation and pedestrian ramp installation from Can Ada Road to Wing Road in 2023.
 - Brandon Road and Bridge #1460 is scheduled in the IFYWP to be replaced in 2025.
 - New Hope Road is listed in the CIP to be widened to 3-lanes from Munger Road to Pollard Road between 2036 and 2040.
 - The intersection of New Hope Road and Munger Road is listed in the CIP to be reconstructed as a single-lane roundabout with 2-lanes on the north leg, 2-lanes on the south, 2-lanes east, and 2-lanes on the west leg in 2036 and 2040.
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 New Hope Road as a Level 3 facility and Brandon Road as a Level 2 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 9 additional vehicle trips per day (9 existing); 1 additional vehicle trips per hour in the PM peak hour (1 existing), based on the Institute of Transportation Engineers Trip Generation Manual, 11th 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
New Hope Road	940-feet	Arterial	78	Better than "D"
Brandon Road	505-feet	Collector	21	Better than "D"

* 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 New Hope Road east of Can Ada Road was 1,172 on 05/18/2016.
 - The average daily traffic count for Brandon Road south of New Hope Road was 506 on 09/13/2016.

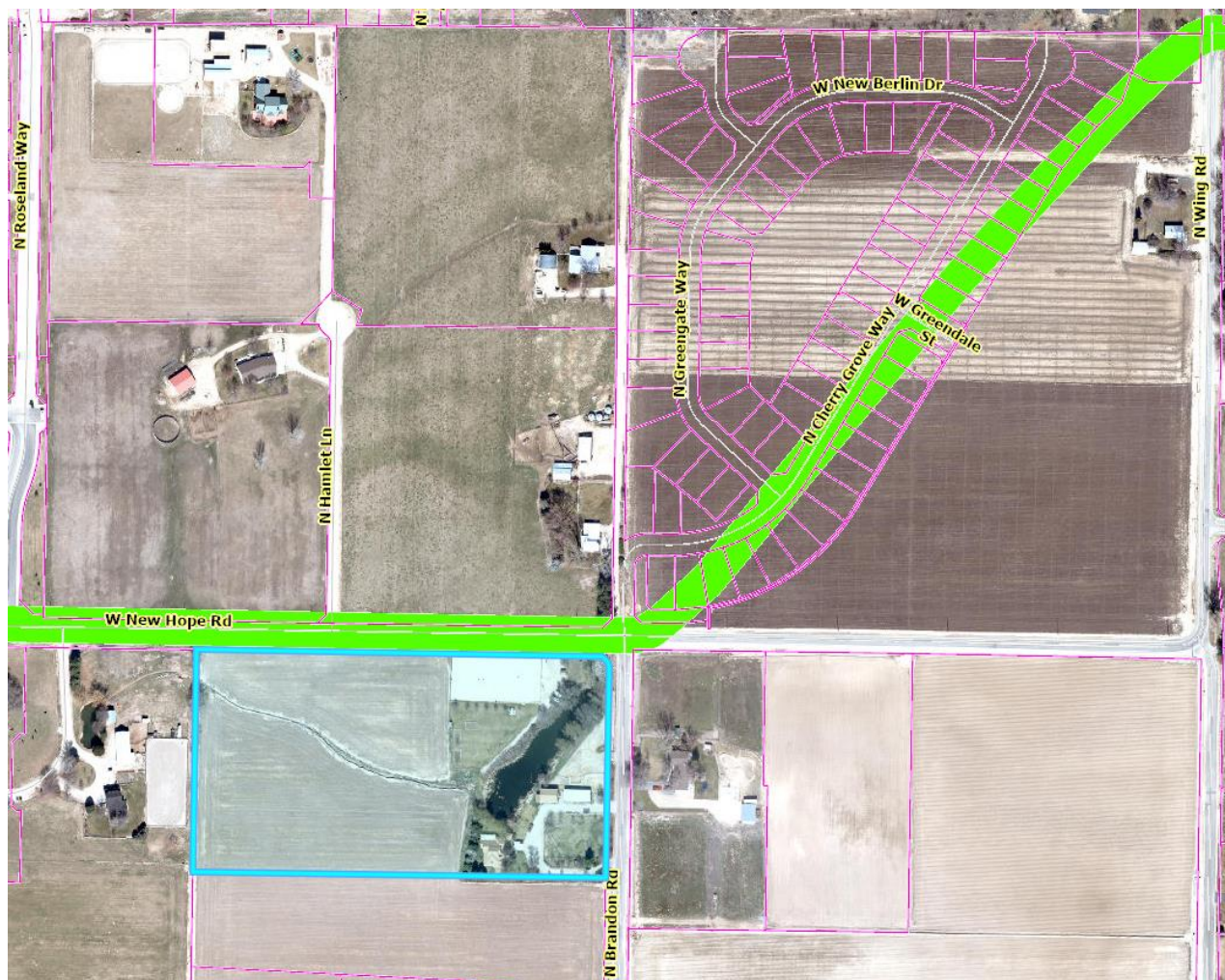
C. Findings for Consideration

This application is for annexation and rezone only. Listed below are some of the findings for consideration that the District may identify when it reviews future development application(s). The District may add additional findings for consideration when it reviews a specific redevelopment application.

1. Purple Sage/ Beacon Light Alignment Study

On June 28, 2008 the ACHD Commission approved the Purple Sage/Beacon Light Alignment Study which included a preferred alignment for the roadway and determined that Beacon Light Road would be extended as a 3-lane minor arterial roadway. The study notes that right-of-way dedication and construction of the roadway will occur incrementally as development occurs.

The alignment of Beacon Light Road has been designated on ACHD's Master Street Map and extends northeast of the site.



2. New Hope Road

- a. **Existing Conditions:** New Hope 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 65-feet of right-of-way for New Hope Road (48-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 Policy 7205.2.1 & 7205.5.2 states that the standard 3-lane street section shall be 46-feet (back-of-curb to back-of-curb) within 70 feet of right-of-way. This width typically accommodates a single travel lane in each direction, a continuous center left-turn lane, and bike lanes.

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 New Hope Road is designated in the MSM as a Residential Arterial with 3-lanes and on-street bike lanes, a 46-foot street section within 78-feet of right-of-way.

- c. **Staff Comments/Recommendations:** As part of a future development application, at a minimum the applicant would be required to improve New Hope Road with pavement widening to total 17-feet from the centerline, a 3-foot wide gravel shoulder, and a 5-foot wide detached concrete sidewalk located a minimum of 30-feet from the centerline of the roadway abutting the site. Additionally, additional right-of-way dedication to total

ACHD is interested in entering into a Cooperate Development Agreement as part of a future development application to complete the cross section and pedestrian improvements constructed as part of the Beacon Light Road extension by Greendale Subdivision located directly northeast of this site. Details of the agreement and improvements will be included as part of a future staff report.

3. Brandon Road

- a. **Existing Conditions:** Brandon Road is improved with 2-travel lanes, 25-feet of pavement (15-feet from centerline), and no curb, gutter, or sidewalk abutting the site. There is 55-feet of right-of-way for Brandon Road (35-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 Brandon Road is designated in the MSM as a Residential Collector with a 36-foot street section within 50 to 70-feet of right-of-way.

- c. **Staff Comments/Recommendations:** As part of a future development application, the applicant will be required to improve Brandon Road as ½ a 36-foot residential collector street section with curb, gutter, and 7-foot wide attached or 5-foot wide detached concrete sidewalk.

This area is within the 2024 Chip-seal Zone.

4. Internal Local Roadways

a. **Existing Conditions:** There are no existing 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: District Policy 7207.5.2 states that the standard street section shall be 33-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 47-feet of right-of-way.

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.

Rural Street Section: District policy 7207.5.2 requires rural developments with lot sizes of 5-acres or greater per dwelling provide a minimum 24-foot pavement width, with additional 3-foot gravel shoulders and borrow ditches on each side. This street section does not require the construction of curbs, gutters, or sidewalks.

Developments with lot sizes of 1-acre or greater, but less than 5-acres per dwelling will provide streets with a 30-foot wide surface (26-feet of pavement with 2-foot concrete ribbon on each side), 4-foot of which will be striped for non-motorized travel on each side. The minimum right-of-way width for this street section shall be 52-feet in order to encompass the entire swale section. The developer shall construct on both sides of the road a 2-foot wide (minimum) concrete ribbon 8-inches thick and an 8-foot wide drainage swale along the edge of the pavement to accommodate the runoff from the development. See Section 7207.5.6 for roadside swale requirements.

Cul-de-sac Streets Policy: District policy 7207.5.8 requires cul-de-sacs to be constructed to provide a minimum turning radius of 45-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.

Landscape Medians Policy: District policy 7207.5.16 states that landscape medians are permissible where adequate pavement width is provided on each side of the median to accommodate the travel lanes and where the following is provided:

- The median is platted as right-of-way owned by ACHD.
- The width of an island near an intersection is 12-feet maximum for a minimum distance of 150-feet. Beyond the 150-feet, the island may increase to a maximum width of 30-feet.
- At an intersection that is signalized or is to be signalized in the future, the median width shall be reduced to accommodate the necessary turn lane storage and tapers.
- The Developer or Homeowners Association shall apply for a license agreement if landscaping is to be placed within these medians.
- The license agreement shall contain the District's requirements of the developer including, but not limited to, a "hold harmless" clause; requirements for maintenance by the developer; liability insurance requirements; and restrictions.
- Vertical curbs are required around the perimeter of any raised median. Gutters shall slope away from the curb to prevent ponding.

c. **Staff Comments/Recommendations:** As part of a future development application, the applicant would be required to design and construct the internal local streets to meet the District policies listed above.

5. Roadway Offsets

- a. **Existing Conditions:** There are no existing roadways within the site.
- b. **Policy:**

Local Street Intersection Spacing on Principal Arterials: District policy 7205.4.3 states that new local streets should not typically intersect arterials. Local streets should typically intersect collectors. If it is necessary, as determined by ACHD, for a local street to intersect an arterial, the minimum allowable offset shall be 1,320-feet as measured from all other existing roadways as identified in Table 1b (7205.4.7).

Local Street Intersection Spacing on Minor Arterials: District policy 7205.4.3 states that new local streets should not typically intersect arterials. Local streets should typically intersect collectors. If it is necessary, as determined by ACHD, for a local street to intersect an arterial, the minimum allowable offset shall be 660-feet as measured from all other existing roadways as identified in Table 1a (7205.4.6).

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 7205.4.2 states that the optimum spacing for new signalized collector roadways intersecting principal arterials is one half-mile.

District policy 7206.4.2 states that the preferred spacing for new collectors intersecting existing collectors is ¼ mile to allow for adequate signal spacing and alignment.

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).

District policy 7208.4.2, requires commercial roadways intersecting other local streets (residential, industrial, or commercial) to provide a minimum offset of 125-feet from any other roadway or intersection (measured centerline to centerline).

District policy 7209.4.2, requires industrial roadways intersecting other local streets (residential, industrial, or commercial) to provide a minimum offset of 125-feet from any other roadway or intersection (measured centerline to centerline).
- c. **Staff Comments/Recommendations:** As part of a future development application, the applicant would construct the roadway intersections to meet District policies listed above.

6. **Stub Streets**

- a. **Existing Conditions:** There are no existing roadways within the site.
- b. **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.

- c. **Staff Comments/Recommendations:** As part of a future development application, the applicant would construct the stub streets to meet District policies listed above.

7. Driveways

7.1 New Hope Road

- a. **Existing Conditions:** There is an existing 17-foot wide unimproved driveway from the site onto New Hope Road located approximately 159-feet west of Brandon Road (measured centerline to centerline).

- 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 20 MPH to align or offset a minimum of 330-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. **Staff Comments/Recommendations:** The future development application will be subject to the District policies listed above.

New Hope Road is classified as a principal arterial roadway, because of this access onto this roadway is not guaranteed and will need evaluated as part of a future development application. See ACHD policy 7205.4.4.

7.2 **Brandon Road**

- a. **Existing Conditions:** There is an existing 19-foot wide unimproved driveway from the site onto Brandon Road located approximately 162-feet north of the site’s south property line (measured property line to centerline).

There is an existing 16-foot wide unimproved driveway from the site onto Brandon Road located approximately 37-feet north of the site’s south property line

- 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 less than 100 VTD to align or offset a minimum of 150-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. **Staff Comments/Recommendations:** The future development application will be subject to the District policies listed above.

8. 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. **Staff Comments/Recommendations:** If the City of Star approves any private roads as part of a future development application, the applicant shall be required to pave the private roadway a minimum of 20 to 24-feet wide 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 as part of a future development application, 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 as part of a future development application. The signs may be ordered through the District. Verification of the correct, approved name of the road is required as part of a future development application.

ACHD does not make any assurances that the private road, which is a as part of a future development 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.

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

New Hope Avenue is classified as a minor arterials roadway and Brandon Road is classified as a collector roadway. Other than the access specifically approved as part of a future development application, direct lot access is prohibited to these roadways and should be noted on the final plat.

D. Site Specific Conditions of Approval

This application is for annexation and rezone only. Site specific conditions of approval will be established as part of the future development application.

1. Payment of impact fees is due prior to issuance of a building permit.
2. 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.

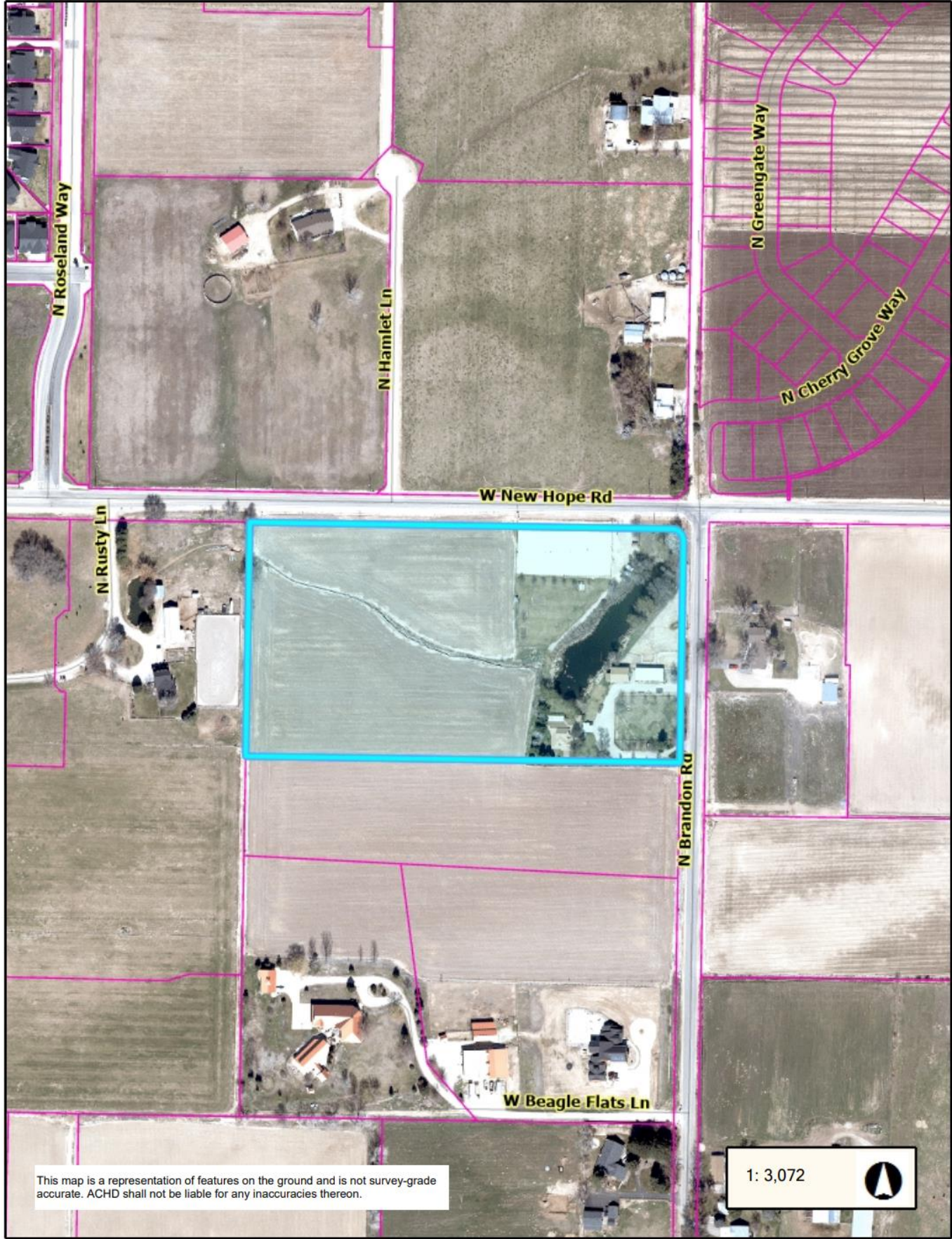
F. Conclusions of Law

- 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.

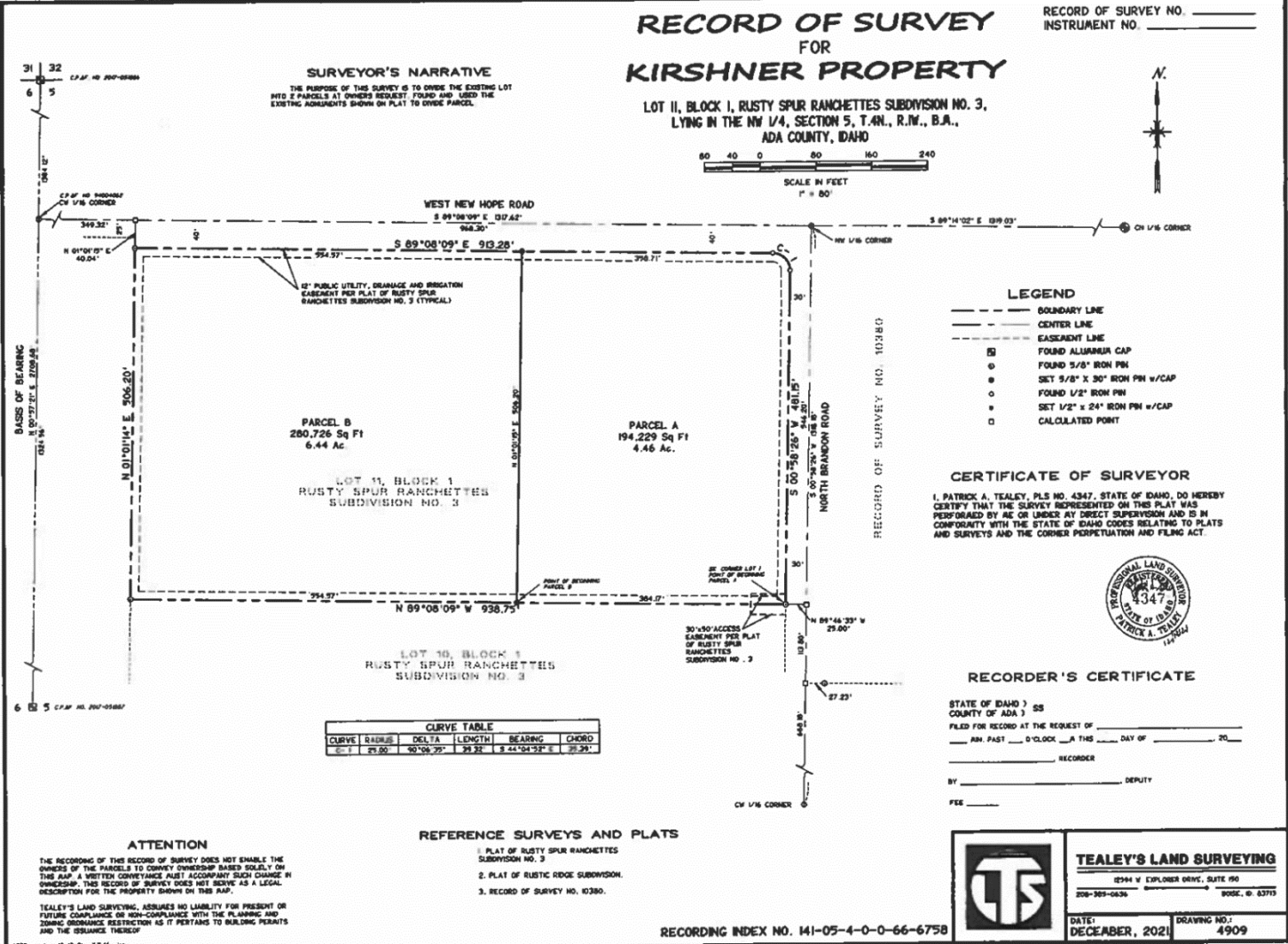
G. Attachments

- 1. Vicinity Map
- 2. Site Plan
- 3. Utility Coordinating Council
- 4. Development Process Checklist
- 5. 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 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.

UDC AMENDMENT HIGHLIGHTS

- **Page 1 – Duties and Authority**
- **Page 5 – Update**
- **Page 11 – Reposting Costs**
- **Page 14 – Zoning Certificate for Horizontal/Build to Rent**
- **Page 20 - Updates**
- **Page 26 – Updates**
- **Page 32 – Build to Rent Definition**
- **Page 34 – Commercial Definition – Build to Rent**
- **Page 40 – Horizontal Apartments Definition**
- **Page 41 – Large Scale Definition**
- **Page 43 – Management Company Definition**
- **Page 44 – Multi-Family Definitions**
- **Page 58 – PLACE HOLDER FOR RC River Center Zoning District**
- **Page 62 – Horizontal Apartments/Build to Rent Land Use Designation**
- **Page 66 – Setbacks/Waivers**
- **Page 67 – Spite Strip Definition Revised**
- **Page 70 – Transitional Lots**
- **Page 75 – Addressing Update**
- **Pages 86-88 Sidewalk Standards**
- **Page 103 – Food Truck Update**
- **Pages 105-109 Private Street Updates**
- **Page 119-121 – Horizontal Apartments/Build to Rent Specific Use Standards**
- **Page 130 – Secondary Dwelling Unit Update**
- **Pages 145-147 Short Land Division Standards**
- **Page 152-153 – Developer Responsibility Updates**
- **South of the River/River Center Section**

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

Size
Six (6) inches

Size
Two (2) inches

Size
One and one-half
(1.5) inches



CITY OF STAR PUBLIC HEARING NOTICE	
THE CITY OF STAR WILL HOLD A PUBLIC HEARING	
DATE:	April 7, 2020
TIME:	7:00 p.m.
LOCATION:	Star City Hall 10769 W. State Street, Star, Idaho
PURPOSE:	(Examples)
	Annexation and Zoning – Sun King Property, Approximately 64 Acres, Requested Zoning R-3
	(OR)
	Preliminary Plat – Blackbird Subdivision, Approximately 9 acres, 8 single-family dwelling lots
	(OR)
	Conditional Use Permit to Operate a Barber Shop
PROPERTY LOCATION:	SW corner of Penny Lane and Blue Jay Way
APPLICATION BY:	William Shears
CONTACT:	The City of Star at 208-286-7247

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.

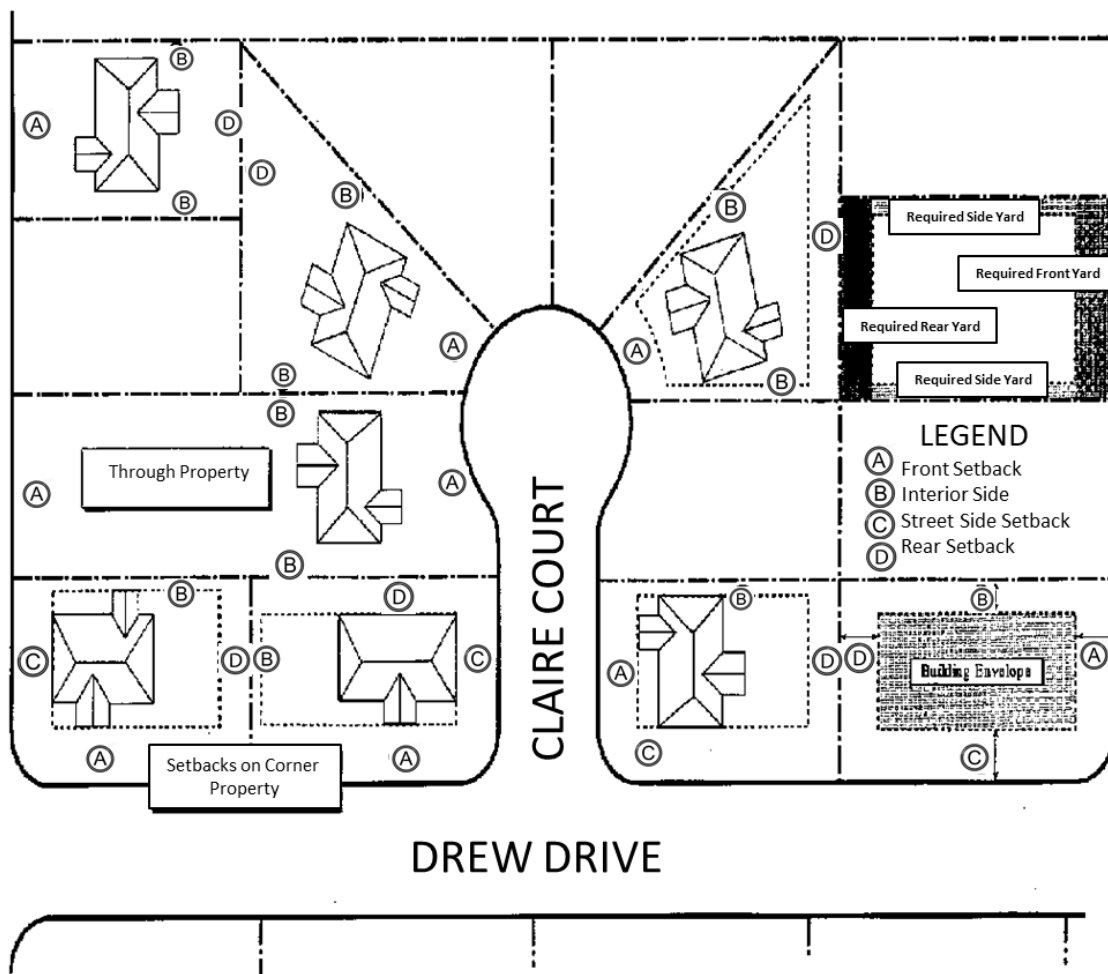
YARD, SIDE: An area extending from the front yard to the rear yard between the side property line and the nearest line of the principal structure. See figure 8-1E-2.

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



SHAWN AVENUE

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.

<u>ZONING DISTRICT USES</u>										
USES	A	R-R	R	CBD	C-1	C-2	L-O	Section 7, Item D.		
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 ₁	P	C	N	C	P	P	P	P	N	C
Artist studio ₁	P	P	N	P	P	P	P	P	P	P
Arts, entertainment, recreation facility ₁	C	N	N	P	C	P	P	C	P	C
Asphalt plant ₁	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) ₁	N	N	N	A	A	A	A	A	A	A
Automotive hobby ₁	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 ₁	C	N	N	N	N	N	N	N	N	C
Caretaker Unit ₁	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 ₁	C	C	N	N	N	N	N	N	P	N
Chemical manufacturing plant ₁	N	N	N	N	N	N	N	C	N	N
Child Care center (more than 12) ₁	N	C	N	C	C	C	C	N	N	C
Child Care family (6 or fewer) ₁	A	A	A	A	A	A	A	N	N	A
Child Care group (7-12) ₁	C	C	C	C	C	C	C	N	N	C
Child Care-Preschool/Early Learning ₁	N	C	C	C	C	C	C	N	N	C
Church or place of religious worship ₁	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 ₁	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 ₁	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 ₁	N	N	N	P C	P	P	C	C	N	C
Dwelling:										
Multi-family ₁	N	N	C	N	N	N	N	N	N	C
Secondary ₁	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 ₁	N	N	N	C	N	N	N	N	N	C
<u>Horizontal Apartments or Build to Rent Communities ₁</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 ₁	N	N	N	C	C	P	C	P	N	C
Golf course/ Driving Range	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 ¹	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 ¹	P	P	P	N	N	N	N	N	N	C
Manufactured home park ¹	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) ¹	C	N	N	N	N	N	N	C	N	N
Mining, Pit or Quarry (for accessory pit) ¹	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 ¹	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 ₁	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 ₁	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) ₁	C	N	N	N	C	P <u>C</u>	N	P <u>C</u>	N	C
Storage facility, self-service (commercial) ₁	C	N	N	N	C	P <u>C</u>	N	P <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 ₁	P	P	C	N	N	N	N	N	N	N
Terminal, freight or truck ₁	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 ₁	N	N	N	P	P	P	P	P	N	C
Vehicle impound yard ₁	N	N	N	N	N	N	N	P	N	N
Vehicle repair, major ₁	N	N	N	N	C	P	N	P	N	C

Vehicle repair, minor ¹	N	N	N	C	C	P	N	P	N	C
Vehicle sales or rental and service ¹	N	N	N	C	C	P	N	P	N	C
Vehicle washing facility ¹	N	N	N	C	C	P	N	P	N	C
Vehicle wrecking, junk or salvage yard ¹	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 ¹	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	3' <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.

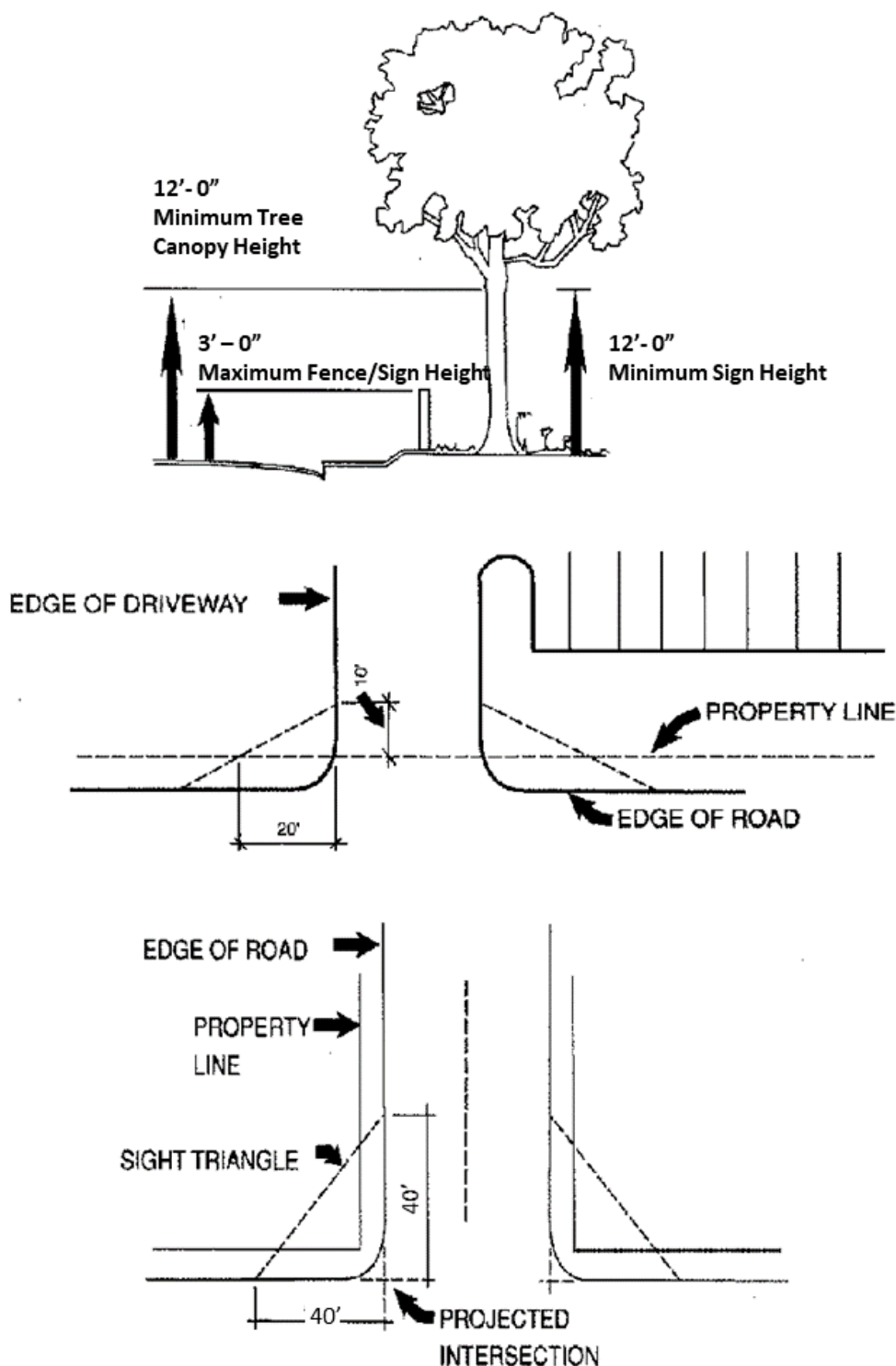
8-4A-6: CLEAR VISION TRIANGLE:

- 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:

- 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

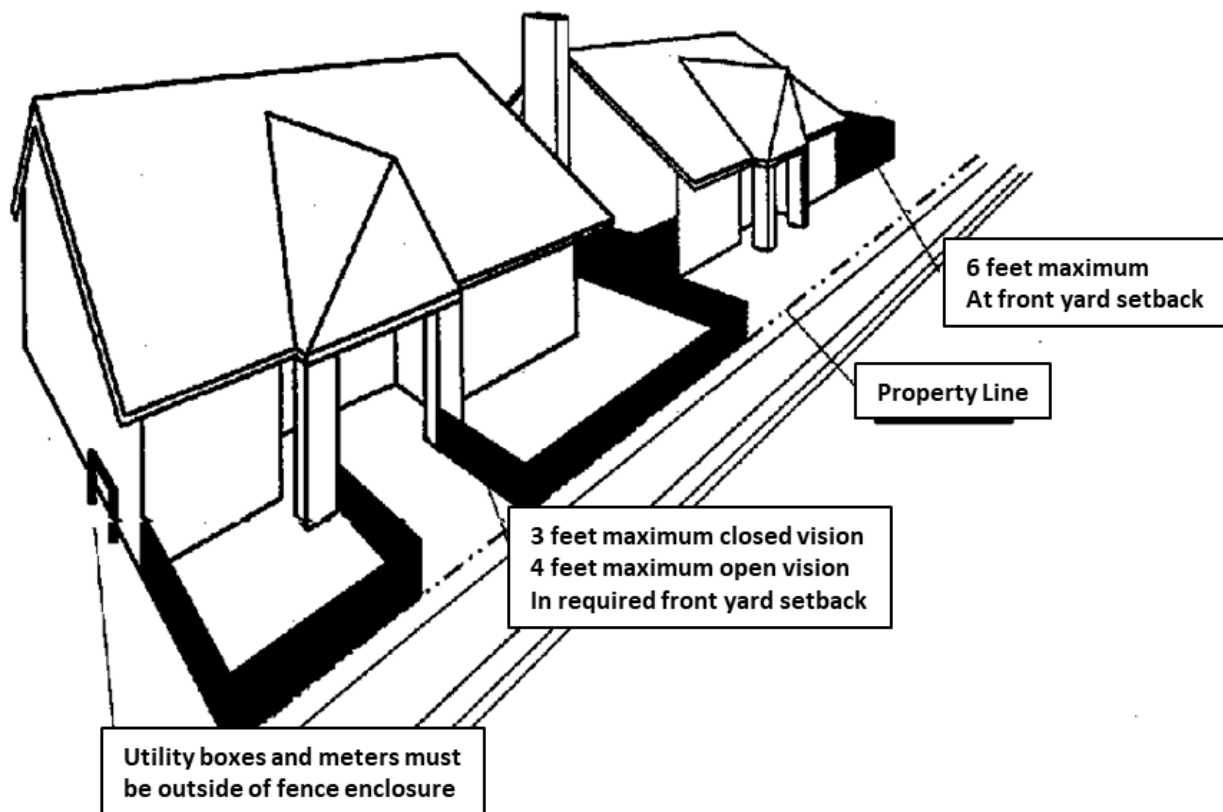
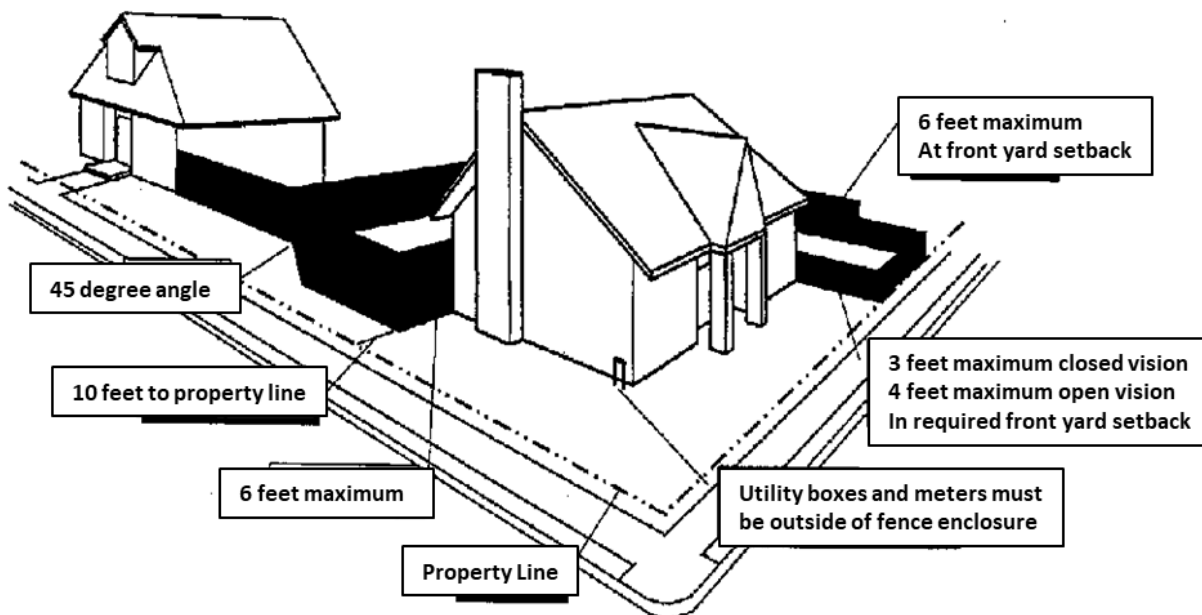


Figure 2 - Fence Regulations on Corner Properties



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

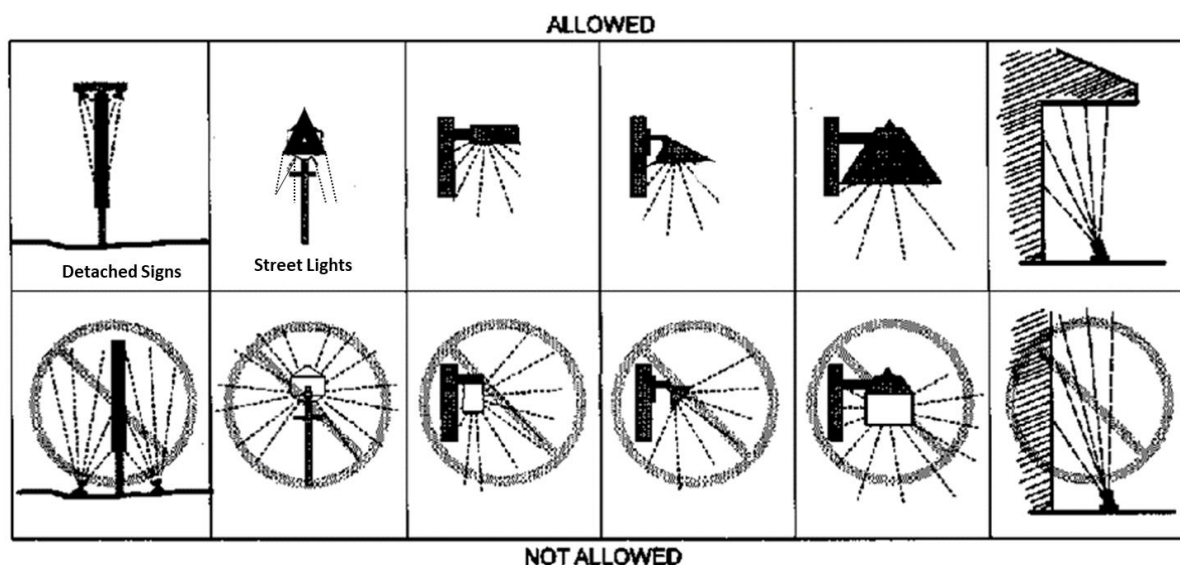
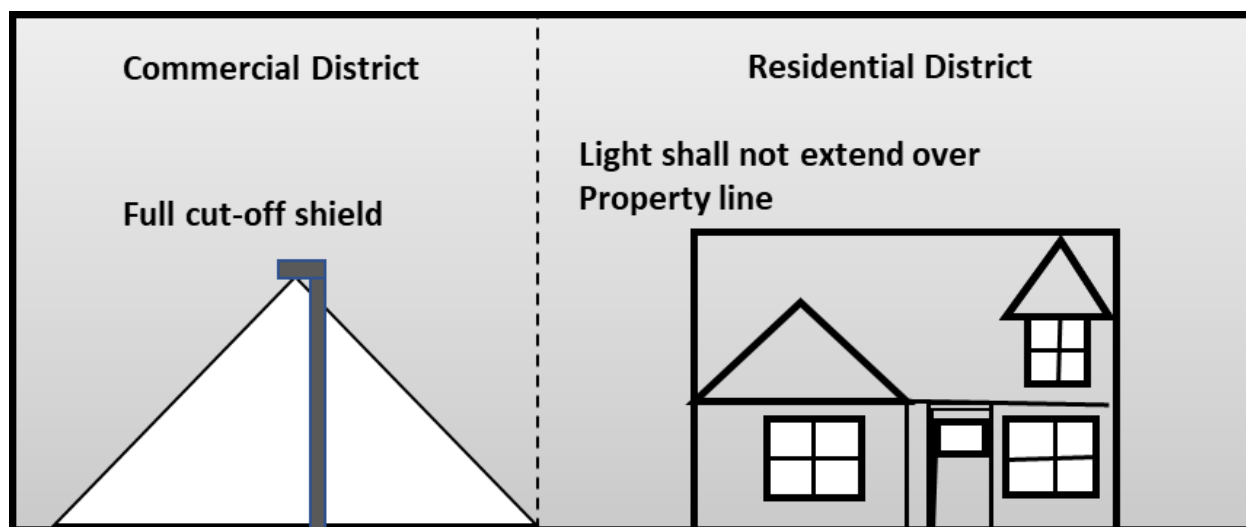


Figure 2 - Light Trespass



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 & 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.

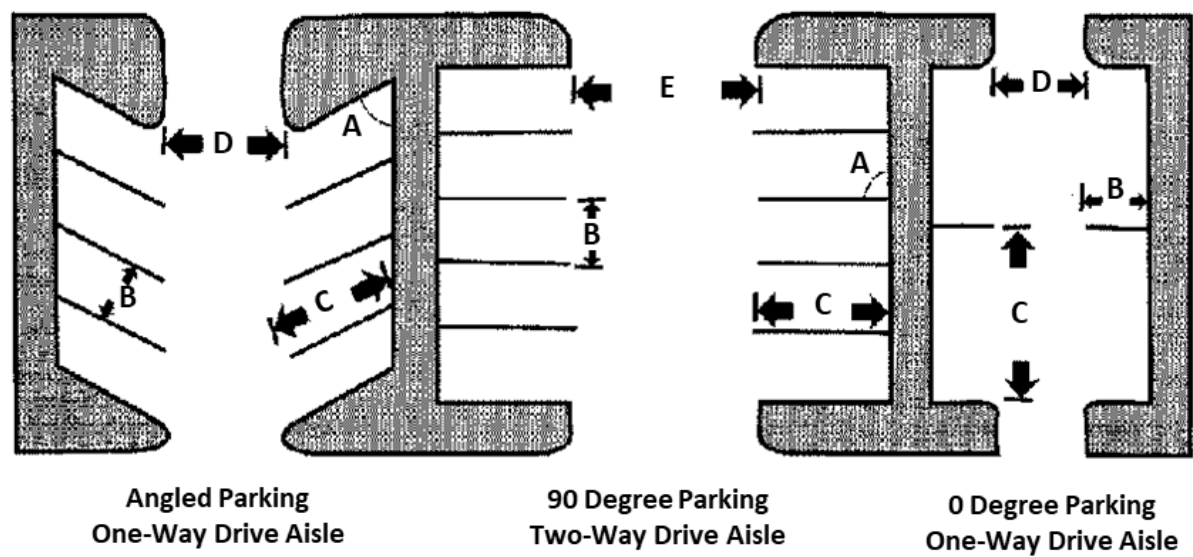
TABLE 8-4B-2(a)
REQUIRED STALL WIDTH AND LENGTH BY PARKING ANGLE

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:

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8-6A-5: COMBINED PRELIMINARY AND FINAL PLAT PROCESS:

8-6A-6: SHORT ~~PLAT~~ LAND DIVISION

8-6A-7: REQUIRED FINDINGS:

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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 his 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.

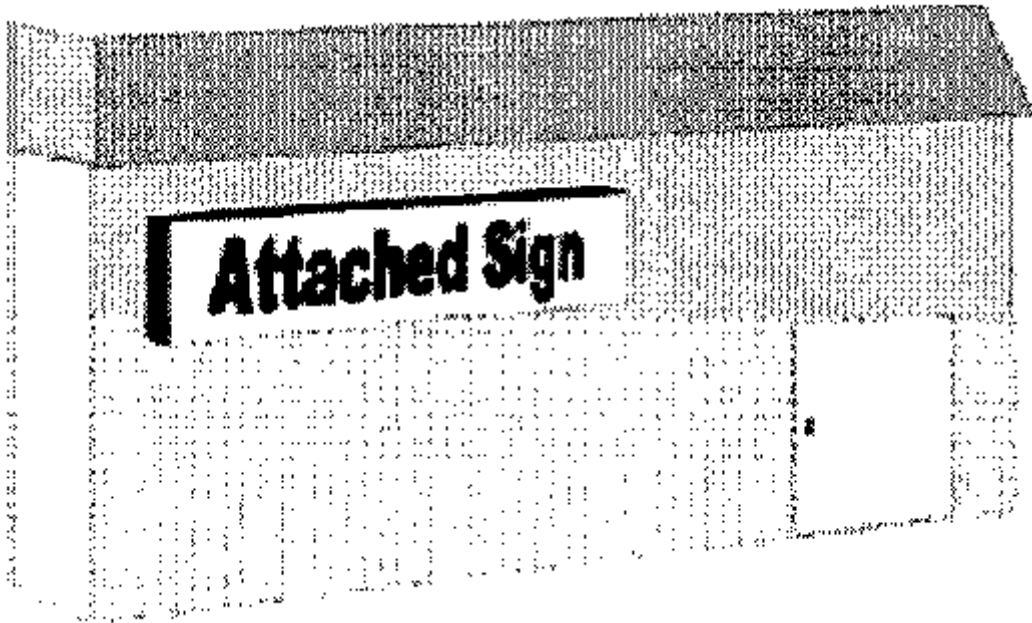
ANIMATED SIGN: Any sign which is designated and constructed to give its message through a sequence or progressive changes or parts or lights or degree of lighting, such as an electronic reader board. Animated signs are allowed only for municipalities and public school for the

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

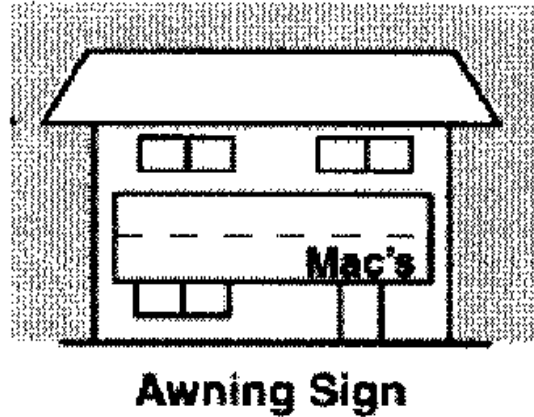
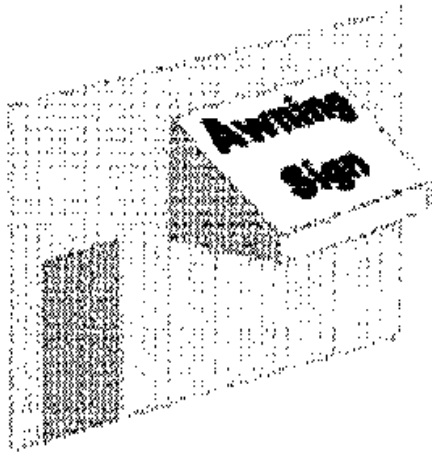


AWNING: A shelter projecting from and supported by the exterior wall of a building.

AWNING SIGN: A sign painted on, printed on, or attached flat against the surface of an awning.

ILLUSTRATION 8-8A-5(b)

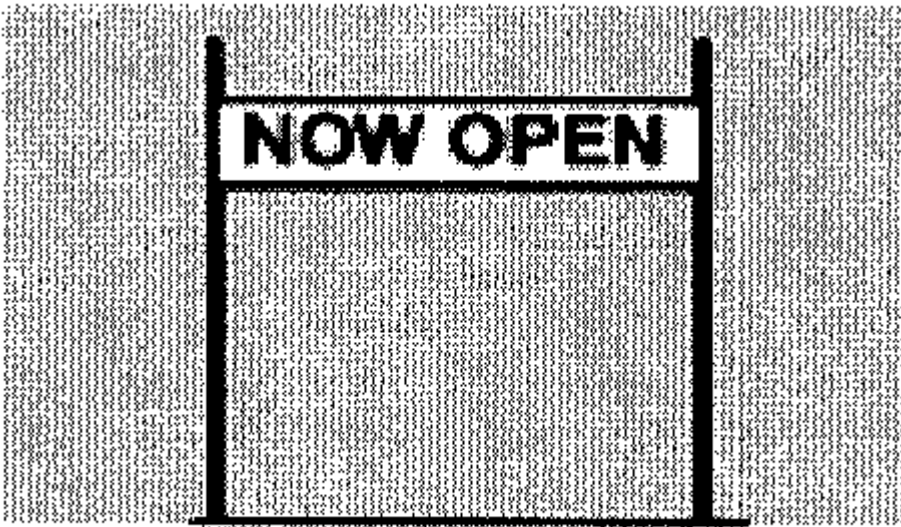
AWNING SIGN



BANNER: A temporary sign made of cloth, plastic, or other soft material.

ILLUSTRATION 8-8A-5(c)

BANNER SIGN



Banner

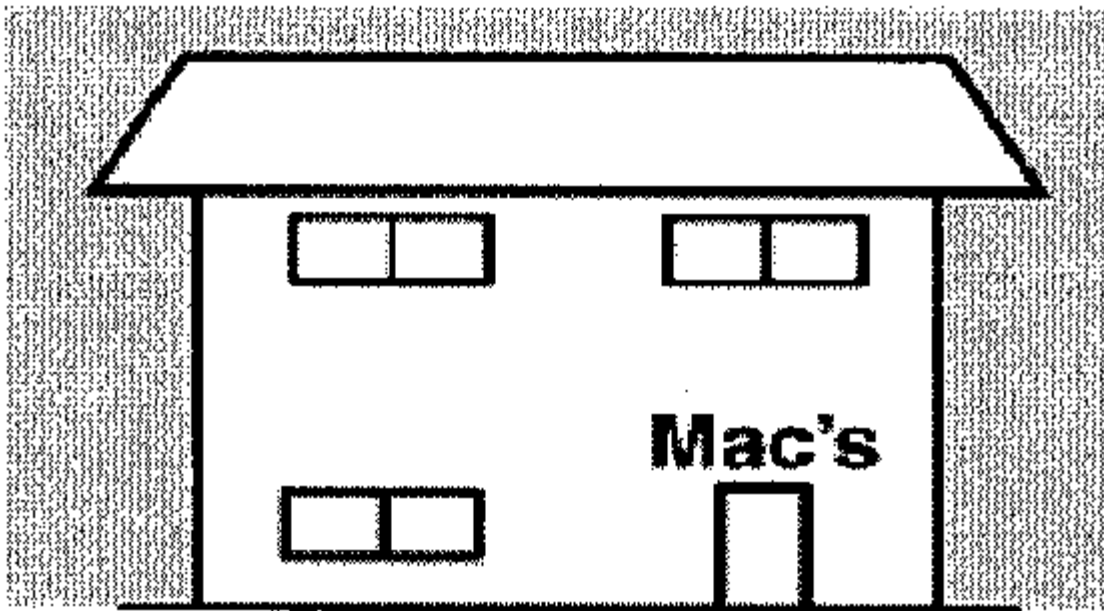
BENCH SIGN: A sign painted on, attached to, or affixed to any portion of a bench or seating area at bus stops or other such pedestrian areas.

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

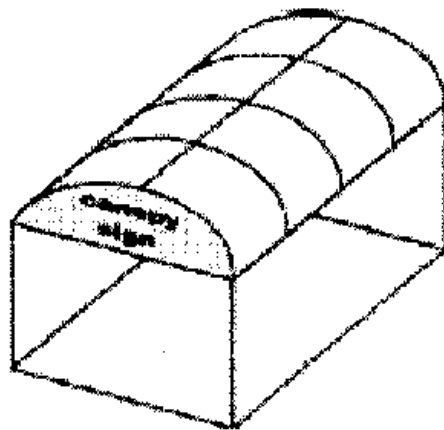


CANOPY, BUILDING: See definition of Building Canopy.

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

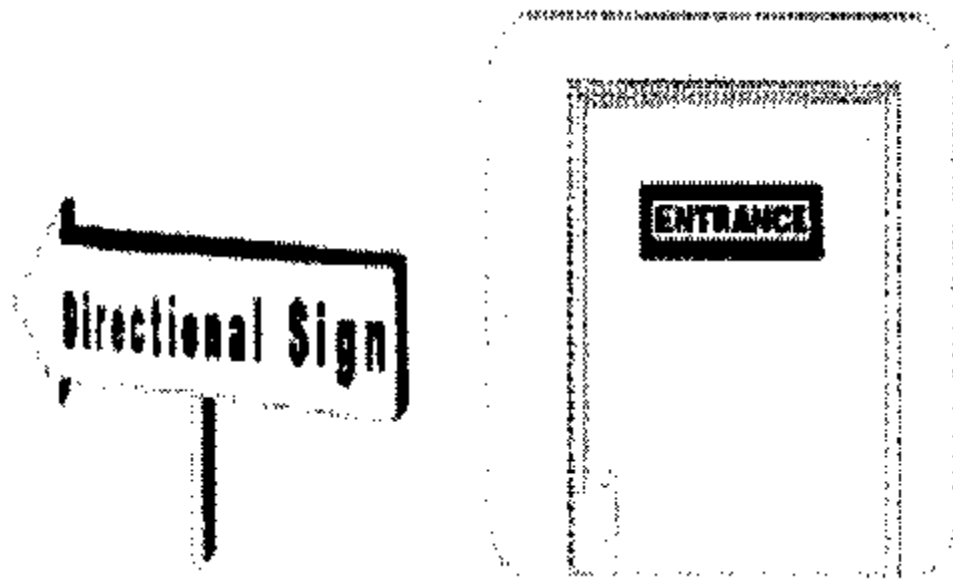


CHANGEABLE COPY SIGN: A sign or portion thereof with characters, letters, or illustrations that can be manually changed or rearranged without altering the face or the surface of the sign. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall 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



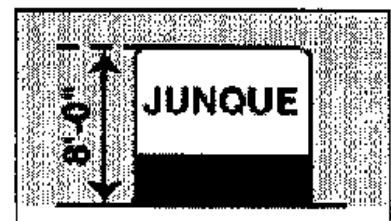
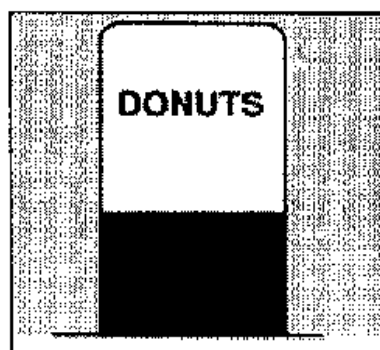
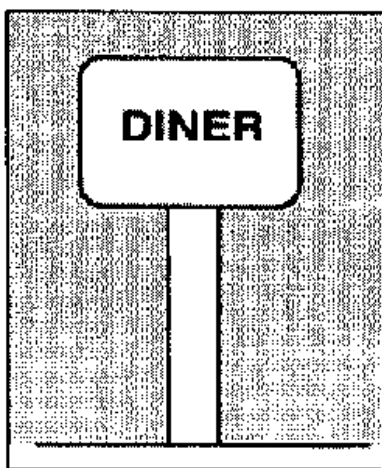
ELEVATION: A geometrical projection of a building on a vertical plane.

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.

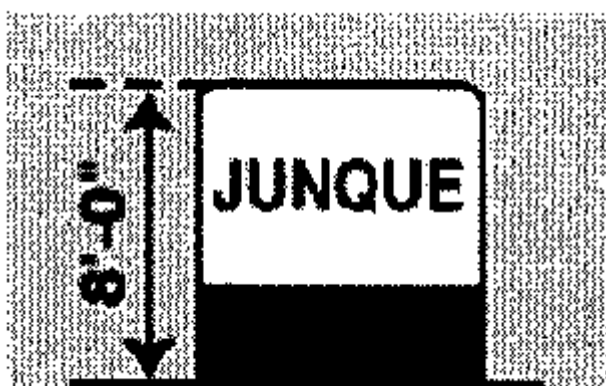
ILLUSTRATION 8-8A-5(g)
FREESTANDING SIGNS



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.

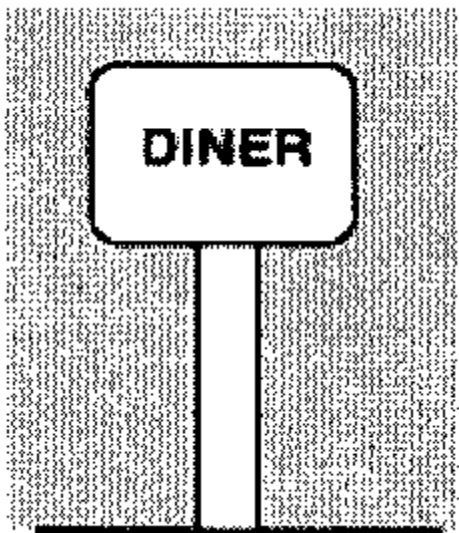
OFF- PREMISES SIGN: A permanent sign used to identify, display, advertise, or otherwise direct attention to a location other than the premises on which the sign is located. An off-premise sign is also referred to as "off- site sign".

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.

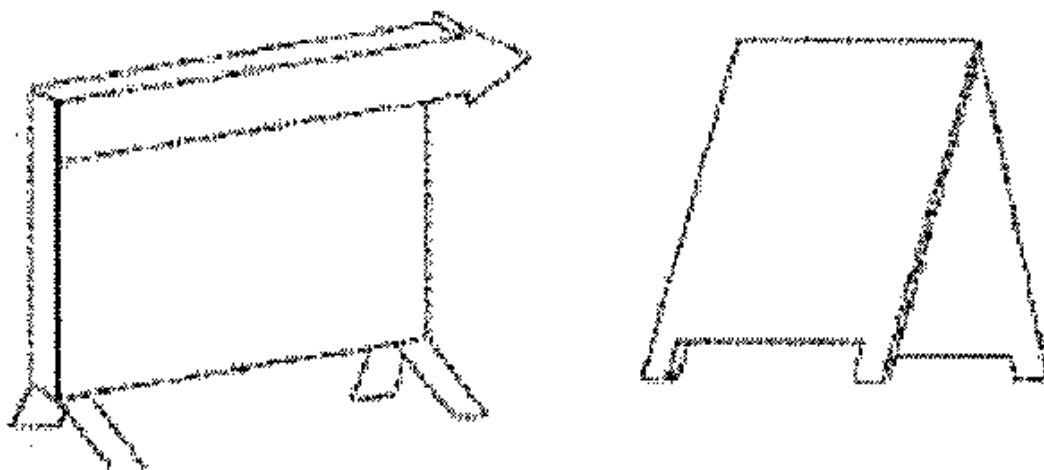
POLE SIGN: A permanent freestanding sign mounted on the ground, where the structural element is significantly narrower than the sign.

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.

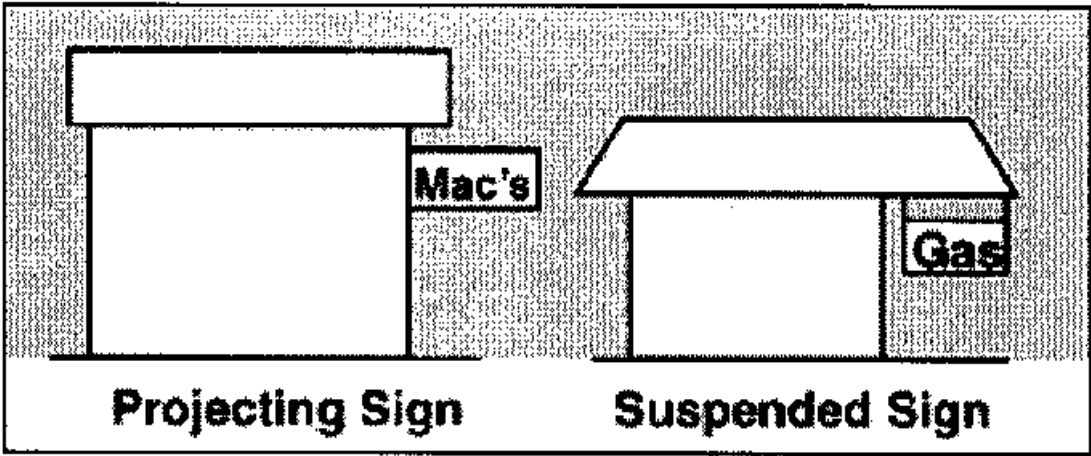
ILLUSTRATION 8-8A-5(j)
PORTABLE SIGNS



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)

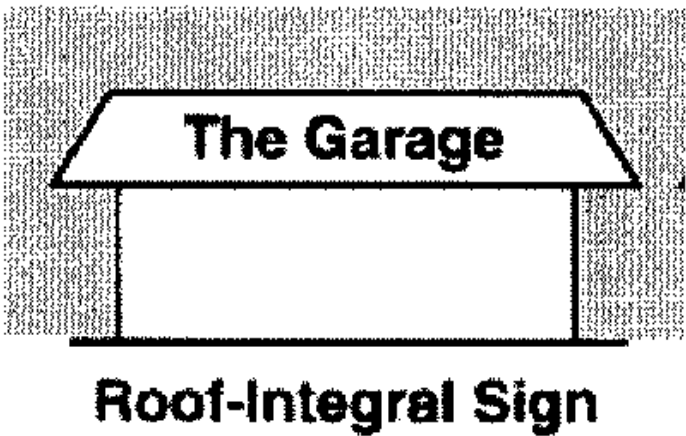
PROJECTING SIGN



READER BOARD: See definition of Changeable Copy Sign.

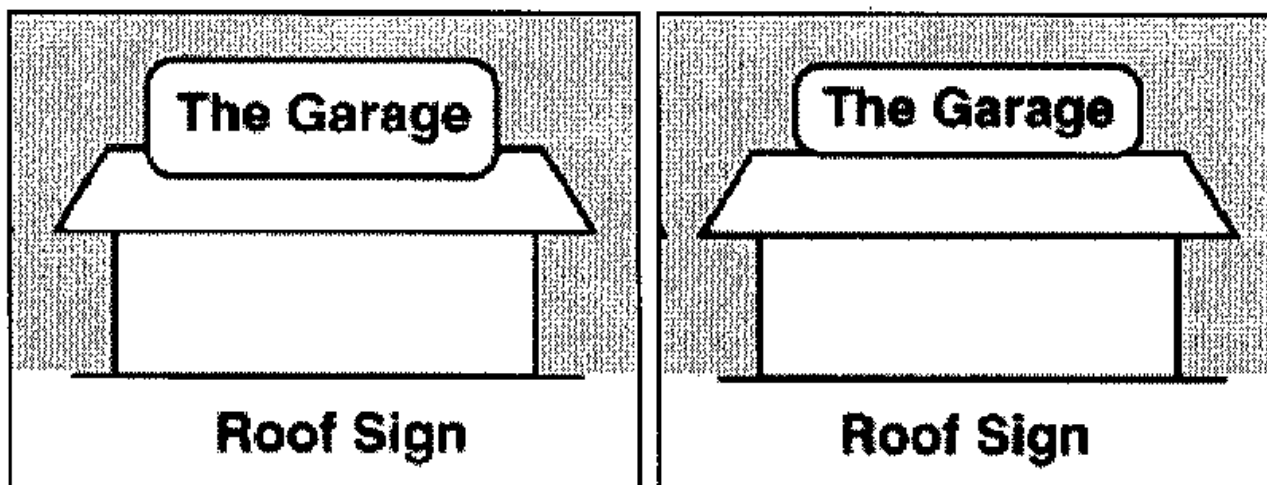
ROOF INTEGRAL SIGN: Any building sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, so that no part of the sign extends vertically above the highest portion of the roof and so that no part of the sign is separated from the rest of the roof 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

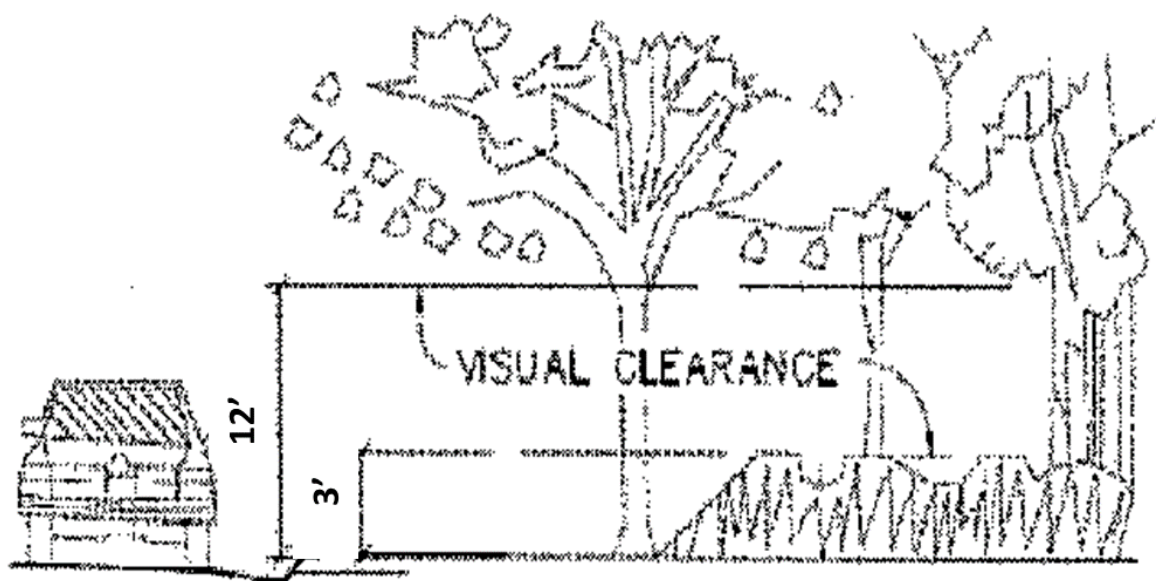
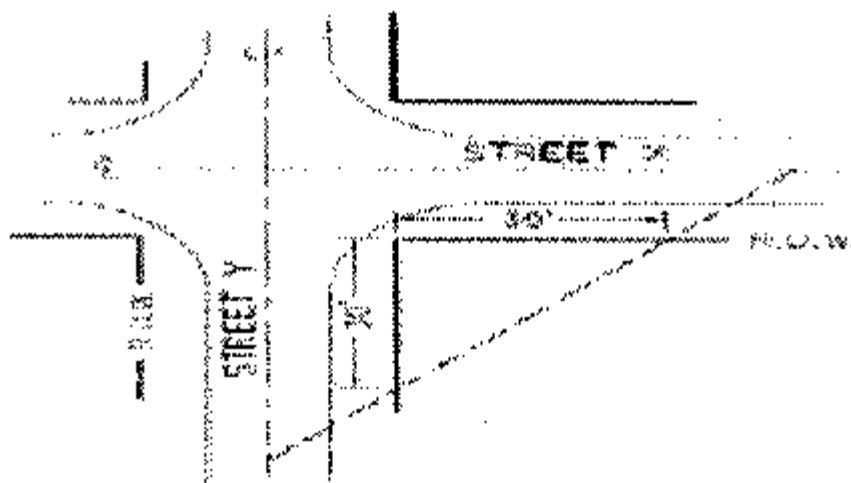


ILLUSTRATION 8-8A-6(b)
SIGHT DISTANCE TRIANGLE



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

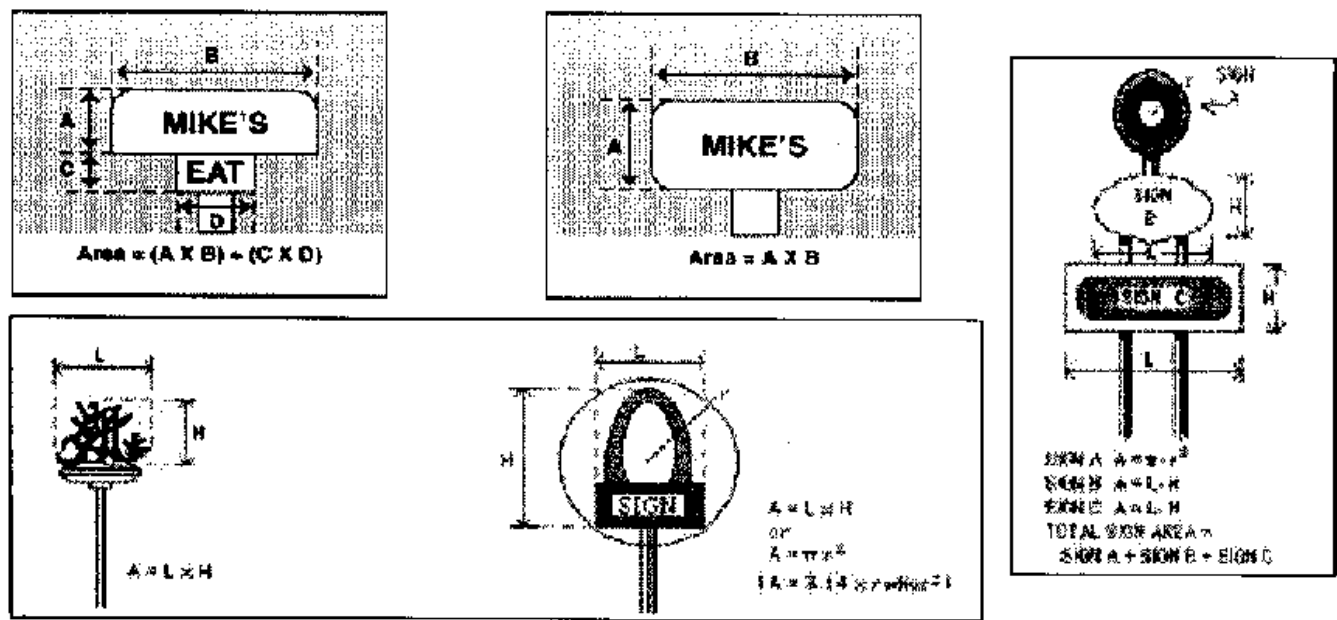
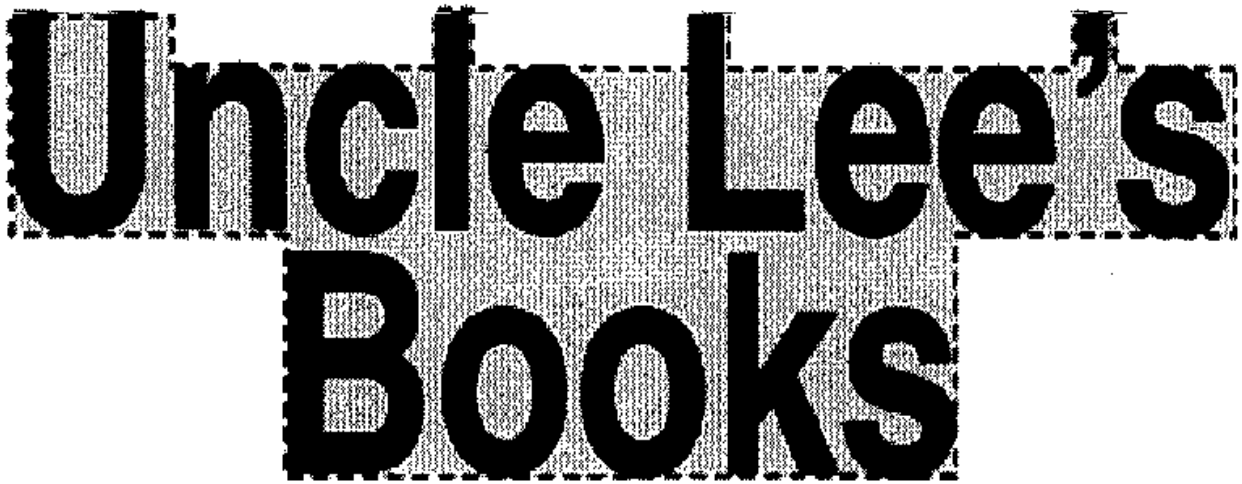


ILLUSTRATION 8-8A-6(d)
SIGN AREA COMPUTATION FOR PERMANENT BUILDING SIGN
With No Defined Sign Background (e.g., Channel Letters)



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

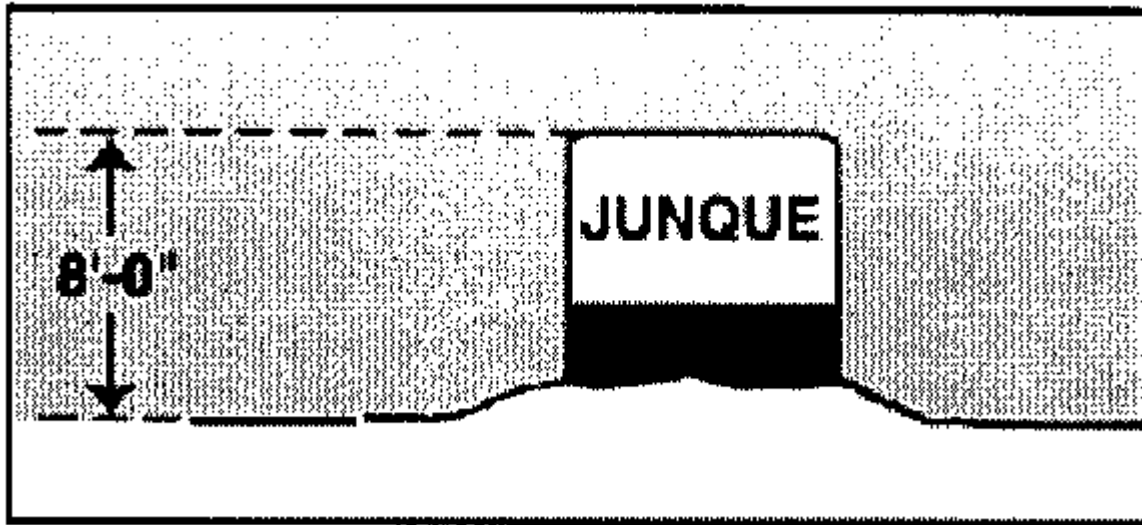
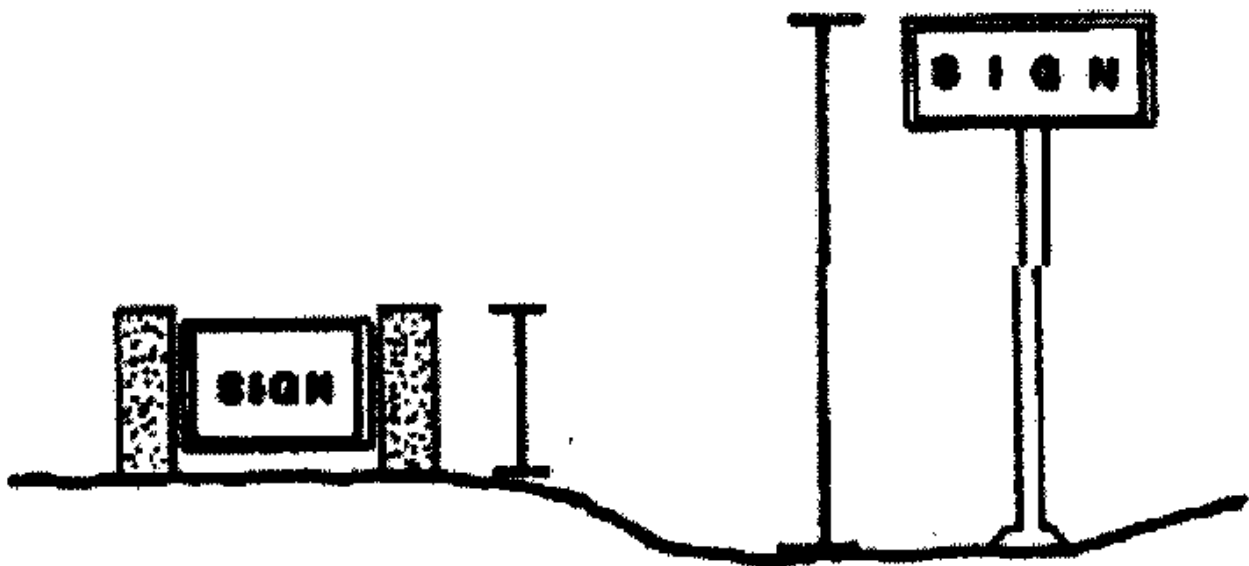


ILLUSTRATION 8-8A-6(f)

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.

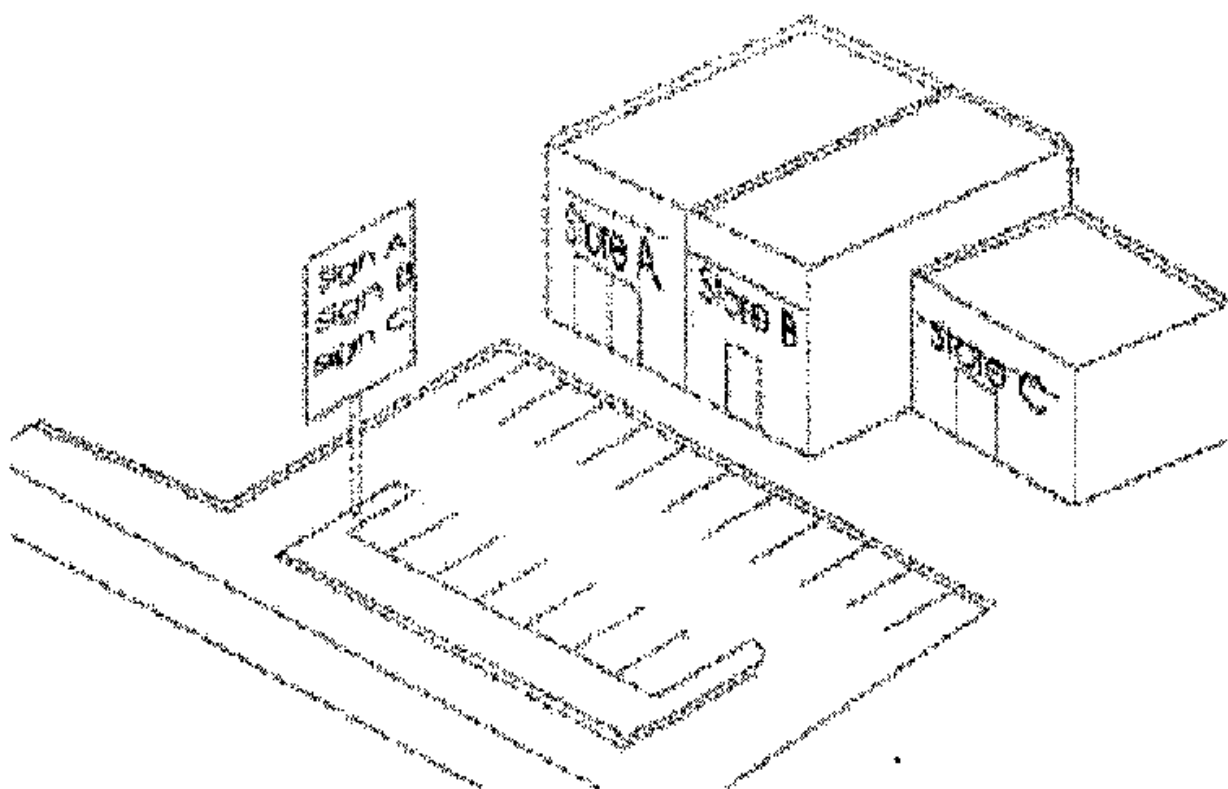
2. Permanent signs, provided:

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/~~CHD~~4. 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 ¹	P	C	N	C	P	P	P	P	N	C	<u>N</u>
Artist studio ¹	P	P	N	P	P	P	P	P	P	P	<u>P</u>
Arts, entertainment, recreation facility ¹	C	N	N	P	C	P	P	C	P	C	<u>P</u>
Asphalt plant ¹	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) ¹	N	N	N	A	A	A	A	A	A	A	<u>A</u>

Automotive hobby ¹	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 ¹	C	N	N	N	N	N	N	N	N	C	<u>N</u>
Caretaker unit ¹	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 ¹	C	C	N	N	N	N	N	N	P	N	<u>N</u>
Chemical manufacturing plant ¹	N	N	N	N	N	N	N	C	N	N	<u>N</u>
Child care center (more than 12) ¹	N	C	N	C	C	C	C	N	N	C	<u>N</u>
Child care family (6 or fewer) ¹	A	A	A	A	A	A	A	N	N	A	<u>C</u>
Child care group (7- 12) ¹	C	C	C	C	C	C	C	N	N	C	<u>C</u>
Child care- preschool/early learning ¹	N	C	C	C	C	C	C	N	N	C	<u>C</u>

Church or place of religious worship ¹	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 ¹	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 ¹	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 ¹	N	N	N	P	P	P	C	C	N	C	<u>N</u>
Dwelling:											
Multi-family ¹	N	N	C	N	N	N	N	N	N	C	<u>P</u>
Secondary ¹	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 ¹	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/modu lar 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.