



## CITY COUNCIL REGULAR MEETING AGENDA

City Hall - 10769 W State Street, Star, Idaho  
Tuesday, July 18, 2023 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** – Associate Pastor Nathan Held, Calvary Star Church
3. **ROLL CALL**
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. **Findings of Fact / Conclusion of Law** - Willowbrook Annexation (**FILE: AZ-21-12 / DA-21-20**)
  - B. **Claims** - Pending / Paid Claims to be Approved
5. **PUBLIC INPUT:** Members of the Public may address the Mayor and Council on any item not currently on the Agenda or on items currently or potentially set for a Public Hearing. Comments regarding City Staff, Elected Officials and private citizens should be set for a private meeting with the Mayor. (**LIMIT FOUR MINUTES PER PERSON**)
6. **ACTION ITEMS:**(The Council at its option may suspend the rules requiring three separate readings on three separate days for ordinances on the agenda for approval. This may be by a single motion to suspend the rules under Idaho Code 50-902; second of the motion; ROLL CALL VOTE; Title of the Ordinance is read aloud; motion to approve; second of the motion: ROLL CALL VOTE.)
  - A. **Ordinance 385-2023 (Hood Rats Rezone & Development Agreement):** AN ORDINANCE REZONING CERTAIN REAL PROPERTY LOCATED IN THE CITY OF STAR, ADA COUNTY, IDAHO; MORE SPECIFICALLY LOCATED AT 11525 W. STATE STREET IN STAR, IDAHO (ADA COUNTY PARCEL R1842701715); THE PROPERTY IS OWNED BY NEWELL AND ELIZABETH PRICE; ESTABLISHING THE ZONING CLASSIFICATION OF THE REZONED PROPERTY AS CENTRAL BUSINESS DISTRICT WITH A DEVELOPMENT AGREEMENT (CBD-DA) ON APPROXIMATELY .19 ACRES; DIRECTING THAT CERTIFIED COPIES OF THIS ORDINANCE BE FILED AS PROVIDED BY LAW; PROVIDING FOR RELATED MATTERS; AND PROVIDING FOR AN EFFECTIVE DATE. (**ACTION ITEM**)
  - B. **Ordinance 383-2023 & Development Agreement: Naismith Commons Subdivision Annexation** - AN ORDINANCE ANNEXING TO THE CITY OF STAR CERTAIN REAL PROPERTY LOCATED IN THE UNINCORPORATED AREA OF ADA COUNTY, IDAHO; MORE SPECIFICALLY LOCATED AT 8895 W. JOPLIN ROAD, IN STAR, IDAHO (ADA COUNTY PARCEL S0419314950 & S0419325800) AND CONTIGUOUS TO THE CITY OF STAR; THE PROPERTY IS OWNED BY BEACON CROSSING LLC; ESTABLISHING THE ZONING CLASSIFICATION OF THE ANNEXED PROPERTY AS RESIDENTIAL WITH A DEVELOPMENT AGREEMENT (R-4-DA) OF APPROXIMATELY 53.58 ACRES; DIRECTING THAT CERTIFIED COPIES OF THIS ORDINANCE BE FILED AS PROVIDED BY LAW; PROVIDING FOR RELATED MATTERS; AND PROVIDING FOR AN EFFECTIVE DATE. (**ACTION ITEM**)
  - C. **Ordinance 386-2023 & Development Agreement Garnett Subdivision Annexation:** AN ORDINANCE ANNEXING TO THE CITY OF STAR CERTAIN REAL PROPERTY LOCATED IN THE UNINCORPORATED AREA OF CANYON COUNTY, IDAHO; MORE SPECIFICALLY LOCATED AT 6697 FOOTHILL ROAD IN STAR, IDAHO (CANYON COUNTY PARCEL R3379700000) AND CONTIGUOUS TO THE CITY OF STAR; THE PROPERTY IS OWNED BY OPUS DEVELOPMENT LLC; ESTABLISHING THE ZONING CLASSIFICATION OF THE ANNEXED PROPERTY AS RESIDENTIAL WITH A DEVELOPMENT AGREEMENT (R-1-DA) OF APPROXIMATELY 5.23 ACRES; DIRECTING THAT CERTIFIED COPIES OF THIS ORDINANCE BE FILED AS PROVIDED BY LAW; PROVIDING FOR RELATED MATTERS; AND PROVIDING FOR AN EFFECTIVE DATE. (**ACTION ITEM**)
  - D. **Historical Committee Request** - Committee is requesting additional funds to complete the Historical Kiosk Project (**ACTION ITEM**)



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7. **PUBLIC HEARINGS with ACTION ITEMS:** (The Council at its option may suspend the rules requiring three separate readings on three separate days for ordinances on the agenda for approval. This may be by a single motion to suspend the rules under Idaho Code 50-902; second of the motion; ROLL CALL VOTE; Title of the Ordinance is read aloud; motion to approve; second of the motion: ROLL CALL VOTE.)
- A. **PUBLIC HEARING: Dude Dewalt Cellars Winery & Event Center (FILE AZ-23-02 / CPA2-23-01 / DA-23-04 / CU-23-05)** - The Applicant is requesting approval of an Annexation and Zoning (RR Rural Residential), a Comprehensive Plan Map Amendment, a Development Agreement, and a Conditional Use Permit for a proposed winery and events center to be located within the City of Star. The property is located at 5446 Hwy 16 in Star, Idaho, and consists of 34.60 acres. **(ACTION ITEM)**
- B. **PUBLIC HEARING: Inspirado Commercial Annexation (FILE: AZ-23-04 / DA-21-11)** - The Applicant is requesting approval of an Annexation and Zoning (MU Mixed Use) and a Development Agreement modification for two future commercial parcels and a parcel for future roadway. The properties are located at 7230 W. Chinden Blvd and the intersection of W. Old School Drive and N. Mystic Creek Ave, Meridian, Ada County, Idaho, and consists of a total of 5.26 acres. **(ACTION ITEM)**
- C. **PUBLIC HEARING: Vacation of Utility Easements for Milestone Ranch Subdivision (Hoot Nanney Farms) (FILE: VAC-23-01)** - The Applicant is seeking approval of a vacation of existing utility, drainage and irrigation easements within the new Milestone Ranch Subdivision and original Hoot Nanney Farms Subdivision. . The property is located at 8542 Broken Arrow Street (formerly W. Floating Feather Road) in Star, Idaho and consists of approximately 70.52 acres with a proposed density of 4.24 dwelling units per acre. **(ACTION ITEM)**
8. **ADJOURNMENT**





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

### **Land Use Public Hearing Process**

Public signs up to speak at the public hearing

Mayor Opens the Public Hearing

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
WILLOWBROOK DEVELOPMENT ANNEXATION  
AZ-21-12/DA-21-20

The above-entitled Annexation and Zoning application came before the Star City Council for action on May 9, 2023 and June 20, 2023, 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. *Proposed Project Summary:*

The Applicant is requesting approval of an Annexation and Zoning (R-2-DA) with a Development Agreement for a proposed master planned development, with a conceptual plan consisting of up to 1,094 single-family residential lots, 2 non-residential lots for future neighborhood commercial and municipal services, and an 18-hole golf course on approximately 726.6 acres. The residential density proposed would not exceed 1.5 dwelling units per acre. The property is located west of Highway 16 in Star, Idaho. The project is exclusively in Ada County.

The subject property is generally located between Hwy 16 and Can Ada Road, and Deep Canyon Drive and Lanktree Gulch Road/Purple Sage Drive. Ada County Parcel No.'s R3626110480, R3626121000, R3626121100, R3626130010, R3626130190, R3626130460, R3626130510, R3626140010, R3626150080, R3626150160, R3626150210, R3626150220, R3626160010, R3626160300, R3626170020, R3626170040, R3626170060, R3626170150, R3626170250, R3626170320, & R3626170500.

B. *Application Submittal:*

A neighborhood meeting was held on June 2 & 3, 2021 and September 29, 2022 in compliance with the application submittal requirement of the Star Unified Development Code (Section 8-1A-6C). The Land Use applications were submitted and accepted by the City on July 15, 2021. Original notice was sent to agencies having jurisdiction in the City of Star on August 24, 2021. Subsequent agency notification was sent on November 7, 2022.

C. *Application Timeline & Scheduling Process:*

The current Willowbrook Application was originally submitted on July 15, 2021 for Annexation & Zoning to Residential R-3 with a Development Agreement, and a Planned Unit Development (PUD) with a conceptual plan that included a total of 1,554.8 acres, including 831.02 acres within Canyon County, and a total lot count of approximately 1,618 residential lots (1002 single-family units/ 616 townhome units). As the residential lots proposed in the application were only on the

Ada County portion of the development, a residential density of 2.26 dwelling units per acre was proposed.

The City of Star held 3 workshops with the applicant and invited guests to discuss details and initial agency and service provider concerns and comments. The applicant and their team, City Staff, the Mayor and City Council members, along with representatives from Fire, Police, Sewer & Water District, School Districts, COMPASS, Transportation Agencies, and other agencies were present throughout the 3 nights of meetings. The public was notified and provided the option of attending and viewing the meetings in person (limited due to COVID protocol) and via Zoom. The public was not permitted to speak or ask questions as these were not public hearings. Public notice was sent out on December 22, 2021 for the 3 workshops. The meetings were held on the following dates:

1. January 25, 2022 – Transportation - In attendance were representatives from ACHD, ITD, Canyon Highway District #4, COMPASS, Star City Staff, Star City Council (Nielsen absent), the Applicant & their team.
2. February 8, 2022 – Agency Discussion – In attendance were representatives from West Ada School District, Middleton School District, Idaho Department of Water Resources, Star Sewer & Water District, City of Star Engineer, Star-Middleton Fire District, Star Police, Star Transportation & Pathway Committee, Star City Staff, Star City Council, the Applicant & their team.
3. February 22, 2022 – Additional Utility Discussion – In attendance were Star-Middleton Fire District, Star Transportation & Pathway Committee, Idaho Power, Star Postmaster, Intermountain Gas, Star City Staff, Star City Council (Nielsen absent), the Applicant & their team.

On June 23, 2022, the applicant revised the development application, removing the Canyon County property and the proposed PUD, and modified the zoning designation to Residential R-2 on 726.6 acres in Ada County. The new proposed residential lot count was reduced to a maximum of 1,094 lots, and an overall residential density of 1.5 dwelling units per acre. The applicant also removed all proposed attached townhomes in favor of exclusively single-family detached residential. The reasoning behind the removal of the PUD application is that, per UDC Section 8-7-3 Planned Unit Developments "in cases where subdivision platting would be necessary, concurrent review of preliminary plat is required." The applicant has not submitted a preliminary plat application at this time, therefore, the PUD application was not appropriate.

#### **D. 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 April 19, 2023. 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 April 12, 2023. The property was posted in accordance with the Star Unified Development Code on April 28, 2023.

E. *Property History:*

**Ada County Approval of Hillsdale Estates Subdivision**

The Hillsdale Estates Subdivision was approved by Ada County in the 1990’s as part an application known as a “Non-Farm Development”. Other examples of these type of developments approved by Ada County include Spurwing Subdivision, Moon Lakes Ranch Subdivision, Trellis Subdivision (Riverbirch Golf Course), Rivervine Subdivision (Eagle), Dunwoody Subdivision (Meridian), and Saddle Ridge Estates (Kuna). Non-Farm subdivisions such as those listed above and many others were approved by the County between the late 1980’s through the mid- 2000’s in the Rural Residential (RR) zones all over unincorporated Ada County. The concept and intent of these subdivisions was to allow property owners with land greater than 20-acres to develop their land into residential lots of 1-acre minimum up to 25% of the entire acreage. The remaining 75% of the land was set aside as open space. Early in its existence, the County required a 15-year deed restriction on the 75% open space from future development. Later revisions to the Ada County Code removed the 15-year deed restriction and stipulated that no development be allowed on the open space until City services were extended and a rezone was approved to allow for higher densities. This was usually done through annexation into a City, as most of the Cities in Ada County supplied their own sewer and water (Eagle and Star was the exception as they were developed with Sewer Districts). It was the intent of Ada County to allow redevelopment of these open areas as growth and services expanded into the rural areas of the County.

**City of Star 2018 Annexation Approval**

In 2018, an annexation of 1553.9 acres was approved for the original Willowbrook development, which included the Canyon County property, by City Council with an R-2-DA zoning designation and a maximum allowance of 3,108 residential homes. The Development Agreement was never signed by the applicant, and the annexation application was officially withdrawn on May 16, 2019.

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

	<b>Zoning Designation</b>	<b>Comp Plan Designation *</b>	<b>Land Use</b>
<b>Existing</b>	RR Rural Residential (Ada County)	Estate Residential 1-3 Units/Acre	Agricultural/Vacant
<b>Proposed</b>	Residential (R-2-DA)	Estate Residential 1-3 Units/Acre	Single Family Residential/Commercial

<b>North of site</b>	RR Rural Residential (Ada County)	Estate Residential 1-3 Units/Acre Existing Public Use/Parks & Open Space (BLM)	Agricultural/Open Space (BLM) Residential
<b>South of site</b>	RUT Rural Urban Transition/RR Rural Residential (Ada County) Residential R-1	Estate Residential 1-3 Units/Acre	Single Family Residential/Agricultural
<b>East of site</b>	RR Rural Residential (Ada County)	Estate Residential 1-3 Units/Acre	Single Family Residential/Agricultural
<b>West of site</b>	RR Rural Residential (Ada County)  AG/RR Rural Residential (Canyon Co)	Estate Residential 1-3 Units/Acre  Residential/Rural Residential (Canyon County)	Single Family Residential/Agricultural

### **\*2020 Comprehensive Plan Land Use Map**

#### ***G. Development Features (As Proposed by the Applicant with Staff analysis and comments included):***

#### **ANNEXATION & REZONE:**

The Applicant is requesting approval of an annexation and zoning application with a zoning designation of Residential (R-2-DA) on approximately 726.6 acres. The Applicant is also requesting approval of a conceptual plan that includes residential and non-residential uses, including a golf course and related amenities, together with neighborhood commercial and municipal (civic) uses, including public infrastructure. The proposed R-2 residential zoning designation would allow for a maximum residential density of two (2) dwelling units per acre. The applicant is proposing 1.5 dwelling units per acre. The property is located in an area that will be serviceable with central sewer and water provided by the Star Sewer and Water District in the future. The property will be accessed by existing and newly proposed roads and all roads in the development will be public. The requested zoning designation and density meets the intent of the applicable 2020 Comprehensive Plan Land Use Map.

#### **CONCEPTUAL PLAN FOR RESIDENTIAL:**

The submitted conceptual plan for the Willowbrook Development includes up to 1,094 residential lots with a total maximum density of approximately 1.5 dwelling units per acre on



approximately 726.6 acres. The applicants narrative describes the residential as “a variety of home types for various homebuyers, small lot patio homes for active older adults and those seeking lower maintenance properties, and additional lot size options and corresponding home types in between the estate and patio home sizes. The housing variety will be aligned to be compatible with surrounding residential development. Higher density lots will be located on the interior, while larger estate are located along the outside adjacent to existing homes. The exact sizes and configurations of residential lots will have to be reviewed and approved by the City with the future preliminary plat and PUD applications, and none of the planned residential uses will occur until and unless approved as part of those applications.” The Council should consider the minimum lot sizes listed on the conceptual plan when determining compatibility and transition to adjacent residential lots and uses. The future preliminary plat will detail the exact sizes and will apply any conditions in the approved development agreement and future PUD. **Staff would recommend that any future conditions of the preliminary plat be included a modified development agreement at the time of preliminary plat review.**

#### **DEVELOPMENT AGREEMENT IN LIEU OF CONDITIONAL USE PERMIT:**

The applicant is requesting, within their application, approval of the proposed golf course facility and the municipal uses (sewer and water facility) as part of the proposed Development Agreement. Section 8-3A-3D of the UDC states that *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.* The proposed golf course and sewer and water facility uses allow for the City, through 8-3A-3D, to review these two conditional uses as part of the Development Agreement. Both uses are allowed in the Residential (R-2) zone through Conditional Use Permit.

#### **PROPOSED GOLF COURSE FACILITY:**

The applicant is requesting approval of the proposed privately owned public golf course use as part of their first phase of the development. The applicant states that the use will include an 18-hole championship course, together with associated clubhouse, restaurant and bar, and pro shop on approximately 175-acres. A golf course requires a conditional use permit approval. Because the restaurant and bar are considered a commercial use, staff is recommending that Council review the 18-hole golf course layout, clubhouse, pro shop and associated amenities including driving range as part of this current development agreement, and require the restaurant and bar be reviewed in the future as part of the Planned Unit Development application with the additional commercial uses. The final course and driving range layout and clubhouse, including details on parking, landscaping, access, building elevations, and other design standards will be subject to a future Certificate of Zoning Compliance (CZC) and Design Review application with the City. **Council should consider the golf course use as proposed**

**within this application and consider the required findings of fact and proposed staff conditions of approval. The Council may add additional conditions or modify staff proposed conditions, if necessary.**

#### **PROPOSED MUNICIPAL (CIVIC) USES:**

The applicant states in their narrative that wastewater treatment and water supply facilities will be built by Willowbrook and dedicated to Star Sewer and Water District for operation. Public infrastructure and public utilities require a conditional use permit. The wastewater treatment and water supply facility, including details on parking, landscaping, access, building elevations, and other design standards will be subject to a future Certificate of Zoning Compliance (CZC) and Design Review application with the City. **Council should consider the golf course use as proposed within this application and consider the required findings of fact and proposed staff conditions of approval. The Council may add additional conditions or modify staff proposed conditions, if necessary.**

#### **FUTURE COMMERCIAL USES:**

The applicant states that all future, additional commercial uses within the development will be approved as part of the future Planned Unit Development. The applicant is proposing within the narrative a concept that includes approximately 110,00 square feet of neighborhood commercial space to provide "convenient services and retail opportunities for area residents and visitors". The applicant has also indicated that further land will be provided for additional civic uses, including potential fire/police/EMS services for the purpose of providing "improved safety and services for all adjacent residents".

#### **FUTURE PLANNED UNIT DEVELOPMENT & PRELIMINARY PLAT:**

As previously stated in this report and referenced in Section 8-7-3 of the UDC, Planned Unit Developments require concurrent review with a preliminary plat. The applicant has proposed that both the Preliminary Plat and Planned Unit Development will be submitted in the future for review and approval by Council. In addition to the specific commercial land uses that will need to be reviewed for compatibility with neighboring land uses, development details will be provided to the City for further review. This includes but will not be limited to building setbacks, roadway standards, building elevations, street light standards, open space and amenities, mailbox locations and pathway details. In addition, the applicant will be subject to all requirements set forth in the UDC, Chapter 6, Subdivision Regulations. The City Engineer has indicated that additional reports will be necessary in order to properly review the future development. These reports will address hillsides, slopes, geotechnical, stormwater management and grading. Updated traffic information will also be required by the transportation agencies prior to final City approval. **Staff has provided within this report the appropriate sections of the Unified Development Code for PUD's and Preliminary Plats for the purpose of**

**providing Council with information on what additional steps will be necessary as the application process proceeds.**

The proposed intent of the applicant to proceed with a future Planned Unit Development appears to meet the purpose statement for development under Section 8-7-1 of the UDC. Initial review of the conceptual plan indicates that the applicant has addressed the following:

- *"preserves natural, scenic and historic features"*
- *"Innovative design that creates visually pleasing and cohesive patterns of development"*
- *"Allows for innovative design that creates visually pleasing and cohesive patterns of development"*
- *"Creates functionally integrated development that allows for a more efficient and cost-effective provision of public services."*
- *"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."*

**Open Space & Amenities.**

The applicant has stated that "the featured amenity in the Willowbrook development is the 175-acre, 18-hole golf course, which includes a driving range and clubhouse amenities, and this will be provided as the first phase of the development, providing immediate public benefit." In addition, the conceptual plan also includes "approximately 89 additional acres of usable natural areas with hiking trails plus approximately 31 acres of buffers, parkways, and open grassy areas for residents to enjoy". The Unified Development Code requires 15% total open space with 10% of the development to provide usable open space. A development of this size requires a total of 15 site amenities as defined in the applicable UDC. Qualified amenities listed in the Code include *clubhouses, recreation amenities, additional open spaces in excess of 15%, School and/or Fire Station sites if accepted the district, and pedestrian or bicycle system amenities*. While these details will be reviewed in the future PUD and Preliminary Plat applications, **the Applicant should be prepared to address open space details with Council at the public hearing. This would include clubhouses, locations and functionality of pathway systems, open natural areas, etc.**

**ADDITIONAL DEVELOPMENT ANALYSIS:**

- Transitional Lots  
Both the applicable Comprehensive Plan and the Unified Development Code address Transitional Lots. The 2020 Land Use Map designates all of the existing County residential lots in Hillsdale Estates Subdivision, Monument Ridge Ranch Subdivision,

Chucker Point Subdivision and Star Ridge Estates as "Special Transition Overlay Area". There are several areas within the Comp Plan text and the UDC that reference the Overlay Area and Transitional Lots.

The Comprehensive Plan references the following:

- *8.2.3 Land Use Designations - Estate Residential: **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.*
- *8.5.3 Policies Related Mostly to the Urban Residential Planning Areas: B. Low densities within the Estate and 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 subdivided in the future. C. Site layout adjacent to and within the Special Transition Overlay Area shall provide for a transition in density and lot sizing.*
- *8.5.4 Policies Related to The Special Transitional Overlay Areas: A. Development adjacent to and within the Special Transition Overlay Area is to provide for an appropriate transition between existing and new home sites where new urban development is being planned adjacent to previously approved and constructed rural county developments of years past. B. Site layout is to provide for a transition in density and lot sizing with all policies regarding compatibility herein applying. D. When an urban density residential development is planned with lots that directly abut lots within a Special Transition Overlay Area an appropriate transition is to be provided for the two abutting residential lot types. A transition must take into consideration site constraints that provide transitional lots and/or open space area avoiding urban lots directly abutting Special Transition Overlay Area lots.*

The Unified Development Code requires the following:

- *8-1E-1: DEFINITIONS 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: RESIDENTIAL DISTRICTS: 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.*****

**Based on the above referenced Sections of the Comp Plan and UDC, Staff recommends that the applicant be required to provide a minimum of one-half acre lots (2 units per acre) in the areas illustrated in the Staff Exhibit that is part of the Council packet. This would potentially affect approximately 163 lots on the submitted conceptual plan that are immediately adjacent to existing Transitional Lots as designated in the "Special Transition Overlay Area" of the Land Use Map.**

- Transportation and Traffic Agency Reviews  
Staff received review letters from ACHD, ITD and Canyon Highway District #4 that have been included in the Council packet for review. These agencies are the transportation authorities for the City of Star. **Council should consider the agency conditions and, where appropriate, include any necessary conditions in the Development Agreement.**
- Lighting  
Future Streetlights, Residential and Commercial uses shall reflect the "Dark Sky" criteria with all lighting. The same streetlight design shall continue throughout the entire development. Lighting details will be part of the future PUD and Preliminary Plat applications.
- Pathway Committee Review  
**The Star Transportation and Pathways Committee will be reviewing the application and will provide comment to Council prior to the public hearing. Staff will update the record when the comments are received.**



- Phasing and Project Build-Out  
The applicant has indicated that the anticipated full build-out of the development could be 25 years, under current market and growth trends. The TIS that was submitted and analyzed by the transportation agencies contemplated a 2045 build-out. A detailed phasing plan will be required as part of the preliminary plat application.
- Impact Fees  
The developer will be responsible for the following fees that will be assessed per each residential lot platted. These fees are necessary to ensure that development pays for itself rather than burdening the public.
  1. City Park Impact Fees \$2,050.00
  2. Star Fire District Impact Fees \$809.00
  3. ACHD Impact Fees \$3,493.00 (adjusted yearly)
  4. ITD Proportionate Shares \$1,000.00
  5. Police Mitigation Fees \$1,120.00
  6. Fire Mitigation Fees \$1,200.00

**DEVELOPMENT AGREEMENT (DA)**

Previous City policy regarding Development Agreements provides that Staff drafts the agreement after the public hearing is completed and once an approval decision is made by Council and conditions of approval on the annexation and zoning are identified through the public hearing process. The applicant has provided a draft DA as part of their submittal packet. Staff will use this submitted document as the basis for the final agreement if approval is granted by Council for the application.

Through the Development Agreement process, the applicant is proposing to work with the City to provide further assurances 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, but may not be limited to the following:

- Transportation Impact and Mitigation Conditions as Recommended by ACHD, ITD & CHD#4
- Maximum Density Allowed
- Sewer & Water Conditions Including Annexation into District
- Provisions for Potential Fire Station
- ITD Proportionate Share Fees
- Mitigation Fees
- Golf Course Facility Approval without Restaurant & Bar
- Municipal Uses Approval including Public Infrastructure and Public Utility
- Residential Transitional Lots

- Open Space/Amenities/Pathways
- Future PUD & Preliminary Plat

**H. On-Site Features:**

- ★ Areas of Critical Environmental Concern – No known areas of critical concern.
- ★ Evidence of Erosion – No known areas.
- ★ Fish Habitat – No known areas.
- ★ Mature Trees – None.
- ★ Riparian Vegetation – Unknown.
- ★ Steep Slopes – Yes.
- ★ 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 – Yes. Area includes non-threatened wildlife species (fox, hawks, turkey, etc.). No sensitive wildlife habitat has been determined.
- ★ Historical Assets – No historical assets have been observed.

**I. Agencies Responding:**

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

Central District Health Department	September 10, 2021
Black Canyon Irrigation District	January 13, 2022
Department of Environmental Quality	February 18, 2022
Bureau of Land Management	March 3, 2022
West Ada School District	January 5, 2023
Canyon Highway District #4	March 27, 2023
Ada County Highway District	April 20, 2023
Idaho Transportation Department	April 20, 2023
Star Fire District	April 24, 2023
Ada County Sherriff	April 26, 2023
Star Sewer & Water District	April 26, 2023
City of Star Engineering Department	April 27, 2023
Ada County Highway District Memo	April 27, 2023

**J. Staff received the following letters & emails in support and opposition of the development application:**

An Grace	May 4, 2023
Barbara Barsness	February 18, 2022
Bill Roberts	February 10, 2022

Brandon Bohl	May 7, 2023
Cathe Thomas	February 25, 2022
Chris Gilbert	February 12, 2023
Chris & Connie Kelley	May 9, 2023
Cindi Caldwell	March 1, 2022
Citizens For Star	February 18, 2023
Citizens For Star	February 22, 2023
Citizens For Star	April 11, 2023
Citizens For Star	April 12, 2023
Citizens For Star	April 13, 2023
Citizens For Star	April 17, 2023
Citizens For Star	April 21, 2023
Craig Jackson	April 17, 2023
Dana DeChambeau	February 16, 2022
David Rockwell	February 11, 2022
David Welch	April 23, 2023
Debbie Allen	April 24, 2023
Debbie Shaklee	March 1, 2022
Diane Greene	May 4, 2023
Diane Moya	February 15, 2022
Don & Shawna Biava	February 16, 2022
Doug Braddock	April 24, 2023
Doug & Gail Whitsett	March 1, 2022
Doug & Gail Whitsett	May 9, 2023
Doug Stewart	February 11, 2022
Dylan Spellman	February 22, 2022
Edward Kearney	April 24, 2023
Gary Brookshier	March 13, 2022
Greg & Deborah Fisher	April 24, 2023
Hillsdale HOA	April 24, 2023
HJ Enterprises	May 5, 2023
Jack & Melinda Klure	May 5, 2023
James Morris	April 13, 2022
Jeannie Walker	February 25, 2022
Jeffrey Busby	May 7, 2023
Jesse Stoneberg	March 1, 2022
Jim Owsley	
Joe Cacopardo	February 27, 2022
Joe Heard	February 21, 2022
Jordan Cassel	February 23, 2022
Katherine Dwyer	May 6, 2023
Kelle Watkins	
Ken Smith	February 23, 2022

Ken Stearns	February 24, 2022
Kevin Herbert	February 24, 2022
Kim Sullivan	January 31, 2022
Kim Wickstrum	April 4, 2023
Kim Wickstrum	April 20, 2023
Kim Wickstrum	May 5, 2023
Kyriacos Kalfas	April 15, 2022
Layne & Anadeane Galbraith	October 25, 2021
Linda Aman	February 14, 2022
Linda Wambolt	January 16, 2022
Lindsey Moore	February 8, 2022
Lindsey Moore	May 4, 2023
Mark Carringer	February 25, 2022
Mark Clutter	March 3, 2022
Marti Phipps	February 12, 2022
Megan Beaston	February 24, 2022
Michael Flanagan	May 7, 2023
Monte Smith	January 18, 2022
Monte Smith	February 5, 2022
Monte Smith	February 16, 2022
Morgan Sotelo	February 22, 2022
Nicholas Kalfas	April 16, 2022
Nosh Makujina	May 7, 2023
Paul Egert	April 24, 2023
Richard Beery	July 6, 2021
Richard Moore	February 6, 2022
Richard Moore	March 15, 2022
Rob Harbottle	February 23, 2022
Ron & Darcie Grote	February 22, 2022
Sailing Hawk Subdivision	
Samuel Hunter	February 15, 2022
Sara Kalfas	April 18, 2022
Shane Smith	February 25, 2022
Steve Burton	January 27, 2022
Steve Burton	May 5, 2023
Steve & Allyson Holdsambeck	February 19, 2022
Tammi Chase	May 4, 2023
Tom & Barbara Daggett	February 9, 2022
William Slendorn	February 18, 2022
Zach Omsirisack	February 22, 2022
Willowbrook Petition	

## **K. Comprehensive Plan and Unified Development Code Provisions:**

### **COMPREHENSIVE PLAN (adopted 12-8-20 version):**

#### *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.*

#### *Objectives:*

- A. Preserve the family friendly feel of Star.*
- C. Manage urban sprawl in order to minimize costs of urban services and to protect rural areas.*
- D. Retain and encourage rural areas where it will not result in increased costs for urban services.*
- F. Encourage public participation in the land use planning process.*
- G. Encourage land uses that are in harmony with existing resources, scenic areas, natural wildlife areas, and surrounding land uses.*
- H. 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.*



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

- A. The Estate and Neighborhood Residential Land Use is to encourage urban style development densities to limit urban sprawl.*
- B. Low densities within the Estate and 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 subdivided in the future.*
- C. Site layout adjacent to and within the Special Transition Overlay Area shall provide for a transition in density and lot sizing.*

### 8.5.4 Policies Related to The Special Transitional Overlay Areas:

- A. Development adjacent to and within the Special Transition Overlay Area is to provide for an appropriate transition between existing and new home sites where new urban development is being planned adjacent to previously approved and constructed rural county developments of years past.*
- B. Site layout is to provide for a transition in density and lot sizing with all policies regarding compatibility herein applying.*
- C. Modified street sections, such as with no curbs gutters or sidewalks, should be encouraged for adjacent compatibility where determined appropriate.*
- D. When an urban density residential development is planned with lots that directly abut lots within a Special Transition Overlay Area an appropriate transition is to be provided for the two abutting residential lot types. A transition must take into consideration site constraints that provide transitional lots and/or open space area avoiding urban lots directly abutting Special Transition Overlay Area lots.*
- E. Larger setbacks should be required for new lots planned to abut existing Special Transition Overlay Area lots.*

### 8.5.9 Additional Land Use Component Policies:

- A. Upon review of specific development applications, the Council may approve uses considering that the boundaries of the various land use designations shown on the Land Use Map are contemplated to be slightly flexible based upon existing property lines and other site considerations.*
- E. Encourage public participation in the land use planning process.*
- F. With regard to land-use planning, property owners and residents within Star's Comprehensive Planning area who live outside the city limits and are not entitled to vote in city elections are encouraged to provide public input for consideration by the City Council.*

- G. Develop processes for public participation and materials that describe the development and public hearing processes.*
- I. Develop a harmonious blend of opportunities for living, working, recreation, education, shopping, and cultural activities.*
- K. Buffer and transition development is to occur between conflicting types of land use.*
- L. Encourage landscaping to enhance the appearance of subdivisions, structures, and parking areas.*
- M. Amend the code to require tree lined streets where appropriate.*
- N. Require more open space and trees in subdivisions.*
- O. 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.*
- Q. The Star Fire District is encouraged to respond to development applications by advising the city's Planning Department of the impact that the proposed development will have, if approved, on the standard response time.*
- T. Support well-planned, pedestrian-friendly developments.*
- U. 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.*
- V. 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 (UDC) (adopted 6-23-20 version):**

##### **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.*

*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-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.

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

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.

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.

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.

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.

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.*

***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.*

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

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

*A. Permitted uses and accessory uses shall be reviewed in accord with this title. It shall be unlawful and a violation of this title for any person to conduct any permitted use in any district, unless such person first obtains each applicable permit from the city.*

*B. Uses that are listed as C shall be subject to a conditional use permit approval through the public hearing process. Conditional uses shall be approved in accord with the procedures and regulations for conditional uses set forth in this title. It shall be unlawful and a violation of this title for any person to conduct any conditional use in any district, unless such person shall first obtain a conditional use permit approval through the public hearing process from the city.*

*C. The administrator shall interpret the appropriate district for land uses not specifically mentioned by determining the district in which similar uses are permitted. If the administrator determines that a proposed use is not specifically mentioned and is not similar to any specifically mentioned use the administrator shall determine that the use is prohibited.*

*D. When submitting a CUP, PUD or **development agreement** for a mixed-use zone, or for **multiple conditional uses on one site**, all uses that are contemplated for the development shall be identified with the application and shall be reviewed by the council to determine which may be permitted, which should remain as conditional uses and which should be prohibited. **A***

**development agreement may be used in lieu of a conditional use permit application** or a PUD application if the council makes the findings as otherwise required.

E. In zoning designations of R-1, R-2, R-3, R-4 and R-5, housing shall be single family detached unless approved with a PUD or development agreement in lieu of a PUD.

F. As of the adoption of this ordinance the Rural transitional district zone (RT) has been eliminated for new zoning. Properties with a Rural transitional zoning designation (RT) on the effective date of this ordinance shall be considered nonconforming use properties subject to the nonconforming use regulations herein, and shall automatically revert to Rural Residential (RR) for the purpose of zoning until a time that they are rezoned to a district that meets the adopted Comprehensive Plan Land Use Map.

<b><u>ZONING DISTRICT USES</u></b>	<b><i>A</i></b>	<b><i>R-R</i></b>	<b><i>R</i></b>
Accessory structure	A	A	A
Dwelling:			
Multi-family <sup>1</sup>	N	N	C
Secondary <sup>1</sup>	A	A	A
Single-family attached	N	N	C
<b><u>Single-family detached</u></b>	P	P	<b><u>P</u></b>
Two-family duplex	N	N	P
<b><u>Golf Course</u></b>	C	C	<b><u>C</u></b>
<b><u>Public infrastructure; Public utility mayor, minor and yard <sup>1</sup></u></b>	C	C	<b><u>C</u></b>

		<b><i>Minimum Yard Setbacks</i></b>
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Zoning District	Maximum Height	Note Conditions			
	Note Conditions	Front (1)	Rear	Interior Side	Street Side
R-2	35'	20'	20'	10'	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.

8-3B-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.*

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

**Staff has included this section of the UDC as a reference only. As the application submitted does not include a request for a PUD or Preliminary Plat, findings of fact will not be provided by Council during this public hearing process. The intent of including this section is to provide information that will be necessary for review as the development application proceeds.**

*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.*

**8-6A-3: PRELIMINARY PLAT PROCESS:** Staff has included this section of the UDC as a reference only. As the application submitted does not include a request for a Preliminary Plat, findings of fact will not be provided by Council during this public hearing process. The intent of including this section is to provide information that will be necessary for review as the development application proceeds.

*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 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 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.*

**8-7-1: PURPOSE - PLANNED UNIT DEVELOPMENTS:** Staff has included this section of the UDC as a reference only. As the application submitted does not include a request for a PUD, findings of fact will not be provided by Council during this public hearing process. The intent of including this section is to provide information that will be necessary for review as the development application proceeds.

*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.*

*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 its 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.*

**CITY COUNCIL FINDINGS OF FACT AND CONCLUSIONS OF LAW**

**8-1B-1C: ANNEXATION AND ZONING FINDINGS:**

1. The map amendment complies with the applicable provisions of the Comprehensive Plan.  
*The Council finds that the applicants request for Annexation and Zoning (Map Amendment) complies with the intent and applicable provisions of the adopted Comprehensive Plan, specifically the December 8, 2020 Plan that was in affect at the time of submittal and acceptance of the application. 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 Residential Districts 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 these Comprehensive Plan goals. The Council further finds that the Estate Residential Land Use Designations as stated in Sections 8.2.3 and 8.5.3 Policies of the 2020 Comprehensive Plan encourage low densities not to exceed 1 to 2 units per acre in areas of the 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. Site layout adjacent to and within the Special Transition Overlay Area shall provide for a transition in density and lot sizing. Policy 8.5 states that The Estate and Neighborhood Residential Land Use should encourage urban style development densities to limit urban sprawl. Council finds that, regarding Special Transitional Overlay Areas stated in Section 8.5.4 Policies, that 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, and that 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. Council finds that the proposed conceptual plan that is part of this annexation application meets these policies. Further, Council finds that, per 18.4 Implementation Policies, that 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.*

2. The map amendment complies with the regulations outlined for the proposed district.

*The Council finds that the applicants request for Annexation and Zoning (Map Amendment) complies with the regulations and purpose statement for the proposed Estate Residential zoning district and other sections of the adopted Uniform Development Code (UDC), specifically the June 23, 2020 Code that was in affect at the time of submittal and acceptance of the application. Specifically, the purpose statement states that housing in the R-2 zoning designations shall be single family detached, connection to municipal water and sewer facilities are required for all subdivisions*

*exceeding one dwelling unit per acre, and the district does allow for some non-residential uses as specified in 8-3A-3, including golf courses and public infrastructure allowed as conditional use permits. Council finds that when submitting a development agreement 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 if the council makes the findings as otherwise required. The Council finds that findings of fact can be made for the multiple conditional use permits identified within the application (see findings for the conditional use permits). Council finds that, as stated in UDC 8-3B-3 Residential Districts, appropriate transitional lots, as conditioned by Council, have been provided adjacent to existing "Special Transition Overlay Area" lots as shown on the Comprehensive Plan Land Use Map. This includes setbacks within the proposed urban lots similar to the rural residential lots directly abutting and includes provisions of one half to one acre size lots directly abutting the rural residential lots, or densities of no more than 1 to 2 dwelling units per acre designed within ridgeline developable areas and hillside developable areas.*

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 this annexation and zoning of this property will be materially detrimental to the public health, safety or welfare. Council finds that significant roadway improvements to Can Ada Road, along with upgrades to other roadways and intersections and the new construction of Arie Road and its interchange will be provided as part of this development. The Council finds that the required conditions of approval that will be part of the Development Agreement will protect the public health, safety and welfare of the citizens of the City of Star and its Impact Area. Council further finds that additional hearings and input by agencies, City Staff and the public during future application phases, as conditioned, will further benefit the process moving forward.*

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.

*The Council finds that the City has not been presented with any information from agencies having jurisdiction that public services, with the conditions and requirements of the agencies adopted into the Development Agreement, will be adversely impacted. The Council finds that with the required ACHD, CHD4, Fire District and Park impact fees, together with ITD proportionate share fees, additional Fire and Police mitigation fees, including the upfront mitigation fee for Police service, and the provisions for future Fire and School sites, that growth should be able to pay for itself without burdening the agencies or citizens of the City and County.*

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

*The Council finds this annexation is reasonably necessary for the orderly development of the City. The Council finds that the annexation of this property will bring the development and requirements into and under the jurisdiction of the City. Council finds that the master planning of this property with the required conditions of approval, including immediate improvements to the existing and future roadway system and provisions for future fire and school facilities will provide for slow, steady growth in the City. Council finds that the extension of Star Sewer and Water facilities, including the deliverance of reclaimed water, not only benefits the approved development, but also provides additional services to the existing residents and uses in the immediate vicinity. Council finds that the proposed future open space, including the proposed golf course, along with the access to BLM land with proposed trails and parking, will benefit the entire community.*

#### **8-1B-4E CONDITIONAL USE FINDINGS:**

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.

*The Council finds nothing in the record indicating that the site of the proposed golf course and municipal use would not be large enough to accommodate the proposed use or meet all of the dimensional and development regulations in the district in which the use would be located.*

2. That the proposed use will be harmonious with the Star comprehensive plan and in accord with the requirements of this title.

*The Council finds that the proposed use request is harmonious with the Star Comprehensive Plan and is in accord with the requirements of this Title. The proposed development meets the intent and purpose. Council finds that the goal of the Comprehensive Plan for Residential Districts 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 by clustering the residential units around the proposed golf course, open space is preserved.*

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 and that such use will not adversely change the essential character of the same area.

*The Council finds that operation of the proposed use will be compatible with the other uses in the general area. The golf course will provide mostly quiet, recreational and entertainment uses and aesthetic open spaces.*

4. That the proposed use, if it complies with all conditions of the approval imposed, will not adversely affect other property in the vicinity.

*The Council finds that the proposed use, with imposed conditions of approval, would not adversely affect other property in the vicinity. The Council has placed conditions regarding limitations on lighting, hours of operation, and requirements for further City review of landscaping, parking and other proposed amenities. Council finds that the golf course will be connected to a reclaimed water system provided by Star Sewer and Water District that, when in use, will minimize groundwater usage in the area and potentially recharge the local aquifer.*

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.

*The Council finds that the proposed use can be adequately served by essential public facilities and services. Council has placed conditions of approval requiring new and upgraded roadways to accommodate the proposed development of the golf course and associated residential neighborhood. Star Sewer and Water, Star Fire District and Star Police can adequately serve the proposed use.*

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.

*The Council finds that the proposed use would not create excessive additional costs for public facilities and would not be detrimental to the economic welfare of the community. The City has conditioned the application to include roadway improvements and mitigation fees. The development will also be responsible for payment of Fire and ACHD impact fees. Council finds that the commercial use will benefit the City economically through increased tax revenue.*

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.

*The Council finds that the proposed use would involve activities that would not be detrimental to any person, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors. Council has placed conditions of approval regarding lighting and hours of operation that will help protect the general welfare. Further, City Municipal Code regulates a noise ordinance to prevent additional detriment to surrounding properties and uses.*

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.

*The Council finds that the proposed use would not result in the destruction, loss or damage of natural, scenic or historic feature of major importance since none are apparent on this site. Council finds that a golf course would enhance the natural and scenic climate of the area more so than strictly residential uses, as would be allowed under the current Comprehensive Plan.*

### **Public Hearing of the Council:**

a. A public hearing on the application was heard by the City Council on May 9, 2023 and June 20, 2023, at which time testimony was heard and the public hearing was closed. The City Council made their decision at that time.

b. Shawn L Nickel, City of Star Planning and Zoning Director presented the application.

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

- Nathan Mitchell
- Deborah Nelson
- Jaimie Markosian
- Nancy Collins
- Todd Collins
- Layne Galbraith
- Sabrina Newberry
- Rochelle Henson
- Richard Moore
- Colleen Moore
- Benjamin Shields
- Cherie Shields
- Ana Deane Galbraith
- Lisa Priapi
- Abigail Germaine
- Jim Junge
- Greg Miller
- Ben Pelka
- Kim Yanecko
- Gordon Sonne
- Niles Nordquist
- David Welch
- Russ Smerz
- Michael Flanagan
- Randy Biddle
- John Pickens
- Bob Lenigan
- Christine Welch
- Ronald Stout
- Steven Packard
- Pam Slendorn
- Kenneth Ricardson

- Kathleen Northrop
- Marci Miller
- Bob Lenigan
- Michael Keyes
- Chris Todd
- Peter Albinsen
- Steve Burton
- Anita Metro

d. Additional testimony from City Staff, Agencies

- Victor Islas, Star Fire District
- Zach Hessing, Star Police Chief

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

- Todd Collins
- Greg Miller
- Pam Slendorn

### **Deliberations and Conclusions of Law:**

The Council reviewed the particular facts and circumstances of the proposed applications in accordance with the City of Star Title 8 (Unified Development Code), took public testimony, and deliberated on the matter, resulting in review of the record, including the staff report, and discussions on the development. Review and discussion included access, density, transitional lots, traffic concerns, water concerns, golf course concerns, and environmental concerns.

The Council discussed conditions of approval on the annexation and zoning application, and the development agreement in lieu of for the golf course and municipal use that will be included as part of the accompanying Development Agreement. Council concluded that the Applicant's request meets the requirements for the annexation and zoning portion of the request. Council hereby incorporates the Council Packet with staff report dated May 9, 2023, together with all public and agency comments and the meeting 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 applicable Unified Development Code and the intent and purpose of the applicable Comprehensive Plan and Map requirements for annexation and zoning.

Council added the following requirements to their decision to approve the annexation and zoning application that will be part of the Development Agreement conditions of approval to include the following:

- **The Council hereby approves the annexation of the 726.6 acres with a zoning designation of R-2-DA.**
- **A maximum density of 1.38 dwelling units per acre with maximum number of residential lots not exceeding 1,000 is hereby approved as part of this Annexation.**
- **The Council hereby approves the golf course and associated facility amenities including the clubhouse and accessory structures, restaurant/bar and driving range. Prior to approval of any additional commercial uses, the Applicant shall submit and receive approval of a Planned Unit Development (PUD) and Preliminary Plat. This approval shall be part of a new public hearing through City Council.**
- **All golf course details shall receive further review and approval through the Design Review Committee. The architecture of the clubhouse and restaurant shall meet current City design review standards.**
- **The golf course shall be hooked onto Star Sewer and Water District reclaimed water for application to the course at the time of availability through the Star Sewer and Water District.**
- **The applicant shall provide a minimum 10-acre Public School Site and a future Fire Station site within the development. The applicant shall work with the Star Fire District on the location of the station. The Fire Station site and School site shall be deeded to the appropriate agency with the first phase of the residential development.**
- **The development shall meet all requirements of the Star Fire District and Star Sewer and Water District.**
- **Adopt all recommended conditions of approval from ITD, ACHD & CHD4.**
- **Provide for one-half acre minimum residential lot sizes adjacent to all existing Hillsdale Estates Subdivision residential lots with matching lot lines as illustrated on Staff's Transitional Lot Exhibit dated May 9, 2023. A minimum 25-foot setback for all new structures shall be provided adjacent to existing residential lots.**
- **Provide a minimum 100-foot landscape buffer setback to proposed residential lots adjacent to Monument Ridge Subdivision as illustrated on Applicant's Exhibit dated May 9, 2023.**
- **Agreement from Applicant to pay all proportionate shares and mitigation fees in place at the time of recordation of Development Agreement to include the following:**



- **ITD Proportionate Shares - \$1,000.00 per lot at final plat phasing**
- **Star Fire District Mitigation Fees – \$1,200.00 per lot at time of residential building permit**
- **Star Police Mitigation Fees – \$1,120.00 per lot at time of residential building permit**
- **Developer shall pay an upfront mitigation fee of \$370,000.00 for Star Police Department services. These fees shall be deducted from the future Star Police Mitigation Fees that are collected at the time of residential building permit.**
- **The Development Agreement will be re-visited during the Preliminary Plat and Planned Unit Development in order to update or add any new conditions of approval that may be required by the City Council or other reviewing Agencies.**
- **Wing Road will not be connected to the development from Beacon Light Road.**
- **A traffic signal light at Hwy 44 and Can Ada Road shall be constructed by the applicant prior to the first day of operation of the Golf Course and Facilities. A latecomers agreement shall be entered between the applicant and the City and/or CHD4 for future reimbursement.**
- **Driving range hours of operation shall be from dawn to dusk with no lighting allowed.**
- **This entire development shall adhere to the City “Dark Sky Initiative” for all lighting. All residential structures shall provide recessed outside lighting within the roof soffits.**
- **Applicant shall provide conduit for future fiber-optic services at the time of construction of the infrastructure of the development.**
- **Future fire station lot shall be provided with all services during the construction of the development.**
- **No rock-crushing of aggregate shall be allowed without future Conditional Use Permit approval from the City.**
- **Construct a visual and sound barrier berm along the south side of the driving range. This shall be reviewed as part of the CZC application for the golf course.**

**Council Decision:**

Councilmember Nielson made a motion, seconded by Councilmember Hershey for approval. The Council voted 3-1 (Councilmember Salmonsens voted against) to approve the Annexation and Zoning and Development Agreement applications on June 20, 2023.

Dated this 18<sup>th</sup> day of July 2023.

Star, Idaho

By: \_\_\_\_\_  
Trevor A. Chadwick, Mayor

ATTEST:

\_\_\_\_\_  
Jacob M. Qualls, City Clerk

\* ... Over spent expenditure

Claim/ Line #	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object	Proj	Cash Account
2176	21977S	20 ADA COUNTY HIGHWAY DISTRICT	195,608.00						
1	17785	07/06/23 ACHD Impact Fees June 2023	195,608.00			10	41510	731	10110
		<b>Total for Vendor:</b>	<b>195,608.00</b>						
2079	21884S	21 ADA COUNTY LANDFILL	15.00						
1	230615-050	06/15/23 Landfill Fees	15.00			10	41540	411	10110
		<b>Total for Vendor:</b>	<b>15.00</b>						
2163	21956S	979 AMBER BARNES	315.00						
1	06/28/23	Ballerina Camp Instructor	315.00			10	44022	352	10110
		<b>Total for Vendor:</b>	<b>315.00</b>						
2095	21885S	1067 ANNIE PEW	1,470.25						
		Ion Grant							
1	06/20/23	Reimburse Baking Supplies	1,017.13			10	102 44022	611	10110
2	06/18/23	Reimburse Baking Supplies	453.12			10	102 44022	611	10110
2104	21904S	1067 ANNIE PEW	352.80						
1	06/26/23	Reimburse Baking Camp Supplies	271.22			10	102 44022	611	10110
2	06/20/23	Reimburse Cleaning Supplies	81.58			10	44022	611	10110
2185	21978S	1067 ANNIE PEW	988.63						
		Ion Grant							
1	07/06/23	Reimburse Baking Camps	988.63			10	300 44022	611	10110
		<b>Total for Vendor:</b>	<b>2,811.68</b>						
2081	21886S	1199 ARCTIC AIR INC	65.00						
1	06/15/23	Refund - Permit Cancelled	65.00			10	41510	698	10110
		<b>Total for Vendor:</b>	<b>65.00</b>						
2141	21923S	79 ASSOCIATION OF IDAHO CITIES	365.00						
1	200010448	06/21/23 AIC Registration Chadwick	365.00			10	41810	560	10110
		<b>Total for Vendor:</b>	<b>365.00</b>						

\* ... Over spent expenditure

Claim/ Line #	Check	Invoice #/Inv Date/Description	Vendor #/Name/	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object	Proj	Cash Account
2139	21924S	1367 AVI SYSTEMS, INC		4,398.63						
1	5869	06/16/23 AV System Hardware		4,398.63			10	41810	741	10110
		<b>Total for Vendor:</b>		<b>4,398.63</b>						
2120	21925S	1233 BARBARA CONLY		579.00						
1	06/19/23	Conly HR Certification		335.00			10	41810	560	10110
2	06/19/23	Conly SHRM Membership		244.00			10	41810	570	10110
		<b>Total for Vendor:</b>		<b>579.00</b>						
2118	21912S	1366 BEST BUY		8,909.34						
1	06/27/23	Rec Center		8,909.34			10	850 45110	741	10110
		<b>Total for Vendor:</b>		<b>8,909.34</b>						
2152	21954S	144 BRYANT PRINTS LLC		1,945.75						
1	0810	06/26/23 Hometown Tees		1,945.75			10	50 41810	597	10110
		<b>Total for Vendor:</b>		<b>1,945.75</b>						
2101	21902S	1364 CADEN HANDRAN		1,000.00						
1	06/27/23	Summer Basketball Camp		1,000.00			10	104 44022	352	10110
2102	21905S	1364 CADEN HANDRAN		720.00						
1	06/27/23	Summer Basketball Camp		720.00			10	104 44022	352	10110
		<b>Total for Vendor:</b>		<b>1,720.00</b>						
2125	21926S	160 CANYON HIGHWAY DISTRICT # 4		205.27						
		Property Tax Collected for 05/01/23 - 05/31/23								
1	05/31/23	CHD4 Property Tax		205.15			10	41510	732	10110
2	05/31/23	CHD4 Penalty		0.06			10	41510	732	10110
3	05/31/23	CHD4 Interest		0.06			10	41510	732	10110
		<b>Total for Vendor:</b>		<b>205.27</b>						
2085	21887S	1312 CAPITAL PAVING COMPANY INC		479,083.48						
		Engineer's Project No 203010-464 State Highway 44, Bent Lane to Star Road								
1	13595	05/25/23 SH-44 Construction App #4		492,439.10			10	500 45110	760	10110
2	13596	05/25/23 SH-44 Construction App #4		11,859.30			10	500 45110	760	10110
3	05/25/23	Discount Amount		-25,214.92			10	500 45110	760	10110
		<b>Total for Vendor:</b>		<b>479,083.48</b>						

\* ... Over spent expenditure

Claim/ Line #	Check	Invoice #/Inv Date/Description	Vendor #/Name/	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object	Proj	Cash Account
2127	21927S	172 CENTURY LINK		218.62						
1	*228B 06/16/23	Telecommunications		153.27			10 41810	419		10110
2	*130B 06/16/23	Telecommunications		65.35			10 41810	419		10110
		<b>Total for Vendor:</b>		<b>218.62</b>						
2078	21883S	179 CHRIS PARKS		500.00						
	Summer Concert Series									
1	Kill-A-Bre 06/09/23	Summer Concert Series / Ki		500.00			10 51 46000	598		10110
		<b>Total for Vendor:</b>		<b>500.00</b>						
2100	21903S	184 CINTAS CORP		102.66						
1	4149295696 03/14/23	City Hall Mat Cleaning		46.37			10 41540	344		10110
2	4149295548 03/14/23	Riverhouse Mat Cleaning		56.29			10 41540	344		10110
		<b>Total for Vendor:</b>		<b>102.66</b>						
2149	21928S	191 CLOVERDALE NURSERY		366.80						
1	313735 06/28/23	Bark Hunter's Creek		366.80			10 41540	735		10110
		<b>Total for Vendor:</b>		<b>366.80</b>						
2111	21913S	207 COMPUTER CONSULTING ASSOCIATES		4,312.00						
1	4295 06/04/23	IT Consulting Services		4,312.00			10 41810	342		10110
2153	21957S	207 COMPUTER CONSULTING ASSOCIATES		1,184.49						
1	4310 07/03/23	Additional IT Consulting Svcs		1,184.49			10 41810	342		10110
		<b>Total for Vendor:</b>		<b>5,496.49</b>						
2184	21979S	1371 CYNDI SEYBOLD		136.00						
1	07/07/23	Hometown Raffle		136.00			10 45130	590		10110
		<b>Total for Vendor:</b>		<b>136.00</b>						
2136	21929S	233 DAN'S PUMP AND FILTER LLC		3,436.00						
1	7986 06/19/23	Impeller and Labor		3,436.00			10 41540	613		10110
		<b>Total for Vendor:</b>		<b>3,436.00</b>						

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Claim/ Line #	Check	Invoice #	Vendor #/Name/ Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund	Org	Acct	Object	Proj	Cash Account
2098	21899S	231	DANA PARTRIDGE	2,310.90								
1	06/23/23	Services	JUNE 9 - JUNE 22 2023	2,310.90			10		41140	351		10110
2177	21980S	231	DANA PARTRIDGE	3,394.96								
1	07/07/23	Services	JUNE 23 - July 6 2023	3,240.90			10		41140	351		10110
2	07/07/23	HT Stage Banners		127.82			10	50	46000	531		10110
3	07/07/23	HT ADA Traffic Cones		9.49			10	50	46000	597		10110
4	07/07/23	RH Surveillance Signs		16.75			10		41810	737		10110
			<b>Total for Vendor:</b>	<b>5,705.86</b>								
2126	21930S	246	DELL MARKETING LP	1,379.44								
1	*80483169	06/23/23	Dell OptiPlex Computer	1,379.44			10		41540	742		10110
			<b>Total for Vendor:</b>	<b>1,379.44</b>								
2165	21958S	1318	DENIELLE REDONDO	364.00								
1	06/28/23	June Barre Strength		364.00			10		44022	352		10110
			<b>Total for Vendor:</b>	<b>364.00</b>								
2155	21959S	1368	DIAMOND CONTRACTORS	40,432.00								
1	App 1 06/27/23	Pavilion Parking Lot App 1		40,432.00			10		45110	738		10110
			<b>Total for Vendor:</b>	<b>40,432.00</b>								
2158	21960S	271	ECI CONTRACTORS	16,013.03								
1	Jun 2023 07/03/23	Electrical Inspections, 60% of Total Electrical Inspections		16,013.03			10		41510	454		10110
			<b>Total for Vendor:</b>	<b>16,013.03</b>								
2099	21901S	1363	EDWARD BRYAN COUGHENOUR	1,200.00								
1	20230623 06/23/23	RIVERHOUSE CONCERT		1,200.00			10	51	46000	598		10110
			<b>Total for Vendor:</b>	<b>1,200.00</b>								
2187	21981S	1101	EMILY BECKHAM	200.00								
1	07/05/23	Refund Cancelled Camp		200.00			10		44022	698		10110
			<b>Total for Vendor:</b>	<b>200.00</b>								

\* ... Over spent expenditure

Claim/ Line #	Check	Invoice #/Inv Date/Description	Vendor #/Name/ #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund	Org	Acct	Object	Proj	Cash Account
2090	21888S	302	FATBEAM LLC	2,584.00								
1	35267	06/01/23	Fiber Optic Internet Service	465.00			10		41810	419		10110
2	34916	06/01/23	Fiber Optic Internet Service	2,119.00			10		41810	419		10110
			<b>Total for Vendor:</b>	<b>2,584.00</b>								
2144	21931S	312	FLAG STORE OF IDAHO LLC	1,589.60								
1	2428	06/23/23	Flag and Assessories	1,589.60			10		41540	435		10110
			<b>Total for Vendor:</b>	<b>1,589.60</b>								
2181	21982S	318	FUN N' FIT INFLATABLES	185.00								
1	07/07/23	Obstacle Course Remaining Bal		185.00			10		44022	442		10110
			<b>Total for Vendor:</b>	<b>185.00</b>								
2083	21889S	325	GAMEFACE ATHLETICS	342.00								
1	316794	06/14/23	Vests for PAB Committee	342.00			10		45130	586		10110
2133	21932S	325	GAMEFACE ATHLETICS	4,442.60								
1	316827	06/22/23	Flag Hats	4,000.00			10		41810	610		10110
2	316952	06/27/23	Fun Run Tee Shirts	442.60			10	50	41810	597		10110
			<b>Total for Vendor:</b>	<b>4,784.60</b>								
2082	21890S	331	GEM STATE PAPER & SUPPLY	150.15								
1	3075313	06/14/23	Waste Containers	85.50			10		41540	611		10110
2	3074884	06/14/23	Scented Spray	37.47			10		41540	611		10110
3	3074879-01	06/14/23	Cleaning Supplies	27.18			10		41540	611		10110
2142	21933S	331	GEM STATE PAPER & SUPPLY	530.04								
1	3075313-01	06/21/23	Containers	60.18			10		41540	611		10110
2	3074879-02	06/21/23	Cleaning Supplies	439.77			10		41540	611		10110
3	3074647-01	06/21/23	Containers	30.09			10		41540	611		10110
			<b>Total for Vendor:</b>	<b>680.19</b>								
2105	21906S	1365	HANNA LUKYANOVICH	100.00								
1	06/12/23	Refund Summer Camps		100.00			10		44022	698		10110
			<b>Total for Vendor:</b>	<b>100.00</b>								



\* ... Over spent expenditure

Claim/ Line #	Check	Invoice	Vendor #/Name/ #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund	Org	Acct	Object	Proj	Cash Account
2086	21891S	1344	HORROCKS	58,321.28								
1	77441	05/22/23	SH-44 CE&I Progress Pay App 2	58,321.28			10	500	41510	331		10110
2087	21891S	1344	HORROCKS	50,863.78								
1	77677	06/06/23	SH-44 CE&I Progress Pay App 3	50,863.78			10	500	41510	331		10110
			<b>Total for Vendor:</b>	<b>109,185.06</b>								
2147	21934S	382	IDAHO CENTRAL CREDIT UNION	4,968.41								
1	4825	06/21/23	Chadwick	568.00			10		41810	611		10110
2	3463	06/21/23	Qualis	3,362.46			10		41810	611		10110
3	6074	06/21/23	Little	1,037.95			10		41540	611		10110
			<b>Total for Vendor:</b>	<b>4,968.41</b>								
2148	21935S	398	IDAHO POWER COMPANY	3,533.81								
1	0033022594	06/13/23	1000 S MAIN ST / PUMP	57.17			10		41540	412		10110
2	0033022589	06/13/23	10769 W STATE ST / CITY HA	754.32			10		41810	412		10110
3	0033022563	06/13/23	10775 W STATE ST / STAR OU	207.37			10		41810	412		10110
4	0033022576	06/13/23	11225 W BLAKE DR / BLAKE P	136.52			10		41540	412		10110
5	0033157130	06/13/23	11380 W HIDDEN BROOK	14.41			10		41540	412		10110
6	0033207654	06/13/23	11665 W STATE ST A	304.46			10		41540	412		10110
7	0033207655	06/13/23	11665 W STATE ST A1	162.36			10		41540	412		10110
8	0033022554	06/13/23	1250 N STAR RD / HUNTERS P	598.07			10		41540	412		10110
9	0033022592	06/13/23	1300 N STAR RD / HC ENTRY	40.03			10		41540	412		10110
10	0033022572	06/13/23	1310 N LITTLE CAMAS / SHOP	107.21			10		41540	412		10110
11	0033022587	06/13/23	1500 N STAR RD	390.18			10		41540	412		10110
12	0033075641	06/13/23	HIGHROOK / HWY 44 STRT LI	32.28			10		41810	413		10110
13	0030204591	06/13/23	HUNTER'S CREEK STRT LIGHTS	14.36			10		41810	413		10110
14	0033022596	06/13/23	BLAKE SPRINKLER ELECT	3.55			10		41540	412		10110
15	0033022580	06/13/23	STATE/PLUMMER STRT LIGHTS	8.30			10		41810	413		10110
16	0033022584	06/13/23	STRT LIGHTS STAR	401.92			10		41810	413		10110
17	0030204606	06/13/23	STRT LIGHTS / BLAKE PARK	16.76			10		41810	413		10110
18	0032863989	06/13/23	960 S MAIN ST	170.35			10		41810	412		10110
19	0032863988	06/13/23	960 S MAIN ST	16.43			10		41810	412		10110
20	0030885171	06/13/23	11665 W STATE ST C	97.76			10		41810	412		10110
			<b>Total for Vendor:</b>	<b>3,533.81</b>								

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Claim/ Line #	Check	Invoice	Vendor #/Name/ #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund	Org	Acct	Object	Proj	Cash Account
2154	21961S	399	IDAHO PRESS TRIBUNE	686.22								
4	35669	06/30/23	Legal/Pub Notice Ord 379-2022	198.00			10		41510	530		10110
5	35670	06/30/23	Legal/Pub Notice Ord 380-2023	198.00			10		41510	530		10110
6	35673	06/30/23	Legal/Pub Notice PH 7/18/23	97.35			10		41510	530		10110
7	35672	06/30/23	Legal/Pub Notice PH 7/18/23	97.35			10		41510	530		10110
8	35671	06/30/23	Legal/Pub Notice PH 7/18/23	95.52			10		41510	530		10110
			<b>Total for Vendor:</b>	<b>686.22</b>								
2156	21962S	1073	INSPECT LLC	18,025.75								
			Monthly Plumbing Inspections, 60% of Total									
1		Jun 2023	07/03/23 Plumbing Inspections	18,025.75			10		41510	453		10110
			<b>Total for Vendor:</b>	<b>18,025.75</b>								
2115	21914S	1247	JAY'S PAINTING SERVICE	545.00								
1	06/20/23		Police Station - Blue Band	545.00			10	800	45110	741		10110
			<b>Total for Vendor:</b>	<b>545.00</b>								
2175	21983S	485	JULIE OLSEN	396.79								
			Reimbursements to Julie Olsen for Mayor's Youth Council Hometown and Concerts									
1	07/06/23		Mayor's Youth Council Expenses	396.79			10		45130	590		10110
			<b>Total for Vendor:</b>	<b>396.79</b>								
2190	21984S	1372	KAREN WALKER	120.00								
1	07/07/23		Refund Cancelled Camp	120.00			10		44022	698		10110
			<b>Total for Vendor:</b>	<b>120.00</b>								
2116	21915S	502	KEELY ELECTRIC	2,630.74								
1	20-2046	06/21/23	Clerk's Office	1,836.51			10	802	45110	741		10110
2	20-2047	06/21/23	River House	794.23			10		45110	737		10110
			<b>Total for Vendor:</b>	<b>2,630.74</b>								
2164	21963S	1354	LARA YOUNGMAN	280.00								
1	06/28/23		Mat Pilates June	280.00			10		44022	352		10110
			<b>Total for Vendor:</b>	<b>280.00</b>								

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2162	21964S	524	LARRY BEARG	476.00								
1	06/28/23	Tai Chi Instruction	June	476.00			10		44022	352		10110
			<b>Total for Vendor:</b>	<b>476.00</b>								
2130	21936S	535	LEISURE TIME OF BOISE	60.00								
1	06/27/23	Refund duplicate permit fee		60.00			10		41510	698		10110
			<b>Total for Vendor:</b>	<b>60.00</b>								
2110	21916S	542	LIFESPRIING CHURCH	1,155.00								
1	05/04/23	Willowbrook Public Hearing		1,155.00			10		41510	324		10110
2119	21920S	542	LIFESPRIING CHURCH	845.00								
1	05/04/23	Willowbrook Public Hearing		845.00			10		41510	324		10110
			<b>Total for Vendor:</b>	<b>2,000.00</b>								
2108	21907S	558	M ENTERPRIZES AUCTION SERVICES	750.00								
1	06/23/23	Auctioneer Hometown		750.00			10	50	41810	597		10110
			<b>Total for Vendor:</b>	<b>750.00</b>								
2188	21985S	1374	MADYSSON JUNGEMBERG	844.20								
1	07/06/23	June Tumbling Instructor		844.20			10		44022	352		10110
			<b>Total for Vendor:</b>	<b>844.20</b>								
2131	21937S	1064	MAGIC PLUMBING	104.00								
1	06/26/23	Refund Permit Overpayment		104.00			10		41510	698		10110
			<b>Total for Vendor:</b>	<b>104.00</b>								
2092	21892S	579	MARY SHAW	210.00								
1	04/20/23	Art By the River Post Cards		110.00			10	99	48590	700		10110
2	04/20/23	Art By the River Posters		100.00			10	99	48590	700		10110
			<b>Total for Vendor:</b>	<b>210.00</b>								
2146	21938S	583	MASTERCARD	755.97								
2	06/09/23	Qualls		755.97			10		41810	611		10110
			<b>Total for Vendor:</b>	<b>755.97</b>								

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2091	21893S	1362 MICHAEL KEYES		144,440.50								
1	06/13/23	Bond Release Saddlewood Ph 1		144,440.50			10		41510	881		10110
		<b>Total for Vendor:</b>		<b>144,440.50</b>								
2179	21986S	623 MIKE OLSEN		150.00								
1	1045 07/06/23	HT Photography		150.00			10	50	46000	583		10110
		<b>Total for Vendor:</b>		<b>150.00</b>								
2089	21894S	635 MOUNTAIN ALARM		105.00								
1	3674381	07/01/23 Fire Alarm Inspection		15.00			10		41810	344		10110
2	3674381	07/01/23 Backflow Inspection		7.00			10		41810	344		10110
3	3674381	07/01/23 Fire Monitoring		32.50			10		41810	344		10110
4	3674381	07/01/23 Fire Sprinkler Inspection		18.00			10		41810	344		10110
5	3674380	07/01/23 Security Cellular Backup		13.00			10		41810	344		10110
6	3674380	07/01/23 Security Monitoring		19.50			10		41810	344		10110
		<b>Total for Vendor:</b>		<b>105.00</b>								
2168	21965S	642 NAPA AUTO PARTS		34.95								
1	092219 06/30/23	Light Poles		34.95			10		41540	435		10110
		<b>Total for Vendor:</b>		<b>34.95</b>								
2166	21966S	649 NIKI DEAN		756.00								
1	06/28/23	Yoga Instruction June		756.00			10		44022	352		10110
		<b>Total for Vendor:</b>		<b>756.00</b>								
2189	21987S	1373 NORKA HELMICK		150.00								
1	07/06/23	Refund Adventure Camp		150.00			10		44022	698		10110
		<b>Total for Vendor:</b>		<b>150.00</b>								
2114	21917S	1319 ODIN FIRE PROTECTION		343.06								
1	1023 05/12/23	Star Rec Center		343.06			10	850	45110	741		10110
		<b>Total for Vendor:</b>		<b>343.06</b>								

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Claim/ Line #	Check	Invoice #/Inv Date/Description	Vendor #/Name/	Document \$/ Line \$	Disc \$	PO #	Fund	Org	Acct	Object	Proj	Cash Account
2124	21939S	656 OFFICE SAVERS ONLINE		419.45								
1	9510	06/08/23 Office Supplies		72.50			10		41810	611		10110
2	9596	06/27/23 Copy Paper		346.95			10		41810	611		10110
		<b>Total for Vendor:</b>		<b>419.45</b>								
2112	21918S	670 PATHWAY CONCRETE & LANDSCAPING		3,100.00			10		45110	735		10110
1	114	06/08/23 Hunters Creek Playground		3,100.00								
		<b>Total for Vendor:</b>		<b>3,100.00</b>								
2106	21908S	686 PORTAPROS LLC		927.00								
1	112049AK-1	05/26/23 River Walk Park		666.20			10		41540	411		10110
2	121435M-1	06/08/23 Dog Park		260.80			10		41540	411		10110
2151	21955S	686 PORTAPROS LLC		2,534.80								
1	126531-1	06/13/23 Star Middle School		200.60			10		41540	411		10110
2	112049AL-1	06/23/23 River Walk Park		518.20			10		41540	411		10110
3	125522-1	07/03/23 Hunters Creek Hometown		1,816.00			10	50	41810	597		10110
		<b>Total for Vendor:</b>		<b>3,461.80</b>								
2167	21967S	693 PROTECT YOUTH SPORTS		84.25								
1	1073525	06/30/23 Recreation Programming		26.45			10		44022	355		10110
2	1073525	06/30/23 City Processing		57.80			10		41810	355		10110
		<b>Total for Vendor:</b>		<b>84.25</b>								
2157	21968S	1037 RIMI INC		18,010.32								
		Mechanical Inspections, 60% of total										
1	Jun 2023	07/03/23 Mechanical Inspections		18,010.32			10		41510	455		10110
		<b>Total for Vendor:</b>		<b>18,010.32</b>								
2097	21900S	721 ROBERT P LITTLE		4,402.50								
		May 2023 Contracted Services										
1	116185	06/23/23 B&G Contracted Services		4,660.00			10		41540	351		10110
2	Life Insur	06/23/23 Life Insurance		-203.50			10		41540	215		10110
3	Vision Ins	06/23/23 Spousal Vision Insurance		-13.00			10		41540	211		10110
4	Dental Ins	06/23/23 Spousal Dental Insurance		-41.00			10		41540	212		10110
		<b>Total for Vendor:</b>		<b>4,402.50</b>								

\* ... Over spent expenditure

Claim/ Line #	Check	Invoice #/Inv Date/Description	Vendor #/Name/ #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund	Org	Acct	Object	Proj	Cash Account
2121	21940S	725 ROCKY MOUNTAIN ROLL		1,775.00								
1	13044113	03/30/23 Stage/Sound Hometown 2nd Pym		1,775.00			10		41810	597		10110
		<b>Total for Vendor:</b>		<b>1,775.00</b>								
2096	21895S	727 RON WESTON		307.84								
1	06/13/23	Reimburse Sports Equip		307.84			10		44021	612		10110
2103	21909S	727 RON WESTON		341.98								
1	06/25/23	Reimburse Sports Equip		286.00			10		44021	612		10110
2	06/21/23	Reimburse Sports Equip		55.98			10		44021	612		10110
2161	21969S	727 RON WESTON		120.00								
1	06/29/23	Reimburse Field Marker		120.00			10		44021	612		10110
		<b>Total for Vendor:</b>		<b>769.82</b>								
2143	21941S	752 SBI CONTRACTING INC		1,250.00								
		Internal Mechanism repaired and rehung wall and attached panel at Riverhouse										
1	10661	06/16/23 River House		725.00			10		41810	737		10110
2	10618	06/19/23 Interior Signs		525.00			10		41810	610		10110
		<b>Total for Vendor:</b>		<b>1,250.00</b>								
2093	21896S	772 SHERWIN WILLIAMS		20.86								
1	9965-3	06/05/23 Liftaway Graf Remover		6.95			10		41540	435		10110
2	3808-3	06/05/23 Liftaway Graf Remover		13.91			10		41540	435		10110
2135	21942S	772 SHERWIN WILLIAMS		28.35								
1	7571-2	06/23/23 Paint and Brushes		28.35			10		41540	611		10110
		<b>Total for Vendor:</b>		<b>49.21</b>								
2094	21897S	777 SILVER CREEK SUPPLY		1,295.55								
1	*4591-001	06/06/23 Hunter Valve/Irritrol		361.35			10		41540	435		10110
2	*2456-002	06/12/23 RB Hose Swivel/Filter Scree		224.40			10		41540	435		10110
3	*1771-001	06/12/23 Hunter Rotor		709.80			10		41540	435		10110

\* ... Over spent expenditure

Claim/ Line #	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund	Org	Acct	Object	Proj	Cash Account
2137	21943S	777 SILVER CREEK SUPPLY	443.66								
1	*0613-001	06/23/23 Valve Box	28.44			10		41540	435		10110
2	*9244-001	06/22/23 Valves, Fittings	415.22			10		41540	435		10110
		<b>Total for Vendor:</b>	<b>1,739.21</b>								
2138	21944S	791 SOUTHERN COMPUTER WAREHOUSE	998.90								
1	00780474	06/15/23 Exchange Online Plan 1	153.80			10		41810	751		10110
2	00780474	06/15/23 Microsoft Office 365	845.10			10		41810	751		10110
		<b>Total for Vendor:</b>	<b>998.90</b>								
2107	21910S	794 SPARKLIGHT	12.76								
1	ACCT 1215	06/27/23 Residential Account	12.76			10		41810	419		10110
		<b>Total for Vendor:</b>	<b>12.76</b>								
2191	21991S	805 STAR CHAMBER OF COMMERCE	500.00								
1	07/11/23	Chili Cook Off Sponsor	500.00			10		41810	531		10110
		<b>Total for Vendor:</b>	<b>500.00</b>								
2159	21970S	811 STAR FIRE DEPARTMENT	70,741.92								
1	Jun 2023	07/03/23 Star Fire Impact Fees	70,741.92			10		41510	734		10110
		<b>Total for Vendor:</b>	<b>70,741.92</b>								
2172	21971S	812 STAR MERCANTILE INC	178.19								
1	07/01/23	Supplies	178.19			10		41540	611		10110
		<b>Total for Vendor:</b>	<b>178.19</b>								
2128	21945S	816 STAR SEWER & WATER DISTRICT	8,261.00								
1	2023-24	06/17/23 Meter Lease for Splash Pad	8,261.00			10	706	45110	741		10110
		<b>Total for Vendor:</b>	<b>8,261.00</b>								
2123	21946S	818 STAR STORAGE LLC	330.00								
3	06/29/23	Unit C04 July	175.00			10		41810	699		10110
4	06/29/23	Unit C08 July	155.00			10		41810	699		10110
		<b>Total for Vendor:</b>	<b>330.00</b>								

\* ... Over spent expenditure

Claim/ Line #	Check	Invoice #/Name/ Vendor #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object	Proj	Cash Account
2122	21947S	820 STAR VETERINARY CLINIC	1,400.00						
1		Contract 06/29/23 Animal Control Svcs June 202	1,400.00			10	42150	364	10110
		<b>Total for Vendor:</b>	<b>1,400.00</b>						
2129	21948S	837 SUBURBAN PROPANE	60.74						
1		129953 06/20/23 Propane	51.17			10	41540	626	10110
2		129953 06/23/23 Transportation Surcharge	9.57			10	41540	626	10110
		<b>Total for Vendor:</b>	<b>60.74</b>						
2180	21988S	857 TATES RENTS	150.00						
1		1747079-11 07/03/23 HT Lights Delivery	150.00			10	50 46000	442	10110
		<b>Total for Vendor:</b>	<b>150.00</b>						
2183	21989S	1370 TAYLOR HAMMRICH	291.90						
1		07/06/23 June Tumbling Instructor	291.90			10	44022	352	10110
		<b>Total for Vendor:</b>	<b>291.90</b>						
2169	21972S	862 TERMINIX COMMERCIAL	151.00						
1		435135571 06/30/23 Pest Control - City Hall	151.00			10	41540	434	10110
		<b>Total for Vendor:</b>	<b>151.00</b>						
2132	21949S	867 THE BALLOON BIZ	1,452.20						
1		6748 06/23/23 Hometown Decorations	1,452.20			10	50 41810	597	10110
		<b>Total for Vendor:</b>	<b>1,452.20</b>						
2109	21950S	1355 THE STAR COURIER NEWSPAPER	295.20						
1		1667 06/23/23 Recreation Dept	219.60			10	44022	530	10110
2		1667 06/23/23 July Issue	75.60			10	41810	530	10110
		<b>Total for Vendor:</b>	<b>295.20</b>						
2192	21992S	1375 THOMAS BAKER	500.00						
1		07/10/23 College of ID Soccer Camp	500.00			10	44022	352	10110
		<b>Total for Vendor:</b>	<b>500.00</b>						



\* ... Over spent expenditure

Claim/ Line #	Check	Invoice #	Vendor #/Name/ Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund	Org	Acct	Object	Proj	Cash Account
2134	21951S	898	TREASURE VALLEY COFFEE	280.07								
2	08395397	06/20/23	Rec Center Water	13.40			10		44022	611		10110
3	09271564	06/20/23	City Hall Water	109.17			10		41810	611		10110
4	08762131	06/20/23	Bldg Maint Coffee	52.50			10		41540	611		10110
5	09478805	06/23/23	Bldg Maint Coffee	105.00			10		41540	611		10110
			<b>Total for Vendor:</b>	<b>280.07</b>								
2160	21973S	1369	VALERIE SCHWERS	504.00								
1	06/28/23	Intro to Pickleball	Instructor	504.00			10		44022	352		10110
			<b>Total for Vendor:</b>	<b>504.00</b>								
2140	21952S	1295	VALLEY OFFICE SYSTEMS	202.61								
1	AR1186926	06/20/23	Monthly Lease - Copier	202.61			10		41810	610		10110
			<b>Total for Vendor:</b>	<b>202.61</b>								
2178	21990S	938	VOLTLINE MEDIA	900.00								
			Activities Movie Night									
1	Maverick 07/07/23	Labor & Equip	Movie Night	1,055.00			10	52	41810	598		10110
2	Maverick 07/07/23	Repeat Customer	Discount	-155.00			10	52	41810	598		10110
			<b>Total for Vendor:</b>	<b>900.00</b>								
2173	21975S	952	WHITMAN & ASSOC INC	89,767.05								
1	2023-6	07/05/23	Building Inspections - June	89,767.05			10		41510	452		10110
			<b>Total for Vendor:</b>	<b>89,767.05</b>								
2170	21974S	962	XEROX	4.68								
			Meter Read from 04/30/23 - 05/21/23									
1	018807693	05/02/23	Credit	-164.73			10		41810	742		10110
2	018974904	06/01/23	Meter Usage	169.41			10		41810	742		10110
			<b>Total for Vendor:</b>	<b>4.68</b>								
2174	21976S	963	YORGASON LAW OFFICES PLLC	3,524.89								
1	Contract 07/01/23	City Attorney	Monthly Servic	3,500.00			10		41310	322		10110
2	Jun 2023	07/01/23	City Attorney	Additional Svc	24.89		10		41310	322		10110
			<b>Total for Vendor:</b>	<b>3,524.89</b>								

\* ... Over spent expenditure

Claim/ Line #	Check	Invoice	Vendor #/Name/ #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund	Org	Acct	Object	Proj	Cash Account
2084	21898S	1308	YOUNG ELEVATOR INC	150.00								
1	165	06/13/23	Service Maintenance	150.00			10		41810	431		10110
2145	21953S	1308	YOUNG ELEVATOR INC	2,200.00								
1	171	06/26/23	5 yr State Elev Test Performed	2,200.00			10		41810	431		10110
			<b>Total for Vendor:</b>	<b>2,350.00</b>								
2117	21919S	966	ZOOM	40.00								
1	207455578	06/22/23	Cloud Recording	40.00			10		41810	570		10110
			<b>Total for Vendor:</b>	<b>40.00</b>								
			<b># of Claims</b>	<b>108</b>								
			<b>Total:</b>	<b>1291,005.57</b>								
			<b># of Vendors</b>	<b>93</b>								

\*\* This report runs by Claim Posted Date, which is a system generated field that always shows the date on which the Claim was actually posted in the system. If a Claim was cancelled and re-posted, the posted date will show as of the date it was re-posted. \*\*

**ORDINANCE NO. 385-2023**  
**(HOOD RATS REZONE)**

AN ORDINANCE REZONING CERTAIN REAL PROPERTY LOCATED IN THE CITY OF STAR, ADA COUNTY, IDAHO; MORE SPECIFICALLY LOCATED AT 11525 W. STATE STREET IN STAR, IDAHO (ADA COUNTY PARCEL R1842701715); THE PROPERTY IS OWNED BY NEWELL AND ELIZABETH PRICE; ESTABLISHING THE ZONING CLASSIFICATION OF THE REZONED PROPERTY AS CENTRAL BUSINESS DISTRICT WITH A DEVELOPMENT AGREEMENT (CBD-DA) ON APPROXIMATELY .19 ACRES; DIRECTING THAT CERTIFIED COPIES OF THIS ORDINANCE BE FILED AS PROVIDED BY LAW; PROVIDING FOR RELATED MATTERS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Star, Ada and Canyon County, Idaho (the “City”), is a municipal corporation organized and operating under the laws of the State of Idaho and is authorized and required by the Constitution and laws of the State of Idaho to adopt land use regulations and classifications; and

WHEREAS, pursuant to Section 67-6524, Idaho Code, the City of Star has adopted the Unified Development Code Ordinance, the same being Ordinance No. 370-2022, adopted on July 19, 2022 and subsequently amended; and

WHEREAS, the real property described in Section 2 of this Ordinance is classified as a General Business District (C-1) under the Unified Development Code of the City, and the owners have requested that the zoning classification be changed to a Central Business District with a Development Agreement (CBD-DA); and

WHEREAS, the Mayor and Council, held a public hearing on May 2, 2023, and determined that the requested change in zoning classification should be granted.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF STAR, IDAHO, as follows:

Section 1: The Mayor and Council of the City of Star, Idaho, hereby find and declare that the real property described in Section 2 of this Ordinance is within the boundaries of the City, that the owner(s) of said property have requested, in writing, rezone of said property by the City, and that the requirements of Section 67-6511, Idaho Code, and the Star Unified Development Code for rezone of said property, have been satisfied.

Section 2: The real property, described in the attached “Exhibit A” (the “Property”), is hereby rezoned as Central Business District with a Development Agreement (CBD-DA), and the Zoning Map of the City is hereby amended to reflect the change in the land use classification.

Section 3: The City Clerk is hereby directed to file, within ten (10) days of passage and approval of this Ordinance, a certified copy of this Ordinance with the offices of the Assessor of Ada County, Idaho, with regard to the preparation and filing of a map and legal description of the real property rezoned by this Ordinance.

Section 4: This Ordinance shall take effect and be in force from and after its passage, approval, and publication as required by law. In lieu of publication of the entire Ordinance, a summary thereof in compliance with Section 50-901A, Idaho Code maybe be published.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2023.

CITY OF STAR  
Ada and Canyon County, Idaho

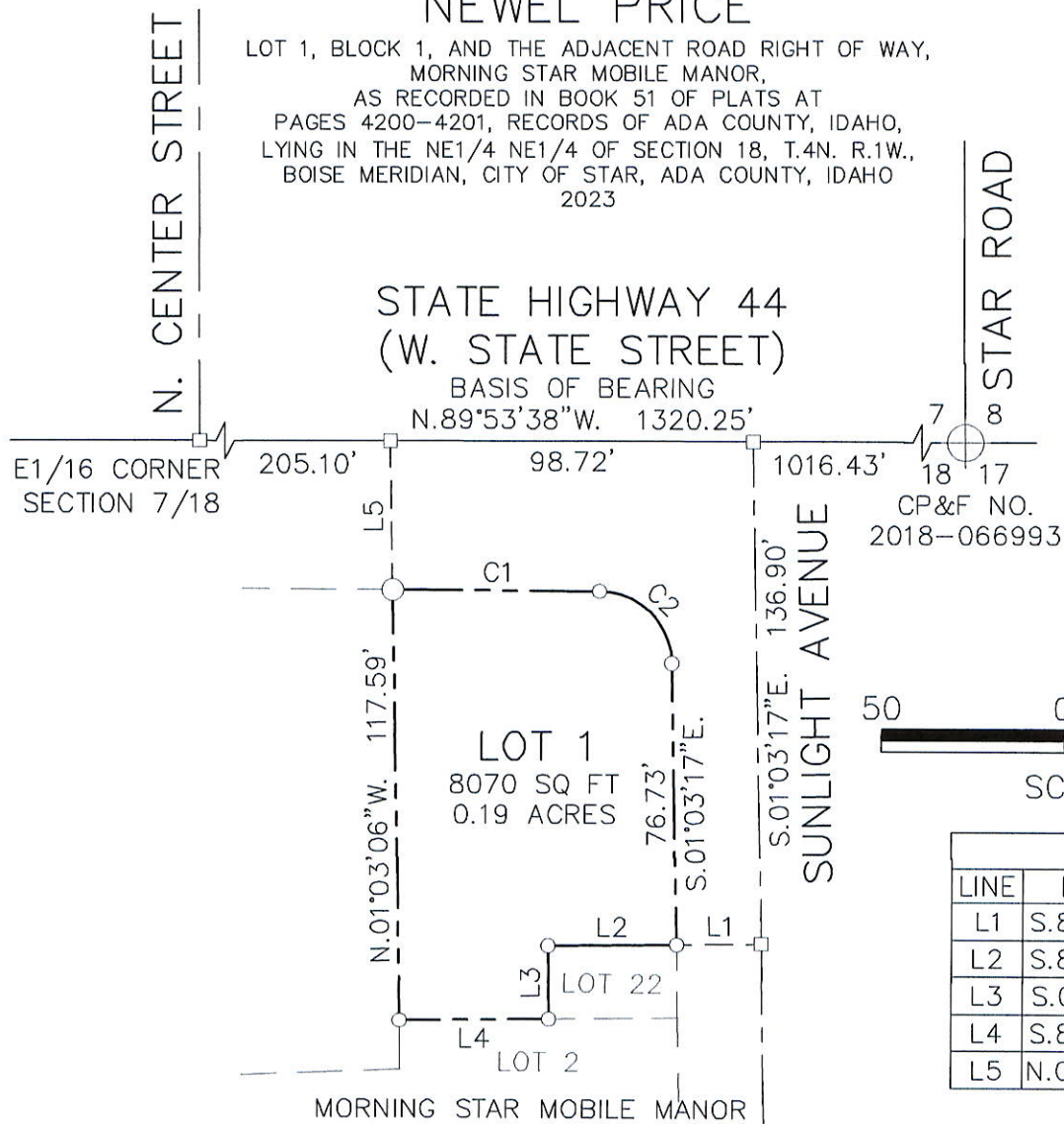
ATTEST:

BY: \_\_\_\_\_  
Trevor A. Chadwick, Mayor

\_\_\_\_\_  
Jacob M. Qualls, City Clerk

# ANNEXATION EXHIBIT FOR NEWEL PRICE

LOT 1, BLOCK 1, AND THE ADJACENT ROAD RIGHT OF WAY,  
MORNING STAR MOBILE MANOR,  
AS RECORDED IN BOOK 51 OF PLATS AT  
PAGES 4200-4201, RECORDS OF ADA COUNTY, IDAHO,  
LYING IN THE NE1/4 NE1/4 OF SECTION 18, T.4N. R.1W.,  
BOISE MERIDIAN, CITY OF STAR, ADA COUNTY, IDAHO  
2023

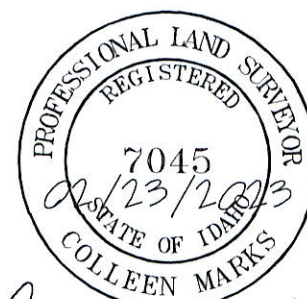


LINE TABLE		
LINE	BEARING	DISTANCE
L1	S.89°20'11"W.	23.00'
L2	S.89°20'11"W.	35.00'
L3	S.01°03'19"E.	20.00'
L4	S.89°20'11"W.	40.71'
L5	N.01°03'06"W.	40.64'

CURVE DATA						
CURVE	DELTA	RADIUS	ARC	TANGENT	CHORD	CHORD BEARING
C1	0°02'15"	85983.69'	56.21'	28.10'	56.21'	S.89°38'49"E.
C2	88°36'39"	20.00'	30.93'	19.52'	27.94'	S.45°21'36"E.

## LEGEND

- SUBJECT PROPERTY LINE
- OTHER PROPERTY LINE
- SECTION LINE
- CENTERLINE
- ⊕ FOUND ALUMINUM CAP
- FOUND 1/2" IRON PIN
- CALC POINT



Colleen Marks



MARKS LAND SURVEYING, LLC

COLLEEN MARKS, LS 7045

2995 N. COLE ROAD STE. 240

BOISE, IDAHO 83704

PH: (208) 378-7703

DATE: 02/22/23

DRAWN BY: JMC

FILE: NEWEL ANNEX.d

EXHIBIT B  
PROPERTY DESCRIPTION

A parcel of land being all of Lot 1, Block 1, and the adjacent road rights of way to centerline of said roads, Morning Star Mobile Manor, as recorded in Book 51 of Plats at Pages 4200-4201, records of Ada County, Idaho and lying in the NE1/4 NE1/4 of Section 18, T.4N., R.1W., Boise Meridian, Ada County, Idaho, said parcel being more particularly described as follows:

Commencing at the centerline intersection of Star Road and State Highway 44 (W. State Street), which is also the NE Corner of said Section 18, T.4N., R.1W., Boise Meridian, Ada County, Idaho, thence N.89°53'38"W. 1016.43 feet along the said centerline of State Highway 44 (W. State Street) and the north boundary of said Section 18, T.4N., R.1W., Boise Meridian, Ada County, Idaho to a point marking the centerline intersection of said State Highway 44 (W. State Street) and Sunlight Avenue, said point also marking THE REAL POINT OF BEGINNING;

thence along said centerline of Sunlight Avenue, S.01°03'17"E. 136.90 feet to a point;

thence leaving the said centerline of Sunlight Avenue, S.89°20'11"W. 23.00 feet to a point lying along the westerly right of way of said Sunlight Avenue and marking the SE Corner of said Lot 1, Block 1, Morning Star Mobile Manor;

thence along the southerly boundary of said Lot 1, Block 1, Morning Star Mobile Manor the following courses and distances:

S.89°20'11"W. 35.00 feet to a point;

thence S.01°03'19"E. 20.00 feet to a point;

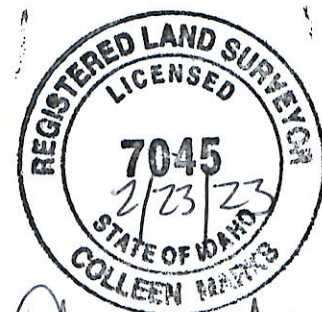
thence S.89°20'11"W. 40.71 feet to a point marking the SW Corner of said Lot 1, Block 1, Morning Star Mobile Manor;

thence along the westerly boundary of said Lot 1, Block 1, Morning Star Mobile Manor, N.01°03'06"W. 117.59 feet to a point marking the NW Corner of said Lot 1, Block 1, Morning Star Mobile Manor;

thence continuing N.01°03'06"W. 40.64 feet to a point lying along the said centerline of State Highway 44 (W. State Street);

thence along the said centerline of State Highway 44 (W. State Street), S.89°53'38"E. 98.72 feet to the point of beginning, containing 0.19 acres, more or less.

SUBJECT TO AND/OR TOGETHER WITH:  
Any easements or rights of way of record or in use.





**DEVELOPMENT AGREEMENT  
HOOD RATS GARAGE REZONE**

This Development Agreement ("Agreement") is entered into by and between the City of Star, a municipal corporation in the State of Idaho, hereinafter referred to as "City", and Newell & Elizabeth Price, hereinafter referred to as "Owner".

WHEREAS, Owner owns a parcel of land of approximately .19 acres in size, currently located within Ada County, zoned CBD, and more particularly described in **Exhibit A** of Ordinance 385-2023, which is attached hereto and incorporated by reference herein (the "Property");

WHEREAS, Owner requested that the Property be rezoned and be developed in accordance with the applicable ordinances and regulations of the City and this Agreement;

WHEREAS, the City, pursuant to Section 67-6511A, Idaho Code, and Star City Code at Title 8, Chapter 1, has the authority to enter into a development agreement for the purpose of allowing, by agreement, a specific development to proceed in a specific area and for a specific purpose or use which is appropriate in the area, but for which all allowed uses for the requested zoning may not be appropriate;

WHEREAS, the City has authority to enter into development agreements to condition annexations and re-zones;

WHEREAS, Owner desires to be assured that it may proceed with allowing its Property to be zoned and developed in accordance with this Agreement;

WHEREAS, the parties agree to the zoning designations for the Property as provided in Exhibit A;

WHEREAS, a Request for Rezone of the Property to CBD-DA, Development Agreement and Conditional Use Permit was made as File No. RZ-23-01/DA-23-02/CU-23-03, so that the City can review all the applications affecting the use and development of the Property in an integrated manner consistent with the City's Comprehensive Plan and land use ordinances, which applications were approved;

WHEREAS, the intent of this Agreement is to protect the rights of Owners use and enjoyment of the Property while at the same time mitigating any adverse impacts of the development upon neighboring properties and the existing community and ensuring the Property is developed in a manner consistent with City Ordinances;

THEREFORE, the City and Owner, for and in consideration of the mutual covenants, duties and obligations herein set forth, hereby agree as follows:

**Section 1. Legal Authority.** This Agreement is made pursuant to and in accordance with the provisions of Idaho Code Section 67-6511A and Star City Code, Title 8, Chapter 1.

**Section 2. Development/Uses/Standards.**

**2.1 Development Acreage and Uses Permitted.** As to the Property described on **Exhibit A**, Owner is allowed to develop the .19 acres as follows:

- Zoning Classification: The zoning classification of the Property shall be CBD-DA.
- The Owner shall comply with all city ordinances relating to the Property except as otherwise provided herein.

**2.2 Site Design.** The Property shall be developed in substantial conformance with the approved site plan, dated 1/5/23, a copy of which is attached hereto and incorporated by reference herein as **Exhibit B**.

**2.3 Uses.** The Property is hereby approved for a automotive sales and repair facility.

**2.4 Setbacks.** The development shall comply with the standard setbacks for the R-1 zone as follows:

Central Business District Setbacks:

Max. Height	Min. Front Yard Setback	Min. Rear Yard Setback	Min. Interior Side Setback	Min. Street Side Setback
35'	0'	0'	0'	0'

**2.5 Additional Requirements:**

- Streetlights/Parking Lot lights shall comply with the Star City Code. 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 Building Permit being issued.**
- **A Certificate of Zoning Compliance will be required prior to the start of construction. The applicant shall address building finishes and landscape buffering at that time.**
- **A revised site plan, showing the correct parking dimensions shall be submitted to and approved by City Staff, prior to issuing the building permit.**



- **The Applicant shall provide an updated landscape plan showing the correct number of street trees and landscape materials to Staff for approval prior to issuing a building permit.**

**2.6 Changes and Modifications.** No change in the use or restrictions specified in this Agreement shall be allowed or changed without modification of this Agreement pursuant to the requirements of the Star City Ordinances. In the event Owner changes or expands the use permitted by this Agreement or fails to comply with the restrictions without formal modification of this Agreement as allowed by the Star City Ordinances, Owners shall be in default of this Agreement.

**2.7 Conditions, Bonding for Completion.** All of the conditions set forth herein shall be complied with or shall be bonded for completion by Owner before an Occupancy permit will be granted. Failure to comply with the Star City Ordinances or the terms of this Agreement shall result in a default of this Agreement by Owner. Owner may be allowed to bond for certain conditions at one hundred and fifty percent (150%) of the estimated cost of completion pursuant to Star City Ordinances.

**Section 3. Affidavit of Property Owner.** Owner shall provide an affidavit agreeing to submit the Property to this Development Agreement and to the provisions set forth in Idaho Code section 67-6511A and Star Zoning Ordinance and such affidavit is incorporated herein by reference.

**Section 4. Default.** The failure of Owner, its heirs or assigns or subsequent owners of the Property or any other person acquiring an interest in the Property, to faithfully comply with any of the terms and conditions of this Agreement shall be deemed a default herein. This Agreement may be modified or terminated by the Star City Council as set forth in the Star City Ordinances. In the event this Agreement is modified, Owner shall comply with the amended terms. Failure to comply with the amended terms shall result in default. In the event the City Council, after compliance with the requirements of the Star City Ordinances, determines that this Agreement shall be terminated, the zoning of the Property or portion thereof that has not been developed in accordance with this Agreement shall revert to its prior zoning designation. All uses of such property, which are not consistent with the prior zoning designation, shall cease unless such uses were consistent with this Agreement when commenced. A waiver by the City of Star for any default by Owner of any one or more of the covenants or conditions hereof shall apply solely to the breach and breaches waived and shall not bar any other rights or remedies of the City or apply to any subsequent breach of any such or other covenants and conditions. Owner, by entering into this Agreement, do hereby consent to a reversion of the subject property to its prior zoning designation the event there is a default in the terms and/or conditions of this Agreement.

**Section 5. Unenforceable Provisions.** If any term, provision, commitment or restriction of this Agreement or the application thereof to any party or circumstances shall, to any extent, be held invalid or unenforceable, the remainder of the instrument shall remain in full force and effect.

**Section 6. Assignment and Transfer.** After its execution, this Agreement shall be recorded in the office of the County Recorder at the expense of Owner. Each commitment and restriction on the development subject to this Agreement, shall be a burden on the Property, shall be appurtenant to and for the benefit of the Property and shall run with the land. This Agreement shall be binding on the City and Owner, and their respective heirs, administrators, executors, agents, legal representatives, successors and assigns: provided, however, that if all or any portion of the Property is divided, each owner of a legal lot shall only be responsible for duties and obligations associated with an owner's parcel and shall not be responsible for duties and obligations or defaults as to other parcels of lots within the Property. The new owners of the Property or any portion thereof (including, without limitation, any owner who acquires its interest by foreclosure, trustee's sale or otherwise) shall be liable for all commitments and other obligations arising under this Agreement with respect only to such owner's lot or parcel.

**Section 7. General Matters.**

**7.1 Amendments.** Any alteration or change to this Agreement shall be made only after complying with the notice and hearing provisions of Idaho Code Section 67-6509, as required by Star City Code.

**7.2 Paragraph Headings.** This Agreement shall be construed according to its fair meaning and as if prepared by both parties hereto. Titles and captions are for convenience only and shall not constitute a portion of this Agreement. As used in this Agreement, masculine, feminine or neutral gender and the singular or plural number shall each be deemed to include the others wherever and whenever the context so dictates.

**7.3 Choice of Law.** This Agreement shall be construed in accordance with the laws of the State of Idaho in effect at the time of the execution of this Agreement. Any action brought in connection with this Agreement shall be brought in a court of competent jurisdiction located in Ada County, Idaho.

**7.4 Notices.** Any notice which a party may desire to give to another party must be in writing and may be given by personal delivery, by mailing the same by registered or certified mail, return receipt requested postage prepaid, or by Federal Express or other reputable overnight delivery service, to the party to whom the notice is directed at the address of such party set forth below.

Star: City of Star  
Attn: City Clerk  
P.O. Box 130  
Star, ID 83669

Owner: Newell & Elizabeth Price  
11421 W Hidden Point Street  
Star, Idaho 83669-6001

**7.5      Effective Date.** This Agreement shall be effective after delivery to each of the parties hereto of a fully executed copy of this Agreement.

**7.6      Attorney Fees.** Should any litigation be commenced between the parties hereto concerning this Agreement, the prevailing party shall be entitled, in addition to any other relief as may be granted, to court costs and reasonable attorney fees as determined by a court of competent jurisdiction. This provision shall be deemed to be a separate contract between the parties and shall survive any default, termination or forfeiture of this Agreement.

**IN WITNESS WHEREOF,** the parties have hereunto caused this Agreement to be executed on the day and year set forth below.

Dated this \_\_\_\_ day \_\_\_\_\_, 2023.

\_\_\_\_\_  
Trevor A. Chadwick, Mayor

ATTEST:  
\_\_\_\_\_  
Jacob M. Qualls, City Clerk

OWNER:

Newell Price

Elizabeth Jane Price

STATE OF IDAHO )  
 ) ss.  
County of Ada)

On this \_\_\_\_ day of \_\_\_\_\_, 2023, before me the undersigned, a Notary Public in and for said state, personally appeared Newell & Elizabeth Price, known to me to be owners, who subscribed their names to the foregoing instrument, and acknowledged to me that they executed the same in said name.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Notary Public for Idaho  
Residing at \_\_\_\_\_  
My Commission expires \_\_\_\_\_



**ORDINANCE NO. 383-2023**  
**(NAISMITH COMMONS SUBDIVISION ANNEXATION)**

AN ORDINANCE ANNEXING TO THE CITY OF STAR CERTAIN REAL PROPERTY LOCATED IN THE UNINCORPORATED AREA OF ADA COUNTY, IDAHO; MORE SPECIFICALLY LOCATED AT 8895 W. JOPLIN ROAD, IN STAR, IDAHO (ADA COUNTY PARCEL S0419314950 & S0419325800) AND CONTIGUOUS TO THE CITY OF STAR; THE PROPERTY IS OWNED BY BEACON CROSSING LLC; ESTABLISHING THE ZONING CLASSIFICATION OF THE ANNEXED PROPERTY AS RESIDENTIAL WITH A DEVELOPMENT AGREEMENT (R-4-DA) OF APPROXIMATELY 53.58 ACRES; DIRECTING THAT CERTIFIED COPIES OF THIS ORDINANCE BE FILED AS PROVIDED BY LAW; PROVIDING FOR RELATED MATTERS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Star, Ada and Canyon County, Idaho (“the City”), is a municipal corporation organized and operating under the laws of the State of Idaho and is authorized to annex and to incorporate within the boundaries of the City contiguous real property in the manner provided by Section 50-222, Idaho Code; and

WHEREAS, pursuant to Section 67-6524, Idaho Code, the City of Star has adopted the Unified Development Code Ordinance, the same being Ordinance No. 370-2022, adopted on July 19, 2022 and subsequently amended; and

WHEREAS, the owner(s) of the real property situated in the unincorporated areas of Ada County and particularly described in Section 2 of this Ordinance have requested, in writing, annexation of said real property to the City of Star; and

WHEREAS, the Mayor and Council, held a public hearing on April 18, 2023 on the proposed annexation and zoning of the property described in Section 2 below, as required by Section 67-6525, Idaho Code, and determined that the requested annexation should be granted and that the annexed property should be zoned Residential with a Development Agreement (R-4-DA) pursuant to the Unified Development Code of the City of Star.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF STAR, IDAHO, as follows:

Section 1: The Mayor and Council of the City of Star, Idaho, hereby find and declare that the real property described in Section 2 of this Ordinance is contiguous to the City, that said property can be reasonably assumed to be used for orderly development of the City, that the owner(s) of said property have requested, in writing, annexation of said property by the City, and that the requirements of Section 50-222, Idaho Code, for annexation of said property, have been satisfied.

Section 2: The real property, described in the attached “Exhibit A”, including adjacent right of way, situated in Ada County, Idaho, is hereby annexed into the City of Star. From and after the effective date of this Ordinance, the residents and other occupants and property owners

within such area shall enjoy all the rights and responsibilities and shall be subject to all ordinances, resolutions, police regulations, taxation and other powers of the City of Star as their fellow residents, occupants, and owners within the City of Star.

Section 3: The zoning land use classification of the land described in Section 2 above, is hereby established as Residential with a Development Agreement (R-4-DA), as provided by the Unified Development Code of the City of Star. The Zoning Map of the City is hereby amended to include the real property described in Section 2 above in the Residential with a Development Agreement (R-4-DA) land use classification.

Section 4: The City Clerk is hereby directed to file, within ten (10) days of passage and approval of this Ordinance, a certified copy of this Ordinance with the offices of the Auditor, Treasurer, and Assessor of Ada County, Idaho, and with the State Tax Commission, Boise, Idaho, as required by Section 50-223, Idaho Code, and to comply with the provisions of Section 63-215, Idaho Code, with regard to the preparation and filing of a map and legal description of the real property annexed by this Ordinance.

Section 5: This Ordinance shall take effect and be in force from and after its passage, approval, and publication as required by law. In lieu of publication of the entire Ordinance, a summary thereof in compliance with Section 50-901A, Idaho Code maybe be published.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2023.

CITY OF STAR  
Ada and Canyon County, Idaho

BY: \_\_\_\_\_  
Trevor A. Chadwick, Mayor

ATTEST:

\_\_\_\_\_  
Jacob M. Qualls, City Clerk

**Exhibit "A"**

**Naismith Commons Subdivision**

**Annexation Description**

*Project Number 10-21-108 May 16, 2022*

A parcel of land situated in a portion of Gov't. Lot 2, the Northeast Quarter of the Southwest Quarter and a portion of the Northwest Quarter of the Southeast Quarter of Section 19, Township 4 North, Range 1 West, Boise Meridian, County of Ada, State of Idaho, and being more particularly described as follows:

Commencing at the West Quarter corner of Section 19, Township 4 North, Range 1 West, Boise Meridian from which the Center Quarter corner of said Section 19 bears South 89°17'14" East, 2521.24 feet;

Thence along the west line of the southwest quarter South 01°02'25" West, 833.32 feet to the POINT OF BEGINNING:

Thence leaving said west line South 89°10'06" East, 1208.95 feet to a point on the west line of the northeast quarter of the southwest quarter of said Section 19;

Thence along said west line North 01°15'12" East, 835.85 feet to the northwest corner of the northeast quarter of the southwest quarter of said Section 19;

Thence along the north line of the northeast quarter of the southwest quarter of said Section 19 South 89°17'14" East, 1309.17 feet to the center quarter corner of said Section 19;

Thence along the east line of the southwest quarter of said Section 19 South 01°04'30" West, 501.69 feet;

Thence leaving said east line South 89°09'26" East, 58.67 feet;

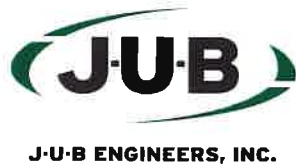
Thence South 13°27'08" West, 87.10 feet;

Thence South 01°04'30" West, 54.00 feet;

Thence North 89°09'26" West, 10.00 feet;

Thence South 01°04'30" West, 685.00 feet;





J-U-B COMPANIES



THE  
LANGDON  
GROUP



GATEWAY  
MAPPING  
INC.

Thence North 89°09'26" West, 30.00 feet to the southeast corner of the northeast quarter of the southwest quarter;

Thence along the south line of the northeast quarter of the southwest quarter North 89°09'26" West, 1313.28 feet to the southeast corner of Gov't Lot 2 of said Section 19;

Thence along the south line of Gov't Lot 2 North 89°10'05" West, 1207.14 feet to the southwest corner of Gov't Lot 2;

Thence along the west line of Gov't Lot 2 North 01°02'25" East, 486.88 feet to the POINT OF BEGINNING.

The above-described parcel contains 53.98 acres, more or less.

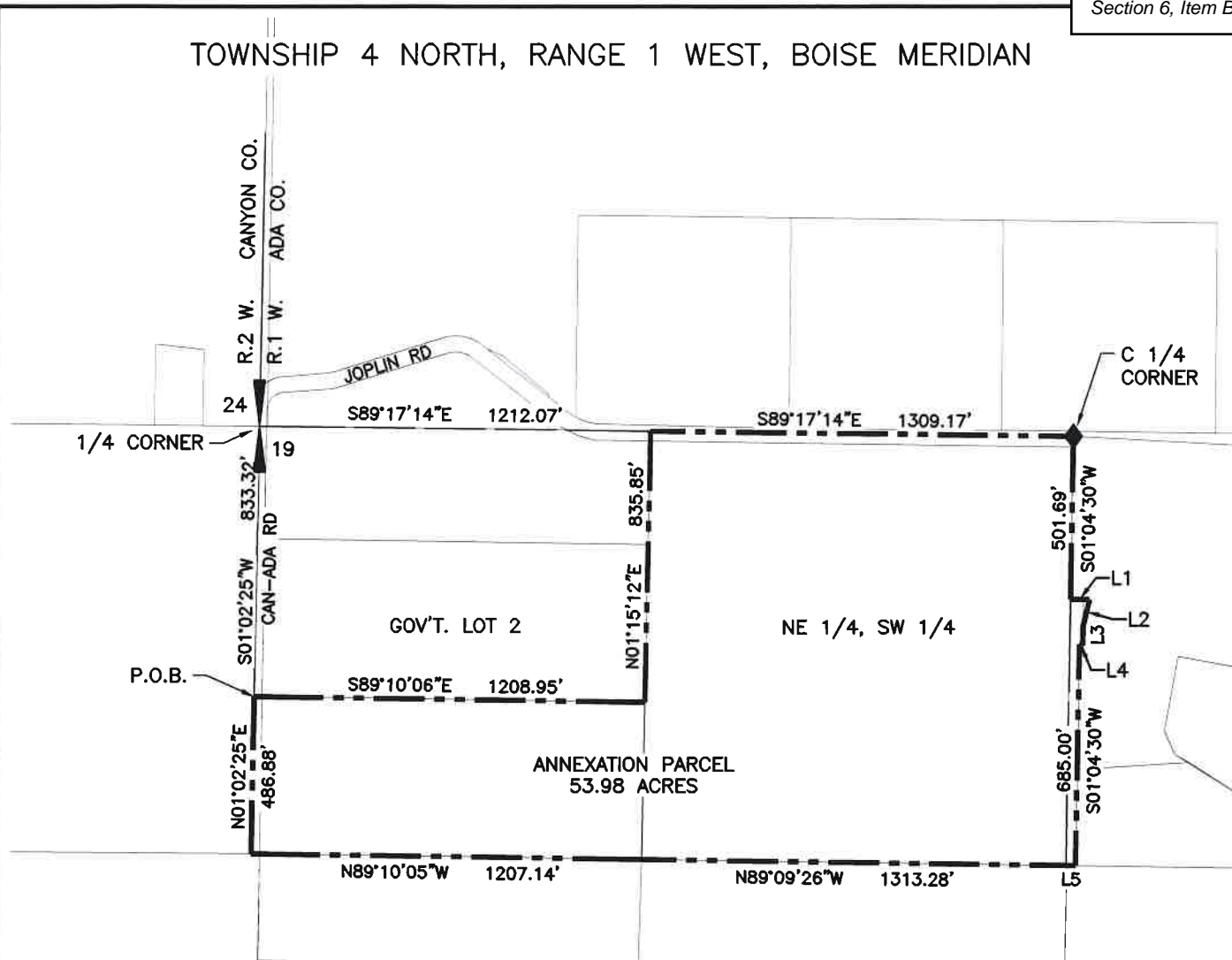
The above-described parcel of land is so on Exhibit "B" attached hereto and made a part hereof.

End of Description.

This description was prepared by me or under my immediate supervision. If any portion of this description is modified or removed without the written consent of Bert J. Nowak, PLS, all professional liability associated with this document is hereby declared null and void.



TOWNSHIP 4 NORTH, RANGE 1 WEST, BOISE MERIDIAN



Line Table		
Line #	Direction	Length
L1	S89°09'26"E	58.67'
L2	S13°27'08"W	87.10'
L3	S01°04'30"W	54.00'
L4	N89°09'26"W	10.00'
L5	N89°09'26"W	30.00'

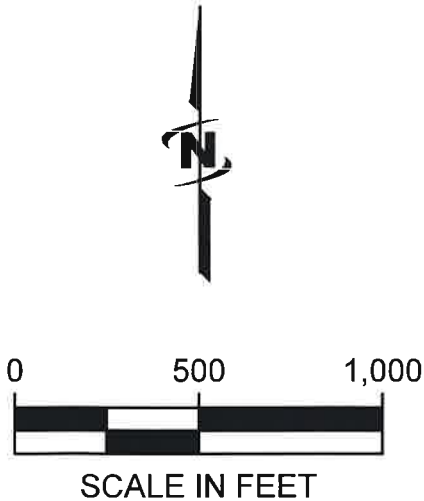


EXHIBIT B  
NAISMITH COMMONS SUBDIVISION ANNEXATION  
IN THE SW 1/4 OF SEC. 19, T. 4 N., R. 1 W., B.M.  
CITY OF STAR, ADA COUNTY, IDAHO

**DEVELOPMENT AGREEMENT  
NAISMITH COMMONS SUBDIVISION**

This Development Agreement ("Agreement") is entered into by and between the City of Star, a municipal corporation in the State of Idaho, hereinafter referred to as "City", and Beacon Crossing LLC, hereinafter referred to as "Owner".

WHEREAS, Owner owns parcels of land of approximately 53.58 acres in size, currently located within Ada County, zoned RUT, and more particularly described in **Exhibit A** of Ordinance 383-2023, which is attached hereto and incorporated by reference herein (the "Property");

WHEREAS, Owner requested that the Property be annexed into the City and be developed in accordance with the applicable ordinances and regulations of the City and this Agreement;

WHEREAS, the City, pursuant to Section 67-6511A, Idaho Code, and Star City Code at Title 8, Chapter 1, has the authority to enter into a development agreement for the purpose of allowing, by agreement, a specific development to proceed in a specific area and for a specific purpose or use which is appropriate in the area, but for which all allowed uses for the requested zoning may not be appropriate;

WHEREAS, the City has authority to enter into development agreements to condition annexations and re-zones;

WHEREAS, Owner desires to be assured that it may proceed with allowing its Property to be zoned and developed in accordance with this Agreement;

WHEREAS, the parties agree to the zoning designations for the Property as provided in Exhibit A;

WHEREAS, a Request for Annexation and Zoning of the Property to R-4-DA, and a preliminary plat was made as File No. AZ-22-10/DA-22-11/PP-22-15, so that the City can review all the applications affecting the use and development of the Property in an integrated manner consistent with the City's Comprehensive Plan and land use ordinances, which applications were approved;

WHEREAS, the intent of this Agreement is to protect the rights of Owners use and enjoyment of the Property while at the same time mitigating any adverse impacts of the development upon neighboring properties and the existing community and ensuring the Property is developed in a manner consistent with City Ordinances;

THEREFORE, the City and Owner, for and in consideration of the mutual covenants, duties and obligations herein set forth, hereby agree as follows:

**Section 1. Legal Authority.** This Agreement is made pursuant to and in accordance with the provisions of Idaho Code Section 67-6511A and Star City Code, Title 8, Chapter 1.

**Section 2. Development/Uses/Standards.**

**2.1 Development Acreage and Uses Permitted.** As to the Property described on **Exhibit A**, Owner is allowed to develop the 53.58 acres as follows:

- Zoning Classification: The zoning classification of the Property shall be a R-4-DA.
- The Owner shall comply with all city ordinances relating to the Property except as otherwise provided herein.

**2.2 Site Design.** The Property shall be developed in substantial conformance with the approved preliminary plat, dated 4/10/23, a copy of which is attached hereto and incorporated by reference herein as **Exhibit B**.

**2.3 Uses.** The Property is hereby approved for a maximum of 206 residential lots. Single-Family Dwellings consistent with the building elevations illustrated in **Exhibit C** shall be constructed on all lots.

**2.4 Setbacks.** The development shall comply with the standard setbacks for the R-4 zone as follows:

Single-family Detached Setbacks:

Max. Height	Min. Front Yard Setback	Min. Rear Yard Setback	Min. Interior Side Setback	Min. Street Side Setback
35'	15' to living area/ 20' to garage face	15'	7.5'	20'

**2.5 Additional Requirements:**

- The Council approves the requested Block Length Waivers.
- The Applicant shall deed Lot 1, Block 13 of the Preliminary Plat to the neighbor to the east. This shall occur upon recordation of the Final Plat that includes this lot and prior to issuance of first residential building permit.
- Provide a public access easement on the pathways located in the northeast common area park.
- Applicant shall provide Amenities as proposed and included in Amenities Exhibit D.

- **Applicant shall provide option for City to take over ownership of southwest park in the future. Star Sewer & Water District may locate a water well in this park area.**
- **Applicant agrees to pay all City Emergency Services Mitigation Fees in affect at the time of building permit for each dwelling.**
- **Applicant shall meet all specific conditions of approval for Preliminary Plat PP-22-15.**

**2.6 Proportionate Share Agreement for ITD Improvements.** Developer has agreed to participate in the costs of construction or improvements to the portions of the State Highway System within the City of Star and/or City of Star Area of City Impact. The Developer will pay the \$206,000.00 traffic mitigation fee determined, or revised, by the Idaho Transportation Department as follows: the Developer will pay the City \$1,000.00 per buildable lot within each phase prior to signature on the final plat for the applicable phase. The City will allocate the funds to roadway improvements in the vicinity of the project. The Developer shall pay this amount (unless otherwise revised by ITD) directly to the City of Star. The City will maintain this contribution in a specific Development Contributions account, to be distributed to ITD when requested for use with a specific Idaho Transportation Improvement Plan (ITIP) project within the City of Star Area of City Impact or City Limits in accordance with the terms of the Intergovernmental Agreement between the Idaho Transportation Department and the City of Star dated April 22, 2020.

**2.7 Changes and Modifications.** No change in the use or restrictions specified in this Agreement shall be allowed or changed without modification of this Agreement pursuant to the requirements of the Star City Ordinances. In the event Owner changes or expands the use permitted by this Agreement or fails to comply with the restrictions without formal modification of this Agreement as allowed by the Star City Ordinances, Owners shall be in default of this Agreement.

**2.8 Conditions, Bonding for Completion.** All of the conditions set forth herein shall be complied with or shall be bonded for completion by Owner before an Occupancy permit will be granted. Failure to comply with the Star City Ordinances or the terms of this Agreement shall result in a default of this Agreement by Owner. Owner may be allowed to bond for certain conditions at one hundred and fifty percent (150%) of the estimated cost of completion pursuant to Star City Ordinances.

**2.9 Timeframe for Recordation of Final Plat.** Developer shall record the final plat(s) with the office of the Ada County Recorder within the timeframes specified within the Unified Development Code Subdivision Ordinance.

**Section 3. Affidavit of Property Owner.** At the City's request, Owner shall provide an affidavit agreeing to submit the Property to this Agreement and to the provisions set forth in Idaho Code section 67-6511A and Star Zoning Ordinance and such affidavit is incorporated herein by reference.

**Section 4. Default.** The failure of Owner, its heirs or assigns or subsequent owners of the Property or any other person acquiring an interest in the Property, to faithfully comply with any of the terms and conditions of this Agreement shall be deemed a default herein. This Agreement may be modified or terminated by the Star City Council as set forth in the Star City Ordinances. In the event this Agreement is modified, Owner shall comply with the amended terms. Failure to comply with the amended terms shall result in default. In the event the City Council, after compliance with the requirements of the Star City Ordinances, determines that this Agreement shall be terminated, the zoning of the Residential Property or portion thereof that has not been developed in accordance with this Agreement shall revert to an RR zoning designation. For a non-residential property, the zoning shall not revert. All uses of such property, which are not consistent with the prior zoning designation, shall cease. A waiver by the City of Star for any default by Owner of any one or more of the covenants or conditions hereof shall apply solely to the breach and breaches waived and shall not bar any other rights or remedies of the City or apply to any subsequent breach of any such or other covenants and conditions. Owner, by entering into this Agreement, does hereby consent to a reversion of the subject property to a RR zoning designation for residential in the event there is a default in the terms and/or conditions of this Agreement.

**Section 5. Unenforceable Provisions.** If any term, provision, commitment or restriction of this Agreement or the application thereof to any party or circumstances shall, to any extent, be held invalid or unenforceable, the remainder of the instrument shall remain in full force and effect.

**Section 6. Assignment and Transfer.** After its execution, this Agreement shall be recorded in the office of the County Recorder at the expense of Owner. Each commitment and restriction on the development subject to this Agreement, shall be a burden on the Property, shall be appurtenant to and for the benefit of the Property and shall run with the land. This Agreement shall be binding on the City and Owner, and their respective heirs, administrators, executors, agents, legal representatives, successors and assigns: provided, however, that if all or any portion of the Property is divided, each owner of a legal lot shall only be responsible for duties and obligations associated with an owner's parcel and shall not be responsible for duties and obligations or defaults as to other parcels of lots within the Property. The new owners of the Property or any portion thereof (including, without limitation, any owner who acquires its interest by foreclosure, trustee's sale or otherwise) shall be liable for all commitments and other obligations arising under this Agreement with respect only to such owner's lot or parcel.

**Section 7. General Matters.**

**7.1      Amendments.** Any alteration or change to this Agreement shall be made only after complying with the notice and hearing provisions of Idaho Code Section 67-6509, as required by Star City Code.

**7.2      Paragraph Headings.** This Agreement shall be construed according to its fair meaning and as if prepared by both parties hereto. Titles and captions are for convenience only and shall not constitute a portion of this Agreement. As used in this Agreement, masculine, feminine or neutral gender and the singular or plural number shall each be deemed to include the others wherever and whenever the context so dictates.

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**7.4      Notices.** Any notice which a party may desire to give to another party must be in writing and may be given by personal delivery, by mailing the same by registered or certified mail, return receipt requested postage prepaid, or by Federal Express or other reputable overnight delivery service, to the party to whom the notice is directed at the address of such party set forth below.

Star:	City of Star Attn: City Clerk P.O. Box 130 Star, ID 83669
Owner:	Beacon Crossing LLC 839 S. Bridgeway Place Eagle, ID 83616-6097

**7.5      Effective Date.** This Agreement shall be effective after delivery to each of the parties hereto of a fully executed copy of this Agreement.

**7.6      Attorney Fees.** Should any litigation be commenced between the parties hereto concerning this Agreement, the prevailing party shall be entitled, in addition to any other relief as may be granted, to court costs and reasonable attorney fees as determined by a court of competent jurisdiction. This provision shall be deemed to be a separate contract between the parties and shall survive any default, termination or forfeiture of this Agreement.

**IN WITNESS WHEREOF**, the parties have hereunto caused this Agreement to be executed on the day and year set forth below.

Dated this \_\_\_\_ day \_\_\_\_\_, 2023.

\_\_\_\_\_  
Trevor A. Chadwick, Mayor

ATTEST:  
\_\_\_\_\_  
Jacob M. Qualls, City Clerk

OWNER:  
  
Beacon Crossing LLC

\_\_\_\_\_  
By:  
Its:

STATE OF IDAHO    )  
                              ) ss.  
County of Ada)

On this \_\_\_\_ day of \_\_\_\_\_, 2023, before me the undersigned, a Notary Public in and for said state, personally appeared \_\_\_\_\_, known to me to be \_\_\_\_\_, who subscribed his name to the foregoing instrument, and acknowledged to me that he executed the same in said limited liability company's name.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

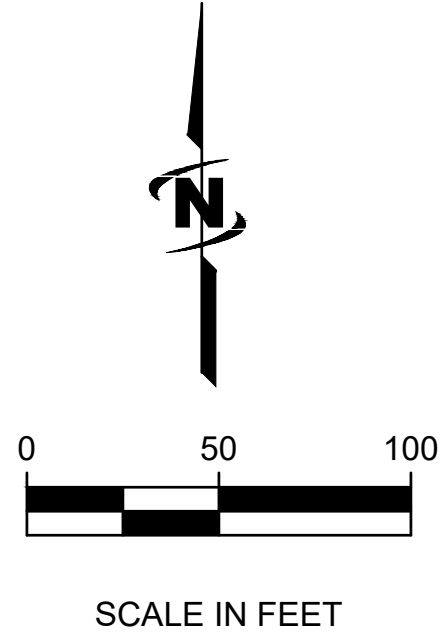
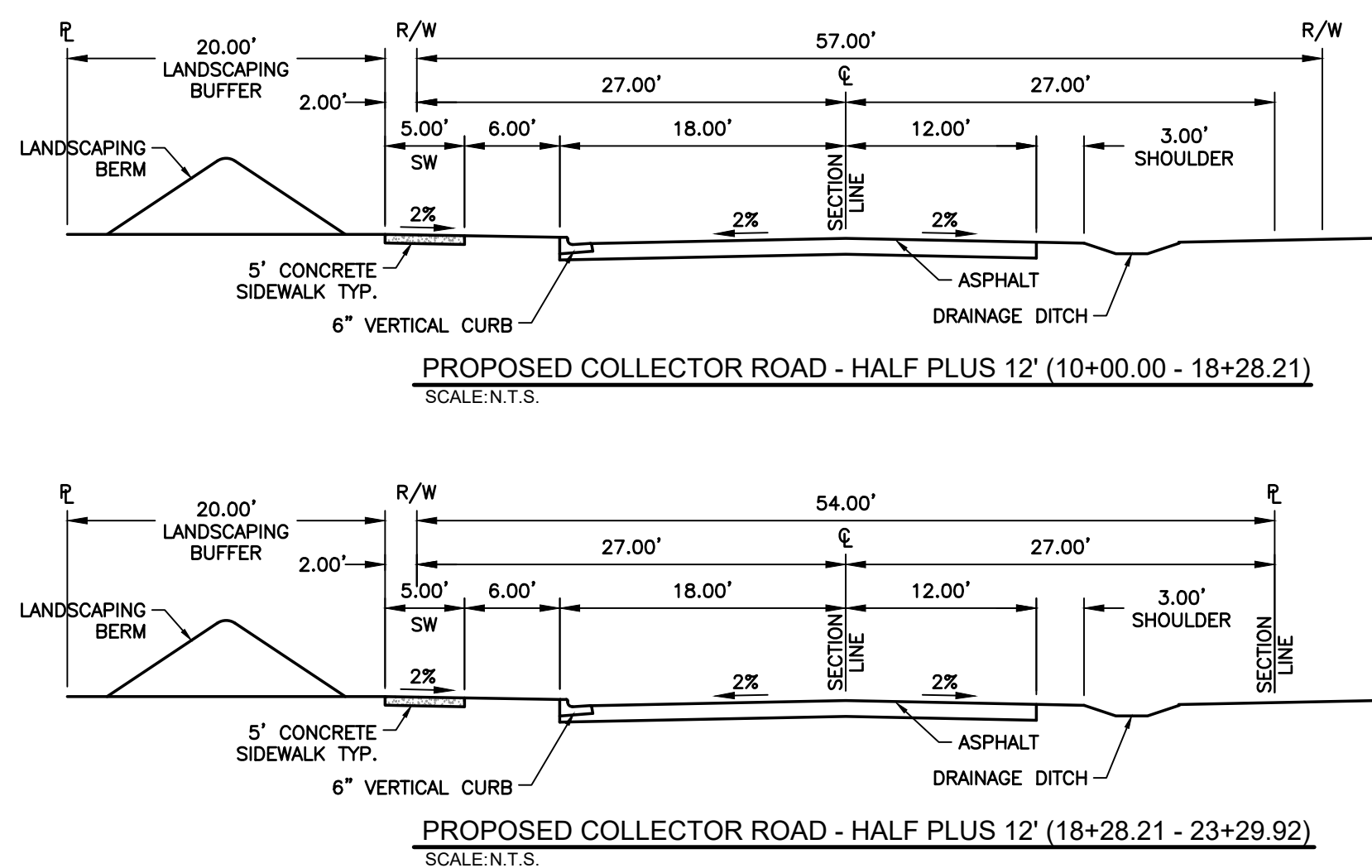
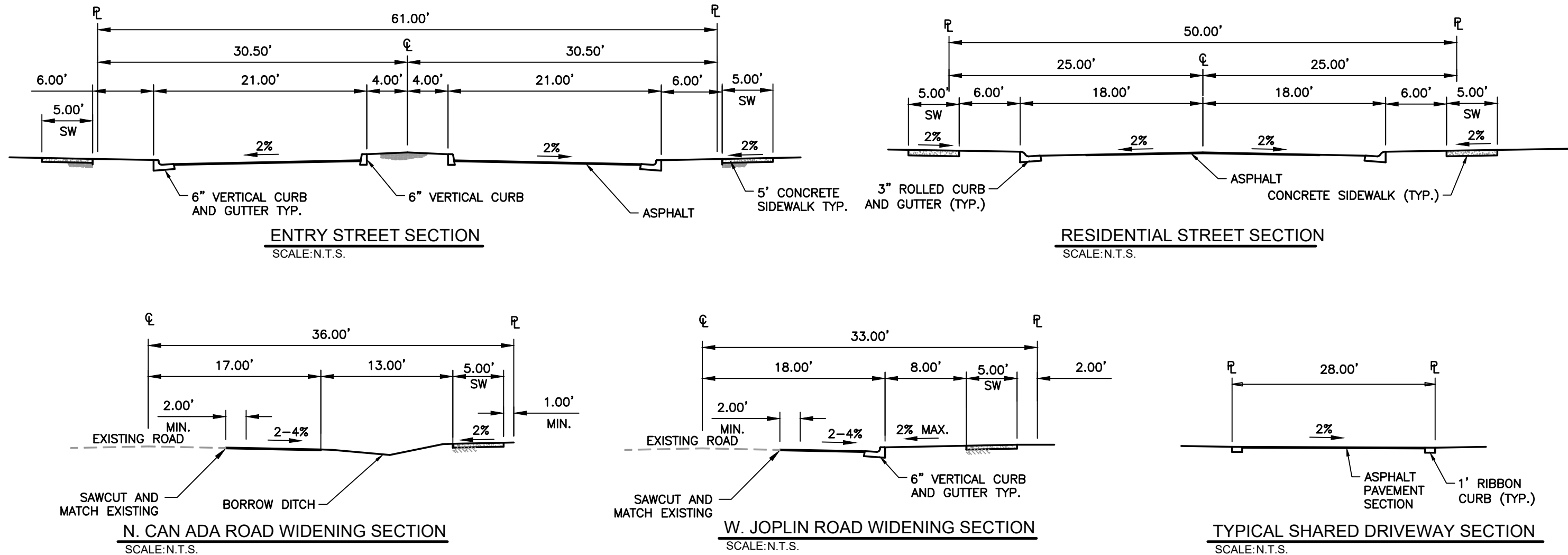
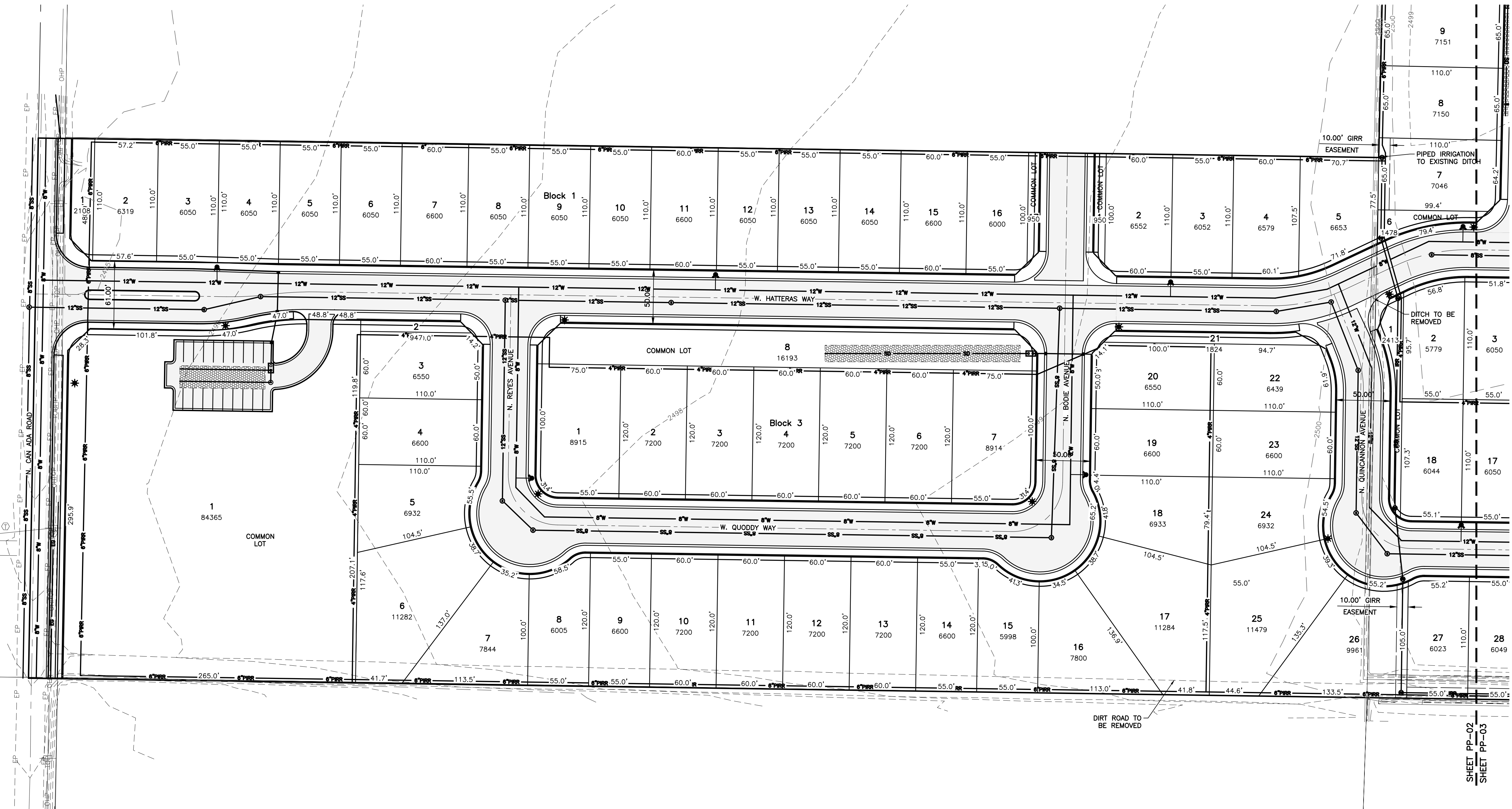
\_\_\_\_\_  
Notary Public for Idaho  
Residing at \_\_\_\_\_  
My Commission expires \_\_\_\_\_








Plot Date: 4/10/2023 1:07 PM Plotted By: Everett Earnest  
Date Created: 4/10/2023 JUB.COM\CENTRAL\CLIENTS\MARKBOTTLES\REAL ESTATE\PROJECTS\10-21-108 BEACON CROSSING\PLAT CAD\SHEET\10-21-108 PRE-PLAT.DWG





J-U-B ENGINEERS, INC.  
2760 W. Excursion Lane  
Suite 400  
Meridian, ID 83642  
Phone: 208.376.7330  
www.jub.com

PROFESSIONAL ENGINEER  
LICENSED  
18885  
STATE OF IDAHO  
KESLEIGH MASSEY

REUSE OF DRAWINGS  
JUB SHALL RETAIN ALL COMMON LAW, STATUTORY, COPYRIGHT AND OTHER RIGHTS IN THIS DESIGN AND THE SOFTWARE. ANY REUSE OF THIS DESIGN OR SOFTWARE WITHOUT THE WRITTEN CONSENT OF JUB WILL BE AT CLIENT'S SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO JUB.

NO.	REVISION	DESCRIPTION	BY	DATE

NAISMITH COMMONS SUBDIVISIONS  
STAR, IDAHO

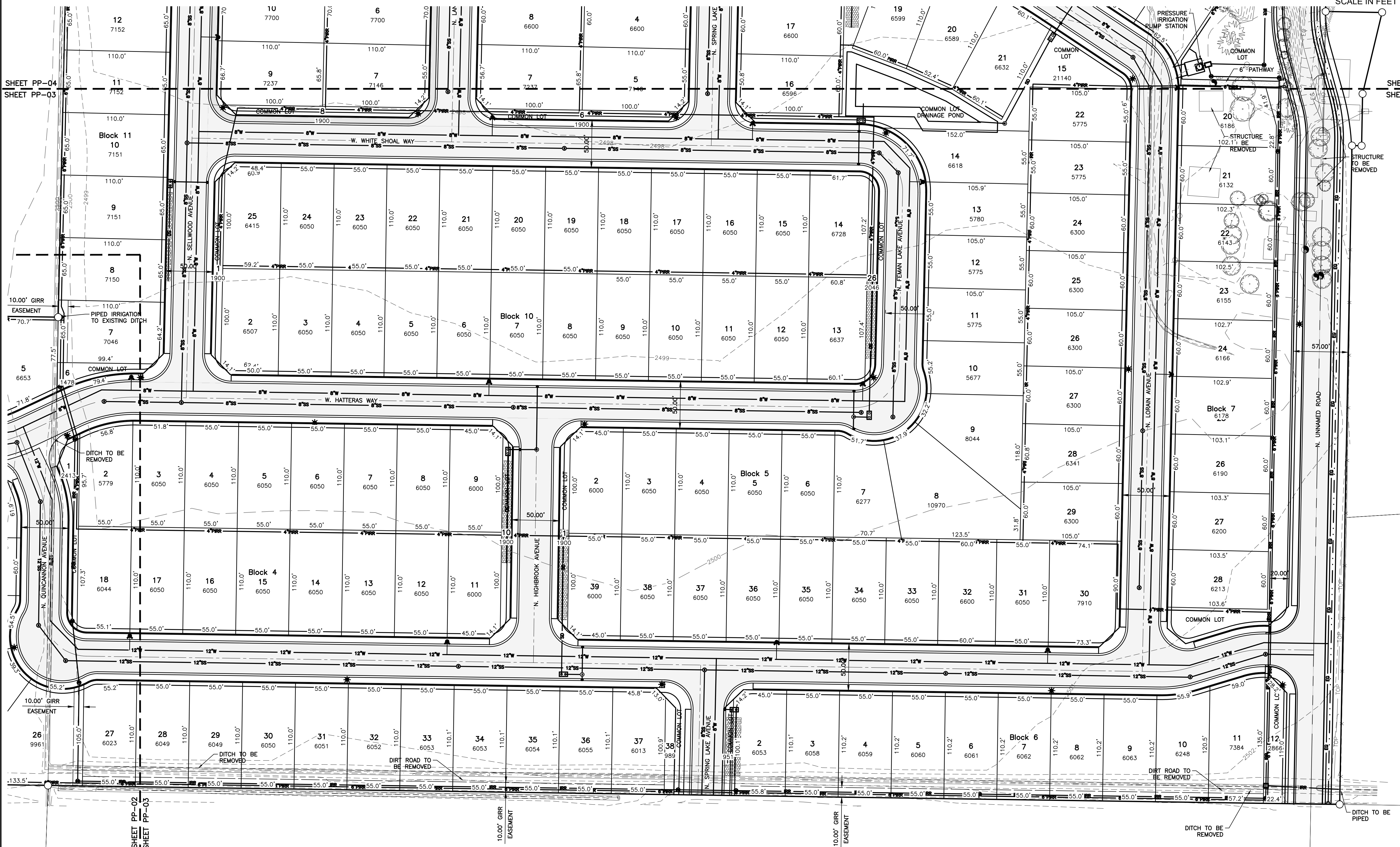
EXISTING AND PROPOSED CONDITIONS


FILE: 10-21-108\_PRE-PLAT  
JUB PROJ. #: 10-21-108  
DRAWN BY: SAS  
DESIGN BY: SAS  
CHECKED BY: KMM  
AT FULL SIZE, IF NOT ONE  
INCH SCALE ACCORDINGLY  
LAST UPDATED: 4/10/2023  
SHEET NUMBER:  
PP-02

84



Plot Date: 11/10/2023 1:07 PM Plotted By: Everett Earnest  
Date Created: 11/10/2023 JUB-COMMON-CLIENTS\MARKBOTTLER\REALSTATE\PROJECTS\10-21-108 BEACON CROSSING\PLAT CAD\SHEET\10-21-108 PRE-PLAT.DWG





J-U-B ENGINEERS, INC.  
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www.jub.com

PROFESSIONAL ENGINEER  
LICENSED  
18885  
KESLEIGH MASSEY

REUSE OF DRAWINGS  
JUB SHALL RETAIN ALL COMMON LAW, STATUTORY, COPYRIGHT AND OTHER RIGHTS IN THIS DESIGN AND THE DESIGN DOCUMENTS. NO PART OF THIS DESIGN OR THE DESIGN DOCUMENTS MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN CONSENT OF JUB. ANY REUSE WITHOUT WRITTEN CONSENT BY JUB WILL BE AT CLIENT'S SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO JUB.

NO.	REVISION	DESCRIPTION	BY	DATE

NAISMITH COMMONS SUBDIVISIONS  
STAR, IDAHO

EXISTING AND PROPOSED CONDITIONS

FILE: 10-21-108\_PRE-PLAT  
JUB PROJ. #: 10-21-108  
DRAWN BY: SAS  
DESIGN BY: SAS  
CHECKED BY: KMM  
AT FULL SIZE, IF NOT ONE INCH SCALE ACCORDINGLY  
LAST UPDATED: 4/10/2023  
SHEET NUMBER:  
**PP-03**







[illegible]

## PHASING PLAN

ONE INCH  
AT FULL SIZE, IF NOT ONE  
INCH, SCALE ACCORDINGLY  
LAST UPDATED: 4/10/2023

PP-05













# EXHIBIT D



0 100 200

SCALE IN FEET



NAISMITH COMMONS  
MARK BOTTLES REAL ESTATE

## OVERALL SITE AMENITIES PLAN

**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.

# PRELIMINARY PLANS

NOT FOR  
CONSTRUCTION

**J-U-B ENGINEERS, INC.**  
2760 W. Excursion Lane

Suite 400

dian, ID 83642


Phone: 208.376.7330

www.jub.com



**J-U-B ENGINEERS, INC.**

Section 6, Item E

FILE : 10-21-108\_NC\_LSAP\_4-10-20  
JUB PROJ. # : 10-21-108  
DRAWN BY: SEW  
DESIGN BY: SATS  
CHECKED BY: KM  
  
AT FULL SIZE, IF NOT ONE  
INCH, SCALE ACCORDINGLY  
LAST UPDATED: 4/12/2023

SHEET NUMBER:

LS-10



Plot Date: 4/12/2023 5:46 PM Plotted By: Shawn Wilson  
Date Created: 4/12/2023 JUB\COMMON\CLIENTS\MARKBOTTLESREALSTATE\PROJECTS\10-21-108 BEACONCROSSING\PLAT\LANDSCAPE\10-21-108 NC LSAP 4-10-2023.DWG



1 COMMERCIAL METAL SHADE PICNIC SHELTER. COLUMNS/POST COULD BE WRAPPED IN A DECORATIVE CMU BLOCK OR STONE VENEER TO BE THEMED WITH DEVELOPMENT.



2 METAL BIKE RACK (NOT SHOWN)



3 SWING SET, DIFFERENT CONFIGURATION POSSIBLE WITH BASKET SWING TODDLER SWING.



4 FENCED AND LIGHTED PICKLEBALL COURTS.



5 KOMPAN OR PLAYCRAFT PLAY SET FOR ALL AGES AND ABILITIES



6 BENCHES SPACED AROUND PARK AND AROUND PICKLEBALL COURTS.



7 SHADED TREE PLAZA WITH PLANTERS AROUND THE BASE OF TREES ADJACENT TO PLAYGROUND. BENCHES AND PICNIC TABLES SPACED THROUGH OUT.

REUSE OF DRAWINGS			
JUB SHALL RETAIN ALL COMMON LAW, STATUTORY, COPYRIGHT AND OTHER RIGHTS IN THIS DESIGN. NO PART OF THIS DESIGN SHALL BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN CONSENT OF JUB. ANY REUSE WITHOUT WRITTEN CONSENT BY JUB WILL BE AT CLIENT'S SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO JUB.			
NO.	DESCRIPTION	BY	DATE



Plot Date: 4/12/2023 6:47 PM Plotted By: Shawn Wilson  
Date Created: 4/12/2023 \\JUB.COM\CENTRAL CLIENTS\ID\MARK BOTTLE\REAL ESTATE\PROJECTS\10-21-108 BEACON CROSSING\PLAT\LANDSCAPE\10-21-108\_NC\_LSAP\_4-10-2023.DWG



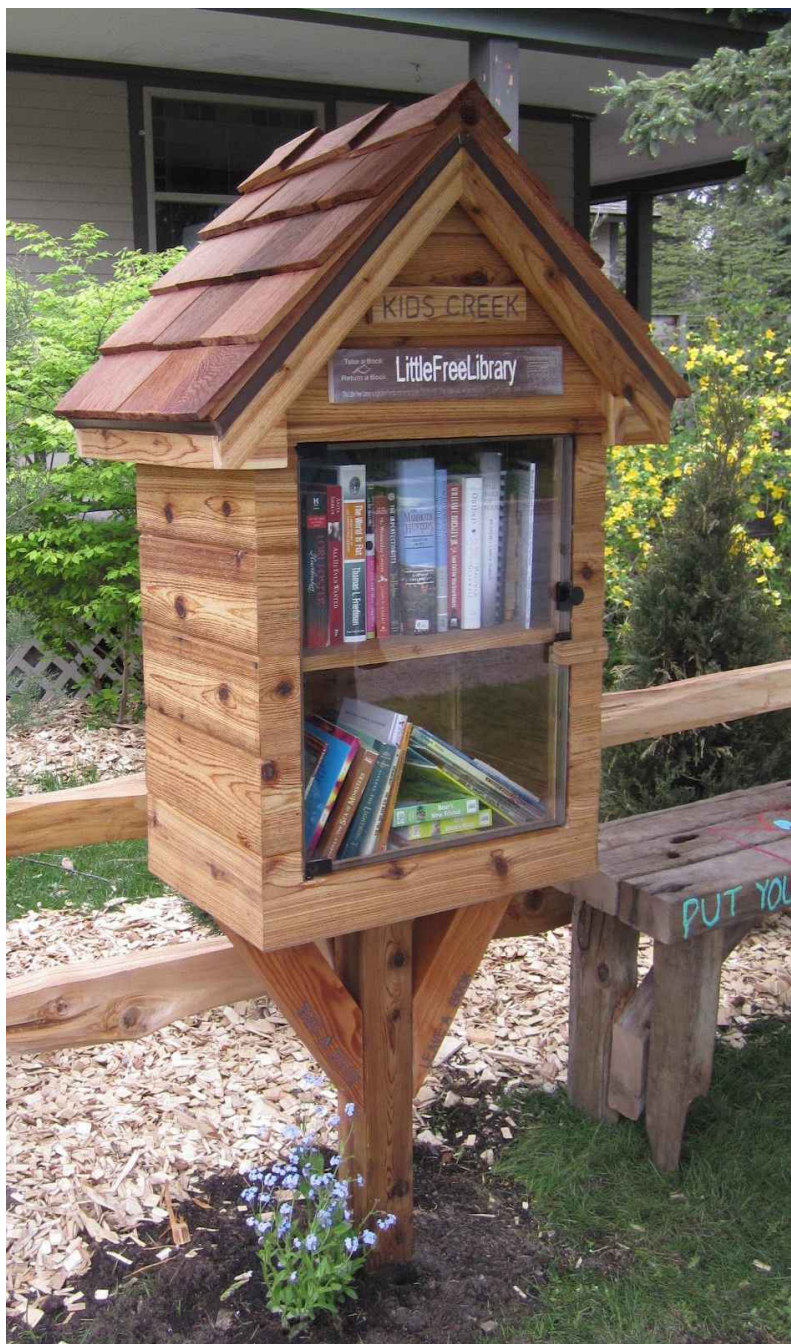
1 TODDLER PLAY GROUND AREA



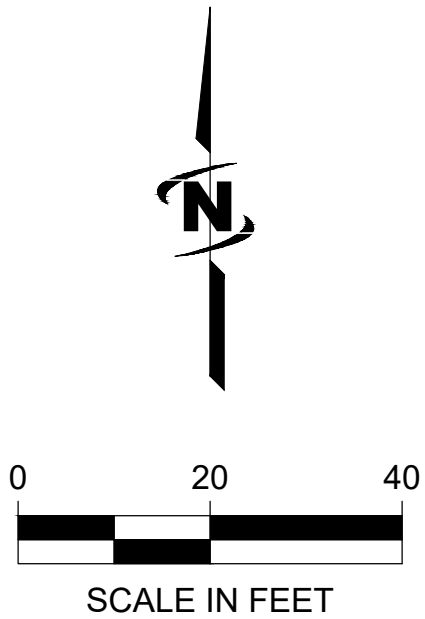
2 TODDLER PLAY GROUND AREA



3 TAKE A BOOK, LEAVE A BOOK WITH NEARBY SEATING AND OR HAMMOCKS.



3 TAKE A BOOK, LEAVE A BOOK



REVISION			
NO.	DESCRIPTION	BY	DATE

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 SHALL NOT BE LIABLE FOR ANY DAMAGE OR INJURY TO THE USER'S  
SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO J-U-B.

NAISMITH COMMONS  
MARK BOTTLES REAL ESTATE  
ENLARGED AMENITIES PLAN



Plot Date: 4/12/2023 5:47 PM Plotted By: Shawn Wilson  
Date Created: 4/12/2023 JUB.COM\CENTRALCLIENTS\JUB\MARKBOTTLES\REAL ESTATE\PROJECTS\10-21-108 BEACON CROSSING\PLAT\LANDSCAPE\10-21-108\_NC\_LSAP\_4-10-2023.DWG

J-U-B ENGINEERS, INC.  
2760 W. Excursion Lane  
Suite 400  
Meridian, ID 83642  
Phone: 208.376.7330  
www.jub.com

PRELIMINARY  
PLANS

NOT FOR  
CONSTRUCTION

REUSE OF DRAWINGS  
JUB SHALL RETAIN ALL COMMON LAW, STATUTORY, COPYRIGHT AND OTHER RIGHTS IN THIS DRAWING. NO PART OF THIS DRAWING SHALL BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN CONSENT OF JUB. ANY REUSE WITHOUT WRITTEN CONSENT BY JUB WILL BE AT CLIENT'S SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO JUB.

NO.	REVISION	DESCRIPTION	BY	DATE

NAISMITH COMMONS  
MARK BOTTLES REAL ESTATE

ENLARGED AMENITIES PLAN

FILE: 10-21-108\_NC\_LSAP\_4-10-2023  
JUB PROJ. #: 10-21-108  
DRAWN BY: SEW  
DESIGN BY: SEW  
CHECKED BY: SEW  
AT FULL SIZE, IF NOT ONE  
INCH, SCALE ACCORDINGLY  
LAST UPDATED: 4/12/2023  
SHEET NUMBER:

LS-104



1 COMPACTED DECOMPOSED GRANITE PATH THROUGH OUT NATURE PARK



2 DOG PARK PEE POST, HYDRANTS OR OTHER OBJECT WITH POP-UP SPRINKLER FOR WASH DOWN.



3 PARK BENCH



EXAMPLE OF LANDSCAPE THROUGH OUT THE DOG AREA AS WELL AS OTHER COMMON SPACE AREAS, NATURAL COMPACTED DG PATHS COULD BE USED THROUGH DOG PARK INSTEAD OF CONCRETE.



Plot Date: 4/12/2023 8:47 PM Plotted By: Shawn Wilson  
Date Created: 4/12/2023 JUB.COM\CENTRAL\CLIENTS\MARKBOTTLESREAL ESTATE\PROJECTS\10-21-108 BEACON CROSSING\PLAT\LANDSCAPE\10-21-108 NC LSAP 4-10-2023.DWG



7 KESTREL OR FALCON OR OWL NESTING BOXES PLACE INSIDE FENCED AREA OR ON HILLSIDE.



NATURE PARK SETTING WITH NATURAL PLAYGROUND MATERIALS, SHELTER, FENCING, PATHS, ETC. POSSIBLE POLE MOUNTED FALCON BOX(S) INSTALLED IN AREA.



1 LOG CLIMBERS AND UNDULATING LOG END STEPPERS



3 BOULDER PLAY THROUGH THE USE OF NATURAL OR FAUX ROCK MATERIALS



6 COMPACTED DECOMPOSED GRANITE PATHS THROUGH OUT NATURE PARK.



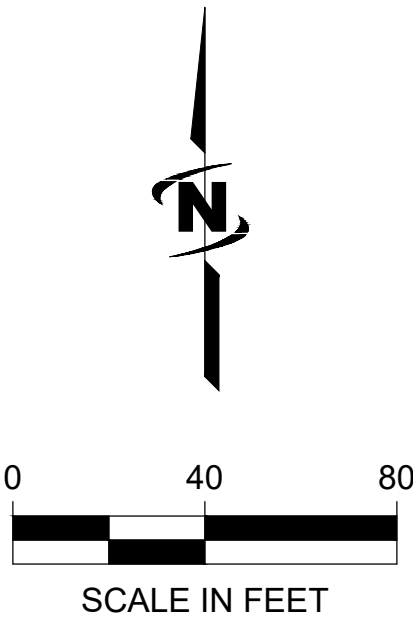
2 STUMP OR BURIED LOG ENDS WITH BEAM BALANCE TIMBER NOTCH INTO STUMP/LOG ENDS



4 STUMP OR BURIED LOG ENDS WITH BEAM BALANCE TIMBER NOTCH INTO STUMP/LOG ENDS



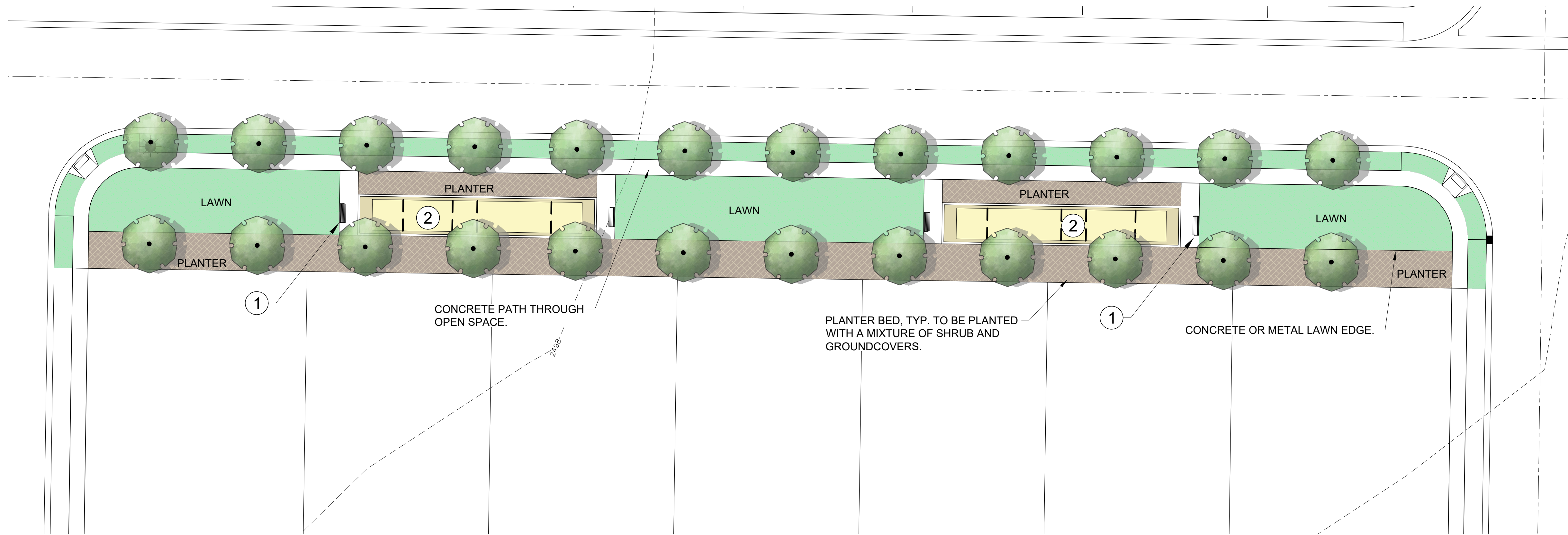
5 BOULDER PLAY THROUGH THE USE OF NATURAL OR FAUX ROCK MATERIALS



REUSE OF DRAWINGS			
JUB SHALL RETAIN ALL COMMON LAW, STATUTORY, COPYRIGHT AND OTHER RIGHTS IN ANY DESIGN OR DRAWING. NO PART OF ANY DESIGN OR DRAWING SHALL BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN CONSENT OF JUB. ANY REUSE WITHOUT WRITTEN CONSENT BY JUB WILL BE AT CLIENT'S SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO JUB.			
NO.	DESCRIPTION	BY	DATE



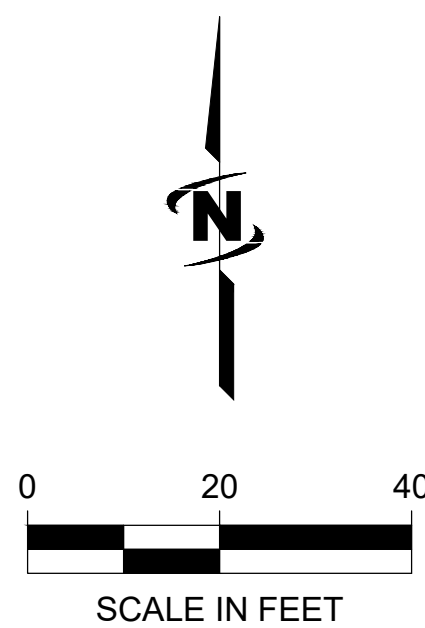
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Date Created: 4/12/2023 JUB.COM\CENTRALCLIENTS\MARKBOTTLESREALSTATE\PROJECTS\10-21-108 BEACONCROSSING\PLAT\LANDSCAPE\10-21-108\_NC\_LSA1P\_4-10-2023.DWG



① BENCHES PLACED AT EACH END OF BOCCIE BALL COURTS.



② BOCCIE BALL COURTS WITH SYNTHETIC SURFACE AND EDGE WITH TIMBERS OR CONCRETE CURB.



PRELIMINARY  
PLANS

NOT FOR  
CONSTRUCTION

REUSE OF DRAWINGS			
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REVISION			
NO.	DESCRIPTION	BY	DATE

NAISMITH COMMONS  
MARK BOTTLES REAL ESTATE

ENLARGED AMENITIES PLAN



**ORDINANCE NO. 386-2023**  
**(GARNET SUBDIVISION ANNEXATION)**

AN ORDINANCE ANNEXING TO THE CITY OF STAR CERTAIN REAL PROPERTY LOCATED IN THE UNINCORPORATED AREA OF CANYON COUNTY, IDAHO; MORE SPECIFICALLY LOCATED AT 6697 FOOTHILL ROAD IN STAR, IDAHO (CANYON COUNTY PARCEL R3379700000) AND CONTIGUOUS TO THE CITY OF STAR; THE PROPERTY IS OWNED BY OPUS DEVELOPMENT LLC; ESTABLISHING THE ZONING CLASSIFICATION OF THE ANNEXED PROPERTY AS RESIDENTIAL WITH A DEVELOPMENT AGREEMENT (R-1-DA) OF APPROXIMATELY 5.23 ACRES; DIRECTING THAT CERTIFIED COPIES OF THIS ORDINANCE BE FILED AS PROVIDED BY LAW; PROVIDING FOR RELATED MATTERS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Star, Ada and Canyon County, Idaho (“the City”), is a municipal corporation organized and operating under the laws of the State of Idaho and is authorized to annex and to incorporate within the boundaries of the City contiguous real property in the manner provided by Section 50-222, Idaho Code; and

WHEREAS, pursuant to Section 67-6524, Idaho Code, the City of Star has adopted the Unified Development Code Ordinance, the same being Ordinance No. 370-2022, adopted on July 19, 2022 and subsequently amended; and

WHEREAS, the owner(s) of the real property situated in the unincorporated areas of Ada County and particularly described in Section 2 of this Ordinance have requested, in writing, annexation of said real property to the City of Star; and

WHEREAS, the Mayor and Council, held a public hearing on May 2, 2023 on the proposed annexation and zoning of the property described in Section 2 below, as required by Section 67-6525, Idaho Code, and determined that the requested annexation should be granted and that the annexed property should be zoned Residential with a Development Agreement (R-1-DA) pursuant to the Unified Development Code of the City of Star.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF STAR, IDAHO, as follows:

Section 1: The Mayor and Council of the City of Star, Idaho, hereby find and declare that the real property described in Section 2 of this Ordinance is contiguous to the City, that said property can be reasonably assumed to be used for orderly development of the City, that the owner(s) of said property have requested, in writing, annexation of said property by the City, and that the requirements of Section 50-222, Idaho Code, for annexation of said property, have been satisfied.

Section 2: The real property, described in the attached “Exhibit A”, including adjacent right of way, situated in Canyon County, Idaho, is hereby annexed into the City of Star. From and after the effective date of this Ordinance, the residents and other occupants and property owners

within such area shall enjoy all the rights and responsibilities and shall be subject to all ordinances, resolutions, police regulations, taxation and other powers of the City of Star as their fellow residents, occupants, and owners within the City of Star.

Section 3: The zoning land use classification of the land described in Section 2 above, is hereby established as Residential with a Development Agreement (R-1-DA), as provided by the Unified Development Code of the City of Star. The Zoning Map of the City is hereby amended to include the real property described in Section 2 above in the Residential with a Development Agreement (R-1-DA) land use classification.

Section 4: The City Clerk is hereby directed to file, within ten (10) days of passage and approval of this Ordinance, a certified copy of this Ordinance with the offices of the Auditor, Treasurer, and Assessor of Canyon County, Idaho, and with the State Tax Commission, Boise, Idaho, as required by Section 50-223, Idaho Code, and to comply with the provisions of Section 63-215, Idaho Code, with regard to the preparation and filing of a map and legal description of the real property annexed by this Ordinance.

Section 5: This Ordinance shall take effect and be in force from and after its passage, approval, and publication as required by law. In lieu of publication of the entire Ordinance, a summary thereof in compliance with Section 50-901A, Idaho Code maybe be published.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2023.

CITY OF STAR  
Ada and Canyon County, Idaho

BY: \_\_\_\_\_  
Trevor A. Chadwick, Mayor

ATTEST:

\_\_\_\_\_  
Jacob M. Qualls, City Clerk




[WWW.ACKERMAN-ESTVOLD.COM](http://WWW.ACKERMAN-ESTVOLD.COM)

January 25, 2023

Garnet Subdivision

**Annexation Description**

A parcel of land being a portion of the SE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 1, T. 1N, R.2W, B.M., Canyon County, Idaho, more particularly described as follows:

**COMMENCING** at the west quarter corner of said Section 1 thence on the quarter line S89°56'59"E a distance of 2,668.19 feet to the center section of said Section 1; thence on last said quarter line N89°56'59"W a distance of 707.20 feet to the southwest corner of Ryken Meadows Estates also being the True Point of Beginning; thence continuing on last said quarter line N89°56'59"W a distance of 406.43 feet; thence N02°05'33"E a distance of 527.65 feet to appoint on the centerline of Foothill Road as established by splitting improvements; thence on last said centerline N68°39'40"E a distance of 33.14 feet; thence a curve to the right having a radius of 632.00 feet, a length of 216.24 feet and a chord bearing N78°27'47"E a distance of 215.19 feet; thence N88°15'54"E a distance of 151.21 feet to a point on the northerly extension the west line of said Ryken Meadows Estates; thence on the west line of said Ryken Meadows Estates and its northerly extension S00°33'06"W a distance of 587.36 feet to the **POINT OF BEGINNING**.

The above described parcel contains 5.23 acres, more or less.



HEADQUARTERS  
1907 17TH ST SE  
MINOT, ND 58701  
701.837.8737

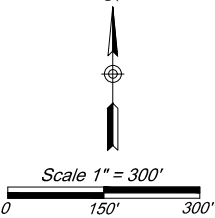
4165 30TH AVE S  
SUITE 100  
FARGO, ND 58104  
701.551.1250

3210 27TH ST W  
SUITE 200  
WILLISTON, ND 58801  
701.577.4127

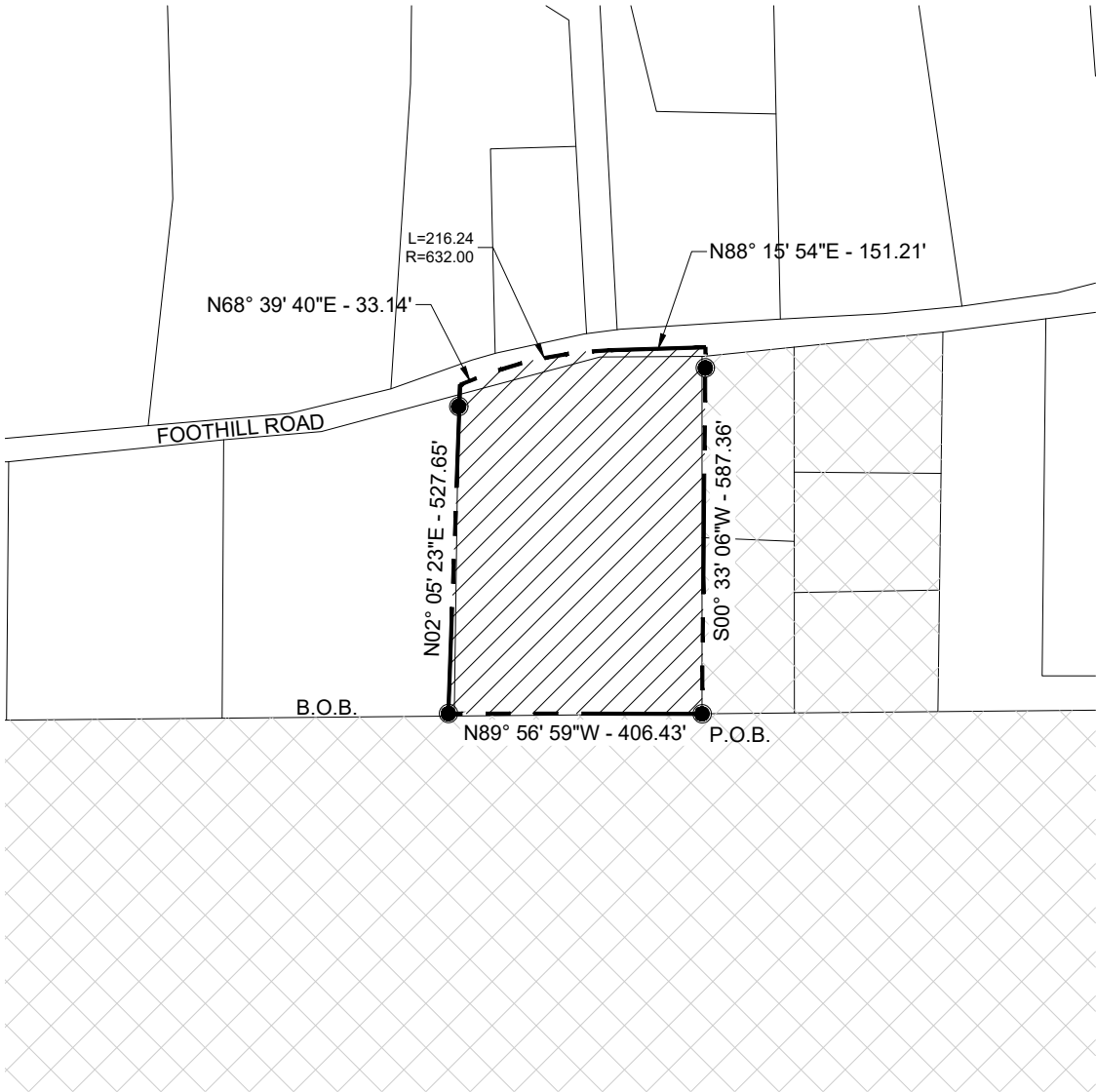
7661 W RIVERSIDE DR  
SUITE 102  
GARDEN CITY, ID 83714  
208.853.6470

# ANNEXATION EXHIBIT B

PORTION OF THE SE 1/4 OF THE NW 1/4  
OF SECTION 1, T.1N., R2.W., BOISE  
MERIDIAN, CITY OF STAR, ADA COUNTY,  
IDAHO.



BEARINGS AND DISTANCES MAY VARY FROM  
PREVIOUS PLATS DUE TO DIFFERENT METHODS  
OF MEASUREMENTS.



● FOUND MONUMENT  
B.O.B. BASIS OF BEARING  
P.O.B. POINT OF BEGINNING

□ CITY OF STAR  
▨ AREA TO BE ANNEXED



7661 West Riverside Drive, Ste. 102 · Garden City, ID 83714  
208.853.6470 · [www.ackerman-estvold.com](http://www.ackerman-estvold.com)  
Minot, ND | Fargo, ND | Williston, ND | Boise, ID

## DEVELOPMENT AGREEMENT GARNET SUBDIVISION

This Development Agreement ("Agreement") is entered into by and between the City of Star, a municipal corporation in the State of Idaho, hereinafter referred to as "City", and Opus Development LLC, hereinafter referred to as "Owner".

WHEREAS, Owner owns parcels of land of approximately 5.23 acres in size, currently located within Canyon County, zoned RR, and more particularly described in **Exhibit A** of Ordinance 386-2023, which is attached hereto and incorporated by reference herein (the "Property");

WHEREAS, Owner requested that the Property be annexed into the City and be developed in accordance with the applicable ordinances and regulations of the City and this Agreement;

WHEREAS, the City, pursuant to Section 67-6511A, Idaho Code, and Star City Code at Title 8, Chapter 1, has the authority to enter into a development agreement for the purpose of allowing, by agreement, a specific development to proceed in a specific area and for a specific purpose or use which is appropriate in the area, but for which all allowed uses for the requested zoning may not be appropriate;

WHEREAS, the City has authority to enter into development agreements to condition annexations and re-zones;

WHEREAS, Owner desires to be assured that it may proceed with allowing its Property to be zoned and developed in accordance with this Agreement;

WHEREAS, the parties agree to the zoning designations for the Property as provided in Exhibit A;

WHEREAS, a Request for Annexation and Zoning of the Property to R-1-DA, and a preliminary plat was made as File No. AZ-23-01/DA-23-01/PP-23-01, so that the City can review all the applications affecting the use and development of the Property in an integrated manner consistent with the City's Comprehensive Plan and land use ordinances, which applications were approved;

WHEREAS, the intent of this Agreement is to protect the rights of Owners use and enjoyment of the Property while at the same time mitigating any adverse impacts of the development upon neighboring properties and the existing community and ensuring the Property is developed in a manner consistent with City Ordinances;

THEREFORE, the City and Owner, for and in consideration of the mutual covenants, duties and obligations herein set forth, hereby agree as follows:

**Section 1. Legal Authority.** This Agreement is made pursuant to and in accordance with the provisions of Idaho Code Section 67-6511A and Star City Code, Title 8, Chapter 1.

**Section 2. Development/Uses/Standards.**

**2.1 Development Acreage and Uses Permitted.** As to the Property described on **Exhibit A**, Owner is allowed to develop the 5.23 acres as follows:

- Zoning Classification: The zoning classification of the Property shall be a R-1-DA.
- The Owner shall comply with all city ordinances relating to the Property except as otherwise provided herein.

**2.2 Site Design.** The Property shall be developed in substantial conformance with the approved preliminary plat, dated 5/2/23, a copy of which is attached hereto and incorporated by reference herein as **Exhibit B**.

**2.3 Uses.** The Property is hereby approved for a maximum of 5 residential lots.

**2.4 Setbacks.** The development shall comply with the standard setbacks for the R-1 zone as follows:

Single-family Detached Setbacks:

Max. Height	Min. Front Yard Setback	Min. Rear Yard Setback	Min. Interior Side Setback	Min. Street Side Setback
35'	30'	30'	10'	20'

**2.5 Additional Requirements:**

- The applicant shall extend the bus stop turnout located to the east into the frontage of the new subdivision.
- All homes shall be required to provide fire sprinklers in compliance with the Star Fire District.
- The Council approves the revised preliminary plat showing a reversed lot layout as discussed in the public hearing (two lots adjacent to east property line).
- The applicant shall provide a streetlight at the entrance to the subdivision.
- The Council hereby approves the reduced private street width to a minimum of 24' with no parking or 26' with parking on

- one side as determined by the Fire District. The Council waives the requirement for sidewalks within the subdivision.
- **Applicant agrees to pay all City Emergency Services Mitigation Fees in affect at the time of building permit for each dwelling.**
- **Applicant shall meet all specific conditions of approval for Preliminary Plat PP-23-01.**

**2.6 Proportionate Share Agreement for ITD Improvements.** Developer has agreed to participate in the costs of construction or improvements to the portions of the State Highway System within the City of Star and/or City of Star Area of City Impact. The Developer will pay the \$5,000.00 traffic mitigation fee determined, or revised, by the Idaho Transportation Department as follows: the Developer will pay the City \$1,000.00 per buildable lot within each phase prior to signature on the final plat for the applicable phase. The City will allocate the funds to roadway improvements in the vicinity of the project. The Developer shall pay this amount (unless otherwise revised by ITD) directly to the City of Star. The City will maintain this contribution in a specific Development Contributions account, to be distributed to ITD when requested for use with a specific Idaho Transportation Improvement Plan (ITIP) project within the City of Star Area of City Impact or City Limits in accordance with the terms of the Intergovernmental Agreement between the Idaho Transportation Department and the City of Star dated April 22, 2020.

**2.7 Changes and Modifications.** No change in the use or restrictions specified in this Agreement shall be allowed or changed without modification of this Agreement pursuant to the requirements of the Star City Ordinances. In the event Owner changes or expands the use permitted by this Agreement or fails to comply with the restrictions without formal modification of this Agreement as allowed by the Star City Ordinances, Owners shall be in default of this Agreement.

**2.8 Conditions, Bonding for Completion.** All of the conditions set forth herein shall be complied with or shall be bonded for completion by Owner before an Occupancy permit will be granted. Failure to comply with the Star City Ordinances or the terms of this Agreement shall result in a default of this Agreement by Owner. Owner may be allowed to bond for certain conditions at one hundred and fifty percent (150%) of the estimated cost of completion pursuant to Star City Ordinances.

**2.9 Timeframe for Recordation of Final Plat.** Developer shall record the final plat(s) with the office of the Canyon County Recorder within the timeframes specified within the Unified Development Code Subdivision Ordinance.

**Section 3. Affidavit of Property Owner.** At the City's request, Owner shall provide an affidavit agreeing to submit the Property to this Agreement and to the provisions set forth in Idaho Code section 67-6511A and Star Zoning Ordinance and such affidavit is incorporated herein by reference.

**Section 4. Default.** The failure of Owner, its heirs or assigns or subsequent owners of the Property or any other person acquiring an interest in the Property, to faithfully comply with any of the terms and conditions of this Agreement shall be deemed a default herein. This Agreement may be modified or terminated by the Star City Council as set forth in the Star City Ordinances. In the event this Agreement is modified, Owner shall comply with the amended terms. Failure to comply with the amended terms shall result in default. In the event the City Council, after compliance with the requirements of the Star City Ordinances, determines that this Agreement shall be terminated, the zoning of the Residential Property or portion thereof that has not been developed in accordance with this Agreement shall revert to an RR zoning designation. For a non-residential property, the zoning shall not revert. All uses of such property, which are not consistent with the prior zoning designation, shall cease. A waiver by the City of Star for any default by Owner of any one or more of the covenants or conditions hereof shall apply solely to the breach and breaches waived and shall not bar any other rights or remedies of the City or apply to any subsequent breach of any such or other covenants and conditions. Owner, by entering into this Agreement, does hereby consent to a reversion of the subject property to a RR zoning designation for residential in the event there is a default in the terms and/or conditions of this Agreement.

**Section 5. Unenforceable Provisions.** If any term, provision, commitment or restriction of this Agreement or the application thereof to any party or circumstances shall, to any extent, be held invalid or unenforceable, the remainder of the instrument shall remain in full force and effect.

**Section 6. Assignment and Transfer.** After its execution, this Agreement shall be recorded in the office of the County Recorder at the expense of Owner. Each commitment and restriction on the development subject to this Agreement, shall be a burden on the Property, shall be appurtenant to and for the benefit of the Property and shall run with the land. This Agreement shall be binding on the City and Owner, and their respective heirs, administrators, executors, agents, legal representatives, successors and assigns: provided, however, that if all or any portion of the Property is divided, each owner of a legal lot shall only be responsible for duties and obligations associated with an owner's parcel and shall not be responsible for duties and obligations or defaults as to other parcels of lots within the Property. The new owners of the Property or any portion thereof (including, without limitation, any owner who acquires its interest by foreclosure, trustee's sale or otherwise) shall be liable for all commitments and other obligations arising under this Agreement with respect only to such owner's lot or parcel.

**Section 7. General Matters.**

**7.1      Amendments.** Any alteration or change to this Agreement shall be made only after complying with the notice and hearing provisions of Idaho Code Section 67-6509, as required by Star City Code.

**7.2      Paragraph Headings.** This Agreement shall be construed according to its fair meaning and as if prepared by both parties hereto. Titles and captions are for convenience only and shall not constitute a portion of this Agreement. As used in this Agreement, masculine, feminine or neuter gender and the singular or plural number shall each be deemed to include the others wherever and whenever the context so dictates.

**7.3      Choice of Law.** This Agreement shall be construed in accordance with the laws of the State of Idaho in effect at the time of the execution of this Agreement. Any action brought in connection with this Agreement shall be brought in a court of competent jurisdiction located in Canyon County, Idaho.

**7.4      Notices.** Any notice which a party may desire to give to another party must be in writing and may be given by personal delivery, by mailing the same by registered or certified mail, return receipt requested postage prepaid, or by Federal Express or other reputable overnight delivery service, to the party to whom the notice is directed at the address of such party set forth below.

Star:	City of Star Attn: City Clerk P.O. Box 130 Star, ID 83669
Owner:	Opus Development LLC 954 E. Opus Street Boise, ID 83709

**7.5      Effective Date.** This Agreement shall be effective after delivery to each of the parties hereto of a fully executed copy of this Agreement.

**7.6      Attorney Fees.** Should any litigation be commenced between the parties hereto concerning this Agreement, the prevailing party shall be entitled, in addition to any other relief as may be granted, to court costs and reasonable attorney fees as determined by a court of competent jurisdiction. This provision shall be deemed to be a separate contract between the parties and shall survive any default, termination or forfeiture of this Agreement.

**IN WITNESS WHEREOF**, the parties have hereunto caused this Agreement to be executed on the day and year set forth below.

Dated this \_\_\_\_ day \_\_\_\_\_, 2023.

\_\_\_\_\_  
Trevor A. Chadwick, Mayor

ATTEST:

\_\_\_\_\_  
Jacob M. Qualls, City Clerk

OWNER:

Opus Development LLC

\_\_\_\_\_  
By: David Nielsen  
Its: Manager

STATE OF IDAHO   )  
                                  ) ss.  
County of Ada)

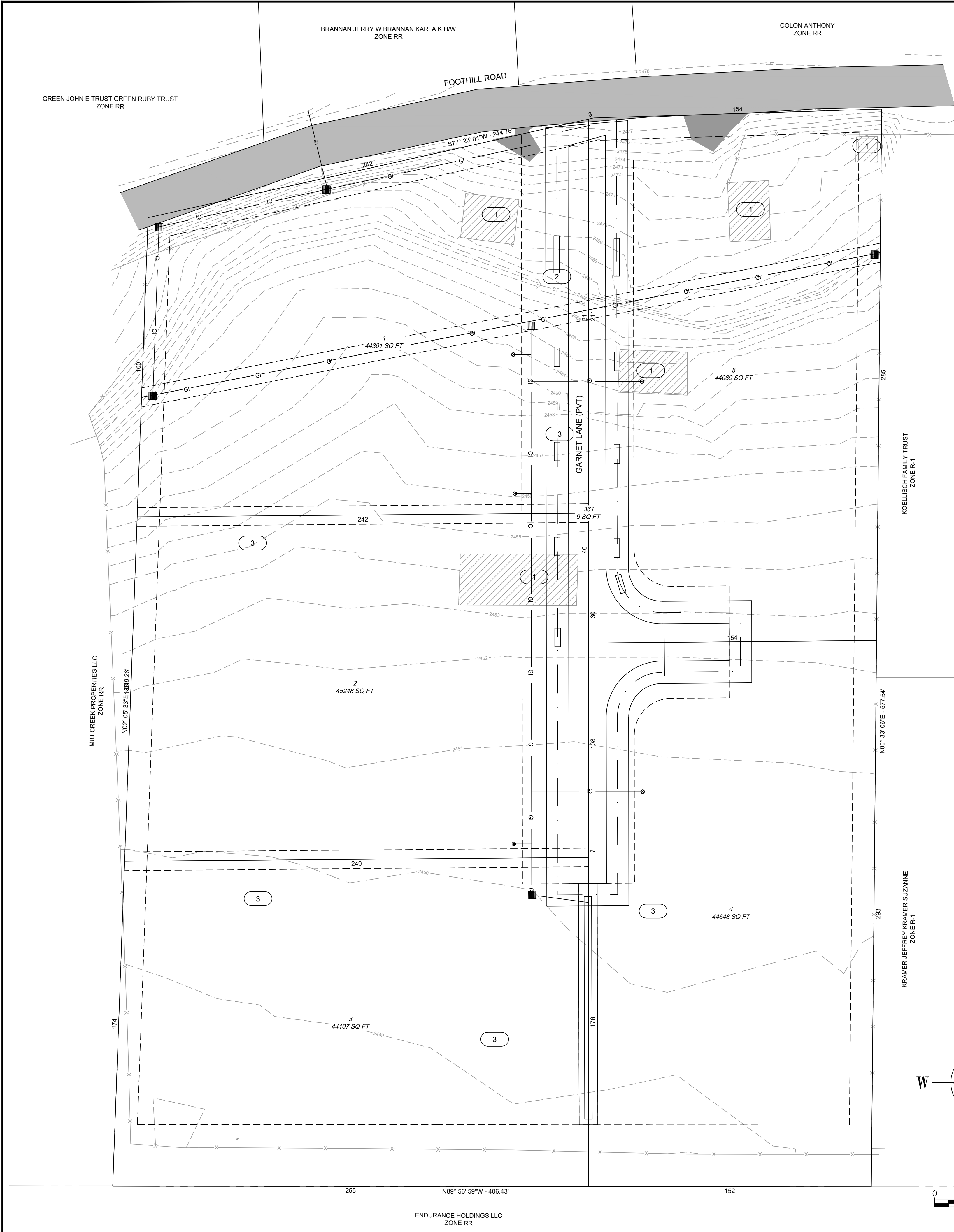
On this \_\_\_\_ day of \_\_\_\_\_, 2023, before me the undersigned, a Notary Public in and for said state, personally appeared \_\_\_\_\_, known to me to be \_\_\_\_\_, who subscribed his name to the foregoing instrument, and acknowledged to me that he executed the same in said limited liability company's name.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

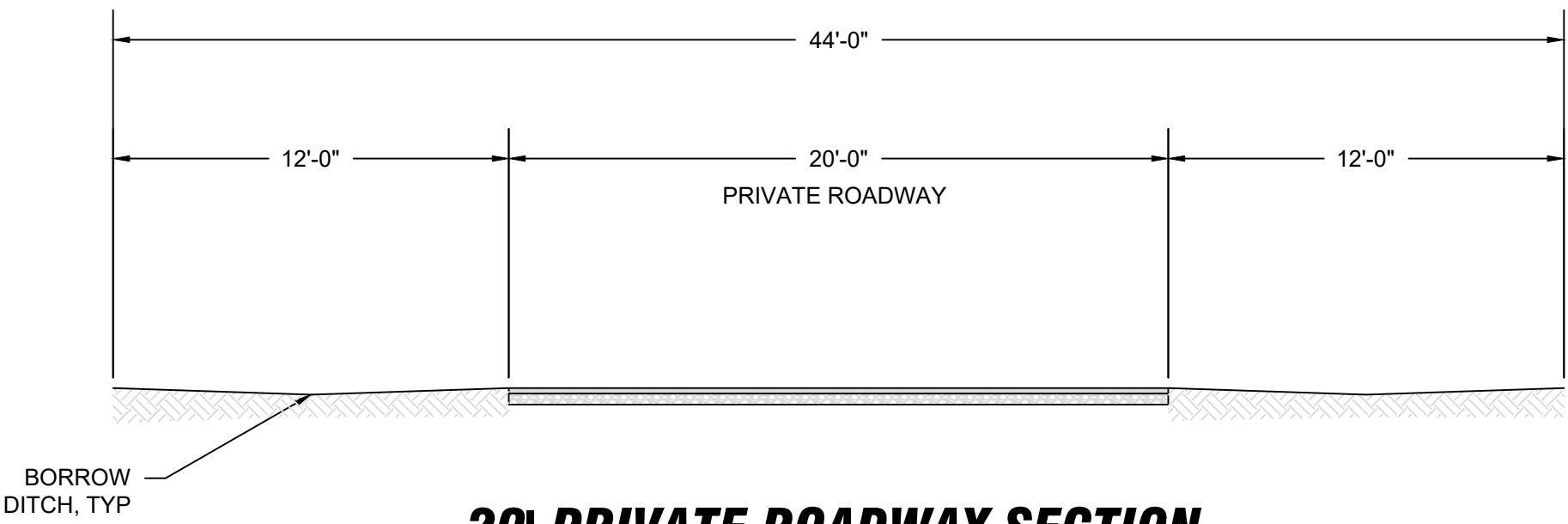
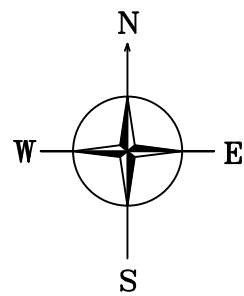
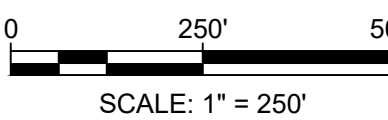
\_\_\_\_\_  
Notary Public for Idaho  
Residing at \_\_\_\_\_  
My Commission expires \_\_\_\_\_



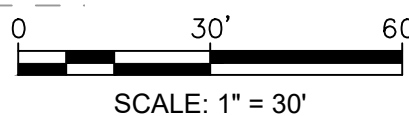
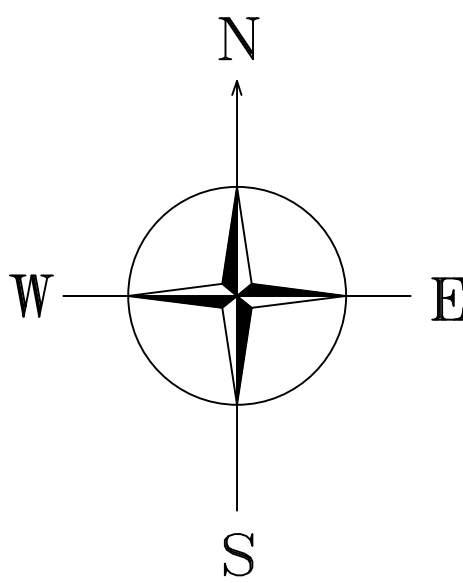
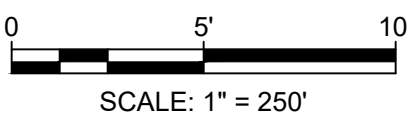
EXHIBIT B



VICINITY MAP



20' PRIVATE ROADWAY SECTION



PRELIMINARY DEVELOPMENT FEATURES

PARCEL NO's:	R3379700000
ADDRESSES:	6697 FOOTHILL RD STAR, ID 83669
ZONING	
RR (EXISTING)	5.15 AC
R-1 (PROPOSED)	5.15 AC
PROPERTY SIZE:	5.15 AC
TOTAL LOTS:	5
SINGLE FAMILY:	5
DENSITY UNITS:	.98 PER ACRE

SITE DETAILS:

ROADWAY EASEMENT:	.49 AC
SETBACKS:	
FRONT:	30'
INTERIOR SIDE:	10'
STREET SIDE:	20'
REAR:	30'

LEGEND:

◇ - POWER POLE	— GUY WIRE
○ - VAULT	• POST
— JT	— JOINT UTILITY TRENCH
— ST	— STORM SEWER
— OH	— OVERHEAD LINE
— SS	— SANITARY SEWER
— W	— WATER
—	— FENCE
—	— PARCEL BOUNDARY
—	— CENTERLINE
—	— EASEMENT
▨	- COMPACTED GRAVEL
▩	- ASPHALT PAVEMENT
□	- CONCRETE
▤	- STRUCTURE

KEYNOTES

- 1 REMOVE AND DISPOSE OF EXISTING STRUCTURES.
- 2 REMOVE AND DISPOSE OF EXISTING CULVERT
- 3 CLEARING AND GRUBBING THROUGHOUT SITE TO FACILITATE GRADING.

SURVEYOR

ACKERMAN-ESTVOLD  
7661 W Riverside Dr Suite 102,  
Garden City, ID 83714  
(208) 853-6470



PLANNER / CONTACT

STEVE ARNOLD  
A-TEAM LAND CONSULTANTS  
1785 WHISPER COVE AVE.  
BOISE, ID 83709  
208-871-7020

OWNER / DEVELOPER

OPUS DEVELOPMENT, LLC  
954 E. OPUS ST.  
BOISE, ID 83716

PRELIMINARY PLAT

GARNET SUBDIVISON

A PORTION OF THE SOUTHEAST 1/4 OF THE  
NORTHWEST 1/4 OF SECTION 1, T.1N., R.2W., BOISE  
MERIDIAN, CANYON COUNTY, IDAHO.



C-101

DRAWN BY: CJ SHERLOCK  
DATE: May 2, 2023



**Jacob Qualls**

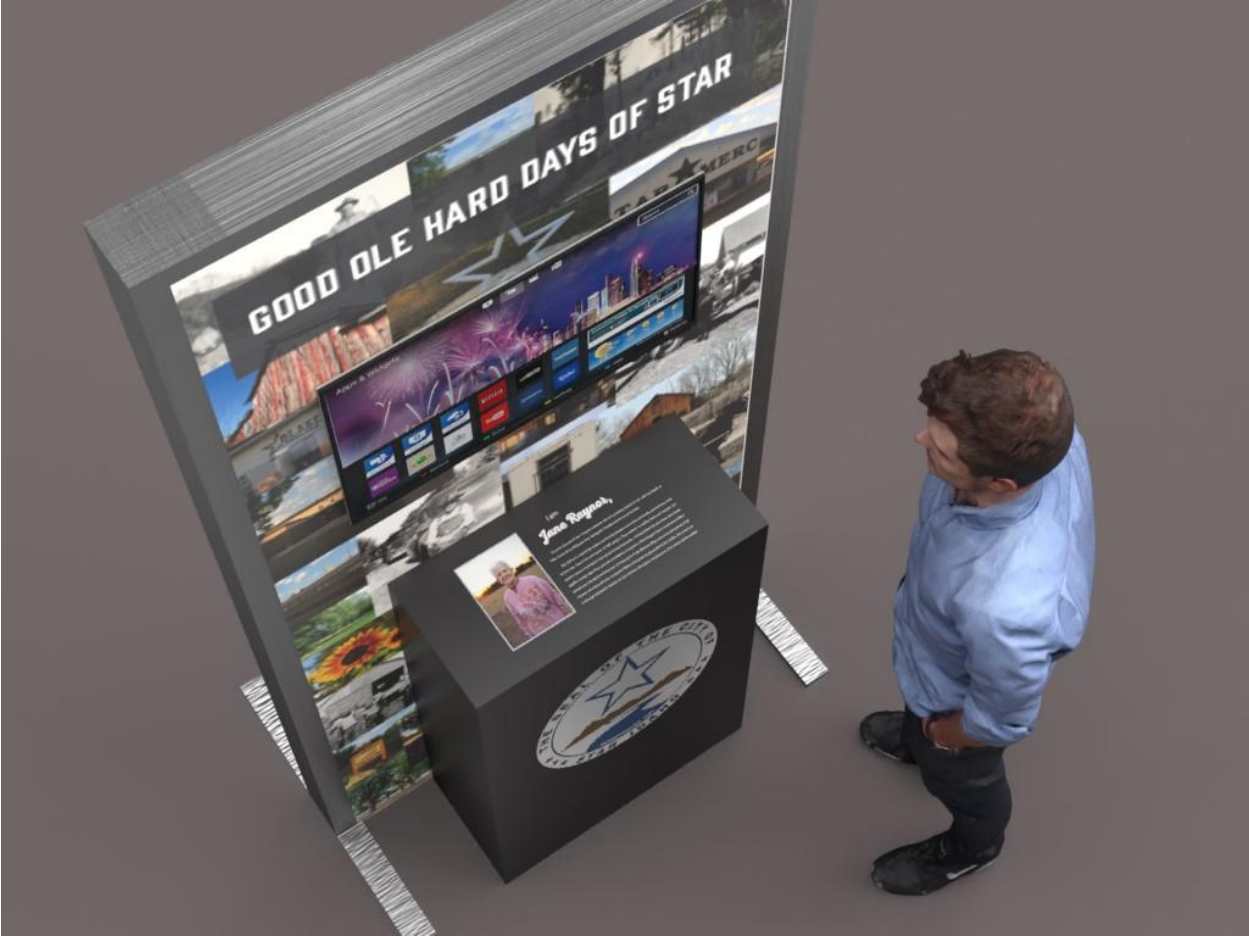
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**From:** Chip Sitton <idatexan2016@gmail.com>  
**Sent:** Friday, July 14, 2023 7:57 AM  
**To:** Jacob Qualls  
**Cc:** Lynn Davis; Nate Day  
**Subject:** Revised Catapult3 Quote for Presentation to City Council  
**Attachments:** 7.11.2023\_Quote-4258\_History\_Kiosk\_-\_Single\_Sided\_Kiosk\_-\_REV\_C.pdf

Good morning, Jacob. Attached is the revised quote from Catapult3 for the kiosk that will be used to display oral histories provided by long-time Star residents.

The Committee's original request for funding of the kiosk included a "low-tech" flip-book to enable people to read each interviewee's entire oral history. The Committee did not anticipate each interview being an average of 1,600 edited words (8,000 average words total, per interview). With an initial total of 15 interviews, the flip book method of documenting the histories is not feasible. Replacing the flip books with an iPad enables the reader to scroll through each interview's entire content. Lynn Davis and I will be at the upcoming City Council to address any questions that City Council may have related to this revised request. I will send you images of the proposed kiosk via separate email.

Respectfully submitted,  
Chip Sitton  
City of Star Historical Committee







Lynn Davis  
City Of Star

Quoted By: Mary Gehl

# Estimate

ESTIMATE DATE

11 Jul 2023

ESTIMATE TOTAL

9,494.25

VALID TO

11 Oct 2023

## History Kiosk - Single Sided Kiosk - REV C

Single Sided Kiosk - Frame constructed from light-weight aluminum extrusion with full color dye sublimation graphic sides or PVC Graphic panels for more secure storage cabinet below. Includes monitor bracket, laminated shelf which may include full color information graphic on top.

Appx Size: 30"w x 72"h x 24"d

### Amendment / Added Items

- Remove previous specified "low tech" flip book interactive
- Added Monitor option for purchase
- Added iPad Purchase
- Added iPad Stand
- Added file formatting time for Interview text - formatting, adding photos, etc

iPad Kiosk for displaying of Full Text Of Interviews

- Holder compatible with 2nd, 3rd, 4th iPad\* generations or iPad\* Air
- Can be positioned in either portrait or landscape view
- Made from steel
- Quick to set up
- Includes rubberized push button or black button cover for iPad home button
- Security screws/Allen key and bolts make unit both durable and theft resistant
- Available in black finish
- Optional carry bag available

Storing iPad in the unit during transit is not recommended

iPad Sourced From Best Buy - \$634.94

- Product Name  
10.9-Inch iPad (Latest Model) with Wi-Fi - 256GB
- Brand  
Apple
- Model Number  
MPQ93LL/A
- Model Family  
Apple iPad
- Year of Release  
2022

	QTY	RATE	AMOUNT
Design/Engineering Design layout and engineering of kiosk	3.00	95.00	(TE) 285.00

Single Sided Kiosk Single Sided Kiosk - Frame constructed from light-weight aluminum extrusion with full color dye sublimation graphic sides with locking storage cabinet below. Includes monitor bracket, laminated shelf which may include full color information graphic on top. Appx Size: 30"w x 72"h x 24"d Note: Cost for Single Unit	1.00	2485.00	Section 6, Item D.
Case OCX Plastic molded case 1 Qty - To carry display pieces 1 Qty - To carry 2" monitor Size: OD: 27"w x 40"h x 17"d	2.00	375.00	(TE) 750.00
32" Monitor 32" LED Full HD Smart TV/Monitor	1.00	415.00	(TE) 415.00
File formatting File formatting and design of interview text and photos Time approximated at 40-65 hours	50.00	95.00	(TE) 4,750.00
iPad Stand Secure iPad Stand	1.00	126.50	(TE) 126.50
iPad 10.9" See Specs Above	1.00	634.95	(TE) 634.95
Carry bag Nylon carrying bag for stand and iPad	1.00	47.80	(TE) 47.80

Subtotal	9,494.25
Tax 6.00%	0.00
<b>Total USD\$</b>	<b>9,494.25</b>

Terms: **WORKING AGREEMENT**

**Our goal is to provide you with the best service possible. In order to achieve this goal, we need to make certain that there is a clear understanding of how we operate.**

**Contract Acceptance:** Signed quote as well as email approval are acceptable forms of binding this contract.

**Payment Terms:** Standard terms are "Due On Receipt". Credit terms are available upon completion of credit application and submission of trade and bank references. Terms provided depend on credit worthiness. Projects Over \$5,000 USD subject to a 50% deposit, with payment due upon completion of the project. A monthly service charge of 1.5% is payable on all overdue balances. Client shall be responsible for all collection or legal fees necessitated by lateness. Disputes against Catapult3, Inc. will be arbitrated in the State of Idaho.

If design and/or client needs change, Catapult3 reserves the right to revise prices or product designs. See "Change Orders"

**Lead times:** Vary depending on project and will be estimated at the time of quote. Project

specific, schedule of activities to be provided as needed. Catapult3 reserves the right to alter the overall lead time of your project if client fails to meet required deadlines.

**Artwork Specifications:** See Attachment.

**Samples/Proofs:** Proofs are available, and can be quoted upon request.

**Change Orders:** Change orders must be confirmed and approved by a Catapult3 Representative. Change orders are subject to increased material, labor and/or service costs depending on the requested change and will be quoted accordingly. Catapult3 reserves the right to alter the overall lead time of your project based on any change orders requested.

**Order Cancellations:** Order cancellations must be confirmed and approved by a Catapult3 Representative. The cancellation of a production order for which Catapult3 has produced or ordered raw materials may result in Catapult3 fully charging for the materials and labor, or imposing a minimum cancellation fee of up to 50% of the purchase/sale price.

**Rush Fees:** Projects that require an in-hand date sooner than our estimated lead time (as per your projects specifications and service requirements) or projects that are forced into a "rush situation" due to late receipt of art files/late approvals and the like, may be subject to a 50% rush fee.

**Shipping:** FOB Catapult 3 Dock, standard UPS Ground shipment will be used unless otherwise denoted by the client and/or project. Upon acceptance of delivery, you agree that the package(s) have arrived without any visible shipping damage. If shipping damage is noted, sign for the delivery as damaged and contact Catapult3 immediately. Failure to sign for the package(s) as damaged, refusal of the package, or neglecting to note after 3 business days any damage that may have occurred during the shipping process will be treated as a warranty claim, and are subject to the terms and conditions of our warranty.

**Disclaimer:** Purchaser determines suitability of all product usage and assumes all risk and liability. Neither the seller nor manufacturer shall be held liable for any injury, loss or damage from use of products.

**Return Policy:** Catapult3 will not accept the return of a used or custom made product or graphic. For standard catalog items only, Catapult3 reserves the right to accept or refuse returned items to our stock. All returns are subject to a MINIMUM 25% restocking fee. All returns/exchanges must be made within 30 days of receipt of goods. For return acceptance, products must be unused, and must be returned in original carton. Please secure prior return authorization and provide proof of original purchase.

**Warranty on Hard Goods Produced:** Catapult 3, Inc. has a one-(1) year warranty on hard goods and products produced. We hope this warranty period will provide a safeguard for any unforeseen issues that may arise after the exhibits have been tried and tested by the visiting community. Catapult3 will remain readily available to provide on-going post installation service.

**Artwork Creation and Ownership:** All artwork designed and created by Catapult3, Inc. is the exclusive property of Catapult3, Inc. The right to reproduce this design in whole or part without the written consent of Catapult3, Inc. is prohibited. Any and all artwork provided by the client is assumed to be authorized and approved by all parties involved in create of said artwork. Catapult 3, Inc. is not responsible for unauthorized use and/or alteration of possible copyrighted artwork.

**Severability:** In the event that any one or more of these provisions should be invalid, illegal, or unenforceable, such provisions will be modified, if possible, to the minimum extent necessary to make them valid and enforceable, or if they cannot be so modified, , then severed, and the remaining provisions contained herein will not be affected or impaired.

**Entire Agreement:** This agreement constitutes the entire agreement between us. Any



amendments to or modifications of this contract or any term or condition hereof shall only be valid if in writing signed by both parties.

**Third Party Beneficiaries:** These terms create no rights for third party beneficiaries.

-----  
Catapult3, Inc.

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Client

## **ARTWORK GUIDELINES**

### **SOFTWARE & FILE FORMATS**

Adobe Illustrator CC or below; vector files such as AI, EPS, PDF.

Adobe Photoshop CC or below; raster artwork (flattened) such as PSD, TIFF, JPG.

Adobe InDesign CC or below (not preferred)

Please note that Illustrator special effects such as drop shadows and glows may have unpredictable results when printing; Photoshop is preferred when using special effects.

### **FONT SPECIFICATIONS**

Please convert all fonts to outlines.

### **LINKED IMAGES**

Please provide all linked images as separate files.

### **COLOR SPECIFICATIONS**

Please provide all vector files (such as AI, EPS, PDF) in CMYK format and raster files (such as PSD, TIFF, JPG) in RGB format.

If Pantone colors need to be matched, please specify PMS numbers. Unless otherwise noted, Pantone colors will be matched to solid coated.

If colors are critical, please provide hard copy proofs for color accuracy.

### **RESOLUTION**

All raster files (print files as well as linked images) must be at least 100 pixels per inch at 100%. (150 ppi or better preferred)

### **TEMPLATES & BLEED**

Templates may be available depending on projects; please contact us for availability.

Bleed requirements are specified in templates. When templates are not available, please contact us for bleed requirements as they vary depending on project and finish.

### **PROFILE-CUT GRAPHICS**

Artwork must be in vector format with fonts converted to outlines.

### **FILE SUBMITTAL**

File(s) can be emailed if they are no larger than 10 MB. Please use a file transfer service such as *WeTransfer* or *Hightail* to provide large files. Files on CDs, DVDs, thumb drives or portable hard drives are also acceptable.

### **PROOFS**

Proofs are available upon request. Additional cost may incur depending on the type of proof.

### **TURNAROUND TIMES**

Lead times vary depending on project and receipt of final graphic approval. We will provide our best estimate when production approval is obtained.

### **CHANGES**

When change(s) are required, design services are available for updating client's files. Our current design rate is \$95/hour.



## LEGAL NOTICE PUBLIC HEARING

Notice is hereby given that the Star City Council will hold a Public Hearing on **July 18, 2023** 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.

**Application:** Dude Dewalt Cellars Winery and Events Center  
Files #'s           AZ-23-02 Annexation & Zoning  
                          CPA-23-01 Comprehensive Plan Map Amendment  
                          DA-23-04 Development Agreement  
                          CU-23-05 Conditional Use Permit

**Applicant/Owner:** Trae & Johnna Buchert

**Action:** The Applicant is requesting approval of an Annexation and Zoning (RR Rural Residential), a Comprehensive Plan Map Amendment, a Development Agreement, and a Conditional Use Permit for a proposed winery and events center to be located within the City of Star. The property is located at 5446 Hwy 16 in Star, Idaho, and consists of 34.60 acres.

**Property Location:** The subject property is generally located on the east side of Hwy 16, near W. Deep Canyon Drive. Ada County Parcel No. S0328427800.

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

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

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



CITY OF STAR

LAND USE STAFF REPORT

**TO:** Mayor & Council

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

**MEETING DATE:** July 18, 2023 – PUBLIC HEARING

**FILE(S) #:** AZ-23-02 Annexation and Zoning  
DA-23-04 Development Agreement  
CPA-23-01 Comprehensive Plan Map Amendment  
CU-23-05 Conditional Use Permit for Dude DeWalt Cellars Winery & Events Center

OWNER/APPLICANT/REPRESENTATIVE

**Applicant/Owner:**  
Trae & Johnna Buchert  
5446 Hwy 16  
Eagle, Idaho 83616

REQUEST

**Request:** The Applicant is requesting approval of an Annexation and Zoning (RR Rural Residential), a Comprehensive Plan Map Amendment, a Development Agreement, and a Conditional Use Permit for a proposed winery and events center to be located within the City of Star. The property is located at 5446 Hwy 16 in Star, Idaho, and consists of 34.60 acres.

PROPERTY INFORMATION

**Property Location:** The subject property is generally located on the east side of Hwy 16, near W. Deep Canyon Drive. Ada County Parcel No. S0328427800.

**Surrounding Land Use/Designations:**

	<b>Zoning Designation</b>	<b>Comp Plan Designation</b>	<b>Land Use</b>
<b>Existing</b>	Rural Residential (RR) Ada County	Ada County – Rural Residential	Winery - Agricultural Use County Approved Event Center
<b>Proposed</b>	Rural Residential (RR) City of Star	Proposed Rural Residential City of Star	Winery - Agricultural Use Event Center - CUP
<b>North of site</b>	Rural Residential (RR) Ada County	Ada County – Rural Residential	Vacant
<b>South of site</b>	Rural Residential (RR) Ada County	Ada County – Rural Residential	Single Family Residential
<b>East of site</b>	Rural Residential (RR) Ada County	Ada County – Rural Residential	Vacant - BLM
<b>West of site</b>	Rural Residential (RR) Ada County Residential (R-2) City of Star	Estate Rural Residential	Vacant/Single Family Residential

**Existing Site Characteristics:** The property is currently in agricultural use (existing wine vineyard), commercial and single family residential. Property contains slope areas greater than 10%.

**Irrigation/Drainage District(s):**

No Irrigation District

**Flood Zone:** This property is not currently located in Special Flood Hazard Zone.

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 – Yes.
- ✧ 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	April 13, 2023
Neighborhood Meeting Held	May 5, 2023
Application Submitted & Fees Paid	May 22, 2023
Application Accepted	June 8, 2023
Residents within 300' Notified	June 27, 2023
Agencies Notified	June 8, 2023
Legal Notice Published	June 30, 2023
Property Posted	July 7, 2023

HISTORY

This property does not have any history of land use applications within the City of Star. The property has received previous approvals from Ada County for a winery and events center.

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.

### **8-1B-3: COMPREHENSIVE PLAN AMENDMENTS:**

A. Process:

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 particular property subject to specific terms and conditions of approval.

B. Applicability: The provisions of this section apply to all uses identified as conditional use in chapter 3, "District Regulations", of this title, and as otherwise required by specific development standards in chapter 5, "Specific Use Standards", of this title.



C. Process:

1. The applicant shall complete a preapplication conference with the administrator prior to submittal of an application for a conditional use.
2. An application and appropriate application fees, in accord with article A, "General Provisions", of this chapter, shall be submitted to the administrator on forms provided by the planning department.
3. The administrator may require additional information concerning the social, economic, fiscal or environmental effects of the proposed conditional use, prior to the scheduling of a public hearing.

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 exact 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 will be harmonious with the Star comprehensive plan and in accord 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 and that such use will not adversely change the essential character of the same area.
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.

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

(RR) 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.**

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

<b><u>ZONING DISTRICT USES</u></b>		<b>R-R</b>	
Accessory structure		A	
Dwelling:			
Single-family detached		P	
Winery		C	
Events Center, public or private (indoor/outdoor)		C	

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

Zoning District	Maximum Height Note Conditions	Minimum Yard Setbacks Note Conditions			
		Front <sup>(1)</sup>	Rear	Interior Side	Street Side
R-R	35'	30'	30'	20'	20'

**COMPREHENSIVE PLAN:**

7.5 Implementation Policies:

D. **Consider lands along Highways 16 and 20/26 as the location for a mix of uses consisting of commercial** and an industrial/high-technical park with a minor component of high density residential.

### 8.2.3 Land Use Map Designations:

#### Rural Residential

Suitable primarily for rural single-family residential use adjacent to agricultural uses, adjacent to other Rural Residential type uses, and adjacent to BLM land areas. Densities typically range from 1 unit per 2 acres to 1 dwelling units per 5 acres.

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 crops and/or animals and do not necessarily include manicured yards, sidewalks, bike paths, 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 lighting standards) may be offered for a more rural feel. 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.

### 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.
- Encourage commercial development that is consistent with a family friendly feel, not overburdening the community with big box and franchise uses and discourage the development of strip commercial areas.

8.5.2 Policies Related Mostly to the Rural and Agricultural 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 subdivided 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**

**COMPREHENSIVE PLAN MAP AMENDMENT:**

The applicant is requesting approval of a Comprehensive Plan Map Amendment with a land use designation of Rural Residential. By amending the Future Land Use Map, the proposed annexation application and proposed zoning designation of RR will match the new City Comprehensive Plan designation.

**ANNEXATION & ZONING:**

The applicant is requesting approval of an annexation and zoning application with a zoning designation of Rural Residential (RR-DA) on 34.60 acres. This zoning district allows for residential and certain commercial uses through the conditional use permit process. The property is located in an area that can be serviceable with central sewer and water provided by Star Sewer and

Water District in the near future, if necessary. The property currently has access to Hwy 16, a public roadway. The zoning request includes a development agreement that will address conditions of approval placed upon the application from Staff and the City Council.

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.

CONDITIONAL USE PERMIT

The applicant is requesting approval of a Conditional Use Permit for a Winery and Indoor/Outdoor Event Center. These uses are allowed in the proposed RR zoning district. The applicant has previously received approval of the proposed uses through Ada County, and is operating the facility on a limited basis, until specific conditions of approval have been met. The County has had several public hearings with the applicant and neighboring property owners and has set specific conditions of approval requirements for the applicant based on those meetings. **Staff has reviewed the record, including findings of fact and final decisions by the County Commissioners, and recommends that the City Council adopt the applicable County conditions of approval as they exist, with some modifications.** Staff is recommending additional conditions based on the applicant’s revisions to the site plan that, in Staff’s opinion, follow the intent of the County in their approval.

Winery Use

Included in the existing/proposed Winery Use is the following:

- Vineyards (existing agricultural use – protected by Right to Farm Act). The property currently contains approximately 8- acres of wine grapes, irrigated from a private well and cultivated by the property owner.
- Primary Residence – (existing) 5,400 square feet Caretakers Dwelling. Currently lived in by owners/applicant. Current personal residential activities not associated with the winery or event center shall continue to be allowed. Applicant proposes potential future use of structure as an additional tasting room and/or event area. Staff will require any future change of use from a residence to be subject to Certificate of Zoning Compliance. All current building and fire codes would need to be completed prior to any public occupancy.
- Tasting Room (existing) – 2,250 square feet with additional 1,104 square feet of tented or permanent enclosed area. Tasting room includes tastings, sales by the glass or bottle for on-site consumption and retail sales of wine and gifts for off-site export. Food currently

served includes charcuterie boards (cheese & meats), breads, pizza and soups and other similar foods.

- Storage/Production Facility (existing) – 3,500 square feet. Currently used for storage of wine barrels and wine production. Staff will require the applicant to meet all Fire District requirements.
- Winery Events – Current/existing winery related events (normal winery operations) including, but not limited to, ticketed and non-ticketed events such as wine dinners, wine classes, wine industry related events, wine releases, wine club releases and gatherings, special tastings. These events may or may not include music.
- Food Services – (existing) In addition to providing limited food services for sale or complimentary to wine tastings, the winery use includes food trucks servicing patrons. Staff will require the applicant to meet all Central District Health requirements regarding the serving of food.
- Proposed Expansion of Existing Tasting Room\* – Applicant is proposing to expand the existing tasting room from 2,250 square feet to approximately 3,700 square feet.
- Proposed New Tasting Room\* – Applicant is proposing a new 3,000 square feet building near the southeast corner of the property. This area would include indoor and outdoor seating. Per Ada County conditions of approval, this building and the associated patio seating shall be a minimum of 125 feet from the southern property line.
- Proposed New Production/Tasting Room/Event Center Facility\* – Applicant is proposing a new, approximately 14,000 square feet facility located near the western boundary of the property. This facility would include interior office space and balconies.
- Proposed New Storage Building\* – Applicant is proposing a new, 6,000 square feet storage building that will be used to house wine barrels and other winery related items. Occupancy will be from 1 to 10 persons, typically.
- Miscellaneous Structures\* and amenities\* – The site plan shows additional materials storage buildings, parking areas, pergolas, vineyards, bike and UTV parking, landscaping, and patios and other hardscape areas throughout the property. These locations are conceptual and subject to change as specific details are completed. These locations shall be subject to all specific conditions of approval.
- Potential Tasting & or Events areas and/or Buildings\* – Applicant has indicated additional areas in the north and northeast area of the property for potential locations for the Tasting and/or Events area. Buildings would be 5,000 square feet each.

- Potential Amphitheater Area\* – Applicant has indicated location of a potential amphitheater area in the northeast corner of the property.

**\*All new structures shall be subject to fire and building code standards. Extension of sewer & water may be required by Star Sewer & Water District to accommodate fire suppression and domestic water and sewer needs. All new structures shall be subject to future Certificate of Zoning Compliance (CZC) applications. Building elevations, parking, lighting, access details, fire and building code reviews and other Staff requested details will be reviewed for each building and proposed amenity under the CZC process.**

### **Event Center Use**

Included in the existing/proposed Event Center Use is the following:

- Event Center activities that are not associated with the winery or its use include but are not limited to advertised and ticketed private events including concerts, fundraisers and car shows, and private events including holiday, business or office parties and meetings, birthdays, weddings and engagement parties.
- Events associated with the Event Center are proposed to be limited to a maximum of 250 guests at any given time. The applicant has requested events with 125 or fewer guests be unlimited in the number of events allowed. Events between 126 and 250 guests are proposed to be limited to 24 events annually.

### **ADDITIONAL DEVELOPMENT FEATURES:**

- Hours of Operation – The applicant has requested hours of operation for the winery and associated uses as 10 a.m. to 10 p.m. daily, with 24 hours a day, seven days a week for the winery production and agricultural operations. The applicant has not indicated hours of operation for the Events Center portion of the application. Staff recommends adopting Ada County's condition limiting the Event Center uses (over 125 people) to 10 a.m. to 10 p.m., daily, with Mondays and Tuesdays limited to 10 a.m. to 6 p.m. and the operation of the winery use as 24 hours/7 days a week.
- Access – ITD Review – Current access to the facility is a gravel, private driveway from Hwy 16 east into the property and to the existing tasting facility, storage and production facility and single-family dwelling. The applicant submitted a traffic impact study (TIS) to ITD on January 13, 2022. ITD reviewed the TIS and has provided written comment to the City regarding the proposed application. A condition of approval from the original Ada County review process included a northbound right turn lane be installed at the access point on Hwy 16. The applicant is coordinating with the developers of the Spring Valley Development located to the north and east of the subject property to include the



northbound right turn lane as part of the Hwy 16 roadway improvements that are currently being constructed adjacent to and north of the subject property. ITD has also verbally commented to Staff that a southbound left turn lane will be constructed at the same time by the Spring Valley developers.

- Lighting – All site lighting shall reflect the “Dark Sky” criteria established by the City. The applicant shall submit a lighting plan with the first CZC application, and all subsequent submittals illustrating compliance with all City lighting requirements.
- Parking – The applicant currently has 4 parking spaces for the existing single-family dwelling (2-spaces required). The applicant currently has 40 existing spaces located in the southern area of the property. The Star Unified Development Code does not specify parking requirements for wineries and event centers. Ada County required in their review a minimum of 150 total spaces be provide. RV parking has been included on the site plan. All vehicle, RV or Bus parking shall be specifically designed on illustrated on all future CZC application site plans.
- Landscaping/Buffering – The applicant is proposing a landscape berm of approximately 300 feet on the southern boundary of the property starting near the eastern corner of the property. Although the applicant has not provided details on the size of the berm or the type of landscaping being provided, Ada County has conditioned the berm to be 8 feet tall with 6 feet tall trees provided between the parking lot and residences to the south. All additional internal landscaping shall be reviewed with the CZC application submitted with each phased individual building and/or use. The remaining majority of the property will be left in either native vegetation or will be vineyards.
- Phasing/Timing – The applicant has not provided a final build-out date for the facility but has stated that final expansion could exceed 5-years. Staff will recommend a reasonable time period for the CUP to be valid.
- Emergency Services - The applicant shall meet all requirements for emergency access, water supply and vehicle turn-around from the Star Fire District. Should municipal water be required to meet fire flows, the applicant shall annex into the Star Sewer and Water District and comply with any District requirements.
- Existing Well & Septic System – The current use of the winery utilizes an existing well and septic system for all existing uses. The applicant shall be required to meet all Central District Health Department and Idaho Department of Water Resources standards for any necessary expansion of the well and septic systems. The applicant may use portable bathroom facilities on this property.

### **Ada County Conditions of Approval and City Staff Analysis and Recommendations.**

Staff recommends that the Council adopt the following Conditions of Approval that were part of the Ada County review and approval.

1. Central District Health shall approve any new or upgraded septic systems.
2. Star Fire District shall approve all fire flow requirements and/or building permits, and any occupancy requirements for all buildings on-site. All Wildland Urban Fire Interface Overlay District requirements shall be met.
3. The owner/applicant shall maintain a minimum 125 feet distance from the southern property line to the new proposed tasting room and associated patio.
4. The owner/applicant shall submit plans for food or beverage establishment to the Central District Health Department for plan review and approval.
5. Idaho Department of Water Resources shall approve any new or upgraded well construction.
6. The owner/applicant shall pay the ACHD all traffic impact fees prior to issuance of a building permit.
7. The owner/applicant shall provide an all-weather dustless material (or other City approved dust mitigation) if the off-street parking areas and private drive are not surfaced with asphalt or concrete.
8. The owner/applicant shall either install a placard or striping that clearly identifies and demarcates the ADA accessible parking spaces.
9. The owner/applicant, engineer of record and/or contractor shall notify the City when a construction start date is established.
10. The Engineer of Record shall submit a letter to the City stating the work has been completed in substantial compliance with the approved plans for the construction of the driveways and parking areas.
11. The owner/applicant shall schedule a final inspection with the City upon completion of each phase of the driveways and parking areas.
12. The owner/applicant shall schedule a final inspection with the Star Fire District prior to issuance of a Certificate of Occupancy.
13. During the time that the future construction of the production facility happens, the current driveway shall be constructed to Star Fire District standards. Star Fire District shall approve all access requirements.
14. A northbound right turn lane shall be constructed to the ITD current standards to mitigate for entering traffic.
15. A Certificate of Occupancy will be issued when all the above conditions are met. In the event conditions cannot be met by the desired date of occupancy, the owner/applicant may request a surety agreement in lieu of completing the improvements.
16. If a gate is ever installed, it will need to be equipped with a KNOX key lock specific to Star Fire District.
17. The outdoor public address/speaker system shall comply with the noise regulations of the City Code.

18. Food service for events shall be approved by the Central District Health Department.
19. Any (Event Center) event of more than 125 people and no greater than 250 people shall be limited to 24 events per year.
20. The days and hours of operation for the wine tasting and associated uses and the Event Center uses are from 10 a.m. to 10 p.m., daily; On Mondays and Tuesdays, hours of operation for events greater than 125 people shall be limited to 10 a.m. to 6 p.m. The operation of the winery use is allowed 24 hours/7 days a week.
21. The owner/applicant shall comply with ITD Permit No. 3-19-504 or any updated permits. Should the use of the parcel change causing any increase in trip generation, or the parcel is split, the property owner shall reapply for access with ITD.
22. All drainage shall be retained onsite during and after construction.
23. During construction earthmoving equipment operation, hours shall be limited to between 7 a.m. to 6 p.m.
24. The owner/applicant is responsible for restoring all disturbed areas. Restoration shall match the approved plans. For unapproved areas of disturbance, the City Engineer shall determine the level of restoration. This could include geotechnical reports, grading, erosion control blankets and hydro seeding.
25. The property must be managed and maintained consistent with the standard regulations of Star City Code regarding the accumulation of junk, atmospheric emissions, construction sites, hazardous materials storage, outdoor public address systems, outdoor storage of chemicals and fertilizers, transmission line corridors, and utilities.
26. The use shall comply with the noise regulations in Star City Code.

**Staff recommends the following additional conditions of approval for Council to adopt into approval of this application:**

1. Comply with all requirements of the Star City Engineer including, but not limited to, drainage, grading, hillsides and slopes, site improvement engineering, retaining walls greater in height than 4 feet.
2. All future improvement phases are subject to a Certificate of Zoning Compliance application submitted to the City. This will include detailed review of parking, landscaping, lighting, dust mitigation, and building elevations.
3. Any signage within ITD right of way shall be approved by the District prior to installation.
4. The owner/applicant shall meet all requirements of Central District Health Department regarding the preparation and sale of food.
5. A landscape plan shall be submitted to the City detailing the existing, required berm along the southern boundary of the property, including types of trees and landscaping proposed. The existing 8' berm shall include 6' tall trees to provide additional buffer on the southern parking lot boundary per the submitted site plan.
6. **The conditional use permit shall be valid for a period of 10-years from the date of approval to allow for the applicants phasing plans. The applicant may apply for a time extension prior to the expiration date as allowed per Code.**

- 7. The owner/applicant shall notify the City in advance of all events of greater than 125 people and no greater than 250 people per year (24 events per year maximum). This time period shall be from January 1<sup>st</sup> through December 31<sup>st</sup>, annually. The total number of events in 2023 shall include those already conducted prior to annexation.
- 8. The owner/applicant shall provide for adequate parking for all events on-site. At final build-out, a total of 150 permanent parking spaces shall be provided.
- 9. Any future change of use of the existing residence to a commercial use shall be subject to review of a Certificate of Zoning Compliance. All current building and fire codes would need to be completed prior to any public occupancy.
- 10. The existing Storage/Production Facility (3,500 square feet) shall meet all Star Fire District requirements.
- 11. All new structures shall be subject to fire and building code standards. Extension of sewer & water may be required by Star Sewer & Water District to accommodate fire suppression and domestic water and sewer needs. All new structures shall be subject to future Certificate of Zoning Compliance (CZC) applications. Building elevations, parking, lighting, access details, fire and building code reviews and other Staff requested details will be reviewed for each building and proposed amenity under the CZC process.
- 12. The applicant shall submit a lighting plan with the first CZC application, and all subsequent submittals illustrating compliance with all City lighting requirements.
- 13. The applicant shall meet all requirements for emergency access, water supply and vehicle turn-around from the Star Fire District. Should municipal water be required to meet fire flows, the applicant shall annex into the Star Sewer and Water District and comply with any District requirements.

AGENCY RESPONSES

ITD	June 28, 2023
DEQ	June 29, 2023
Ada County Development Services	June 30, 2023
Star Fire District	July 7, 2023
Star City Engineer	July 10, 2023

PUBLIC RESPONSES

Keith Hill - Email

STAFF RECOMMENDATION

Based upon the information provided to staff in the applications and agency comments received to date, the proposed annexation and zoning request and associated applications including the comprehensive plan amendment and conditional use permit, **as conditioned** meets the requirements, standards and intent for development as they relate to the Comprehensive Plan and Unified Development Code.

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 zoning.

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:

**COMPREHENSIVE PLAN AMENDMENT FINDINGS:**

1. The proposed amendment is consistent with the other elements 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 proposed amendment provides an improved guide to future growth and development of the city.  
  
*The Council must find that the proposal complies with the proposed district and purpose statement. The purpose of the rural residential district is 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.*

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.

*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 proposed amendment is consistent with this unified development code.

*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 proposed amendment is in the best interest of the city of Star.

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

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.  
*The Council must find that the criteria submitted addresses compliance of the amendment.*

**ANNEXATION & ZONING 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 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.*

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.*

#### **CONDITIONAL USE PERMIT FINDINGS:**

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.

*The Council must find that the site of the proposed use would be large enough to accommodate the proposed use or meet all of the dimensional and development regulations in the district in which the use would be located.*

2. That the proposed use will be harmonious with the Star comprehensive plan and in accord with the requirements of this title.

*The Council must find that the proposed use request is harmonious with the Star Comprehensive Plan and is in accord with the requirements of this Title. The proposed development should meet the intent or purpose of the Rural Residential District.*

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 and that such use will not adversely change the essential character of the same area.

*The Council must find that the operation of the proposed use would be compatible with the other uses in the general area.*

4. That the proposed use, if it complies with all conditions of the approval imposed, will not adversely affect other property in the vicinity.

*The Council must find that the proposed use, with imposed conditions of approval, would 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.

*The Council must find that the proposed use be adequately served by essential public facilities and services.*

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.

*The Council must find that the proposed use would not create excessive additional costs for public facilities and would 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.

*The Council must find that the proposed use would involve activities that would not be detrimental to any person, 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.

*The Council must find that the proposed use would not result in the destruction, loss or damage of natural, scenic or historic feature of major importance since none are apparent on this site.*

*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. All County, City Council and Staff Conditions of Approval as adopted above shall be incorporated into these conditions.**

**STANDARD CONDITIONS OF APPROVAL**

- 2. The approved Conditional Use shall comply with all statutory requirements of applicable agencies and districts having jurisdiction in the City of Star.
- 3. 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 occupancy 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 any construction.**
- 4. The applicant shall obtain all the proper building permits from the City Building Department prior to occupancy or the unit.
- 5. The Conditional Use Permit may be revoked or modified by the City Council for any violation of any Condition of Approval.
- 6. The applicant shall obtain a sign permit for any new signage along Hwy 16.
- 7. A Certificate of Zoning Compliance will be required prior to the start of construction.
- 8. **Any additional Condition of Approval as required by Staff and City Council.**

COUNCIL DECISION

The Star City Council \_\_\_\_\_ File Number AZ-23-02/CPA-23-01/DA-23-04/CU-23-05 for Dude DeWalt Winery and Event Center on \_\_\_\_\_, 2023.



e Earth





## ANNEXATION & ZONING - REZONE APPLICATION

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

FILE NO.: **AZ-23-02**

Date Application Received: **5/22/23** Fee Paid: \_\_\_\_\_

Processed by: City: **Barbara Norgrove**

### Applicant Information:

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

Applicant Name: Trae and Johnna Buchert

Applicant Address: 5446 Hwy 16, Eagle, ID Zip: 83616

Phone: 208.286.0246 Email: johnna@dudedewalt.com

Owner Name: same as above

Owner Address: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Representative (e.g., architect, engineer, developer):

Contact: Jay Gibbons Firm Name: South, Beck & Baird

Address: 2002 S Vista Ave., Boise, ID Zip: 83705

Phone: (208) 761-1508 Email: gibbons@sbbgo.com

### Property Information:

Site Address: 5446 Hwy 16, Eagle, ID 83616 Parcel Number: S0328427800

Total Acreage of Site: 34.602

Total Acreage of Site in Special Flood Hazard Area: None

Proposed Zoning Designation of Site: Rural Residential

### Zoning Designations:

	Zoning Designation	Comp Plan Designation	Land Use
Existing	RR	Mixed Use	Vineyard/Winery/Event Center
Proposed	RR	Mixed Use	Vineyard/Winery/Event Center
North of site	RR	Mixed Use	Bare ground
South of site	RR	Rural Residential	Rural Residential
East of site	BLM	BLM	BLM/bare ground
West of site	RR	Rural Residential	Rural Residential

**Special On-Site Features** (Yes or No – If yes explain):

Areas of Critical Environmental Concern - None

Evidence of Erosion - None

Fish Habitat - None

Floodplain - None

Mature Trees - Around residence, otherwise none

Riparian Vegetation - None

Steep Slopes - Yes

Stream/Creek - None

Unique Animal Life - None

Unique Plant Life - Sagebrush

Unstable Soils - None

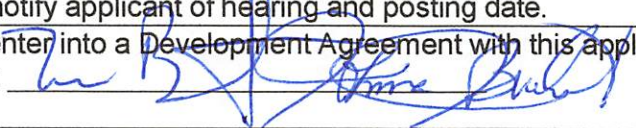
Wildlife Habitat - Coyotes, Badgers, Ground Squirrels, Quail, Turkeys and Rabbits

Historical Assets - None

**Application Requirements:**

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

Applicant (✓)	Description	Staff (✓)
✓	Pre-application meeting with the Planning Department required prior to neighborhood meeting.	
✓	Copy of neighborhood meeting notice sent to property owners within 300 feet and meeting sign-in sheet. <b>(Please contact the City for addresses &amp; labels)</b> (Applicants are required to hold a neighborhood meeting to provide an opportunity for public review of the proposed project prior to the submittal of an application.)	
✓	Completed and signed Annexation & Zoning/Rezone Application	
✓	Fee: (Include Development Agreement 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 fully describing the proposed project (must be signed by applicant)	
✓	Legal description of the property to be annexed and/or rezoned: <ul style="list-style-type: none"> <li>• Include a metes &amp; bounds description to the section line/centerline of all adjacent roadways, stamped and signed by a registered professional land surveyor, with a calculated closure sheet.</li> <li>• Scaled exhibit map showing the boundaries of the legal description in compliance w/the requirements of the Idaho State Tax Commission Property Tax Administrative Rules IDAPA 35.01.03.225.01h.</li> <li>• If requesting more than one zoning designation, include a legal description for each zone along with an overall annexation/rezone boundary description. Also include the boundaries of each different zone on the map.</li> <li>• Submit word.doc and pdf version with engineer's seal.</li> </ul>	✓
✓	Recorded warranty deed for the subject property	✓

	If the signature on this application is not the owner of the property, an <b>original</b> notarized statement (affidavit of legal interest) from the owner stating the applicant is authorized to submit this application.	
✓	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 24" X 36" copy and one (1) 11" X 17" copy of associated CUP/PUD Site Plan/Preliminary Plat. If this application is not accompanied by a plat or site plan, please submit conceptual development plan for the property.	
✓	Electronic copy in pdf. format of submitted plat, site or conceptual plan.	
	List of name(s) and address(es) of all canal or irrigation ditches within or contiguous to the proposed development. N/A	
✓	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. <b>Please contact the City to request addresses and labels.</b>	
✓	Two (2) copies of the Electronic versions of submitted application including neighborhood meeting information, signed application, narrative, legal description, warranty deed, vicinity map, preliminary plat/site plan, irrigation district information, <u>shall be submitted in original pdf format (no scans for preliminary plat/site plans) on two (2) thumb drives only (no discs)</u> with the files named with project name and plan type.	
	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.	
✓	*Applicant agrees to enter into a Development Agreement with this application. Applicant's Signature: 	
✓	Property shall be annexed into Star Sewer and Water District prior to Final Plat approval, building permits. Please contact SSWD for details.	

**FEE REQUIREMENT:**

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

  
 Applicant/Representative Signature

  
 Date





# COMPREHENSIVE PLAN TEXT AND/OR MAP AMENDMENT APPLICATION

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

FILE NO.: **CPA-23-01**

Date Application Received: **05/22/23**

Fee Paid: \_\_\_\_\_

Processed by: **Barbara Norgrove**

## Applicant Information:

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

Applicant Name: Trae and Johnna Buchert

Applicant Address: 5446 Hwy 16, Eagle, ID Zip: 83616

Phone: (208) 286-0246 Email: johnna@dudedewalt.com

Owner Name: same as above

Owner Address: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Representative (e.g., architect, engineer, developer, planner):

Contact: Jay Gibbons Firm Name: South, Beck & Baird

Address: 2002 S. Vista Ave., Boise, ID Zip: 83705

Phone: (208) 761-1508 Email: gibbons@sbbgo.com

## Property Information:

Site Location: 5446 Hwy 16, Eagle, ID 83616

Total # of Acres of Site: 34.602

Total # of Acres in Special Flood Hazard Area: None

Site Parcel Number(s): S0328427800

## Zoning Designations:

	Zoning Designation	Comp Plan Designation	Land Use
Existing	RR	Mixed Use	Vineyard/Winery/Event Center
Proposed	RR	Mixed Use	Vineyard/Winery/Event Center
North of site	RR	Mixed Use	Bare Ground
South of site	RR	Mixed Use	Rural Residential
East of site	BLM	BLM	BLM/bare ground
West of site	RR	Mixed Use	Rural Residential



## CONDITIONAL USE PERMIT APPLICATION

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

FILE NO.: **CU-23-05**  
Date Application Received: **5/22/23** Fee Paid: \_\_\_\_\_  
Processed by: City: **Barbara Norgrove**

### Applicant Information:

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

Applicant Name: Trae and Johnna Buchert  
Applicant Address: 5446 Hwy 16, Eagle, ID Zip: 83616  
Phone: (208) 286-0246 Email: johnna@dudedewalt.com

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

Representative (e.g., architect, engineer, developer):

Contact: Jay Gibbons Firm Name: South, Beck & Baird  
Address: 2002 S Vista Ave., Boise, ID Zip: 83705  
Phone: (208) 761-1508 Email: gibbons@sbbgo.com

### Property Information:

Site Address: 34.602 Parcel Number: S0328427800  
Requested Condition(s) for Conditional Use: Winery/Event Center

	Zoning Designation	Comp Plan Designation
Existing	RR	Mixed use
Proposed	RR	Mixed Use
North of site	RR	Mixed Use
South of site	RR	Rural Residential
East of site	BLM	BLM/bare ground
West of site	RR	Rural Residential



# **Site Data:**

Total Acreage of Site: 34.602  
 Proposed Percentage of Site Devoted to Bldg Coverage: less than 3%  
 Proposed Percentage of Site Devoted to Landscaping: 20%  
 Number of Parking spaces: Proposed up to 150 Required \_\_\_\_\_  
 Requested Front Setback: TBD Requested Rear Setback: TBD  
 Requested Side Setback: TBD Requested Side Setback: TBD  
 Requested Side Setback: TBD  
 Existing Site Characteristics: Vineyard and native landscaping, existing winery facilities.

Number and Uses of Proposed Buildings: 4 buildings, storage, production and tasting rooms  
 Location of Buildings: see MSP  
 Gross Floor Area of Proposed Buildings: 40000 square feet  
 Describe Proposed On and Off-Site Traffic Circulation: see MSP

Proposed Signs – number, type, location: see MSP  
 (include draft drawing) \_\_\_\_\_

Public Services (state what services are available and what agency is providing the service):  
 Potable Water - self  
 Irrigation Water - self  
 Sanitary Sewer - self  
 Schools - Meridian  
 Fire Protection - Star  
 Roads - State Hwy 16

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

Subdivision/Project Name: \_\_\_\_\_ Phase: \_\_\_\_\_  
 Special Flood Hazard Area: total acreage \_\_\_\_\_ number of homes/structures \_\_\_\_\_

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

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

Applicant (✓)	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. <b>(Please contact the City for addresses &amp; labels)</b> (Applicants are required to hold a neighborhood meeting to provide an opportunity for public review of the proposed project prior to the submittal of an application.)	
✓	Completed and signed Conditional Use 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 fully describing the existing use, and the proposed project. (must be signed by applicant)	
✓	Legal description of the property (word.doc and electronic version with engineer's seal):	
✓	Copy of recorded warranty deed.	
	If the signature on this application is not the owner of the property, an <b>original</b> notarized statement (affidavit of legal interest) from the owner stating the applicant is authorized to submit this application. N/A	
✓	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.	
	List of names(s) and address(es) of all canal or irrigation ditches within or contiguous to the proposed development. N/A	
✓	Vicinity map showing the location of the subject property	
✓	One (1) full-size copy and One (1) 11"x 17" reduction of the Site Plan	
✓	One (1) full-size copy and One (1) 11"x 17" reduction of the landscape plan (if applicable)	
✓	Building elevations showing construction materials <b>STEEL SIDING</b>	
✓	Two (2) copies electronic versions of submitted application including signed application, narrative, legal description, warranty deed, vicinity map, site plan, landscape plan, building elevations, <u>shall be submitted in original pdf format (no scans) on a thumb drive only (no discs)</u> with the files named with project name and plan type. We encourage you to also submit at least one (1) color version for presentation purposes.	
	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.	

**Site Plan (If applicable):**

	<b>The following items must be included on the site plan:</b>	
✓	• Date, scale, north arrow, and project name	
✓	• Names, addresses, and phone number of owner(s), applicant, and engineer, surveyor or planner who prepared the site plan	
✓	• Existing boundaries, property lines, and dimensions of the lot	
✓	• Relationship to adjacent properties, streets, and private lanes	
✓	• Easements and right-of-way lines on or adjacent to the lot	
✓	• Existing and proposed zoning of the lot, and the zoning and land use of all adjacent properties	
✓	• Building locations(s) (including dimensions to property lines)	
✓	• Parking and loading areas (dimensioned)	
✓	• Traffic access drives and traffic circulation (dimensioned)	

✓	• Open/common spaces	
✓	• Refuse and service areas	
✓	• Utilities plan, including the following: Sewer, water, irrigation, and storm drainage (existing & proposed)	
✓	• All on-site lighting proposed – Must Meet City “Dark Sky” Ordinances	

**Landscape Plan (If applicable):**

	<b>The following items must be included on the landscape plan:</b>	
✓	• Date, scale, north arrow, and project name	
✓	• Names, addresses, and phone numbers of the developer and the person and/or firm preparing the plan	
✓	• Existing natural features such as canals, creeks, drains, ponds, wetlands, floodplains, high groundwater areas, and rock outcroppings	
✓	• Location, size, and species of all existing trees on site with trunks 4 inches or greater in diameter, measured 6 inches above the ground. Indicate whether the tree will be retained or removed.	
✓	• Existing buildings, structures, planting areas, light poles, power poles, walls, fences, berms, parking and loading areas, vehicular drives, trash areas, sidewalks, pathways, storm water detention areas, signs, street furniture, and other man-made elements	
✓	• Existing and proposed contours for all areas steeper than 20% slope. Berms shall be shown with one-foot contours	
✓	• Sight Triangles as defined in 8-4 A-7 of this Ordinance	
✓	• Location and labels for all proposed plants, including trees, shrubs, and groundcovers (trees must not be planted in City water or sewer easements). Scale shown for plant materials shall reflect approximate mature size	
✓	• Proposed screening structures	
	• Design drawings(s) of all fencing proposed	
	• Calculations of project components to demonstrate compliance with requirements of this ordinance, including: <ul style="list-style-type: none"> <li>➢ Number of street trees and lineal feet of street frontage</li> <li>➢ Width of street buffers (exclusive of right-of-way)</li> <li>➢ Width of parking lot perimeter landscape strip</li> <li>➢ Buffer width between different land uses</li> <li>➢ Number of parking stalls and percent of parking area with internal landscaping</li> <li>➢ Total number of trees and tree species mix</li> <li>➢ Mitigation for removal of existing trees, including number of caliper inches being removed</li> </ul>	

**SIGNS (If applicable):**

All signs will require separate submittal of a sign application.

**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.**

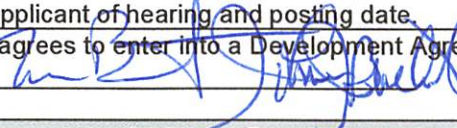


5-22-23



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

Applicant (✓)	Description	Staff (✓)
✓	Pre-application meeting with the Planning Department required prior to neighborhood meeting.	
✓	Copy of neighborhood meeting notice sent to property owners within 300 feet and meeting sign-in sheet. <b>(Please contact the City for addresses &amp; labels)</b> (Applicants are required to hold a neighborhood meeting to provide an opportunity for public review of the proposed project prior to the submittal of an application.)	
✓	Completed and signed Comprehensive Plan Text and/or Map Amendment Application	
✓	Fee: (Include Development Agreement 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 fully describing the proposed amendment request: (must be signed by applicant) <ul style="list-style-type: none"> <li>• Justification for the request</li> <li>• Specific description of the changes being requested</li> <li>• Address how the proposed amendment provides any improved guide to future growth and development of the City</li> <li>• Any other data and information that would support this request</li> </ul>	
	<b>Additional Requirements for Map Amendments</b>	
✓	Include the following additional information in the narrative: <ul style="list-style-type: none"> <li>• Specific information on any property involved</li> <li>• Description of the condition or situation which warrants a change</li> <li>• Development intentions for any land involved</li> </ul>	
✓	Legal description of the property to be annexed and/or rezoned: <ul style="list-style-type: none"> <li>• Include a metes &amp; bounds description to the section line/centerline of all adjacent roadways, stamped and signed by a registered professional land surveyor, with a calculated closure sheet.</li> <li>• Scaled exhibit map showing the boundaries of the legal description in compliance w/the requirements of the Idaho State Tax Commission Property Tax Administrative Rules IDAPA 35.01.03.225.01h.</li> <li>• If requesting more than one zoning designation, include a legal description for each zone along with an overall annexation/rezone boundary description. Also include the boundaries of each different zone on the map.</li> <li>• Submit word.doc and pdf version with engineer's seal.</li> </ul>	
✓	Recorded warranty deed for the subject property	
	If the signature on this application is not the owner of the property, an <b>original</b> notarized statement (Affidavit of Legal Interest) from the owner stating the applicant is authorized to submit this application. N/A	
✓	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 24" X 36" copy and one (1) 11" X 17" copy of associated CUP/PUD Site Plan/Preliminary Plat. If this application is not accompanied by a plat or site plan, please submit conceptual development plan for the property.	
✓	Electronic copy in pdf. format of submitted plat, site or conceptual plan.	
✓	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. <b>Please contact the City to request addresses and labels.</b>	
	List of name(s) and address(es) of all canal or irrigation ditches within or contiguous to the proposed development. N/A	
✓	Two (2) copies of the Electronic versions of submitted application including neighborhood meeting information, signed application, narrative, legal description, warranty deed, vicinity map, preliminary plat/site plan, irrigation district information, shall be submitted in original	

	pdf format (no scans for preliminary plat/site plans) on two (2) thumb drives only (no discs, with the files named with project name and plan type.	
	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.	
✓	*Applicant agrees to enter into a Development Agreement with this application. Applicant's Signature: 	
	Additional Requirements for Text Amendments	
	Include the following additional information in the narrative: <ul style="list-style-type: none"> <li>Underline and strikeout changes for text amendments</li> </ul>	

**FEE REQUIREMENT:**

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

  
Applicant/Representative Signature

5-22-23  
Date

**DUDE DEWALT CELLARS  
WINERY AND EVENT CENTER  
ANNEXATION AND ZONING/REZONING,  
MASTER SITE PLAN APPLICATIONS  
WRITTEN NARRATIVE**

**Dated: 5/22/23**

**Introduction:**

Trae and Johnna Buchert hereby file the following applications:

Annexation and Zoning-Rezone Application

Comprehensive Plan Text and/or Map Amendment Application

Conditional Use Permit Application

all of which relate to one 34.602 acre parcel, where they also reside.

Future improvements include changes to the building sizes and some relocations. The Land Use Map Designation in the Star Comp Plan states that RR may include active agriculture and viticulture. The parcel is located off the east side of Highway 16, approximately 3 miles north of Highway 44. The property borders Kling Estates on the south side, consisting of 4 each 10 acre residential lots, BLM to the East, GWC Spring Valley to the North, and portions of Medici Hills and Hillsdale Estates on the West.

**Existing Use on the Property:**

Property currently operates under three separate CUPs from Ada County as a winery production facility, tasting room, and event center, and primary residence, with the ability to construct a new tasting room, winery production facility, storage facility, and operate as an event center. The parcel currently consists of a winery production facility, tasting rooms, vineyards, commercial outbuildings, caretaker's quarters, and event center operating under the name Dude DeWalt Cellars. The hours of operation are from 10 a.m. to 10 p.m. daily, and 24/7 for winery production/agriculture operations. There are approximately 8 acres of vines planted.

**Comprehensive Plan and Surrounding Land Uses:**

The City of Star's Land Use Map designates the area as Rural Residential District (RR). The applicant is requesting annexation and zoning to RR. The surrounding uses within the immediate area are as follows: South-Ada County RR; East-BLM; North-Ada County RR; East/South-City of Star RR, East/North-Ada County RR. State Highway 16 borders property along the West Side. Additionally, Firebird Raceway is located 1 mile to the North. The new Eagle Parks and Recs youth facilities are located at the bottom of the hill to the East. The Eagle Rodeo is now located ½ mile to the South. New large projects including Spring Valley, Hillsdale Estates, and Medici Hills surround the property. The property is located in the Eagle Foothills American Viticultural Area, which is on the verge of becoming a burgeoning wine area.

**Annexation and Rezone:**

The applicant is requesting annexation into the City of Star with zoning of RR. The property borders Medici Hills, which is currently annexed into the City of Star. Property will be used as described. Star's current comprehensive plan for a Rural Residential District states that active agriculture and vineyards are a permitted use. This area along Hwy 16 is one of the busiest corridors in the State of Idaho, and thus is very well set up for commercial and recreational businesses and activities.



**Winery Description:**

Dude Dewalt Cellars consists of 34.602 acres. The proposed project is in line with what is already approved by Ada County under separate CUPs. The project as it currently exists, has a primary residence, tasting room, production facility, vineyards, and operates as an event center. The project when completed will have a new production facility, two new storage facilities, expanded tasting room, new tasting room, guest RV parking, event center with outdoor seating and patio areas. The applicant shall phase the buildings and amenities as needed. The first building will start within one (1) year, however, subsequent buildings will be built as required with no planned start date, and could be as much as 5 years or longer between additional buildings.

**Events:** There will be a maximum number of guests on the premises of 250 at any given time. Events under 125 will be unlimited. Events between 126 and 250 will be limited to 24 annually. Events are defined as: Non-Operational activities that are either advertised and ticketed or are private. These are events for which the reason for attending is the event, not for the enjoyment of the winery. Events include but are not limited to concerts, fundraisers, car shows, Christmas parties, business meetings or team building events, fun runs, art shows, birthdays, weddings, engagement parties, etc.

**Operational Winery Activities:** Operational activities are activities that are part of the normal operations of a winery. They may be ticketed, for example, such as with Winemaker Dinners, wine education classes, paint and sips, or industry-related events such as Savor Idaho or Spring Release Weekends. Other operational activities which may or may not be ticketed include but are not limited to Wine Club Releases, wine industry meetings or other holiday offerings and/or promotions, for example, special pairings which often coincide with holidays, 2 for 1's, and special tastings, etc.. Also included in operational winery activities are food trucks and the hiring of musicians for the enjoyment of our guests. Operational Winery Activities are unlimited.

**Personal Activities:** Any activities that would normally be allowed by a resident are still permitted by the caretakers who reside in the residence, including but not limited to for example a friend/family wedding,

**Landscaping and Buffering:** Landscaping is shown on the master site plan, and already includes native shrubs and brush, approximately 8 acres of vineyard, a 300' landscaped berm on the south end of the property, with additional landscaping along the south end of the property. Any additional landscaping will be per the master site plan. The Bucherts agree to a 125' setback from the property line directly in front of the Fiorino's home. This setback does not include a 125' setback from the entire property line.

**Road Materials:** Road materials to be dustless products, but shall not be required to be paved except as required by ADA Code.

**Sewer and Water Facilities:**

The property currently operates with its own water and septic systems. A single well services both domestic, commercial, and agriculture purposes, and has been approved by IDWR. Septic systems will be operated and installed in conjunction with SWDH.

**Transportation:**

The project has been designed in compliance with Idaho Transportation Department. A third  
WRITTEN NARRATIVE - 2

party traffic study has been completed by CR Engineering, and with this information, ITD has stipulated a northbound right turn lane off of highway 16 be installed. This part of the project is currently in final engineering and being approved for construction.

**Traffic Impact Study:**

A traffic impact study was prepared for the project by CR Engineering on January 13, 2022, and submitted to Idaho Transportation Department for review and approval. Based on this study, winery operations were found to have minimal impact on SH 16. Under worst case scenario, the social hall/event center, was found to warrant a northbound right turn lane. Both findings are included in this report. See Exhibits A and B.

**Irrigation And Drainage:**

The property is currently operated from a single well. This well is used for all commercial, domestic, and irrigation purposes. A future well may be built at some time. All surface drainage and storm water will remain on the property.

**Floodplain:**

No portion of the project resides within a floodplain.

**Amenities:**

The property consists of approximately 8 acres of vineyards and provides wine tasting, club events, great views of the surrounding valley, weddings, concerts, and small group outings for the community. It is intended that the property remain a rural feeling landscape for the community to enjoy.

**Master Site Plan:**

Overall Master Site Plan Data:

- Total Site Area: 34.602 acres
- Proposed Zoning: RR
- Winery Use: Conditional
- Event Center Use: Conditional
- Planted Vineyard: 8 acres
- Caretakers Quarters: 1 structure 6,000 ft2
- Tasting rooms: 3,000 ft2
- Future tasting room: 4,000 ft2
- Winery Storage Buildings: 3 structures of up to 6,000 ft2 each
- Production Facilities: 1 structure of up to 14,000 ft2
- Agricultural Storage: 2 structures of up to 7,000 ft2 each
- Gazebos and shade areas: multiple
- RV Parking: Up to 10 improved spaces, unlimited unimproved spaces
- General Parking: 50 spaces
- Overfill parking: Up to 100 spaces

See Exhibits C, D, E, F and G for front elevations for the proposed buildings.

The property is designated as an allowed use for viticulture and wineries. The map amendment complies with the applicable provisions of the comprehensive plan, and with the regulations outlined for the proposed district. The map

amendment shall not be materially detrimental to the public, health, safety and welfare, and shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city of Star. The project will be a great attribute to the city of Star, bringing in fantastic recreational activities to the fast growing community, and annexation is in the best interests of the city.

Regarding the comprehensive plan, the proposed amendment is consistent with the other elements of the comprehensive plan, provides an improved guide to future growth and development of the city, is internally consistent with the goals, objectives and policies of the comprehensive plan and the comprehensive plan future land use map, is consistent with its unified development code, and is in the best interests of the city of Star.

Pertaining to our conditional use permit, the site at nearly 35 acres, is large enough to accommodate the proposed use and meet all the dimensional and development regulation in the district. The proposed use meets the basic intent of the Star comprehensive plan, and would be currently, and as proposed, in compliance with it. The design, construction, operation and maintenance of property, currently and as proposed is and will be compatible with other uses in the general neighborhood and with the existing or intended character of the general vicinity. The current and proposed use, if it complies with all conditions of the approval imposed, will not adversely affect other property in the vicinity. The current and 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. The current and 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. The current and proposed use will not involve activities or processes, materials, equipment and conditions of operations 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. 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.

Thank you, in advance, for your review of these applications.

Trae and Johnna Buchert  
5446 Hwy 16  
Eagle, ID 83616  
(208) 867-4730 (Trae)  
(208) 286-0246 (Johnna)





**DUDE DEWALT CELLARS**  
 A PARCEL OF LAND; #S0328427800 LOCATED IN THE NORTH WEST 1/4 OF  
 THE SOUTH EAST 1/4, EAST OF HIGHWAY 16 SECTION 28, T. 5N., R. 1W.,  
 BOISE MERIDIAN, ADA COUNTY IDAHO  
 NOVEMBER 2020

## FIRE REQUIREMENTS

PER STAR FIRE DEPARTMENT COMMENTS, AN EARLY DETECTION SYSTEM WILL BE REQUIRED FOR ALL NEW BUILDINGS. NEW FIRE HYDRANTS ARE TO BE INSTALLED WHEN CITY WATER BECOMES AVAILABLE. EXISTING COMMERCIAL BUILDINGS ARE TO BE REVIEWED FOR ANY NECESSARY UPDATES TO ALARMS, FIRE EXTINGUISHER, AND EXIT SIGNS.

## CALLOUT LEGEND

- |  |   |
|--|---|
| 1 STANDARD ADA PARKING STALLS ON PAINTABLE ACCESSIBLE SURFACE. | 17 EXISTING CONCRETE PATIO AREA.  |
| 2 FUTURE OUTDOOR EVENT AND WINE TASTING SEATING FLEX SPACE.    | 18 WALL LIGHT LOCATION @ 15' HEIGHT.  |
| 3 APPROXIMATE SEPTIC FIELD LOCATION TO BE SIZED BY CIVIL.      | 19 MONUMENT SIGN UP-LIGHTING @ 3' HEIGHT.                                       |
| 4 APPROXIMATE STORM WATER RETENTION AREA TO BE SIZED BY CIVIL. | 20 ENTRY GATE UP-LIGHTING @ 3' HEIGHT.  |
| 5 PEDESTRIAN PATHWAY.  | 21 WALL SIGN LIGHTING @ 20' HEIGHT.   |
| 6 CONCRETE / PAVED PEDESTRIAN PATHWAY.                         | 22 OUTDOOR SPEAKER LOCATION - NOT TO EXCEED NOISE ORDINANCE CODE.               |
| 7 VINEYARD ACCESS / MAINTENANCE ROAD.                          | 23 RESIDENTIAL PARKING AREA.  |
| 8 LOADING STALL.   | 24 EXISTING ADA PARKING TO BE RELOCATED AFTER FUTURE TASTING ROOM CONSTRUCTION. |
| 9 EXISTING WELL LOCATION AND IRRIGATION BACKFLOW PREVENTOR.    | 25 EXPANSION TO EXISTING PARKING AREA   |
| 10 EXISTING SEPTIC FIELD LOCATION.                             | 26 APPROXIMATE IDAHO POWER TRANSFORMER LOCATION                                 |
| 11 MONUMENT SIGN, SEE NARRATIVE.                               | 27 MOTORCYCLE AND UTV PARKING   |
| 12 LOG POLE CONSTRUCTION RANCH STYLE ENTRY GATE.               | 28 BICYCLE PARKING FOR FOUR (4).  |
| 13 HAMMERHEAD FIRE TURN AROUND.                                | 29 ALTERNATE TASTING ROOM LOCATION - 5000 SF WITH ADDITIONAL PARKING.           |
| 14 LANDSCAPE BERM FOR LIGHT & NOISE BARRIER.                   | 30 ALTERNATE 4800 SF STORAGE FACILITY LOCATION.                                 |
| 15 CONCRETE PATIO AREA.  | 31 POTENTIAL FUTURE AMPITHEATER LOCATION.                                       |
| 16 FUTURE TASTING ROOM.  |   |

## SITE DEVELOPMENT FEATURES

PROPERTY AREA	34.602 ACRES TOTAL
ZONING	RR
SINGLE-FAMILY DETACHED	PERMITTED
VINYARD	PERMITTED
BREW/PUB/WINE TASTING	ACCESSORY ALLOWED
WINERY USE	CONDITIONAL
EVENTS CENTER, PUBLIC OR PRIVATE, OUTDOOR	CONDITIONAL
(125' Setback from residential use, 10pm event termination with illumination till 11pm, 6' Berm and landscaping for all property lines abutting a residential district)	
OUTDOOR STORAGE USE	ACCESSORY ALLOWED
(6' Screen fence on three sides and landscaping)	
AGRICULTURAL / ACCESSORY STRUCTURE USE	ACCESSORY ALLOWED
(The accessory structure shall portray the architectural character of the principal permitted dwelling)	
AGRICULTURAL / ACCESSORY STRUCTURE (IN FRONT OF MAIN BUILDING)	CONDITIONAL
(The accessory structure shall portray the architectural character of the principal permitted dwelling)	
RV PARK	NOT PERMITTED
(CONDITIONAL USE REQUESTED FOR SHORT TERM STAYS)	

NOTE: ALL USES & BUILDINGS ARE TO BE PHASED AND HAVE NO SPECIFIC CONSTRUCTION ORDER OR TIMELINE.

SETBACKS:	
FRONT:	30'
REAR:	30'
INTERIOR / STREET SIDE:	20'
HIGHWAY 16:	50' (PROVIDED)

Wildland-urban Fire Interface:  
 50' Defensible space around all habitable structures.  
 5' Gravel shoulder on either side of drive travel lanes.  
 30' Private Road easement

## PARKING REQUIREMENTS

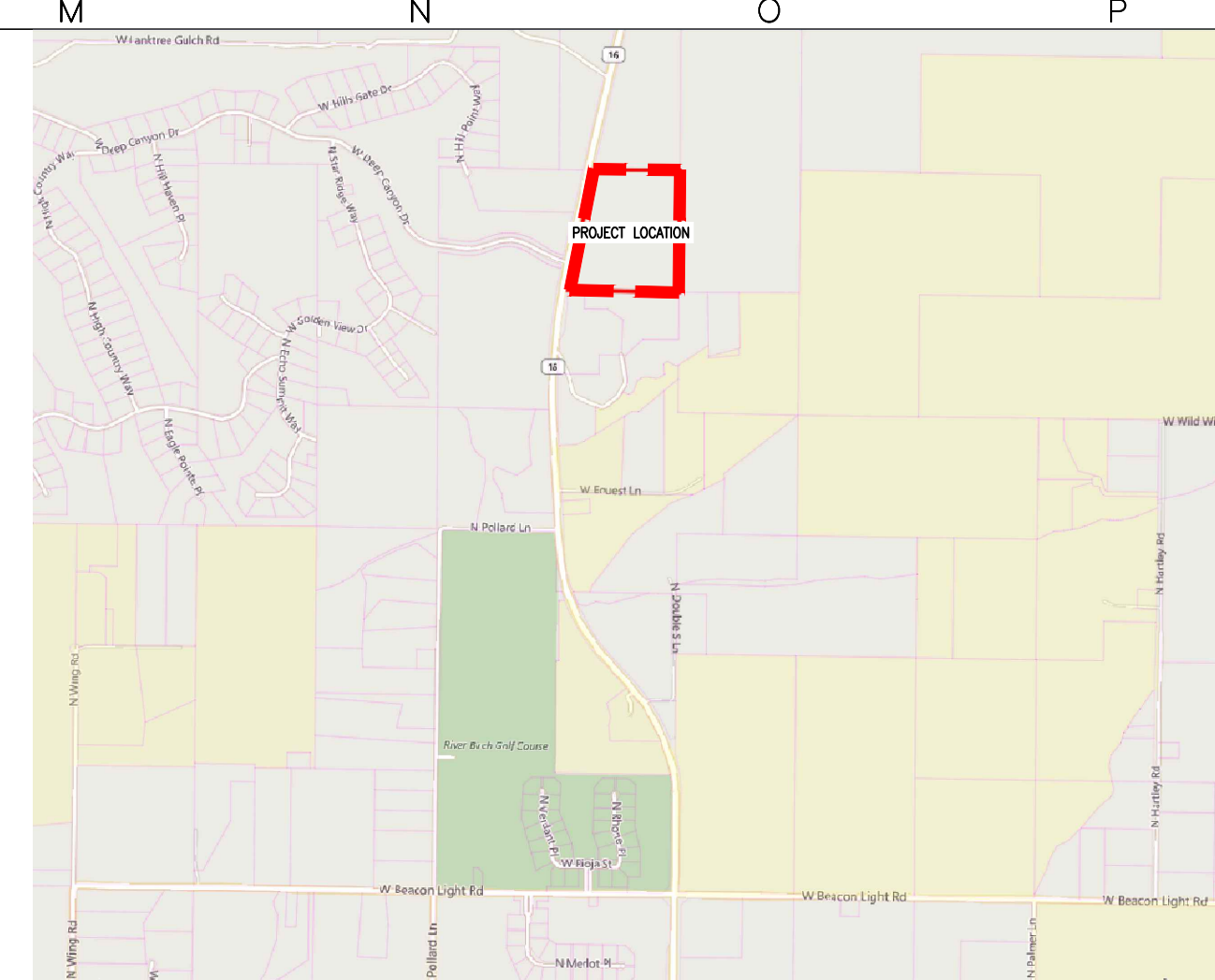
PARKING STANDARDS:  
 Dwelling, single-family attached or detached or additional dwelling:  
 2 per dwelling unit including 1 covered  
 REQUIRED = 2 PROVIDED = 4 + 3 covered (in garage)  
 Restaurants, dining rooms, taverns, nightclubs, etc.:  
 1 per 150 square feet of gross floor area (6500sf)  
 REQUIRED = 43 PROVIDED = 43  
 Outdoor "club" capacity:  
 1 per 4 seats (256)  
 REQUIRED = 64 PROVIDED = 64  
 Manufacturing, processing:  
 1 per 500 square feet of gross floor area + 1 per 300 square feet of Office (18280 / 180)  
 REQUIRED = 37 PROVIDED = 37  
 Storage (Building & Outdoor):  
 1 per 1,000 square feet of gross (floor / enclosed) area (14,000)  
 REQUIRED = 14 PROVIDED = 14  
 RV Lot:  
 1 per each trailer space (5)  
 REQUIRED = 5 PROVIDED = 5

TOTAL PARKING REQUIRED = 165  
 TOTAL PARKING PROVIDED = 161 STANDARD + 6 ADA STALLS  
 = 167 TOTAL (not including private residence)

One 10' x 30' loading space required and provided at production facility.

Bicycle parking 1 per 25 required spaces (99):  
 REQUIRED = 7 PROVIDED = 7

NOTE: ALL PARKING TO BE PHASED IN WITH EACH ASSOCIATED DEVELOPMENT AS REQUIRED.



## VICINITY MAP

SCALE: NTS

## MATERIAL LEGEND

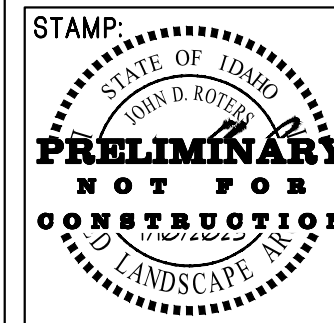
- |  |                                 |
|--|---------------------------------|
| EXISTING TREES AND SHRUBS TO REMAIN                      | CONCRETE WHEEL STOP             |
| EDGING, AS SPECIFIED                                     | EDGE OF EXISTING ROAD           |
| EDGE OF PAVEMENT   | EDGE OF GRAVEL (STABILIZED RAP) |
| PROPERTY LINE  | SECTION LINE                    |
| PROPOSED PROPERTY LINE                                   | BUILDING SETBACKS               |
| PROPOSED SEPTIC FIELD LOCATION                           | SCORE JOINT (TYPICAL)           |
| CONCRETE CURB LOCATION                                   | EXPANSION JOINT (TYPICAL)       |
| ACCESSIBLE RAMP LOCATION WITH DETECTABLE WARNING SURFACE | NEW CONCRETE FLATWORK           |
| SIGN LOCATION. SEE DETAIL                                | SITE SIGNAGE IDENTIFICATION     |
| WALL SCONE BUILDING LIGHTING                             | LOW VOLTAGE PATHWAY LIGHTING    |
| OUTDOOR SPEAKERS FOR AMBIENT BACKGROUND MUSIC.           |                                 |

## MATERIAL LEGEND

- |  |                                       |
|--|---------------------------------------|
| STABILIZED RECYCLED ASPHALT              | CONCRETE FLATWORK                     |
| ASPHALT PAVING                           | PROPOSED BUILDING LOCATION            |
| EXISTING BUILDING LOCATION               | EXISTING NATIVE VEGETATION TO REMAIN. |
| EXISTING VINEYARDS                       | PROPOSED VINEYARDS                    |
| 3/4" MINUS COMPACTED GRAVEL WALKING PATH | BOULDER RETAINING WALL                |
| SEPTIC DRAIN FIELD                       |                                       |

## SIGNAGE LEGEND

- |  |   |   |  |
|--|---|---|--|
| S1 WELCOME<br>WINNERS TASTING ROOM<br>PROMONTORY TASTING ROOM<br>PRODUCTION FACILITY<br>OVERFLOW PARKING<br>24"x 30" | S2 STOP<br>30"x 30"   | S3 WELCOME<br>WINNERS TASTING ROOM<br>PROMONTORY TASTING ROOM<br>ADA PARKING<br>MAIN PARKING<br>24"x 30"        | S15 RV<br>PARKING<br>18"x 24"  |
| S4 PRIVATE RESIDENCE<br>DO NOT ENTER<br>18"x 24"   | S5 WELCOME TO<br>DUDE DEWALT CELLARS<br>WINNERS TASTING ROOM<br>PROMONTORY TASTING ROOM<br>18"x 30" | S6 WELCOME TO<br>DUDE DEWALT CELLARS<br>OVERFLOW PARKING<br>PRODUCTION FACILITY<br>OVERFLOW PARKING<br>24"x 30" | S7 STATE APPROVED<br>DISABLED PARKING SIGN<br>12"x 18"<br>PARKING ONLY<br>VIN ACCESSIBLE<br>PROVIDE VAN SIGN WHERE APPLICABLE<br>12"x 6" |
| S8 Dude DeWalt<br>CELLARS<br>8"x 36"   | S9 DO NOT ENTER<br>24"x 24"   | S10 WELCOME TO<br>DUDE DEWALT CELLARS<br>ADDITIONAL OVERFLOW PARKING<br>12"x 30"                                | S14 WELCOME TO<br>DUDE DEWALT CELLARS<br>OVERFLOW PARKING<br>PRODUCTION<br>18"x 30"  |
| S11 PRIVATE RESIDENCE<br>NO PARKING<br>18"x 24"  | S12 SERVICE VEHICLES ONLY<br>NO ACCESS<br>MAINTENANCE PERSONNEL ONLY<br>18"x 24"                    | S13 KEEP RIGHT<br>18"x 24"  |  |



DATE: 7/10/2023



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### REVISIONS:

No.	Date	Description

**Overall Site Plan**  
**Dude DeWalt Cellars**  
 5446 N. Hwy 16 Eagle, ID 83616

DRAWN BY: AJW

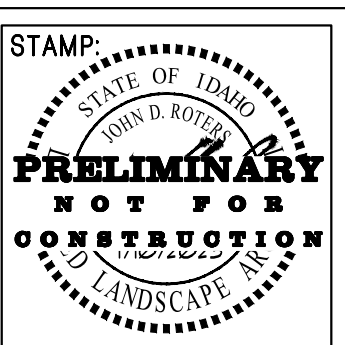
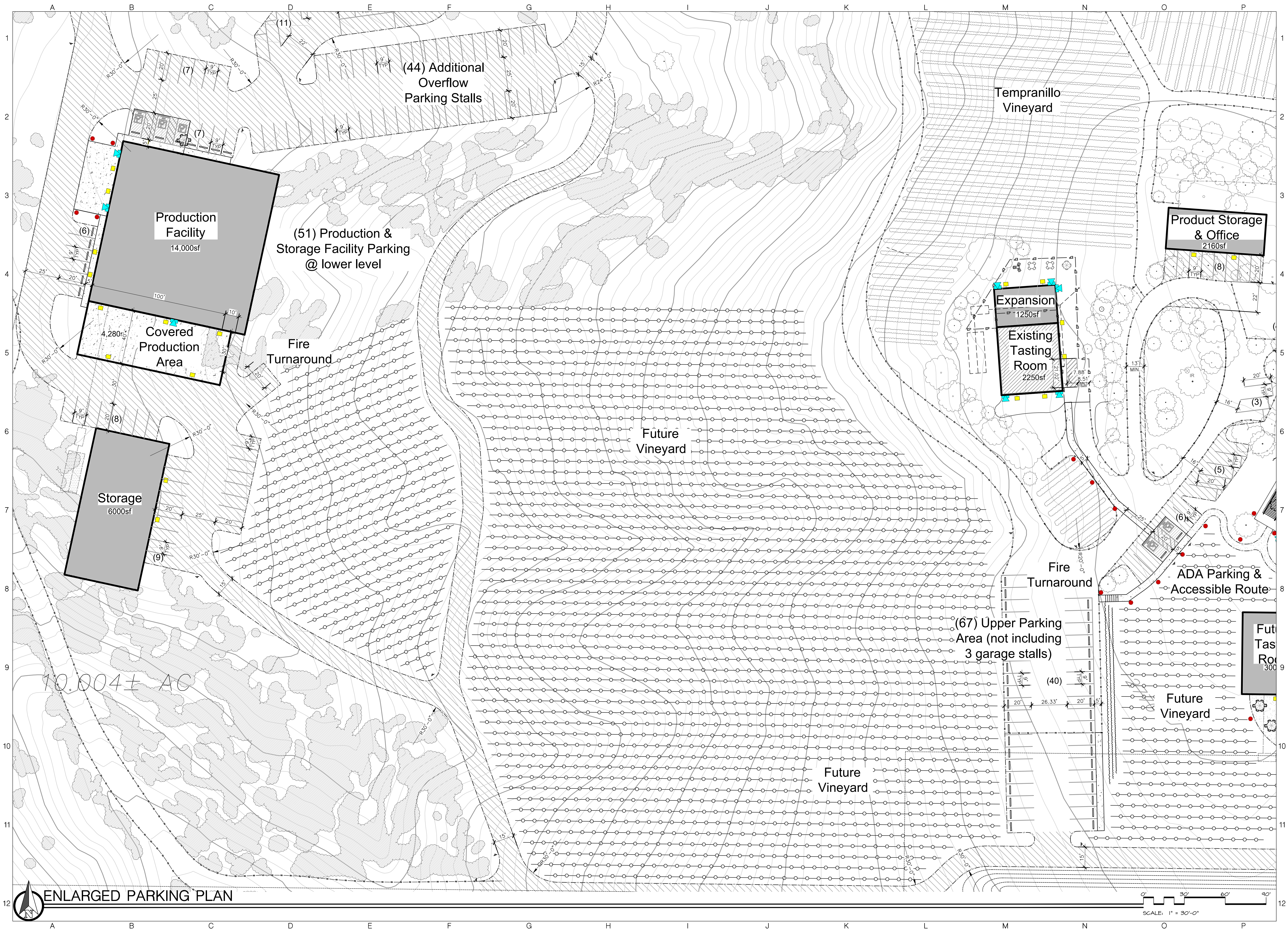
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DATE: 7/10/2023

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REVISIONS:

No.	Date	Description

**Parking Layout Plan**  
**Dude DeWalt Cellars**  
**5446 N. Hwy 16 Eagle, ID 83616**

DRAWN BY: AJW  
CHECKED BY: JDR  
PROJECT NUMBER: 20-067  
SHEET: MSP 1.1



# IRRIGATION NOTES:

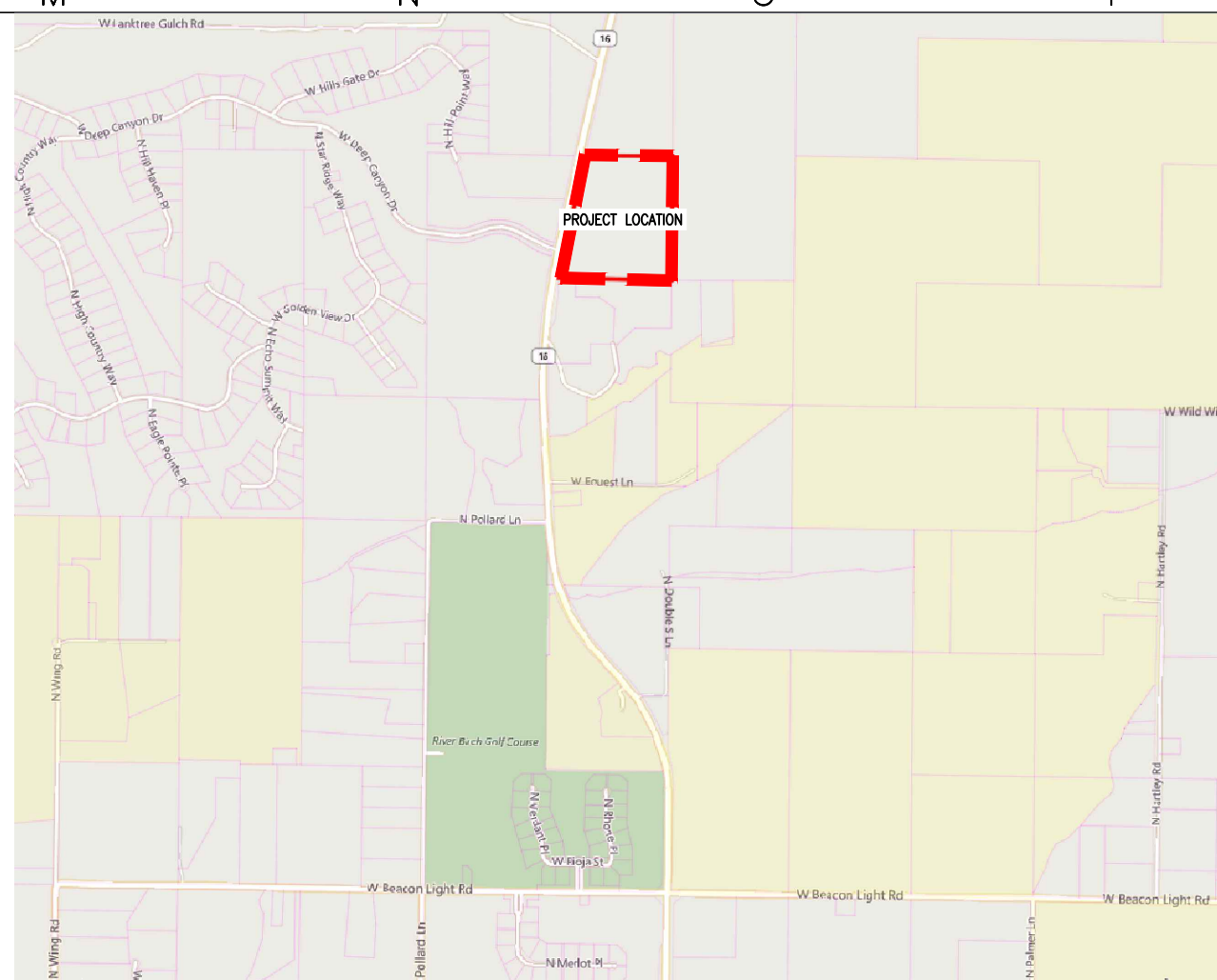
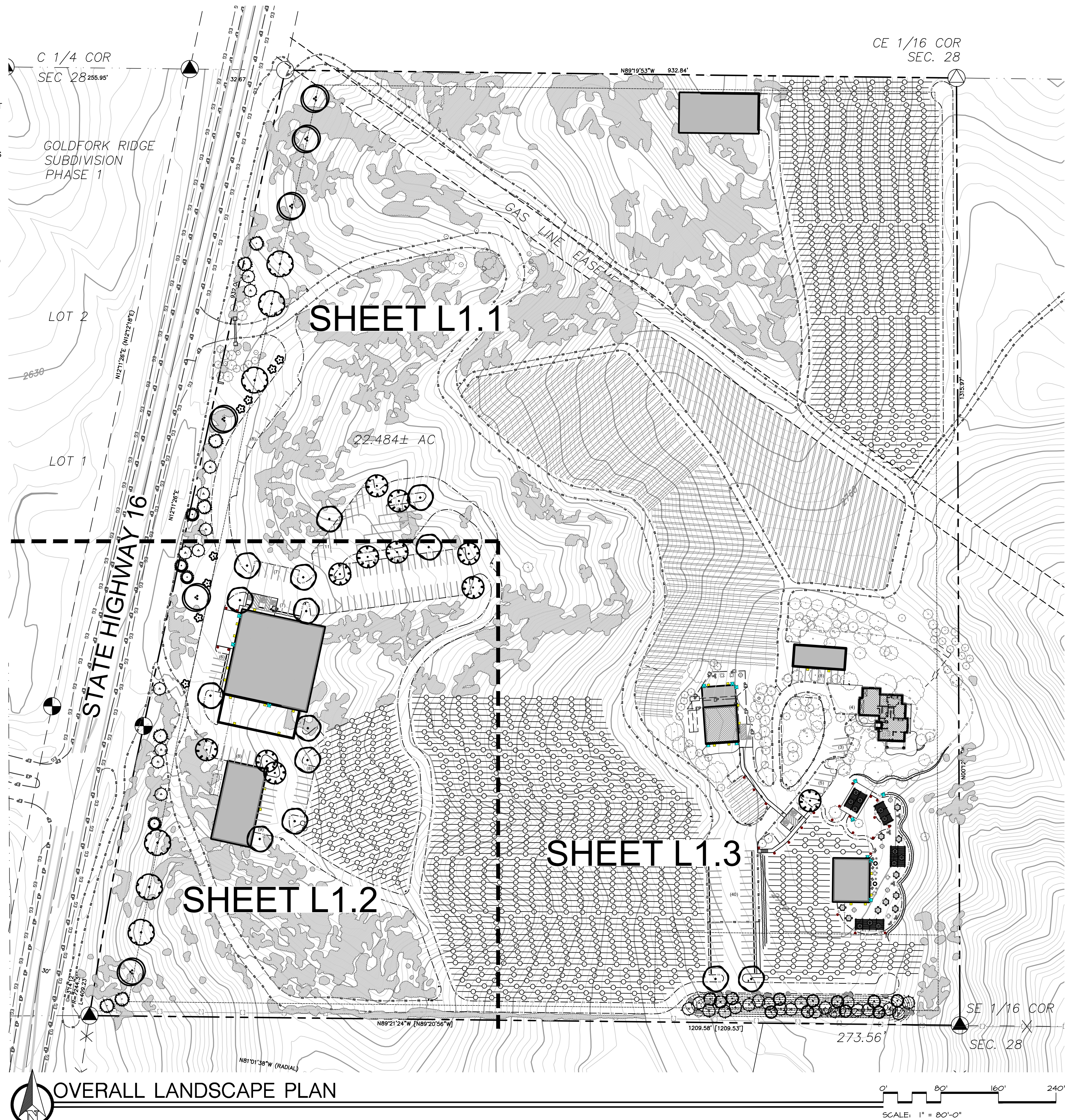
1. ALL LANDSCAPED AREAS SHALL HAVE AN AUTOMATIC UNDERGROUND SPRINKLER SYSTEM WHICH INSURES COMPLETE COVERAGE AND PROPERLY ZONED FOR REQUIRED WATER USES. EACH HYDROZONE IS TO BE IRRIGATED WITH SEPARATE INDIVIDUAL STATIONS.
2. PLANTER BEDS AND LAWN AREAS ARE TO HAVE SEPARATE HYDRO-ZONES.
3. POP-UP SPRINKLER HEADS SHALL HAVE A MINIMUM RISER HEIGHT OF 4 INCHES AT LAWN AREAS AND 18" AT PLANTER BEDS.
4. PLANTER BEDS ARE TO HAVE DRIP IRRIGATION SYSTEM OR POP-UP SPRAY SYSTEM.
5. ELECTRONIC WATER DISTRIBUTION/ TIMING CONTROLLERS ARE TO BE PROVIDED. MINIMUM CONTROLLER REQUIREMENTS ARE AS FOLLOWS:
  - a. PRECISE INDIVIDUAL STATION TIMING
  - b. RUN TIME CAPABILITIES FOR EXTREMES IN PRECIPITATION RATES
  - c. AT LEAST ONE PROGRAM FOR EACH HYDROZONE
  - d. SUFFICIENT MULTIPLE CYCLES TO AVOID WATER RUN-OFF
  - e. POWER FAILURE BACKUP FOR ALL PROGRAMED INDIVIDUAL VALVED WATERING STATIONS WILL BE DESIGNED AND INSTALLED TO PROVIDE WATER TO RESPECTIVE HYDRO-ZONES.
6. INDIVIDUAL VALVED WATERING STATIONS WILL BE DESIGNED AND INSTALLED TO PROVIDE WATER TO RESPECTIVE HYDRO-ZONES.
7. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO PROVIDE 100% HEAD TO HEAD COVERAGE WITH TRIANGULAR SPACING.
8. SPRINKLER HEADS SHALL BE ADJUSTED TO REDUCE OVERSPRAY ONTO IMPERVIOUS SURFACES (BUILDINGS, SIDEWALKS, DRIVEWAYS, AND ASPHALT AREAS).
9. PROVIDE MINIMUM (1) QUICK COUPLER VALVE PER EACH (6) AUTOMATIC VALVE ZONES. APPROVE Q.C.V. LOCATIONS WITH LANDSCAPE ARCHITECT.
10. POINT OF CONNECTION TO BE APPROVED BY JURISDICTION PROVIDING WATER SOURCE.

# LANDSCAPE NOTES:

1. 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. ALL PLANT MATERIAL SHALL BE GRADE #1 OR BETTER.
2. ALL PLANTING BEDS AND TREE WELLS IN LAWN AREAS (WELLS TO BE 3" IN DIAMETER) SHALL BE COVERED WITH A MINIMUM OF 3" DEPTH OF 1" BARK MULCH. SUBMIT SAMPLE FOR APPROVAL BY OWNER.
3. ALL LAWN AREAS SHALL BE SODDED WITH 100% TURF TYPE TALL FESCUE (FESTUCA ARUNDINACIA). CONTRACTOR SHALL VERIFY AND MATCH THE VARIETY EXISTING IN THE ADJACENT DEVELOPMENT.
4. ALL PLANT MATERIAL SHALL BE GUARANTEED FOR A PERIOD OF ONE YEAR BEGINNING AT THE DATE OF ACCEPTANCE BY OWNER. REPLACE ALL PLANT MATERIAL FOUND DEAD OR NOT IN A HEALTHY CONDITION IMMEDIATELY WITH THE SAME SIZE AND SPECIES AT NO COST TO THE OWNER.
5. PLANTING BACKFILL FOR TREES AND PLANTING BEDS SHALL BE 5 PARTS TOPSOIL AND 1 PART COMPOST WITH STRAW. STAKE ALL TREES PER DETAILS.
6. ALL LAWN AREAS SHALL HAVE 6" OF TOPSOIL AND ALL PLANTING BEDS SHALL HAVE 12" OF TOPSOIL (MINIMUM). TOPSOIL SHALL BE A LOOSE, FRIABLE, SANDY LOAM, CLEAN AND FREE OF TOXIC MATERIALS, NOXIOUS WEEDS, WEED SEEDS, ROCKS, GRASS, OR OTHER FOREIGN MATERIAL LARGER THAN 1" IN ANY DIMENSION, A PH FROM 5.5 TO 7.0. TOP SOIL FROM SITE SHALL BE USED, IF MEETING THESE STANDARDS. PLACE 1/2" 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.
7. FERTILIZE ALL TREES AND SHRUBS WITH 'AGRIFORM' PLANTING TABLETS, 21 GRAM. QUANTITY PER MANUFACTURERS RECOMMENDATION.
8. PLANT MATERIAL SHALL NOT BE SUBSTITUTED WITHOUT THE WRITTEN PERMISSION OF OWNER. SUBMIT NAMES OF THREE SUPPLIERS CONTACTED IF SUBSTITUTION IS REQUESTED AND PLANT MATERIAL SPECIFIED IS NOT AVAILABLE.
9. SHRUB PLANTING BEDS SHALL BE SHOVEL EDGED TO CREATE A DISTINCT SEPARATION OF LANDSCAPE TYPES.
10. IMMEDIATELY CLEAN UP ANY TOPSOIL, OR OTHER DEBRIS ON SITE CREATED FROM LANDSCAPE OPERATION AND DISPOSE OF PROPERLY OFF SITE.
11. ALL LANDSCAPE AREAS SHALL HAVE AN STATE OF THE ART AUTOMATIC UNDERGROUND SPRINKLER SYSTEM WHICH INSURES COMPLETE COVERAGE AND IS PROPERLY ZONED FOR REQUIRED WATER USES AND HAS A WEATHER STATION CAPABLE OF TURNING OFF FOR RAIN/FREEZE EVENTS. ALL SHRUB ZONES, SPRAY ZONES AND GEAR DRIVEN ZONES SHALL BE PLACED ON SEPARATE ZONES. DO NOT EXCEED A MAXIMUM OF 5 FPS IN ALL MAINLINE AND LATERAL LINES.
12. COORDINATE ALL DRAINAGE AREAS AND UTILITIES WITH TREE LOCATIONS AND ADJUST PER FIELD CONDITIONS.
13. ALL EXISTING TREES SHOWN TO REMAIN SHALL BE RETAINED AND PROTECTED THROUGH OUT CONSTRUCTION.
14. NO TREES SHALL BE PLANTED WITHIN THE 10 FOOT CLEAR ZONE OF ALL ACHD STORM DRAIN PIPE, STRUCTURES, OR FACILITIES.
15. STORM PONDS MUST BE PROTECTED FROM ANY AND ALL CONTAMINATION DURING THE CONSTRUCTION AND INSTALLATION OF THE LANDSCAPE IRRIGATION SYSTEM.
16. ALL TREES TO BE LOCATED A MINIMUM OF 5 FEET OR GREATER FROM THE BACK OF ANY SIDEWALK.
17. TRIM ALL TREES WITHIN VISION TRIANGLES TO 8' ABOVE FINISH GRADE TO MEET ACHD STANDARDS.

# DISCLAIMER:

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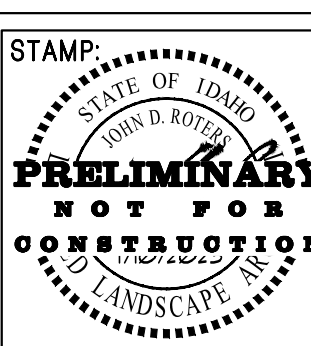
# VICINITY MAP

# MATERIAL LEGEND

- EXISTING TREES AND SHRUBS TO REMAIN
- CONCRETE WHEEL STOP
- EDGING, AS SPECIFIED
- EDGE OF EXISTING ROAD
- EDGE OF PAVEMENT
- EDGE OF GRAVEL (STABILIZED RAP)
- PROPERTY LINE
- SECTION LINE
- PROPOSED PROPERTY LINE
- BUILDING SETBACKS
- PROPOSED SEPTIC FIELD LOCATION

# LANDSCAPING INFORMATION

- ROADWAY LANDSCAPE BUFFERS:**
  - HIGHWAY 16 - STREET TREES / LANDSCAPED COMMERCIAL STRIP
    - 40' STREET BUFFER
      - 1,341 FEET STREET BUFFER
      - SHADE TREES @ 1/35' = 38 TREES REQUIRED
      - EVERGREENS @ 2:1 = 12 TREES PROPOSED + 2 EXISTING
      - ORNAMENTALS @ 2:1 = 22 EVERGREENS PROPOSED + 18 EXISTING
      - SHRUBS @ 5/35' = 8 ORNAMENTALS TREES REQUIRED
      - 435 SHRUBS EXISTING
- PARKING LOT INTERIOR:**
  - 1 TREE / 10 STALLS @ 167 / 10 = 17
  - PLUS 1 FOR EACH END OF ROW @ 14 ROWS = 31 TREES REQUIRED
  - 25 TREES PROPOSED + 6 EXISTING
- RESIDENTIAL USE BUFFER:**
  - MINIMUM 6' HEIGHT AND 10' WIDE BUFFER WITH MORE THAN 60% SIGHT BOCKING
  - 5' TALL BERM WITH A MIX OF EVERGREEN AND DECIDUOUS TREES AND SHRUB PROVIDING 100% VISUAL COVERAGE FOR 320' OF EXISTING NEIGHBORS ALONG HIGHEST USE AREA. ADDITIONAL 888' OF REQUIRED BUFFER IS COVERED WITH EITHER NATIVE VEGETATION OF FUTURE VINYARDS AND PROVIDING 6' MINIMUM HEIGHT OF 100% VISUAL COVERAGE WITH A WIDTH OF OVER 200' TO NEAREST USE AREA.
- OVERALL LANDSCAPE TREE REQUIREMENTS**
  - TOTAL TREES REQUIRED = 69
  - TOTAL SPECIES PROVIDED = 10
- NOTE:**
  - CONFIRERS AND ORNAMENTAL TREES ARE SUBSTITUTED AT THE RATE OF 2 PER SHADE TREE.
- MITIGATION FOR REMOVAL OF EXISTING TREES:**
  - ALL EXISTING TREES ON THE SITE ARE TO REMAIN - NO MITIGATION NECESSARY - COORDINATE WITH THE CITY FORESTER IN THE FIELD BEFORE ANY EXISTING TREES ARE DAMAGED OR REMOVED. DUE TO THE SIZE OF THE PROPERTY AND QUANTY OF EXISTING TREES A TREE MITIGATION PLAN SHALL BE DEVELOPED IN THE FUTURE PRIOR TO ANY BUILDING PERMITS BEING ISSUED.
- LANDSCAPE AS A PERCENT OF SITE:**
  - TOTAL PROPERTY SIZE = 34.062 AC = 1483740.72 SF
  - BUILDINGS = 35893 SF
  - HARDSCAPE = 160819 SF
  - LANDSCAPE = 1286928 SF (86.74%)



DATE: 7/10/2023



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No.	Date	Description

**Overall Landscape Plan**  
**Dude DeWalt Cellars**  
**5446 N. Hwy 16 Eagle, ID 83616**

DRAWN BY: AJW

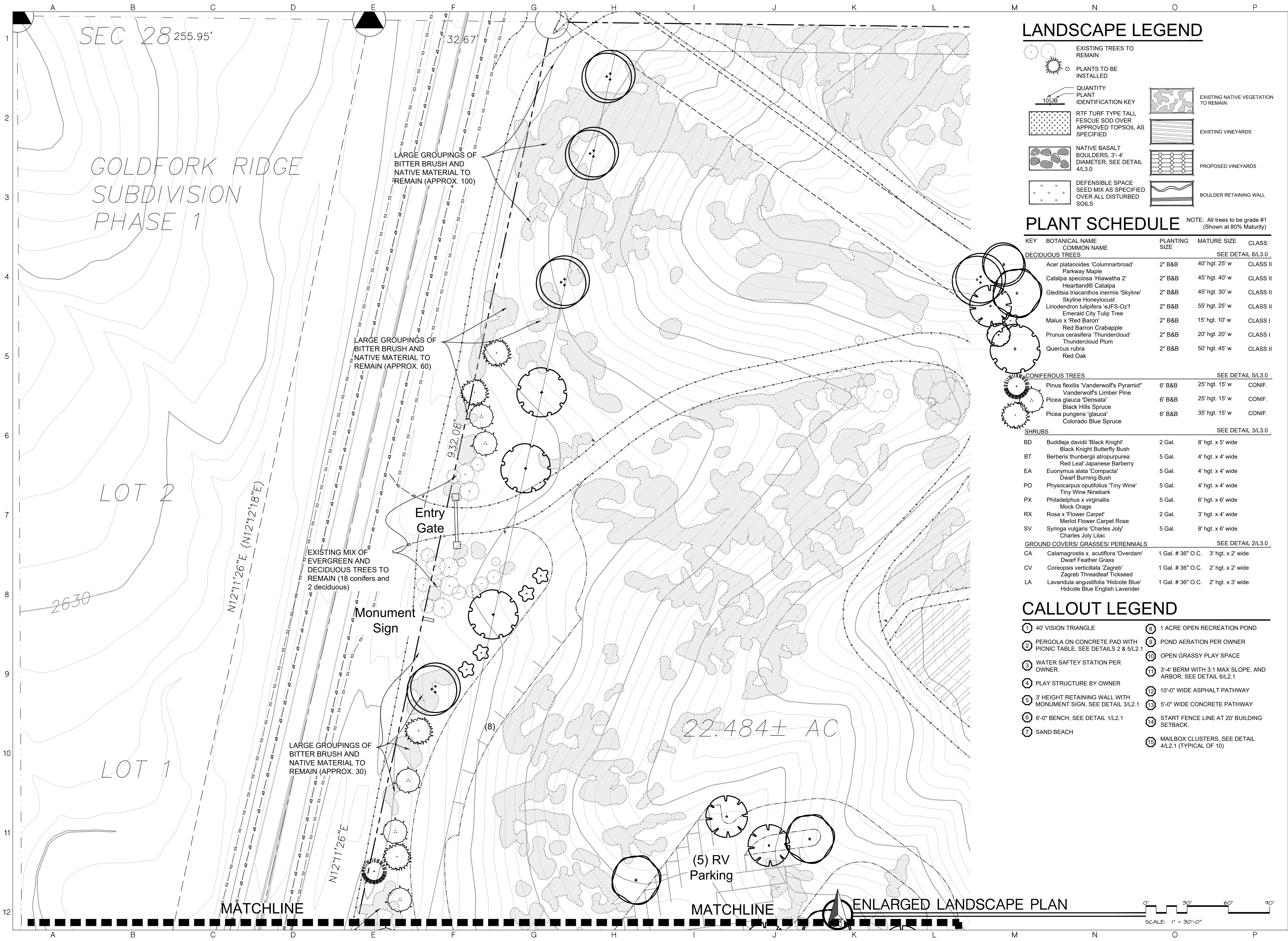
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PROJECT NUMBER 20-067

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## LANDSCAPE LEGEND

- EXISTING TREES TO REMAIN
- PLANTS TO BE INSTALLED
- QUANTITY PLANT IDENTIFICATION KEY
- RTF TURF TYPE TALL FESCUE SOD OVER APPROVED TOPSOIL AS SPECIFIED
- NATIVE BASALT BOULDERS, 3'-4" DIAMETER, SEE DETAIL 4/L3.0
- DEFENSIBLE SPACE SEED MIX AS SPECIFIED OVER ALL DISTURBED SOILS
- EXISTING NATIVE VEGETATION TO REMAIN.
- EXISTING VINEYARDS
- PROPOSED VINEYARDS
- BOULDER RETAINING WALL

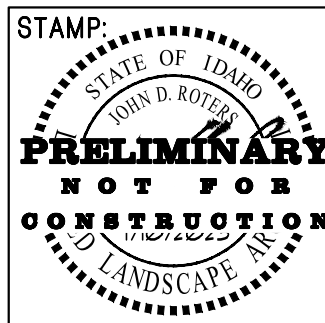
## PLANT SCHEDULE

NOTE: All trees to be grade #1 (Shown at 80% Maturity)

KEY	BOTANICAL NAME COMMON NAME	PLANTING SIZE	MATURE SIZE	CLASS
DECIDUOUS TREES		SEE DETAIL 6/L3.0		
	Acer platanoides 'Columnarbrood'	2" B&B	40' hgt. 25' w	CLASS II
	Parkway Maple	2" B&B	45' hgt. 40' w	CLASS II
	Catalpa speciosa 'Hiawatha 2'	2" B&B	45' hgt. 30' w	CLASS II
	Hedera helix 'Skyline'	2" B&B	55' hgt. 25' w	CLASS II
	Gleditsia triacanthos inermis 'Skyline'	2" B&B	15' hgt. 10' w	CLASS I
	Skyline Honeylocust	2" B&B	20' hgt. 20' w	CLASS I
	Liriodendron tulipifera 'eJFS-Oz'	2" B&B	50' hgt. 45' w	CLASS II
	Emerald City Tulip Tree	2" B&B		
	Malus x 'Red Baron'	2" B&B		
	Red Barron Crabapple	2" B&B		
	Prunus cerasifera 'Thundercloud'	2" B&B		
	Thundercloud Plum	2" B&B		
	Quercus rubra	2" B&B		
	Red Oak	2" B&B		
CONIFEROUS TREES		SEE DETAIL 5/L3.0		
	Pinus flexilis 'Vanderwolf's Pyramid'	6" B&B	25' hgt. 15' w	CONIF.
	Vanderwolf's Limber Pine	6" B&B	25' hgt. 15' w	CONIF.
	Picea glauca 'Densata'	6" B&B	35' hgt. 15' w	CONIF.
	Black Hills Spruce	6" B&B		
	Picea pungens 'glauca'	6" B&B		
	Colorado Blue Spruce	6" B&B		
SHRUBS		SEE DETAIL 3/L3.0		
BD	Buddlejia davidii 'Black Knight'	2 Gal.	8' hgt. x 5' wide	
BT	Black Knight Butterfly Bush	5 Gal.	4' hgt. x 4' wide	
EA	Berberis thunbergii atropurpurea	5 Gal.	4' hgt. x 4' wide	
PO	Red Leaf Japanese Barberry	5 Gal.	4' hgt. x 4' wide	
PX	Euonymus alata 'Compacta'	5 Gal.	4' hgt. x 4' wide	
RX	Dwarf Burning Bush	5 Gal.	6' hgt. x 6' wide	
SV	Physocarpus opulifolius 'Tiny Wine'	2 Gal.	3' hgt. x 4' wide	
	Tiny Wine Ninebark	5 Gal.	8' hgt. x 6' wide	
	Philadelphus x virginialis	5 Gal.		
	Mock Orange	5 Gal.		
	Rosa x 'Flower Carpet'	2 Gal.		
	Merlot Flower Carpet Rose	5 Gal.		
	Syringa vulgaris 'Charles Joly'	5 Gal.		
	Charles Joly Lilac	5 Gal.		
GROUND COVERS/ GRASSES/ PERENNIALS		SEE DETAIL 2/L3.0		
CA	Calamagrostis x. acutiflora 'Overdam'	1 Gal. # 36" O.C.	3' hgt. x 2' wide	
CV	Dwarf Feather Grass	1 Gal. # 36" O.C.	2' hgt. x 2' wide	
LA	Coreopsis verticillata 'Zagreb'	1 Gal. # 36" O.C.	2' hgt. x 3' wide	
	Zagreb Threadleaf Tickseed	1 Gal. # 36" O.C.		
	Lavandula angustifolia 'Hidcote Blue'	1 Gal. # 36" O.C.		
	Hidcote Blue English Lavender	1 Gal. # 36" O.C.		

## CALLOUT LEGEND

- 1 40' VISION TRIANGLE
- 2 PERGOLA ON CONCRETE PAD WITH PICNIC TABLE, SEE DETAILS 2 & 5/L2.1
- 3 WATER SAFETY STATION PER OWNER.
- 4 PLAY STRUCTURE BY OWNER
- 5 3' HEIGHT RETAINING WALL WITH MONUMENT SIGN, SEE DETAIL 3/L2.1
- 6 6'-0" BENCH, SEE DETAIL 1/L2.1
- 7 SAND BEACH
- 8 1 ACRE OPEN RECREATION POND
- 9 POND AERATION PER OWNER
- 10 OPEN GRASSY PLAY SPACE
- 11 3'-4' BERM WITH 3:1 MAX SLOPE, AND ARBOR, SEE DETAIL 6/L2.1
- 12 10'-0" WIDE ASPHALT PATHWAY
- 13 5'-0" WIDE CONCRETE PATHWAY
- 14 START FENCE LINE AT 20' BUILDING SETBACK.
- 15 MAILBOX CLUSTERS, SEE DETAIL 4/L2.1 (TYPICAL OF 10)



DATE: 7/10/2023



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Landscape Plan  
Dude DeWalt Cellars  
5446 N. Hwy 16 Eagle, ID 83616

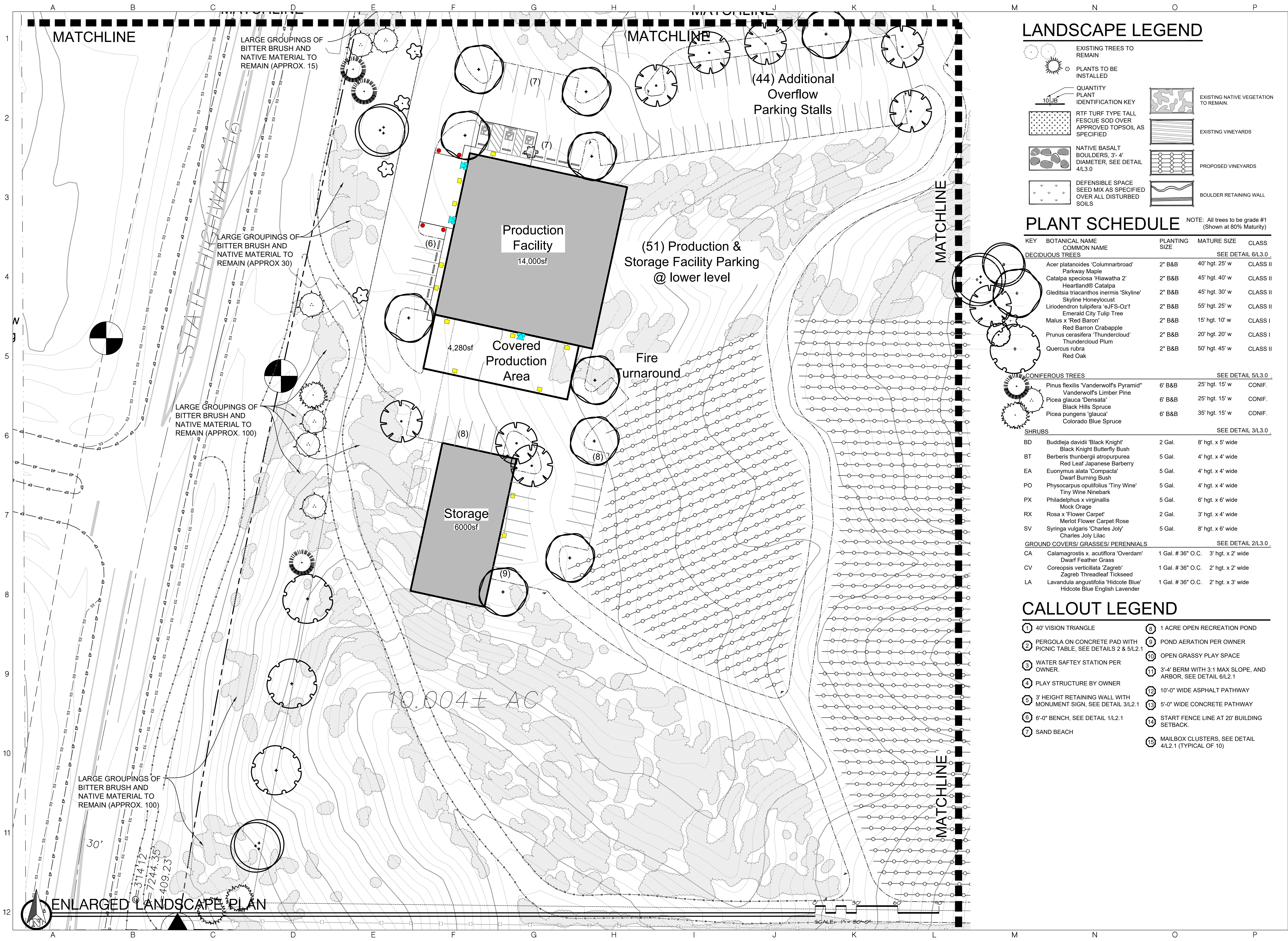
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## LANDSCAPE LEGEND

- EXISTING TREES TO REMAIN
- PLANTS TO BE INSTALLED
- QUANTITY PLANT IDENTIFICATION KEY
- RTF TURF TYPE TALL FESCUE SOD OVER APPROVED TOPSOIL AS SPECIFIED
- NATIVE BASALT BOULDERS, 3'-4' DIAMETER, SEE DETAIL 4/L3.0
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- EXISTING VINEYARDS
- PROPOSED VINEYARDS
- BOULDER RETAINING WALL

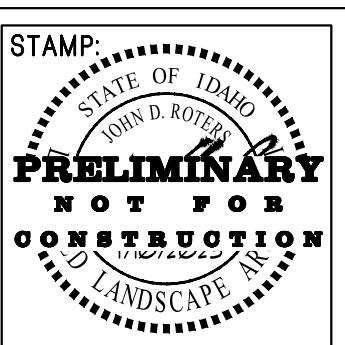
## PLANT SCHEDULE

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	Hemlock Catalpa	2" B&B	55' hgt. 25' w	CLASS II
	Gleditsia triacanthos inermis 'Skyline'	2" B&B	15' hgt. 10' w	CLASS I
	Skyline Honeylocust	2" B&B	20' hgt. 20' w	CLASS I
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	Red Barron Crabapple	2" B&B	50' hgt. 45' w	CLASS II
	Prunus cerasifera 'Thundercloud'	2" B&B	50' hgt. 45' w	CLASS II
	Thundercloud Plum	2" B&B	50' hgt. 45' w	CLASS II
	Quercus rubra	2" B&B	50' hgt. 45' w	CLASS II
	Red Oak	2" B&B	50' hgt. 45' w	CLASS II
CONIFEROUS TREES		SEE DETAIL 5/L3.0		
	Pinus flexilis 'Vanderwolf's Pyramid'	6" B&B	25' hgt. 15' w	CONIF.
	Vanderwolf's Limber Pine	6" B&B	25' hgt. 15' w	CONIF.
	Picea glauca 'Densata'	6" B&B	35' hgt. 15' w	CONIF.
	Black Hills Spruce	6" B&B	35' hgt. 15' w	CONIF.
	Picea pungens 'glauca'	6" B&B	35' hgt. 15' w	CONIF.
	Colorado Blue Spruce	6" B&B	35' hgt. 15' w	CONIF.
SHRUBS		SEE DETAIL 3/L3.0		
BD	Buddleja davidii 'Black Knight'	2 Gal.	8' hgt. x 5' wide	
BT	Black Knight Butterfly Bush	2 Gal.	8' hgt. x 5' wide	
BT	Berberis thunbergii atropurpurea	5 Gal.	4' hgt. x 4' wide	
EA	Red Leaf Japanese Barberry	5 Gal.	4' hgt. x 4' wide	
EA	Euonymus alata 'Compacta'	5 Gal.	4' hgt. x 4' wide	
PO	Dwarf Burning Bush	5 Gal.	4' hgt. x 4' wide	
PO	Physocarpus opulifolius 'Tiny Wine'	5 Gal.	4' hgt. x 4' wide	
PX	Tiny Wine Ninebark	5 Gal.	6' hgt. x 6' wide	
PX	Philadelphus x virginialis	5 Gal.	6' hgt. x 6' wide	
RX	Mock Orange	2 Gal.	3' hgt. x 4' wide	
SV	Rosa x 'Flower Carpet'	5 Gal.	8' hgt. x 6' wide	
SV	Merlot Flower Carpet Rose	5 Gal.	8' hgt. x 6' wide	
SV	Syringa vulgaris 'Charles Joly'	5 Gal.	8' hgt. x 6' wide	
SV	Charles Joly Lilac	5 Gal.	8' hgt. x 6' wide	
GROUND COVERS/ GRASSES/ PERENNIALS		SEE DETAIL 2/L3.0		
CA	Calamagrostis x. acutiflora 'Overdam'	1 Gal. # 36" O.C.	3' hgt. x 2' wide	
CV	Dwarf Feather Grass	1 Gal. # 36" O.C.	2' hgt. x 2' wide	
CV	Coreopsis verticillata 'Zagreb'	1 Gal. # 36" O.C.	2' hgt. x 2' wide	
LA	Zagreb Threadleaf Tickseed	1 Gal. # 36" O.C.	2' hgt. x 3' wide	
LA	Lavandula angustifolia 'Hidcote Blue'	1 Gal. # 36" O.C.	2' hgt. x 3' wide	
LA	Hidcote Blue English Lavender	1 Gal. # 36" O.C.	2' hgt. x 3' wide	

## CALLOUT LEGEND

- 1 40' VISION TRIANGLE
- 2 PERGOLA ON CONCRETE PAD WITH PICNIC TABLE, SEE DETAILS 2 & 5/L2.1
- 3 WATER SAFETY STATION PER OWNER.
- 4 PLAY STRUCTURE BY OWNER
- 5 3' HEIGHT RETAINING WALL WITH MONUMENT SIGN, SEE DETAIL 3/L2.1
- 6 6'-0" BENCH, SEE DETAIL 1/L2.1
- 7 SAND BEACH
- 8 1 ACRE OPEN RECREATION POND
- 9 POND AERATION PER OWNER
- 10 OPEN GRASSY PLAY SPACE
- 11 3'-4' BERM WITH 3:1 MAX SLOPE, AND ARBOR, SEE DETAIL 6/L2.1
- 12 10'-0" WIDE ASPHALT PATHWAY
- 13 5'-0" WIDE CONCRETE PATHWAY
- 14 START FENCE LINE AT 20' BUILDING SETBACK.
- 15 MAILBOX CLUSTERS, SEE DETAIL 4/L2.1 (TYPICAL OF 10)



DATE: 7/10/2023

811  
South Beck & Baird  
2002 S. Vista Ave  
Boise, ID 83705  
208.342.2995 Office  
208.342.2995 Cell  
info@sbbg.com  
www.sbbg.com  
CALL 2 BUSINESS DAYS BEFORE ANY EXCAVATION OR CONSTRUCTION TO AVOID UTILITIES.  
South Landscape Architecture P.C.  
Dba South Beck & Baird Landscape Architecture P.C.

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REVISIONS:		
No.	Date	Description

**Landscape Plan**  
**Dude Dewalt Cellars**  
**5446 N. Hwy 16 Eagle, ID 83616**

DRAWN BY: AJW

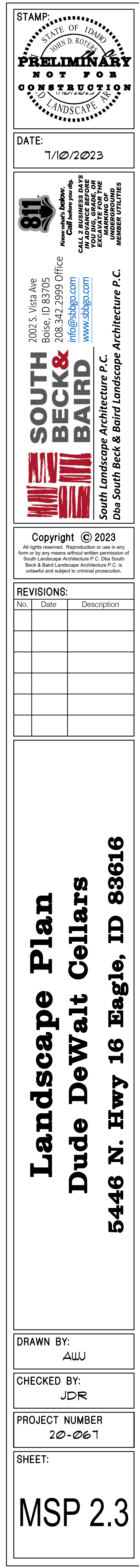
CHECKED BY: JDR

PROJECT NUMBER  
20-067

SHEET:

MSP 2.2







# DEFENSIBLE SPACE DRYLAND SEEDING REQUIREMENTS

## GENERAL OVERVIEW

THIS REPORT OUTLINES RECOMMENDED REVEGETATION AND SLOPE STABILIZATION MEASURES FOR DISTURBED CUT AND FILL SLOPES WITHIN THE PROJECT LIMITS AS DEFINED ON THE ACCOMPANYING PLAN WHICH WILL BE SEEDED WITH THE DRYLAND SEED MIX AND NOT IRRIGATED. THESE RECOMMENDATIONS ARE MADE TO PREVENT SHORT TERM AND LONG TERM SOIL EROSION AS WELL AS TO PROVIDE AN AESTHETIC REVEGETATION WHICH WILL BLEND WITH THE EXISTING NATURAL SURROUNDING AREA. THE MEASURES INCLUDE REVEGETATION AND HYDROMULCHING PROCEDURES FOLLOWING TOPSOIL DISTRIBUTION AND FINE GRADING. THE AREA TO BE REVEGETATED CONSISTS OF ALL DISTURBED AREAS RELATED TO GRADING FOR CONSTRUCTION AND ANY OTHER AREAS DISTURBED IN THE PROCESS OF CONSTRUCTION. THE SLOPES TO BE AFFECTED VARY WIDELY IN DEGREE AND ASPECT.

## GENERAL EARTHWORK

ALL WORK SHALL BE LIMITED TO THE AREA REQUIRED FOR CONSTRUCTION WITH MINIMAL, IF ANY, DISTURBANCE TO THE SURROUNDING NATURAL SLOPE OR VEGETATION. ALL FINISHED GRADES SHALL BE SMOOTH AND ROUNDED TO ENSURE A NATURAL TRANSITION BETWEEN NEW AND EXISTING GRADES. REFER TO GRADING AND DRAINAGE PLANS FOR ADDITIONAL REQUIREMENTS.

## SITE PREPARATION

EARTHWORK PROCESS SHOULD BEGIN WITH CLEARING LARGE SHRUBS FROM THE AREAS TO BE DISTURBED. WOODY STEMS AND BRANCHES SHALL BE CHIPPED ON SITE TO IMPROVE THE AMOUNT OF ORGANIC MATERIAL IN THE TOP SOIL. NATURAL TOPSOIL OCCURS AT VARYING DEPTHS ON THE PROJECT SITE. THE TOPSOIL SHOULD BE EXCAVATED AND STOCKPILED AT DESIGNATED STORAGE AREAS PRIOR TO THE PROPOSED GRADING OPERATIONS.

## TOPSOIL DISTRIBUTION

ONCE THE GENERAL EARTHWORK IS COMPLETE AND ROUGH GRADING HAS BEEN ACCOMPLISHED, THE TOPSOIL SHOULD BE REDISTRIBUTED OVER THE AREA TO MINIMUM DEPTHS AS SPECIFIED. WHERE NEEDED, SLOPES SHOULD BE GRADED WITH SERRATION TO HOLD TOPSOIL ADEQUATELY. TOPSOIL SHOULD BE SPREAD AND LIGHTLY COMPACTED UTILIZING A SMALL CLEATED TRACTOR MOVING PERPENDICULAR TO THE CONTOURS OR ANOTHER METHOD WITH EQUAL CAPABILITY. IT IS OUR RECOMMENDATION THAT ANY NECESSARY MECHANICAL MEANS OF EROSION CONTROL BE IN PLACE PRIOR TO BEGINNING SITE DISTURBANCE.

ONCE TOPSOIL HAS BEEN DISTRIBUTED AND GRADED, REVEGETATION SEEDING SHALL FOLLOW IMMEDIATELY. IN ORDER TO ELIMINATE SURFACE CRUSTING AND TO FACILITATE BETTER ROOT PENETRATION, THE SURFACE SHOULD BE SCARIFIED PRIOR TO SEEDING.

## SEEDING

APPLY SEED TO THE PROJECT SITE BY HYDROSEEDING. THE FOLLOWING INFORMATION PROVIDES MATERIAL AND EXECUTION FOR SEEDING.

SEED MIXTURE:	PURE LIVE SEED % MIX
JUNE PRARIEGRASS	20%
ROADCREST WHEATGRASS	20%
BLUEGRAMMA GRASS	5%
BUFFALOGRASS	10%
BIG SHERMAN BLUEGRASS	20%
MICROCLOVER	5%
SHEEPS FESCUE	15%
HARD FESCUE	5%

SEEDING RATE	
INSTALL @ 35 LBS / ACRE ON SLOPES LESS THAN 10%	
INSTALL @ 50 LBS / ACRE ON SLOPES GREATER THAN 10%	

## FIBER MULCH MATERIAL

GROW NUTRIBASE FROM "QUATTRO ENVIRONMENTAL". A COMPOSTED POULTRY BASED MULCH MATERIAL FREE OF GROWTH OR GERMINATION INHIBITING INGREDIENTS. APPLY AT THE RATE OF 2000 LBS. PER ACRE.

## ORGANIC SOIL AMENDMENT

GROW NUTRIBOOST FROM "QUATTRO ENVIRONMENTAL" (OR APPROVED EQUAL) APPLIED AT 5 GALLONS PER ACRE.

## TACKIFIER

MULCH TACKIFIER SOIL STABILIZER - ECOLOGY CONTROLS M-BINDER. TACKIFIER APPLIED AT THE RATE OF 80 LBS. PER ACRE.  
GRANITE SEED  
1697 WEST 2100 NORTH  
P.O. BOX 177  
LEHI, UTAH 84043  
1-800-768-4433  
(OR APPROVED EQUAL)

## HYDROSEEDING

MIX SPECIFIED SEED AND ORGANIC SOIL AMENDMENT IN WATER PER MANUFACTURER'S RECOMMENDATIONS. APPLY SEEDED SLURRY EVENLY IN TWO INTERSECTION DIRECTIONS. DO NOT HYDROSEED AREA IN EXCESS OF THAT WHICH CAN BE MULCHED ON SAME DAY. KEEP OFF ROADS, WALKS, STRUCTURES AND AREAS NOT TO BE SEEDED. CLEAN UP THESE AREAS. AFTER HYDROSEED, TRACK IN SEED USING A CLEATED CRAWLER WITH TRACK MARKS PERPENDICULAR TO THE SLOPE. AFTER TRACKED, MULCH SLOPE WITH 2000 LBS. PER ACRE OF FERTILE-FIBER MULCH MATERIAL AND 80 LBS. PER ACRE OF TACKIFIER.

## MAINTENANCE

IMMEDIATELY RESEED AREAS WHICH SHOW BARE SPOTS. MINIMUM ACCEPTABLE PLANT COVERAGE IS 80 PERCENT AFTER ONE GROWING SEASON. PROTECT SEEDED AREAS WITH WANING SIGNS DURING MAINTENANCE PERIOD. THE SEED WILL REQUIRE APPROXIMATELY NINETY (90) DAYS OF FAVORABLE GROWING CONDITIONS TO GERMINATE AND BECOME ESTABLISHED FOR SUCCESSFUL SURVIVAL WITH NORMAL MINIMAL SUMMER PRECIPITATION.

## SEEDING TIME

THE OPTIMAL SEEDING TIME SHALL BE IN FALL, BETWEEN MID SEPTEMBER AND MID OCTOBER. IF SEEDING IS APPLIED TOO EARLY OR TOO LATE AND PROPER GERMINATION IS NOT REALIZED PRIOR TO FALL DORMANCY, THEN RESEEDING SHALL BE APPLIED IN EARLY SPRING, AS SOON AS SOIL IS WORKABLE (NOT MUDDY) BETWEEN MARCH AND MID MAY. THIS PLANTING TIME PROVIDES THE OPTIMUM WEATHER CONDITIONS FOR SEED GERMINATION AND SEEDLING SURVIVAL RATE. SEEDING AFTER NOVEMBER 20, "DORMANT SEEDING" INSURES THAT THE SEED DOES NOT GERMINATE PRIOR TO FREEZING WINTER TEMPERATURES AND SEED SHOULD BE IN PLACE FOR THE EARLY SPRING RAINS.

## WATER

THE CONTRACTOR WILL PROVIDE SUPPLEMENTAL WATER TO ENSURE PROPER SEED GERMINATION.

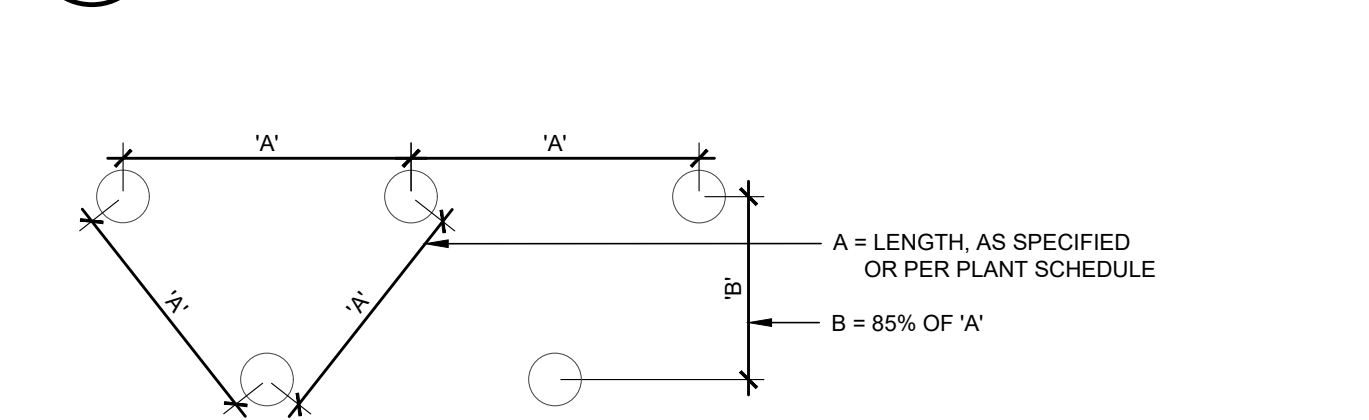
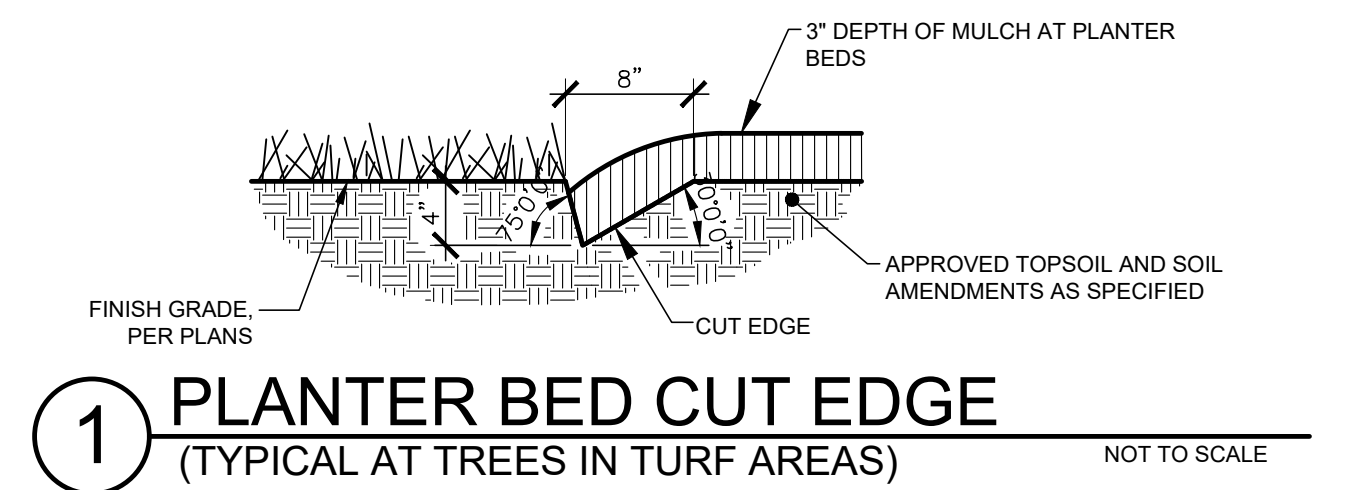
## FERTILIZATION

FERTILIZATION IS NOT RECOMMENDED FOR RECLAMATION SEEDING DUE TO PROMOTION OF WEED COMPETITION. IF WEEDS ARE APPARENT, CONTACT LANDSCAPE ARCHITECT FOR WEED REMOVAL REQUIREMENTS.

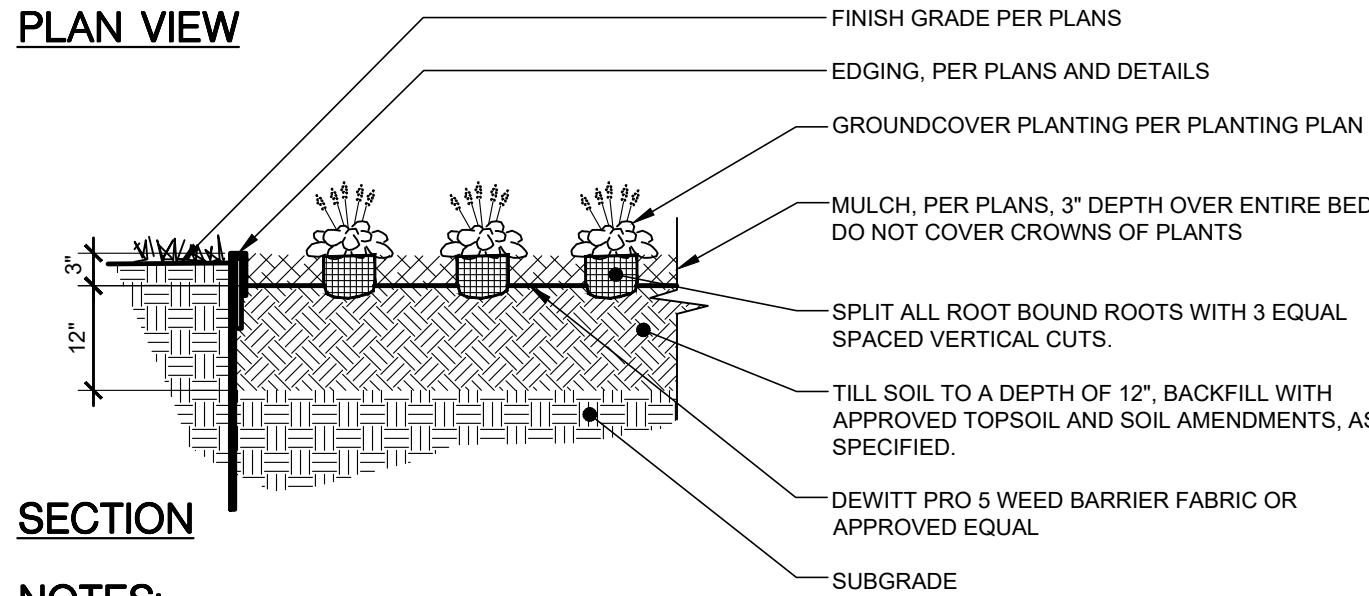
## EROSION CONTROL

UNDER NORMAL CIRCUMSTANCES AND ADHERENCE TO THE CONSTRUCTION PRACTICES DESCRIBED IN THE SPECIFICATIONS, THE ABOVE RECOMMENDED EROSION CONTROL MEASURE SHOULD PROVIDE A STABLE SLOPE CONDITION. TO AVOID INCIDENTAL EROSION, IT IS IMPERATIVE THAT THE SLOPES, ONCE PREPARED, REMAIN UNDISTURBED UNTIL SEEDING GERMINATES AND IS ESTABLISHED.

AN 80% VEGETATION COVER IS RECOMMENDED TO CONTROL EROSION. SURFACE CONDITIONS SHOULD BE MONITORED DAILY. IF EROSION DETRIMENTAL TO THE SLOPE IS OBSERVED OR ANTICIPATED DUE TO EXCESSIVE RAINFALL, REMEDIAL MEASURES SHALL BE IMPLEMENTED AS REQUIRED. REFER TO THE STORM WATER POLLUTION PREVENTION PLAN FOR ADDITIONAL REQUIREMENTS.



## PLAN VIEW

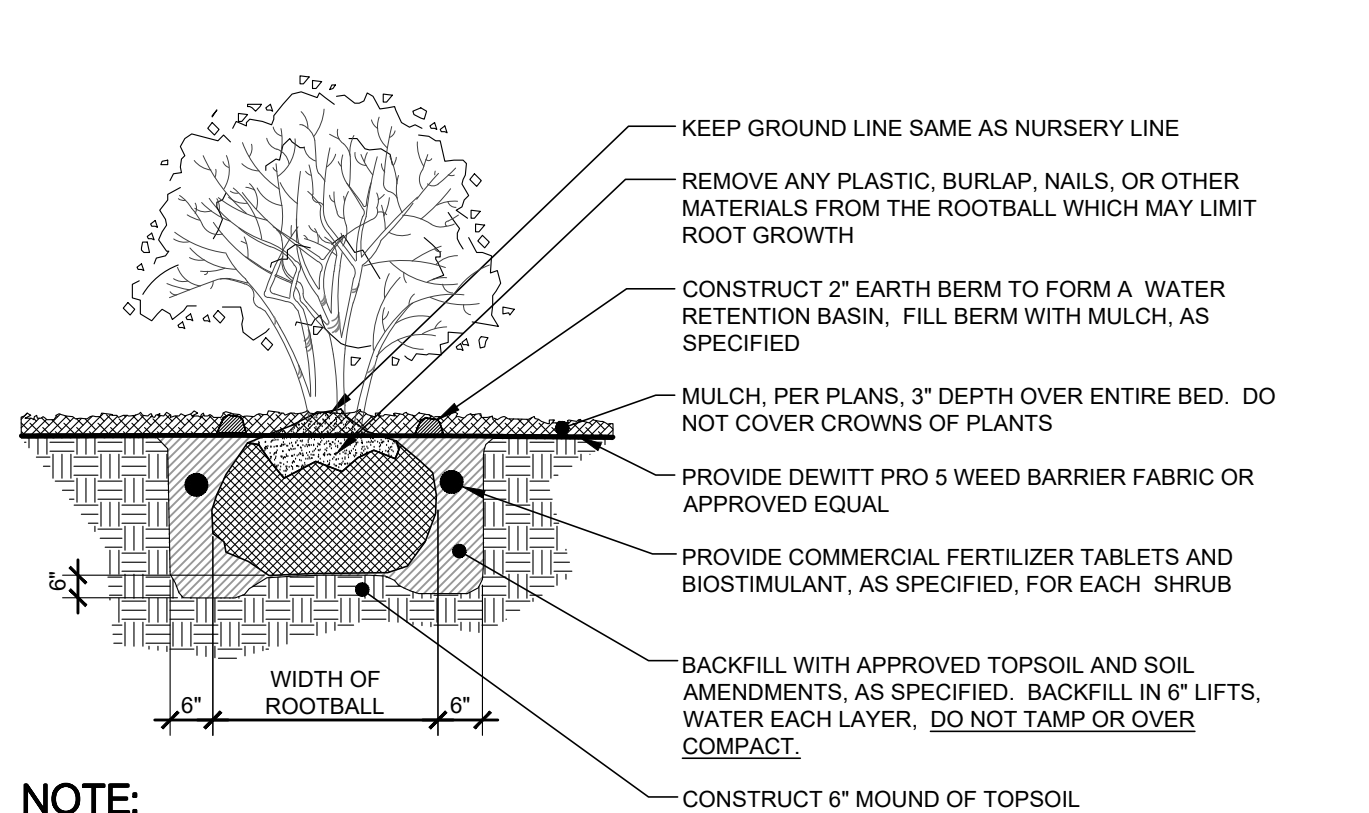


## SECTION

## NOTES:

1. ALL GROUND COVER PLANTS TO BE PLANTED ON CENTER AND IN A TRIANGULAR PATTERN.
2. APPLY SPECIFIED PRE-EMERGENT PER MANUFACTURER'S RECOMMENDATIONS TO ALL GROUND COVER BEDS.

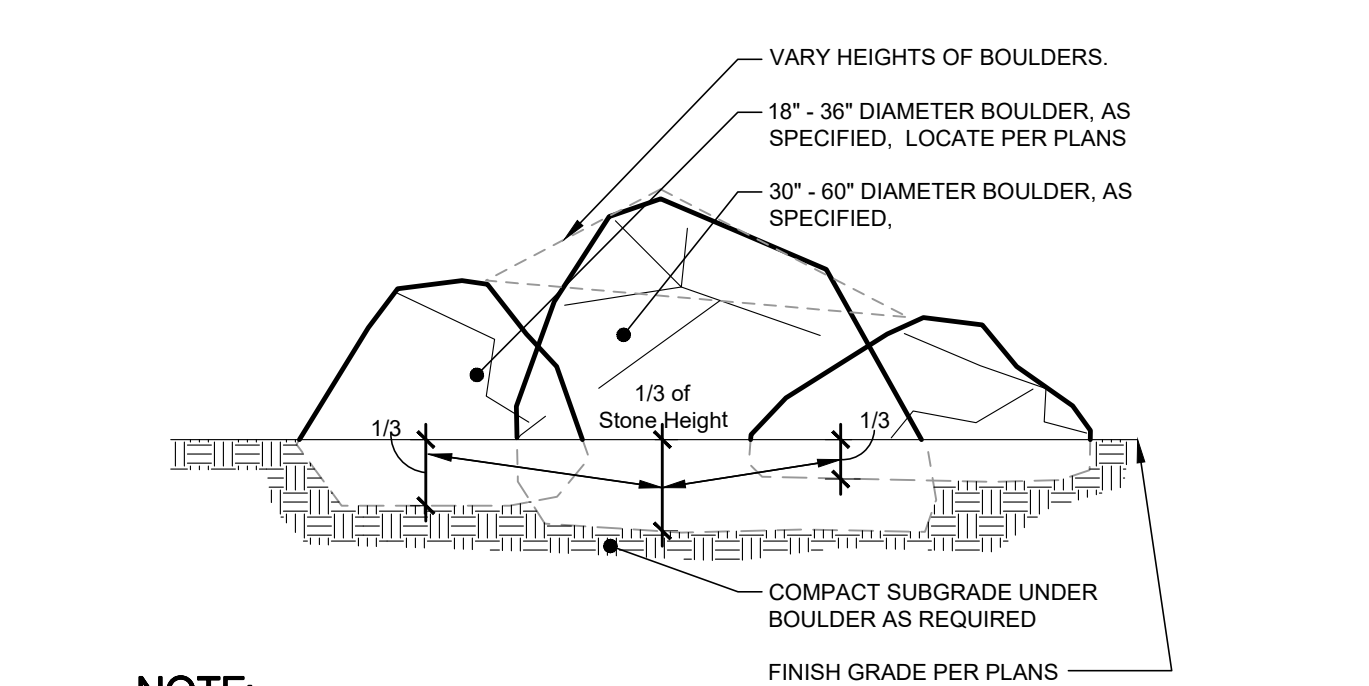
## 2 PERENNIAL & GROUND COVER PLANTING



## NOTE:

1. WATER SHRUB TWICE WITHIN FIRST 24 HOURS.
2. APPLY SPECIFIED PRE-EMERGENT PER MANUFACTURER'S RECOMMENDATIONS TO ALL GROUND COVER BEDS.

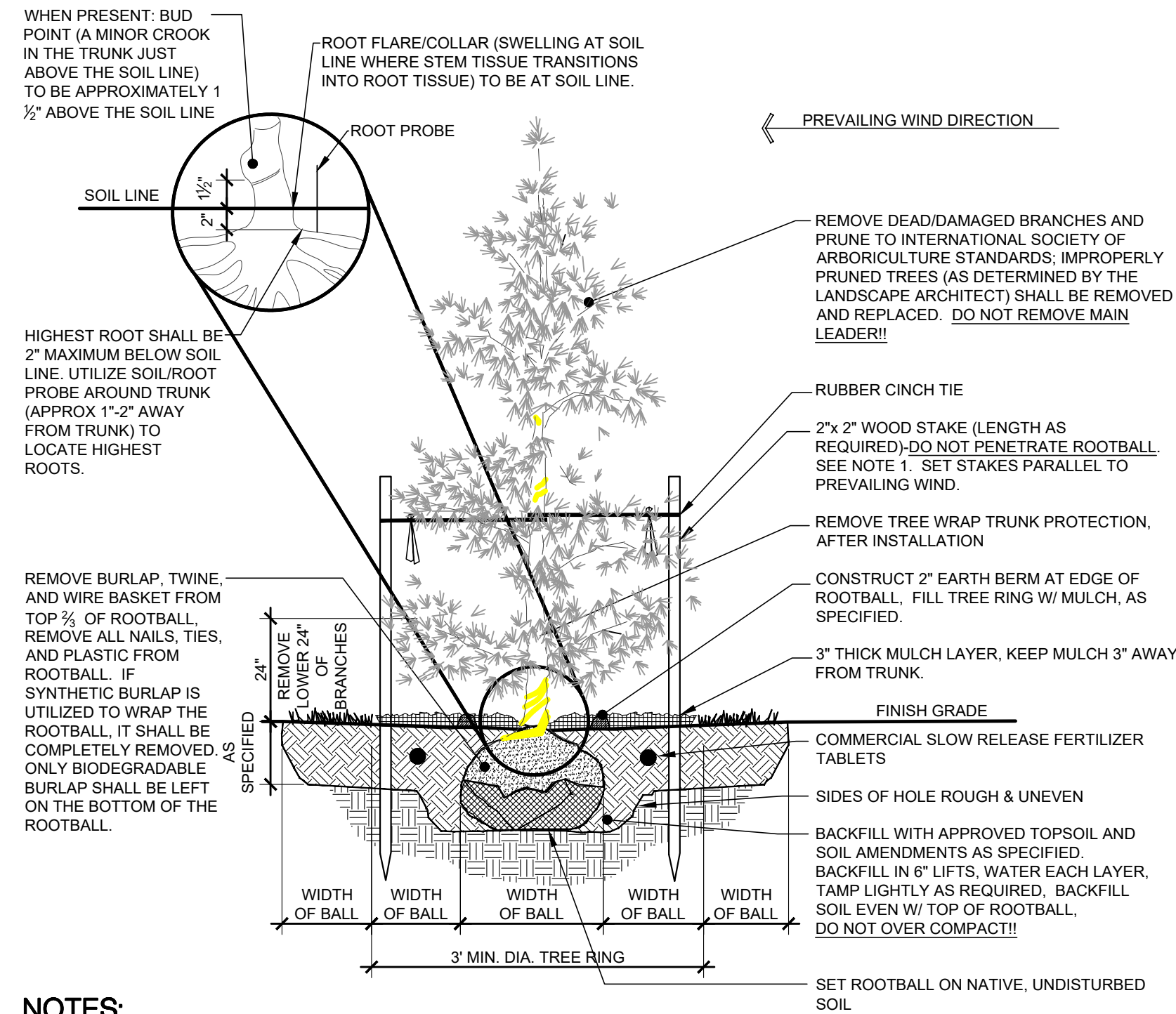
## 3 SHRUB PLANTING



## NOTE:

1. NOTIFY LANDSCAPE ARCHITECT WHEN PLACING BOULDERS FOR APPROVAL.
2. PLACE BOULDERS PRIOR TO INSTALLATION OF IRRIGATION.
3. CLEAN BOULDERS OF SOIL AND LOOSE DEBRIS.
4. WHEN PLACING BOULDERS, BURY 1/3 OF BOULDER BELOW FINISH GRADE.
5. DO NOT SCAR OR DAMAGE BOULDERS.
6. WHEN GROUPING BOULDERS, DISTRIBUTE SIZES EVENLY (I.E., IN A GROUP OF (6), (2) WILL BE LARGE, (2) WILL BE MEDIUM, AND (2) WILL BE SMALL).

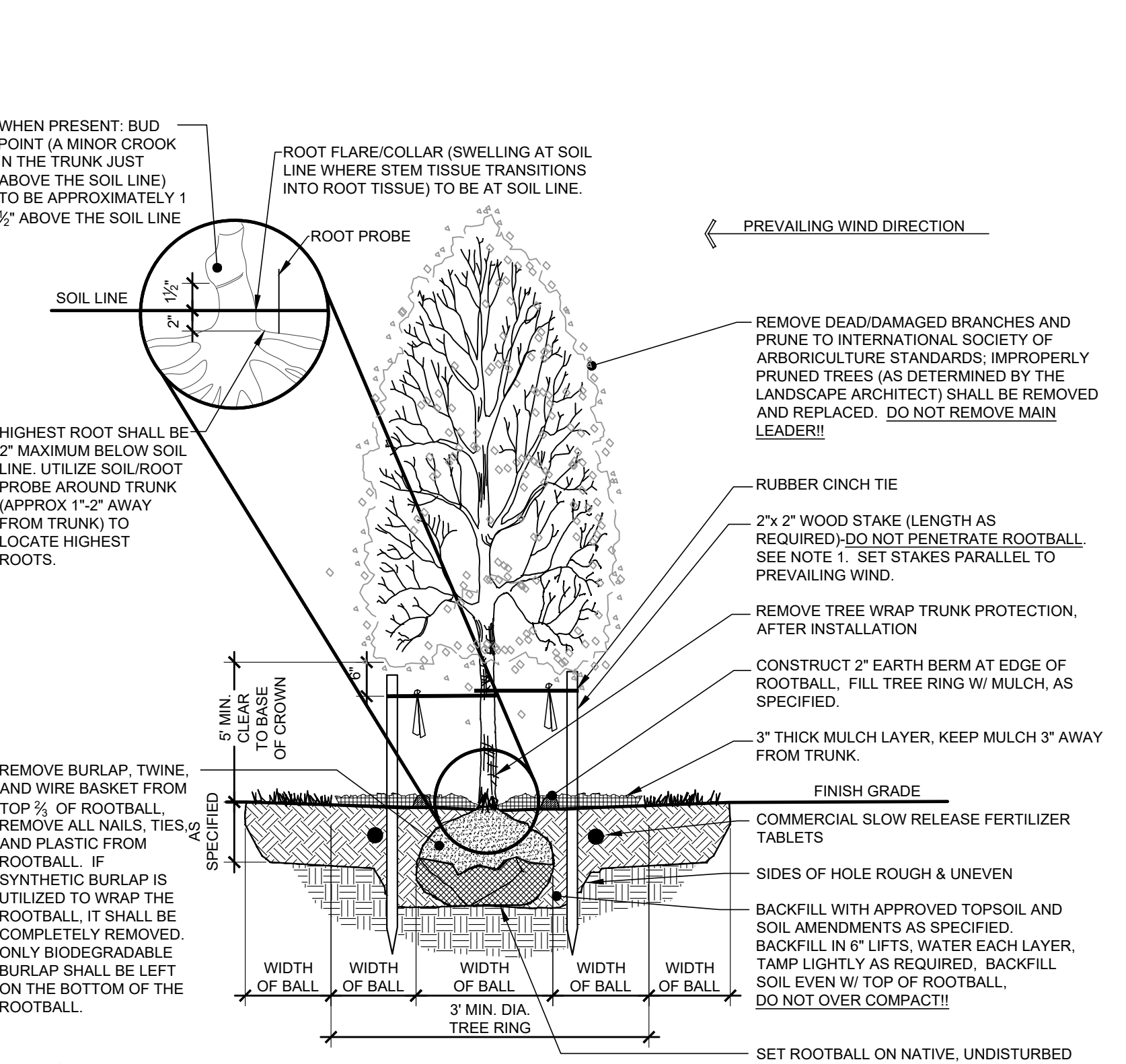
## 4 BOULDER INSTALLATION



## NOTES:

1. THE STAKING OF TREES IS TO BE THE CONTRACTOR'S OPTION; HOWEVER, THE CONTRACTOR IS RESPONSIBLE TO INSURE THAT ALL TREES ARE PLANTED STRAIGHT AND THAT THEY REMAIN STRAIGHT FOR LENGTH OF WARRANTY PERIOD OR 1 YEAR AFTER SUBSTANTIAL COMPLETION WHICH EVER IS GREATER. ALL STAKING SHALL BE REMOVED AT THE END OF THE WARRANTY PERIOD.
2. IN THE EVENT OF A QUESTION OR LACK OF CLARITY ON THE DRAWINGS, THE CONTRACTOR IS TO NOTIFY THE LANDSCAPE ARCHITECT BEFORE PROCEEDING.
3. LANDSCAPE CONTRACTOR IS TO NOTIFY THE LANDSCAPE ARCHITECT AND OWNER PRIOR TO INSTALLATION OF PLANT MATERIAL.
4. WRAP RUBBER CINCH TIES AROUND THE TREE TRUNKS AND STAKES USING EITHER THE STANDARD OR FIGURE EIGHT TYING METHOD. SECURE THE TIES TO THE STAKES WITH GALVANIZED NAILS TO PREVENT SLIPPAGE.
5. WATER TREE TWICE WITHIN THE FIRST 24 HOURS.
6. IN THE EVENT HARDPAN SOILS PREVENT TREE PLANTING AS DETAILED, NOTIFY THE LANDSCAPE ARCHITECT IMMEDIATELY.

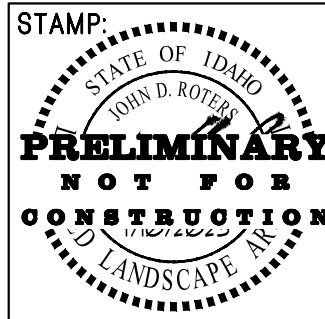
## 5 CONIFEROUS TREE PLANTING



## NOTES:

1. THE STAKING OF TREES IS TO BE THE CONTRACTOR'S OPTION; HOWEVER, THE CONTRACTOR IS RESPONSIBLE TO INSURE THAT ALL TREES ARE PLANTED STRAIGHT AND THAT THEY REMAIN STRAIGHT FOR LENGTH OF WARRANTY PERIOD OR 1 YEAR AFTER SUBSTANTIAL COMPLETION WHICHEVER IS GREATER. ALL STAKING SHALL BE REMOVED AT THE END OF THE WARRANTY PERIOD.
2. IN THE EVENT OF A QUESTION OR LACK OF CLARITY ON THE DRAWINGS, THE CONTRACTOR IS TO NOTIFY THE LANDSCAPE ARCHITECT BEFORE PROCEEDING.
3. LANDSCAPE CONTRACTOR IS TO NOTIFY THE LANDSCAPE ARCHITECT AND OWNER PRIOR TO INSTALLATION OF PLANT MATERIAL.
4. WRAP RUBBER CINCH TIES AROUND THE TREE TRUNKS AND STAKES USING EITHER THE STANDARD OR FIGURE EIGHT TYING METHOD. SECURE THE TIES TO THE STAKES WITH GALVANIZED NAILS TO PREVENT SLIPPAGE.
5. WATER TREE TWICE WITHIN THE FIRST 24 HOURS.
6. IN THE EVENT HARDPAN SOILS PREVENT TREE PLANTING AS DETAILED, NOTIFY THE LANDSCAPE ARCHITECT IMMEDIATELY.
7. FOR TREES LOCATED WITHIN ROADSIDE PLANTERS LESS THAN 8'0\"/>

## 6 DECIDUOUS TREE PLANTING



DATE: 7/10/2023



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## REVISIONS:

No.	Date	Description

**Landscape Details**  
**Dude DeWalt Cellars**  
**5446 N. Hwy 16 Eagle, ID 83616**

DRAWN BY: AJW

CHECKED BY: JDR

PROJECT NUMBER 20-067

SHEET:

**MSP 3.0**





## POTENTIAL BUILDING LIKENESSES FOR NEW STORAGE FACILITY





## POTENTIAL LIKENESSES FOR PRODUCTION FACILITY



## POTENTIAL BUILDING LIKENESSES FOR FUTURE TASTING ROOM/EVENT SPACE



City of Star

P.O. Box 130  
Star, Idaho 83669  
208-286-7247  
Fax 208-286-7569

[www.staridaho.org](http://www.staridaho.org)



Mayor:  
Trevor A. Chadwick

Council:  
Kevin Nielsen  
Jennifer Salmonsens  
Kevan Wheelock  
David Hershey

10 July 2023

Jay Gibbons  
South Beck and Baird  
2022 S. Vista Ave  
Boise, ID 83705

**Re: Dude Dewalt – CUP Application**

Dear Mr. Gibbons

The City of Star Engineering Department has reviewed the CUP for the Dude Dewalt Cellars dated May 22, 2023. We reviewed the applicant's package to check conformance with the City's Ordinances and coordinated our review with Shawn L. Nickel. We have the following comments and question based on our review.

1. Municipal potable water cannot be used for irrigation purposes. A separate pressure irrigation system will be required. Plans for an irrigation system will be required prior to the construction of additional facilities. Plan may be limited/include documentation of existing irrigation facilities.
2. Prior to construction of additional facilities, including parking lots, hardscape or roadway improvements a stormwater narrative and calculations shall be provided to the city, including documentation of existing stormwater facilities.
  - a. It is unclear if the project is proposing offsite stormwater disposal to drain ditches. If so, plan approvals and license agreements from the affected irrigation ditch companies will be required.
  - b. Historic irrigation lateral, drain, and ditch flow patterns shall be maintained unless approved in writing by the local irrigation district or ditch company.
3. All new construction activities shall comply with the City of Star Hillside ordinance.



4. Finish grades at property boundaries shall match existing finish grades. Runoff shall be maintained on property unless otherwise approved.
5. Street lighting shall be in accordance with ISPWC and the City of Star Supplementals. Cut sheet for lights and light poles shall be approved in writing by the City prior to installation.
6. Easements for public sewer/water facilities will be required where placed outside of public right of way. Service lines for building do not require easements.
7. Owner shall approach the Star Sewer and Water District for annexation to provide water and sewer to the site.

We recommend that the CUP and annexation 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 CUP does not relieve the Registered Professional of those responsibilities.

If you have any questions, please do not hesitate to contact City Hall

Sincerely,



Ryan V. Morgan, P.E.  
City Engineer



# 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

June 30, 2023

Shawn Nickel  
Star City Hall  
PO Box 130  
Star, ID 83669

RE: AZ-23-02 / 5446 N Highway 16 / Dude DeWalt Cellars Winery and Events Center

Feedback has been requested regarding an annexation, comprehensive plan map amendment, development agreement, and conditional use permit application for the Dude DeWalt Cellars Winery and Events Center. The proposal is to annex approximately 34.6-acres with a zoning designation of Rural Residential (RR). The property is located at 5446 N. Highway 16, in unincorporated Ada County.

The City of Star adopted an updated Comprehensive Plan in 2022, which has not been adopted by Ada County. However, Ada County is supportive of the proposed annexation and zoning designation of RR as the property currently has an existing winery and event center. Therefore, the proposed zoning designation of RR is supported by the following Star Comprehensive Plan goal.

*Goal 8.5.2.B: Rural Residential areas help to preserve Star's rural feel and huge manicured "Rural Residential" lots are discouraged in order to preserve land for more rural/agricultural type use. The manicured home site areas on these properties should be minimal and subordinate to open rural ground for pastures, farming, and other rural uses.*

As the existing winery and events center are located off Highway 16, and the use is of a commercial nature, the proposal is supported by the following Star Comprehensive Plan goal.

*Goal 8.5.6.B: Encourage commercial facilities to locate on transportation corridors.*

As the existing winery and event center provides for social and recreational entertainment, it is supported by the following Star Comprehensive Plan goal.

*Goal 8.3: 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.*

Ada County looks forward to working with the City of Star in the renegotiation and adoption of the updated Comprehensive Plan.

Please feel free to contact me with any questions.

Sincerely,

*Stacey Yarrington*

Stacey Yarrington  
Community & Regional Planner  
Ada County Development Services



**BEFORE THE BOARD OF ADA COUNTY COMMISSIONERS**

In re:

Application of Keith Hill and Johnna and Trae Buchert

Project No. 202102577 A (x\_ref: 202102577 CU-MSP)

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**

**FINDINGS OF FACT**

If any of these Findings of Fact are deemed Conclusions of Law, they are incorporated into the Conclusions of Law section.

**A. The Board finds that the record is comprised of:**

1. Exhibits to the Staff Report.
2. All other information contained in Ada County Development Services File for Project Nos. 202102577 A and 202102577 CU-MSP.
3. All information and testimony presented at the Public Hearing held on November 18, 2021.
4. All information and testimony presented at the Public Hearing held on December 9, 2021.
5. All information and testimony presented at the Public Hearing held on February 10, 2022.
6. All information and testimony presented at the Public Hearing held on March 10, 2022.
7. All information and testimony presented at the Public Hearing held on June 1, 2022.
8. All information and testimony presented at the Public Hearing held on June 28, 2022.



**B. As to procedural items, the Board finds the following:**

1. On March 10, 2022, the Planning and Zoning Commission approved the Conditional Use and Master Site Plan to allow Dude DeWalt Cellars to operate a Winery and Club, Lodge, or Social Hall to host events in excess of 50 people.
2. On March 18, 2022 and March 23, 2022, Development Services received applications from Keith Hill and Johnna and Trae Buchert appealing the Planning and Zoning Commission's decision and scheduled the appeal for public hearing before the Board of Ada County Commissioners on June 1, 2022.
3. On April 8, 2022, staff notified other agencies of this application and solicited their comments. Any comments received were incorporated into the staff report and are attached as Exhibits.
4. On April 15, 2022, property owners within 1000 feet of the site were notified of the hearing by mail. Legal notice of the Board's hearing was published in The Idaho Statesman on May 17, 2022. Notices of the public hearing were posted on the property by May 22, 2022 and a certification sign posting was submitted to the director by May 23, 2022.

**C. As to the project description, the Board finds based on the application materials found in the file for Project No. 202102577 A the following:**

1. PROPOSED USES: Winery and Club, Lodge, or Social Hall.
2. PROPOSED STRUCTURES: No new proposed structures.
3. PROPOSED SITE IMPROVEMENTS: Lighting and speakers.

**D. Based on the materials found in the file for Project No. 202102577 A, the Board finds the following concerning the project description:**

1. PARCEL NUMBER AND LOCATION: The parcel number is S0328427800. The property is located at 5446 N. Highway 16 in Section 28, T. 5N, R. 1W.
2. OWNERSHIP: Trae & Johnna Buchert.
3. SITE CHARACTERISTICS

Property size: 34.60 acres

Existing structures: 12,800 sq. ft. production facility, 4,000 sq. ft. equipment storage structure, 4,000 sq. ft. materials storage structure, 3,000 sq. ft. agricultural structure, 5,615 square foot single-family dwelling with a 1,022 square foot attached garage, and a 2,250 square foot tasting room.

Existing vegetation: Vineyards, residential landscaping, and dryland shrubs, grasses, and forbs.

Slope: Portions of the property have steep slopes from 15% up to 50%. Irrigation: Well.

Drainage: The natural drainage of the property is away from the existing single-family dwelling and tasting room to the west, north, south, and east.

Views: Portions of the property are visible from Highway 16.

**E. Based on the officially adopted Ada County land use maps, the Board finds the following concerning the current land use and zoning:**

The site is a winery with a single-family dwelling and is zoned Rural Residential (RR).

**F. Based on the officially adopted Ada County land use maps, the Board finds the following concerning the surrounding land use and zoning:**

North: The site is rangeland in the Rural Residential (RR) District.

South: The site is rural residential in the Kling Estates Subdivision in the Rural Residential (RR) District.

East: The site is BLM rangeland in the Rural Residential (RR) District.

West: The site is rural residential in the Goldfork Ridge Phase No. 1 Subdivision and unplatted fallow ground in the Rural Residential (RR) District.

**G. Based on the officially adopted Ada County land use maps and materials found in the file for Project No. 202102577 A, the Board finds the following concerning services:**

Access Street and Designation: Access to the property is from Highway 16, which is designated as an expressway.

Fire Protection: Star Fire District.

Sewage Disposal: Individual Septic System. Water Service: Individual Well.

Irrigation District: None.

Drainage District: None.

**H. As to the applicable law, the Board finds the following:**

This section details the comp plan goals, objectives and policies; the zoning ordinance regulations; and other applicable standards regarding development of the subject property.

1. The Board finds **Section 8-7-7 of the Ada County Code** is applicable because the appellant is appealing the Planning and Zoning Commission's approval of a Winery and Club, Lodge, or Social Hall. The Board finds the application complies with **Section 8-7-7 of the Ada County Code**. Regarding Section 8-7-7 the Board finds the following:

- A. Application: Any decision or action may be appealed as set forth in this chapter. The appellant shall be an affected person as defined in Idaho Code section 67-6521(1)(a).

1. A person aggrieved by a final decision or action within the jurisdiction and authority of the Board (see subsection 8-7-2A of this chapter), the hearing examiner (see subsection 8-7-2F of this chapter), or the commission (see subsection 8-7-2D of this chapter) may appeal to the board.

*The Board finds that the appellants are Keith Hill and Johnna and Trae Buchert, who are a resident of the area and a resident/business owner of the area, respectively, where the Winery and Club, Lodge, or Social Hall are proposed. Both appellants provided public testimony on the project prior to the Planning and Zoning Commission's decision.*

**B. Appeal Procedures:**

1. Appeals of written decision shall be filed with the director within fifteen (15) days after the date of the written decision, or it shall not be accepted. An application and fees as set forth in article A of this chapter, shall be submitted to the director on forms provided by the development services department.

*The Board finds that Keith Hill and Johnna and Trae Buchert filed appeals with the Director on March 18, 2022 and March 23, 2022, respectively, which are within fifteen (15) days after the date of the written decision made on March 10, 2022.*

2. The Director shall schedule and the board shall hold a public hearing and make a decision pursuant to the procedures as set forth in section 8-7A-8 of this chapter.

*The Board finds that the Director scheduled a public hearing in front of the Board of County Commissioners on June 1, 2022 and that the Board held a public hearing on June 1, 2022. The Board made a decision pursuant to the procedures as set forth in Section 8-7A-8.*

3. At the public hearing the board shall consider the order, requirements, permit, decision, or determination of the Commission, and any attached conditions

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**FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**

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thereto. The board shall consider any additional evidence that may be offered by the public, applicant, director, and/or Commission.

*The Board finds that they have at their June 1, 2022 public hearing considered the order, decision, determination, and supporting materials from the Planning and Zoning Commission's decision as well as evidence submitted to the Board at their June 1, 2022 public hearing.*

*The Board finds that the appellants have submitted detailed letters (Exhibit #5a and #6a) illustrating why the Board should modify the Planning and Zoning Commission's decision on the Conditional Use and Master Site Plan (Project No. 202102577 CU-MSP).*

*The main points of the appellant's arguments are detailed below:*

*Keith Hill*

- a. *Due to the frequency and noise associated with the number of new events allowed, particularly the larger events, the following conditions should be placed on the project to mitigate impacts on neighboring properties:*
  - i. *The existing barn, tasting room, and patio shall be screened to protect the homeowners to the south by erecting a fifty (50) foot long by eight (8) foot tall wall. The wall must be stone, concrete or concrete block for sound mitigation. (6 & 17 on Master Site Plan).*
  - ii. *The hilltop open area (7 & 22 on master site plan) must have a seventy five (75) foot long by eight (8) foot tall wall erected to protect the homeowners to the south. This wall must be stone, concrete or concrete block. (south of 17 "Event Center Area on Master Site Plan).*
  - iii. *Eight (8) trees of at least ten (10) feet in height planted at south end of parking area. (4 on the Master Site Plan).*
  - iv. *No amplified music outside. All amplified music and speakers must be inside a building on the master site plan.*
  - v. *No tents (such as white wedding/event tents) may be used.*
  - vi. *The three (3) outside speakers on production facility (s8 and 18) shall be removed from approval.*
  - vii. *The requirement previously approved to move the production facility fifty (50) feet north be altered to simply allow the production facility where originally proposed.*
  - viii. *That hours of operation be adjusted to be 10 am to 6 pm. The reason is that will mitigate noise and the issue of folks who have*

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*enjoyed Dude DeWalt Wine from imbibing and driving in the dark on highway 16 known for its highest its peril and accidents. And the fact that the number contributing factor to accidents and fatal accidents in Ada County and Idaho is drunk driving.*

- ix. *No busses on site. All of the fifteen (15) events authorized to exceed fifty (50) persons may only have patrons come by car and park in the eighty three (83) authorized spaces only.*

*Johnna and Trae Buchert*

- a. *The restriction of a maximum of fifteen (15) larger events based on staff's interpretation of ITD's review of the project should be removed based on other approvals Ada County has made regarding Clubs, Lodges, or Social Halls.*
  - b. *Advanced notification to the Director for events should not be required given the increased frequency of events likely to occur based on Ada County's approval of the property for a Club, Lodge, or Social Hall.*
4. The Board may affirm, reverse, modify, in whole or in part the order, requirement, permit, decision, or determination appealed from, or make or substitute any additional conditions that in its deliberations it may find warranted.

*The Board finds that they have at their June 1, 2022 public hearing considered the order, decision, determination, and supporting material from the Planning and Zoning Commission's decision as well as evidence submitted to the Board before and at their June 1, 2022 public hearing.*

*The Board denies the appeal and affirms the Planning and Zoning Commission's decision. In response to the appellant's arguments stated in item "3" above, the Board provides the following:*

*Keith Hill*

*Several conditions have already been placed on both the Winery and Club, Lodge or Social Hall approvals for this project to mitigate impacts on neighboring properties. These include limitations on hours of operation, lighting, parking, number of large (more than fifty (50) people), landscaping and screening, locations of buildings, and required improvements to both Highway 16 and the driveway that serves the subject property.*

*Johnna and Trae Buchert*

*Limiting the number of larger events (more than fifty (50) people) to a maximum of fifteen (15) per year as well as requiring advanced notification to the Director for events will mitigate impacts on neighboring properties.*

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### **Ada County Comprehensive Plan:**

2. The Board finds that the **Ada County Comprehensive Plan** is applicable because the property is not located within an Area of City Impact. The Board finds the application complies with Ada County Comprehensive Plan. Regarding the **Ada County Comprehensive Plan** the Board finds the following:

*The Future Land Use Map of the Ada County Comprehensive Plan designates the property as Rangeland which lists seasonal grazing by domestic livestock or wild animals as a primary use, and hiking, hunting, fishing, and other recreational activities as secondary uses. The majority of the property will either remain undisturbed or be used for agricultural production. The associated wine tasting use constitutes a recreational activity, the proposed application is compatible with the adopted Future Land Use Map.*

*The Board finds that the proposal to incorporate an agricultural-based commercial use on property located outside of the Areas of City Impact is supported by the following Comprehensive Plan goals.*

*Goal 2.3: Provide opportunities for limited residential and non-residential development in unincorporated area outside ACIs.*

*Goal 2.3c: Provide limited opportunities for commercial uses intended to primarily serve the immediate surrounding area, travelers passing through, or the agricultural community in accordance with the goals and policies contained in this Plan.*

*The Board finds that as the proposed social hall will support an existing winery located on the property, it is compatible with the following goals and strategies which encourage agricultural industries and operations within Ada County.*

*Goal 2.5: Continue to support the agricultural industry and preservation of agricultural land in rural, unincorporated parts of Ada County.*

*Goal 2.5e: Consider the economic impact of agricultural operations in land use decisions.*

*Strategy 3.3b: Establish incentives and regulations that provide opportunities for and encourage small-scale or specialized agricultural operations in rural areas and ACIs.*

*Goal 3.3: Maintain Ada County's strong agricultural industry..*

### **Ada County Code:**

3. The Board finds **Article 8-3B of the Ada County Code** is applicable as the subject property is in the Wildland Urban Fire Interface Overlay District. The Board finds as conditioned that that the application complies with **Article 8-3B of the Ada County Code**. As conditioned, the master site plan shall indicate that there will be fifty (50) foot defensible space around all habitable structures and there will be five (5) foot gravel shoulders on either side of the driveway to ensure it will be kept clear of vegetation.

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#### **FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**

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4. The Board finds **Article 8-3H of the Ada County Code** is applicable as the subject property is in the Hillside Overlay District. The Board finds as conditioned that the application complies with **Article 8-3H of the Ada County Code**. As conditioned, if there is any grading, filling, clearing, or excavation of any kind where there are slopes that exceed fifteen percent (15%) or adverse conditions associated with slope stability, erosion, or sedimentation are present, as determined by the County Engineer, the applicant shall apply for a hillside permit.
5. The Board finds **Section 8-4E-5 of the Ada County Code** is applicable because the applicant has applied for winery and club, lodge, or social hall uses. The Board finds that the application complies with **Section 8-4E-5 of the Ada County Code**. Regarding Section 8-4E-5 the Board finds the following regarding the master site plan.
  - A. The master site plan complies with this title and the applicable comprehensive plan;

*The Board finds as evidenced by Findings of Fact Section H that the master site plan for the winery and club, lodge, or social hall complies with the applicable required findings of fact as outlined herein. As evidenced in Findings of Fact Section H(2) herein, the master site plan complies the Ada County Comprehensive Plan.*

- B. The applicant has submitted a natural features analysis (subsection 8-4E-4D of this article) identifying the constraints presented by such natural features, and the proposed development sufficiently addresses such features;

*The Board finds per Section 8-4E-3B of the Ada County Code that a natural features analysis is not required if the entire subject property already had a natural features analysis completed from a previously approved master site plan.*

*The Board finds that a natural features analysis for the subject property was completed with the initial conditional use and master site plan (Project No. 201900403 CU-MSP) for the existing winery. This natural features analysis identified the hydrology, soil types, topography, vegetation, historic resources, hazardous areas, and impact on natural features. There are no wetlands, streams, ponds, lakes, swales, or seasonal high-water areas on the property. The soil types are Lankbush-Brent sandy loam soil. The property is located at the top of a hill and portions of the property have slopes greater than 15%. The property has native vegetation such as lupine, balsamroot, cheat and bunch grass, rabbit brush, sagebrush, and bitter brush in addition to the grape vines and residential landscaping. The Idaho Department of Fish & Game indicated that they had no records of any federally listed threatened or endangered species or critical habitat within the property. There are no historic resources present on the subject property. The Tesoro natural gas pipeline runs through the northwestern portion of the property. The impact on natural features will be minimal as the majority of the property will remain open.*

- C. The proposed landscaping meets the requirements of article F of this chapter;

*The Board finds that the applicant has already been approved for an existing landscaping plan. An alternative landscape and screening plan were approved by the Commission for the existing winery (Project No. 201900403 CU-MSP). Additional*

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*landscaping and screening was also approved through Project No. 202002735-CU-MSP.*

- D. The proposed parking and loading spaces meet the requirements of article G of this chapter;

*The Board finds as conditioned that the proposed parking and loading spaces meet the requirements of Article 8-4G of the Ada County Code. A parking plan was previously approved through Project No. 202002735-CU-MSP. A Club, Lodge, or Social Hall requires one (1) parking space per 200 square feet of gross floor area. The property has 83 total parking spaces. The parking is located in two (2) areas of the property. The first area is by the existing and proposed tasting rooms. The second is closer to Highway 16. The Board has conditioned that overflow parking for up to 150 parking spaces shall be provided. As conditioned, parking of Winery or Social Hall guests or employees shall occur only in designated parking spots and areas.*

- E. The proposed lighting plan meets the requirements of article H of this chapter;

*The Board finds that the applicant has submitted product specification sheet for the light fixtures they plan to install at the winery (Exhibit #7). As conditioned, the applicant and/or owner shall submit a lighting plan that complies with the requirements of Article 8-4H of the Ada County Code. The lighting plan will need to show the location, orientation, and height of all proposed exterior light fixtures along with the type of illumination including the watts, luminous areas, and photometric test report for each light source.*

- F. The proposed master site plan complies with the applicable base district standards, overlay district standards, and specific use standards of this title;

*The Board finds that the master site plan complies with the base district standards of the Rural Residential (RR) District. As evidenced on the master site plan (Exhibit #6), the club, lodge, or social hall complies with the 50 foot setback from Highway 16 and the 25 foot property line setback not fronting a roadway. Also, the square footage of the structures does not exceed the maximum 5% lot coverage of 75,358.80 square feet.*

*The Board finds as evidenced by Findings of Fact Section H(2) that the master site plan complies with the Wildland Urban Fire Interface Overlay District.*

*The Board finds as evidenced by Findings of Fact Section H(3) that the master site plan complies with the Hillside Overlay District.*

*The Board finds as evidenced by Findings of Fact Section H(5) that the master site plan complies with the specific use standards for a club lodge, or social hall.*

- G. The proposed master site plan is consistent with the APA ridge to rivers pathways plan; and

*The Board finds that the master site plan is consistent with the APA ridge to rivers pathways plan as there are no proposed pathways and trails on the property.*

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- H. Adequate utilities and public services are available or provided for the proposed development, and the development would not be premature by reasons of lack of utilities, transportation, schools, fire protection, or other essential services.

*The Board finds that adequate utilities and public services are available or provided for the winery. The application was transmitted to applicable agencies and political subdivisions on April 8, 2022.*

- *Brent Moore, Comprehensive & Regional Planner responded in Exhibit #18 that the Future Land Use Map of the Ada County Comprehensive Plan designates the property as Rangeland which lists seasonal grazing by domestic livestock or wild animals as a primary use, and hiking, hunting, fishing, and other recreational activities as secondary uses. As the majority of the property will remain undisturbed or be used for agricultural production, and as the proposed social hall constitutes a recreational activity, the application is compatible with the adopted Land Use Map.*
- *The Ada County Building Official replied in Exhibit #16 that the Building Division has no objection to the proposed conditional use however, the applicant should be aware that the only building on the site that is approved as a "tasting room." B occupancy and only approved for an occupant load of 39. This will limit the area to be used as the "tasting room" to 279 square feet unless tables and chairs are installed which would allow for 585 square feet. The rest of the building is supposed to be for wine storage. If the use area or the occupant load changes it will require another permit to change the use and occupancy. This will require an application for permit and a complete code analysis by an Architect licensed in the state of Idaho and compete floor plan if the occupant load is to exceed 50 it would become an A occupancy.*
- *The Central District Health Department stated in Exhibit #19 that the applicant shall submit an accessory use application with a detailed plan in order to determine if the septic system can support larger events.*
- *Star Fire District stated in Exhibit #20 that they approve the application with the following conditions:*
  - *With the increased capacity of the tasting area inside the building to a max of fifty (50) proper exits, exit lighting and exit signs need to be in place with proper amount of fire extinguishers.*
  - *During the time that the future construction of the production facility happens, the current driveway will need to be expanded to 26' with two (2) turnouts. This road layout will need to be approved by Fire District during that time.*
  - *If a gate is ever installed in the future it will need to be equipped with KNOX key lock specific to Star Fire District.*

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- *The Idaho Transportation Department (ITD) initially responded in Exhibit #17, stating that they object to the development until a Traffic Impact Study is completed.*
  - *The Idaho Transportation Department commented in Exhibit #21, following the Traffic Impact Study, and has noted that the change in use and increase in trips warrants the need to limit larger events to fifteen (15) per year. In addition, a right turn lane will be required.*
6. The Board finds **Section 8-5-3-29 of the Ada County Code** is applicable because the applicant has applied for a Conditional Use and Master Site Plan to operate a Club, Lodge, or Social hall. The Board finds that the application complies with **Section 8-5-3-29 of the Ada County Code**. Regarding Section 8-5-3-29 the Board finds the following:
- A. All structures shall meet the minimum required setbacks for the applicable base district, or a minimum setback of thirty-five feet (35') from any public street and twenty-five feet (25') from any other property line, whichever is greater.
- The Board finds that all previously approved structures meet the setbacks for the Rural Residential (RR) District.*
- B. Any food service shall be approved by the central district health department.
- The Board finds, as conditioned, all food service shall be approved by the Central District Health Department.*
7. The Board finds **Section 8-5B-5 of the Ada County Code** is applicable because the applicant has applied for a Conditional Use to operate Club, Lodge, or Social Hall. The Board finds that the application complies with **Section 8-5B-5 of the Ada County Code**. Regarding Section 8-5B-5 the Board finds the following:
- A. The proposed use shall not be detrimental to the public health, safety, or welfare;
- The Board finds that the Club, Lodge, or Social Hall is not detrimental to the public health, safety, and welfare because it is in conformance with the specific use standards for a Club, Lodge, or Social Hall as evidenced by Findings of Fact Section H(5).*
- B. The proposed use shall not create undue adverse impacts on surrounding properties;
- The Board finds as conditioned, that the Club, Lodge, or Social Hall will not create undue adverse impacts on surrounding properties since the use is rural in nature and the surrounding properties are rural in nature. Previous conditions to provide landscape buffering, increased setbacks, and regulate outdoor speaker systems will mitigate potential impacts surrounding properties.*
- C. The proposed use is consistent with the applicable comprehensive plan;

*The Board finds as evidenced in Findings of Fact Section H(2) herein, that the proposed Club, Lodge, or Social Hall is consistent with the Ada County Comprehensive Plan.*

- D. The proposed use complies with the purpose statement of the applicable base district and with the specific use standards as set forth in this chapter;

*The Board finds that the club, lodge, or social hall complies with the purpose statement of the Rural Residential (RR) District as it complies with the applicable design and dimensional standards for the RR District. As evidenced on the Master Site Plan (Exhibit #6) the winery complies with the 50 foot setback from Highway 16 and the 25 foot property line setback not fronting a roadway. Also, the square footage of the structures does not exceed the maximum 5% lot coverage of 75,358.80 square feet.*

*The Board finds as evidenced by Findings of Fact Section H(2) that the Master Site Plan complies with the Wildland Urban Fire Interface Overlay District.*

*The Board finds as evidenced by Findings of Fact Section H(3) that the Master Site Plan complies with the Hillside Overlay District.*

*The Board finds as evidenced by Findings of Fact Section H(5) that the Master Site Plan complies with the specific use standards for a Club, Lodge, or Social Hall.*

- E. The proposed use complies with all applicable county ordinances;

*The Board finds that the Club, Lodge, or Social Hall complies with all applicable county ordinances as outlined in Findings of Fact Section B and as outlined herein.*

- F. The proposed use complies with all applicable state and federal regulations;

*The Board finds that all uses are innately required to comply with all applicable state and federal regulations as a matter of law.*

- G. The proposed use and facilities shall not impede the normal development of surrounding property;

*The Board finds that there is no evidence in the record that indicates that the Club, Lodge, or Social Hall will impede the normal development of surrounding properties as the use is compatible with surrounding properties.*

- H. Adequate public and private facilities such as utilities, landscaping, parking spaces, and traffic circulation measures are, or shall be, provided for the proposed use;

*The Board finds that adequate utilities and public services are available or provided for the winery. The application was transmitted to applicable agencies and political subdivisions on September 30, 2021.*

- *Brent Moore, Comprehensive & Regional Planner responded in Exhibit #18 that the Future Land Use Map of the Ada County Comprehensive Plan*

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*designates the property as Rangeland which lists seasonal grazing by domestic livestock or wild animals as a primary use, and hiking, hunting, fishing, and other recreational activities as secondary uses. As the majority of the property will remain undisturbed or be used for agricultural production, and as the proposed social hall constitutes a recreational activity, the application is compatible with the adopted Land Use Map.*

- *The Ada County Building Official replied in Exhibit #16 that the Building Division has no objection to the proposed conditional use however, the applicant should be aware that the only building on the site that is approved as a "tasting room." B occupancy and only approved for an occupant load of 39. This will limit the area to be used as the "tasting room" to 279 square feet unless tables and chairs are installed which would allow for 585 square feet. The rest of the building is supposed to be for wine storage. If the use area or the occupant load changes it will require another permit to change the use and occupancy. This will require an application for permit and a complete code analysis by an Architect licensed in the state of Idaho and complete floor plan if the occupant load is to exceed 50 it would become an A occupancy.*
- *The Central District Health Department stated in Exhibit #19 that the applicant shall submit an accessory use application with a detailed plan in order to determine if the septic system can support larger events.*
- *Star Fire District stated in Exhibit #20 that they approve the application with the following conditions:*
  - *With the increased capacity of the tasting area inside the building to a max of fifty (50) proper exits, exit lighting and exit signs need to be in place with proper amount of fire extinguishers.*
  - *During the time that the future construction of the production facility happens, the current driveway will need to be expanded to 26' with two (2) turnouts. This road layout will need to be approved by Fire District during that time.*
  - *If a gate is ever installed in the future it will need to be equipped with KNOX key lock specific to Star Fire District.*
- *The Idaho Transportation Department (ITD) initially responded in Exhibit #17, stating that they object to the development until a Traffic Impact Study is completed.*
- *The Idaho Transportation Department commented in Exhibit #21, following the Traffic Impact Study, and has noted that the change in use and increase in trips warrants the need to limit larger events to fifteen (15) per year. In addition, a right turn lane will be required.*

- I. Political subdivisions, including school districts, will be able to provide services for the proposed use.



*The Board finds that the application was transmitted to political subdivisions on September 30, 2021 and there has not been any evidence submitted into the record to indicate that political subdivisions would not be able to provide services to the club, lodge, or social hall.*

### **CONCLUSIONS OF LAW**

If any of these Conclusions of Law are deemed to be Findings of Fact they are incorporated into the Findings of Fact section.

1. The Board concludes that Project No. 202102577 A complies with Section 8-7-7 of the Ada County Code.
2. The Board concludes that Project No. 202102577 CU-MSP complies with the Ada County Comprehensive Plan.
3. The Board concludes that Project No. 202102577 CU-MSP complies with Section 8-3B of the Ada County Code.
4. The Board concludes that Project No. 202102577 CU-MSP complies with Section 8-3H of the Ada County Code.
5. The Board concludes that Project No. 202102577 CU-MSP complies with Section 8-4E-5 of the Ada County Code.
6. The Board concludes that Project No. 202102577 CU-MSP complies with Section 8-5-3-29 of the Ada County Code.
7. The Board concludes that Project No. 202102577 CU-MSP complies with Section 8-5B-5 of the Ada County Code.

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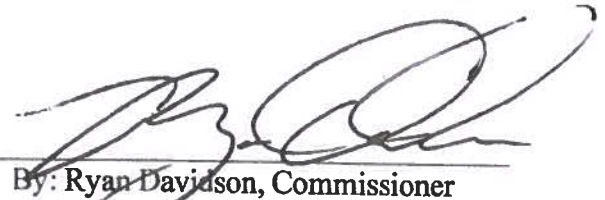
**ORDER**

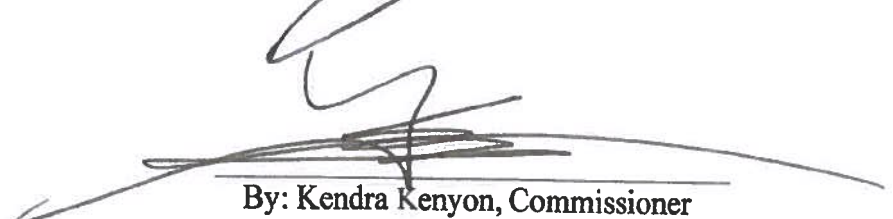
Based upon the Findings of Fact and Conclusions of Law contained herein and the testimony from the public hearing, the Board denies Project No. 202102577 A and affirms the Planning and Zoning Commission's approval of Project No. 202102577 CU-MSP subject to the Conditions of Approval attached as Exhibit A and the Master Site Plan.

DATED this 28<sup>th</sup> day of June, 2022

**BOARD OF ADA COUNTY  
COMMISSIONERS**

  
By: Rod Beck, Commissioner

  
By: Ryan Davidson, Commissioner

  
By: Kendra Kenyon, Commissioner

ATTEST:

  
Phil McGrane, Ada County Clerk  
by Katie Reed, Assistant Deputy Clerk

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER  
Project No. 202102577 A  
Keith Hill and Johnna and Trae Buchert

## EXHIBIT A

## CONDITIONS OF APPROVAL

**REQUIRED ACTIONS. THE FOLLOWING LIST DETAILS THE TASKS THAT MUST BE COMPLETED BEFORE THE APPROVAL OF PROJECT NO. 202102577 CU-MSP WILL BE CONSIDERED FINAL. THE APPLICANT AND/OR OWNER HAVE UNTIL TWO YEARS OF THE WRITTEN DECISION TO COMPLETE THE REQUIRED ACTIONS AND TO OBTAIN A ZONING CERTIFICATE UNLESS A TIME EXTENSION IS GRANTED. SEE SECTION 8-7-6 OF THE ADA COUNTY CODE FOR INFORMATION ON TIME EXTENSIONS. IF A BUILDING PERMIT IS REQUIRED, THE ZONING CERTIFICATE SHALL BE ISSUED WITH THE BUILDING PERMIT. THIS APPROVAL SHALL BECOME VOID IF A VALID ZONING CERTIFICATE HAS NOT BEEN ISSUED BY THAT DATE. SITE IMPROVEMENTS ARE NOT ALLOWED UNTIL THE ZONING CERTIFICATE HAS BEEN ISSUED.**

1. The applicant and/or owner shall obtain written approval of the development (site plan and/or use) from the agencies noted below. All site improvements are prohibited prior to approval of these agencies.
  - a) Central District Health must approve the septic permit.
  - b) The Star Fire District must approve all fire flow requirements and/or building plans.
  - c) The County Engineer must approve a surface drainage run-off plan. The plan shall contain all proposed site grading. Please contact the County Engineer at (208) 287-7900 for fee and application information. See Section 8-4A-11 of the Ada County Code for drainage plan standards.
2. As required by the Commission, the master site plan shall be modified to include the following items:
  - a) The applicant and/or owner shall provide a site plan showing the plantings around the production facility for the Director to review.
  - b) The applicant and/or owner shall provide detailed plans of the parking areas showing that the parking spaces comply with the minimum stall depth of 20'0" and the minimum stall width of 9'0" and has a two-way driving aisle that exceeds 25'0".
  - c) The applicant and/or owner shall depict how patrons will get from the overflow parking area to the tasting rooms.
  - d) The applicant and/or owner shall submit a lighting plan that complies with the requirements of Article 8-4H of the Ada County Code.
  - e) The applicant and/or owner shall submit a new plan showing the tasting room and associated patio located a minimum of 125' from the southern property line.
  - f) The applicant and/or owner shall construct an additional 2' on the 6' berm for the area along the new tasting facility (50' from the eastern edge of the existing berm) from the southern property line.
  - g) The applicant and/or owner shall extend to the existing 6' berm 50' to the west along the southern property line.

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- h) ~~The applicant and/or owner shall move the production facility to the north a minimum of 50' from the current proposed location.~~
  - i) Additional screening in the form of minimum 6' tall trees shall be provided between the upper parking lot area and the residences to the south.
  - j) Additional parking for a total of one hundred and fifty parking spaces on site must be installed and inspected by Development Services Staff prior to the commencement of events exceeding one hundred (100) people in size.
3. A complete code analysis from a licensed Idaho Architect for each individual structure is required as the project moves forward.
  4. For any retaining walls greater than four (4) feet in height as measured from the bottom of the footing to the top of the wall the applicant and/or owner shall provide structural engineering calculations.
  5. The applicant and/or owner shall submit building elevation drawings to the Director for any structures greater than 10,000 square feet showing that the structure has been designed such that the building mass and bulk are distributed.
  6. The applicant and/or owner shall submit plans for a food or beverage establishment to the Central District Health Department for plan review.
  7. The applicant and/or owner shall submit plans to the Idaho Department of Water Resources for the well construction and water availability.
  8. The applicant and/or owner shall pay the Ada County Highway District (ACHD) traffic impact fees prior to the issuance of a building permit.
  9. If the off-street parking areas are not surfaced with asphaltic concrete, then the County Engineer must approve some comparable all weather dustless material.
  10. The applicant and/or owner shall either install a placard or striping that clearly identifies and demarcates the ADA accessible parking space.
  11. The applicant and/or owner shall obtain written verification from ITD that they have approved the signs visible from Idaho State Highway 16.
  12. The applicant and/or owner is responsible for completing the EPA required SWPPP, NOI and/or Low Erosivity Waiver prior to construction.
  13. The applicant, owner, engineer or record and/or contractor shall notify the County Engineer when a construction start date is established.
  14. The Engineer of Record shall submit a letter to the Director stating the work has been completed in substantial compliance with the approved plans for the construction of the driveways and parking areas.
  15. The applicant and/or owner shall schedule a final inspection with the County Engineer upon completion of the project.

16. The applicant and/or owner shall schedule a final inspection with the Star Fire District prior to the issuance of the Certificate of Occupancy.
17. If required by the Ada County Building Code as set forth in Title 7, Chapter 2, of the Ada County Code, the applicant and/or owner shall obtain a building permit prior to commencing any development. Please contact the County Building Official at (208) 287-7900 for fee and application information. The design and construction of the development shall comply with the approved and stamped master site plan and the Ada County Code.
18. The applicant and/or owner shall submit an accessory use application to Central District Health with a detailed plan and provide Development Services with an approval letter.
19. With the increased capacity of the tasting area inside the building to a max of 50, proper exits, exit lighting and exit signs need to be in place with proper amount of fire extinguishers as required by Star Fire District.
20. During the time that the future construction of the production facility happens, the current driveway will need to be expanded to 26' with 2 turnouts. This road layout will need to be approved by the Star Fire District during that time.
21. A northbound right turn lane shall be constructed to the Idaho Transportation Department's current standards to mitigate for entering traffic.
22. A Certificate of Occupancy will be issued when all of the above conditions have been met. In the event conditions cannot be met by the desired date of occupancy, the owner and/or applicant may request a surety agreement in lieu of completing the improvements. See Title 8, Chapter 4, Article K of the Ada County Code for the terms and regulations of surety agreements.

**TERMS OF APPROVAL. THE FOLLOWING TERMS MUST BE COMPLIED WITH AT ALL TIMES OR YOUR APPROVAL MAY BE REVOKED.**

23. A zoning certificate and/or a building permit may not be issued until 15 days after the Commission issued the written decision on the proposed development. In the event the decision of the Commission is appealed, the building permit may not be issued until the appeal is resolved in favor of the proposed development. See Section 8-7-7 of the Ada County Code for more information on appeals.
24. The Director must approve any modification and/or expansion to the master site plan. See Section 8-4E-3 of the Ada County Code.
25. The use must comply with the specific use standards for a club, lodge, or social hall in Section 8-5-3-29 of the Ada County Code.
26. If a gate is ever installed, it will need to be equipped with a KNOX key lock specific to Star Fire District.
27. The outdoor public address/speaker system shall comply with the noise regulations of Section 5-13-3 of the Ada County Code.

28. Food service for events shall be approved by the Central District Health Department.
29. Any events of more than ~~fifty (50)~~ one hundred (100) people and no greater than two hundred and fifty (250) shall be limited to ~~fifteen (15)~~ twenty four (24) events per year.
30. ~~Prior to any events of more than fifty (50) people, the applicant and/or owner shall provide the Director in writing the date and time of the upcoming event.~~
31. The use must comply with the specific use standards for a winery in Section 8-5-3 of the Ada County Code, excluding the standard regarding promotional events.
32. The days and hours of operation for the wine tasting and events use are from 10:00 A.M. to 10:00 P.M., daily; Mondays and Tuesdays, hours of operation shall be limited to 10 a.m. to 6 p.m. The operation of the winery use is allowed 24 hours/7 days a week.
33. If there is any grading, filling, clearing, or excavation of any kind where there are slopes that exceed fifteen percent (15%) or adverse conditions associated with slope stability, erosion, or sedimentation are present, as determined by the County Engineer shall apply for a hillside permit.
34. The applicant and/or owner shall comply with the Ada County Highway District's site specific and standard conditions of approval.
35. The applicant and/or owner shall comply with ITD Permit No. 3-19-504. Should the use of the parcel change causing any increase in trip generation, or the parcel is split, the property owner shall reapply for access with ITD.
36. All drainage shall be retained onsite during and after construction.
37. During construction earthmoving equipment operation hours shall be limited to between 7:00 A.M. and 6:00 P.M.
38. The fire apparatus access turnaround shall meet the 2015 International Fire Code Appendix D.
39. The applicant and/or owner is responsible for restoring all disturbed areas. Restoration shall match the approved plans. For unapproved areas of disturbance, the County Engineer shall determine the level of restoration. This could include geotechnical reports, grading, erosion control blankets and hydro seeding.
40. Any signs must be located outside of the Idaho Transportation Department's Right-of-Way.
41. The applicant and/or owner shall have a continuous obligation to maintain the driveway and winery site in accordance with Ada County Code 8-3B (Wildland Urban Fire Interface Overlay District).
42. The property must be managed and maintained consistent with the standard regulations in Title 8, Chapter 4, Article A of the Ada County Code. Please note that this Article contains specific regulations regarding the accumulation of junk, atmospheric emissions, construction sites, hazardous material storage, outdoor public address systems, outdoor storage of chemicals and fertilizers, transmission line corridors, and utilities.



43. Any lighting on the site shall comply with the lighting regulations in Title 8, Chapter 4, Article H, of the Ada County Code.
  44. The use must comply with the noise regulations in Ada County Code, Title 5, Chapter 13.
  45. For projects where the Commission approved a phasing plan, the phases shall be completed as noted in the phasing plan.
  46. A review of the project shall be performed by the Director after one (1) year of the commencement of the use.
  - 47.
- \* Revised conditions added by the Ada County Board of Commissioners at the public hearing held on June 14, 2022.

1445 N. Orchard St.  
Boise ID 83706 • (208) 373-0550



Brad Little, Governor  
Jess Byrne, Director

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June 29, 2023

Shawn L. Nickel  
Planning Director and Zoning Administrator  
Star City Hall  
P.O. Box 130  
Star, Idaho 83669  
[snickel@staridaho.org](mailto:snickel@staridaho.org)

Subject: Dude Dewalt Winery & Events Center

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).

For questions, contact David Luft, Air Quality Manager, at (208) 373-0550.

- IDAPA 58.01.01.201 requires an owner or operator of a facility to obtain an air quality permit to construct prior to the commencement of construction or modification of any facility that will be a source of air pollution in quantities above established levels. DEQ asks that cities and counties require a proposed facility to contact DEQ for an applicability determination on their proposal to ensure they remain in compliance with the rules.

For questions, contact the DEQ Air Quality Permitting Hotline at 1-877-573-7648.

**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 Pollutant 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 Rebecca Blankenau, 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.
- 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

c:

2021AEK



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

**IDAHO TRANSPORTATION DEPARTMENT**

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

Section 7, Item A.

June 28, 2023

City of Star  
Shawn Nickels, P&Z Administrator  
10769 W State St  
Star, ID 83669  
[snickel@staridaho.org](mailto:snickel@staridaho.org)

Re: Dude Dewalt Cellars Winery and Events Center, File No. AZ-23-02, CPA-23-01, DA-23-04, CU-23-05

Dear Mr. Nickels,

Idaho Transportation Department (ITD) appreciates this opportunity to provide comments regarding Dude Dewalt Cellars Winery and Events Center located at 5446 Highway 16 (Mile Post 103.5), Star, Idaho. Please see the following ITD comments:

1. This project abuts State Highway 16 (SH-16).
2. This proposal does not require a new Traffic Impact Study (TIS).
3. The applicant is working with Spring Valley Development (north of said project) to incorporate the right-turn lane for the Dewalt Cellars Winery and Events Center Development into Spring Valley's project. Please contact Luke Rudolph at [Luke.Rudolph@itd.idaho.gov](mailto:Luke.Rudolph@itd.idaho.gov) for any questions or changes.
4. Direct access to SH-16 will need to obtain a *Right-of-Way Encroachment Application and Permit Approaches or Public Street* permit. Contact Josh Nopens for any permit questions at [Josh.Nopens@itd.idaho.gov](mailto:Josh.Nopens@itd.idaho.gov).
5. Any addition, modification, change of use, relocation, maintenance, or removal of an encroachment of the state highway or use of highway right-of-way for any purpose other than normal travel, shall obtain an Encroachment Permit (ITD Form 2110) to use state right-of-way. The applicant may contact Shona Tonkin at [Shona.Tonkin@itd.idaho.gov](mailto:Shona.Tonkin@itd.idaho.gov).
6. Idaho Code 40-1910 does not allow advertising within the right-of-way of any State highway.
7. The Idaho Administrative Procedures Act (IDAPA) 39.03.60 governs advertising along the State highway system. The applicant may contact Justin Pond, Program Manager for ITD's Headquarters Right-of-Way Section at (208) 334-8832 for more information.

ITD reserves the right to make further comments on this project as deemed necessary.

Sincerely,

Wendy I. Howell, PCED  
Development Services Coordinator  
ITD – District 3





DATE: July 7, 2023

TO: City of Star – Planning and Zoning

FROM: Victor Islas, Deputy Chief

SUBJECT: Fire District Comments

PROJECT NAME: Dude Dewalt Cellars Winery and Event Center  
File AZ-23-02, CPA-23-01, DA-23-04, CU-23-05

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### Fire District Summary Report:

1. **Overview:** This is a report regarding Dude Dewalt Cellars Winery and Event Center. The Star Fire Protection District will service the development. The development must comply with the most recent adopted International Fire Code and Code of the City of Star.
2. **Services:** The Star Fire Protection District provides 24-hour Fire and EMS services to the citizens of the district. The district utilizes the County Ambulance services for Advanced Life Support and Transport.
3. **Response Time/Station Coverage:**
  - a. Primary – This development will be served by the Star Fire Protection District Station 51, located at 11665 W. State St., Star, Idaho 83669. Station 51 is primary response station located 5.5 miles from entrance off Hwy 16. Station 51 travel time under ideal driving conditions is 10 minutes.
  - b. Future – Star Fire Protection District Station 55 will be located on Floating Feather Rd, west of N. Pollard Ln. When construction is complete, and the station is in service, the entrance off Hwy 16 will be 3.1 miles with a travel time of 5 minutes under ideal driving conditions.
  - c. Response times are subject to change as road infrastructure is improved.
4. **Accessibility:** Roadway Access, Traffic, Radio Coverage
  - a. Access roads shall be provided and maintained following Appendix D and Section 503 of the IFC. Access shall include adequate roadway widths, signage, turnarounds, and turning radius for fire apparatus.
5. **Water Supply:** Requirements for water supply/fire flow will be followed as described in Appendix B of the 2018 International Fire Code unless agreed upon by the Fire District.



6. **Impact Fees:** Impact fees provide funding for essential public safety infrastructure that Star Fire Protection District needs to manage the increase in calls for service created by growth.
  - a. This project will be subject to the impact fee set forth by the fire district.
7. **Additional Comments:**
  - a. Prior requirements set forth by the Fire District in writing to Ada County will apply.
  - b. Additional review, comment, and approval are required by the Fire District for building permits.
  - c. It shall be the responsibility of the applicant to submit appropriate applications and supporting documents to the Fire District for review.
  - d. Any overlooked hazardous condition and/or violation of the International Fire Code does not imply approval of such condition or violation. The applicant will mitigate the hazardous condition and/or violation as per Code working with the Fire Code Official.

**Shawn Nickel**

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**From:** Keith Hill <unconsult@aol.com>  
**Sent:** Friday, June 30, 2023 11:36 AM  
**To:** Shawn Nickel  
**Cc:** barbara@blfairbanks.com; paul@paulhudson.com; idhazens@gmail.com; jfior313@aol.com; cfior313@aol.com  
**Subject:** Dude DeWalt Cellars / City of Star  
**Attachments:** Dude DeWalt Star Shawn Nickel.docx

Shawn Nickel,

Thanks for the hour of your time yesterday along with Ryan and Ryan.

Your question was what conditions or mitigations to adverse effects would be acceptable to us as neighbors.

First, we have no issues with the vineyard and wine production.

The issues are the collateral that Dude DeWalt Cellars wants in this rural residentially zoned area. Their request makes them an events center, bar and restaurant.

We would want:

1000 Foot set back. That includes parking. Their current parking lot has been expanded beyond the scope of anything they applied for with Ada County. Further we expected that parking lot would follow the setbacks Ada County had for buildings as well. A simple 1000 foot set back on this 34.60 acres is reasonable as it would protect the neighbors from noise in the parking lot, and two existing patios would be not allowed. The current parking lot should be used for building or vineyard and not a parking lot.

All Wine Tastings and Music be indoors.

Daily capacity of 50 people.

12 events of 75 people.

Hours 10am – 6pm Monday through Saturday. No operations on Sundays.

I have no problems with the Operational Winery Activities described in application. I have trouble with all the activities described as events. This is rural residential and weddings, car shows, and concerts are not what needs to happen in residential.



Additionally, the plan takes the residence and calls it the caretaker location. CUPs in r must fundamentally remain residential and that residence must not in my opinion every be used as part of the winery. If the Bucchert's leave and it is not a residence for them then the CUP should be null and void. Part of the reason now they do not think they are bad neighbors are they are not there to experience what goes on often enough.

Lastly, I want Star to recognize that the Ada County Alcohol permit is illegal in that they never achieved the 75% neighbor approval outlined in Ada 4-3-1 thru 4-3-17. Further this applicant made material false statements on that application by submitting her own signature. The evidence I have collected that they regularly sold alcohol to underage patrons should be taken into consideration. I'd like as a condition in this CUP that Star makes Dude DeWalt (applicant) go thru the 75% approval process again in 2023 as a condition of getting the Star alcohol permit.

Sincerely,

Keith Hill

**Keith Hill**  
**The World's Leading Authority On Music Scheduling**  
**252-453-8888**  
**unconsult@aol.com**

## LEGAL NOTICE PUBLIC HEARING

Notice is hereby given that the Star City Council will hold a Public Hearing on **July 18, 2023** 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.

**Application:** Inspirado Commercial Annexation  
Files #'s AZ-23-04 Annexation & Zoning  
DA-21-11 (MOD) Development Agreement Modification

**Owner/Applicant:** Antonov Star Holding, LLC/Criterion Land Management, LLC

**Representative:** Teller Bard, Kimley-Horn

**Action:** The Applicant is requesting approval of an Annexation and Zoning (MU Mixed Use) and a Development Agreement modification for two future commercial parcels and a parcel for future roadway. The properties are located at 7230 W. Chinden Blvd and the intersection of W. Old School Drive and N. Mystic Creek Ave, Meridian, Ada County, Idaho, and consists of a total of 5.26 acres.

**Property Location:** The subject property is generally on the north side of Hwy 20/26 (Chinden Road) between N. Star Road and Hwy 16. Ada County Parcel No's. S0420449210, S0420347000 & S0420347101.

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

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


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



# CITY OF STAR

## LAND USE STAFF REPORT

**TO:** Mayor & Council

**FROM:** City of Star Planning & Zoning 

**MEETING DATE:** **July 18, 2023 – PUBLIC HEARING**

**FILE(S) #:** AZ-23-04 Annexation and Zoning – Inspirado Commercial & Roadway  
DA-21-11 MOD Development Agreement Modification

### OWNER/APPLICANT/REPRESENTATIVE

<b>Property Owner</b> Antonov Star Holdings, LLC 7629 E. Pinnacle Peak Road, Ste. 110 Scottsdale, Arizona 85255	<b>Representative:</b> Teller Bard Kimley-Horn & Associates 950 W. Bannock St, Ste. 1100 Boise, Idaho 83702
--	---

**Applicant**  
Criterion Land Management, LLC  
1861 S. Wells Avenue, Ste. 200  
Meridian, Idaho 83642

### REQUEST

**Request:** The Applicant is requesting approval of an Annexation and Zoning (MU Mixed Use) and a Development Agreement modification for two future commercial parcels and a parcel for future roadway. The properties are located at 7230 W. Chinden Blvd and the intersection of W. Old School Drive and N. Mystic Creek Ave, Meridian, Ada County, Idaho, and consists of a total of 5.26 acres.

### PROPERTY INFORMATION

**Property Location:** The subject property is generally on the north side of Hwy 20/26 (Chinden Road) between N. Star Road and Hwy 16. Ada County Parcel No's. S0420449210, S0420347000 & S0420347101.



**Surrounding Land Use/Designations:**

	<b>Zoning Designation</b>	<b>Comp Plan Designation</b>	<b>Land Use</b>
<b>Existing</b>	RUT (County)	South of the River Planning Area	Approved Single Family Residential/ Commercial
<b>Proposed</b>	MU-DA	South of the River Planning Area	Commercial/Mixed Use/Future Roadway
<b>North of site</b>	MU-PUD-DA	South of the River Planning Area	Single Family Residential/ Commercial
<b>South of site</b>	RUT (County)	City of Meridian Impact Area	Agriculture
<b>East of site</b>	RUT (County)	South of the River Planning Area	Vacant
<b>West of site</b>	MU-PUD-DA	South of the River Planning Area	Approved Mixed Use/Commercial

**Existing Site Characteristics:** The property currently is being developed as the Inspirado Subdivision Development.

**Irrigation/Drainage District(s):** Nampa-Meridian, Boise-Kuna, Boise Project Board of Control; Eureka Water Company/Creason Ditch

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

**Special On-Site Features:**

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

APPLICATION REQUIREMENTS

Pre-Application Meeting Held	September 15, 2022
Neighborhood Meeting Held	April 17, 2023
Application Submitted & Fees Paid	May 24, 2023
Application Accepted	June 8, 2023
Residents within 300' Notified	June 27, 2023
Agencies Notified	June 8, 2023
Legal Notice Published	June 30, 2023
Property Posted	July 7, 2023

HISTORY

August 17, 2021	The public hearing was tabled to January 11 to allow for ACHD and ITD additional time to provide comments.
January 11, 2022	Council approved applications for Annexation and Zoning (AZ-21-09), Preliminary Plat (PP-21-22), Planned Unit Development (PUD – 21-01) and a Development Agreement (DA-21-11) for Inspirado Subdivision. The preliminary plat was approved for 195 single family residential lots, 2 multi-family residential lots, 1 commercial lot, 4 multi-use lots and 24 common lots.
September 6, 2023	Council approved application for final plat for phase one for 61 residential lots.
November 15, 2022	Council approved application for final plat for phase two for 43 residential lots.

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:**

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.

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

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

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

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

**ZONING DISTRICT USES**

Section 7, Item B.

**USES****MU**

Accessory structure - Residential or Commercial	C/P
Adult business/adult entertainment	N
Agriculture, forestry, fishing	N
Airport	N
Animal care facility <sub>1</sub>	C
Artist studio <sub>1</sub>	P
Arts, entertainment, recreation facility <sub>1</sub>	C
Asphalt plant <sub>1</sub>	N
Auction facility	C
Automated Teller Machine (ATM) <sub>1</sub>	A
Automotive hobby <sub>1</sub>	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
Brewery/Distillery	C
Brewpub/Wine Tasting	C
Building material, garden equipment and supplies	C
Campground/RV park <sub>1</sub>	C
Caretaker Unit <sub>1</sub>	A
Cement or clay products manufacturing	N
Cemetery <sub>1</sub>	N
Chemical manufacturing plant <sub>1</sub>	N
Child Care center (more than 12) <sub>1</sub>	C
Child Care family (6 or fewer) <sub>1</sub>	A
Child Care group (7-12) <sub>1</sub>	C
Child Care-Preschool/Early Learning <sub>1</sub>	C
Church or place of religious worship <sub>1</sub>	C

Civic, social or fraternal organizations	C
Concrete batch plant <sup>1</sup>	N
Conference/convention center	C
Contractor's yard or shop <sup>1</sup>	N
Convenience store	C
Dairy farm	N
Drive-through establishment/drive-up service window <sup>1</sup>	C
Dwelling:	
Multi-family <sup>1</sup>	C
Secondary <sup>1</sup>	C
Single-family attached	C
Single-family detached	C
Two-family duplex <sup>1</sup>	C
Live/Work Multi-Use <sup>1</sup>	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 <sup>1</sup>	C
Golf course/Driving Range	C
Government office	C
Greenhouse, private	A



Greenhouse, commercial	C
Guesthouse/granny flat	C
Healthcare and social services	C
Heliport	N
Home occupation <sub>1</sub>	A
Hospital	C
Hotel/motel	C
Ice manufacturing plant	N
Institution	C
Junkyard	N
Kennel	C
Laboratory	C
Laboratory, medical	C
Lagoon	N
Laundromat	P
Laundry and dry cleaning	C
Library	N
Manufactured home <sub>1</sub>	C
Manufactured home park <sub>1</sub>	N
Manufacturing plant	N
Meatpacking plant	N
Medical clinic	P
Mining, Pit or Quarry (excluding accessory pit) <sub>1</sub>	N
Mining, Pit or Quarry (for accessory pit) <sub>1</sub>	A
Mortuary	C
Museum	P
Nursery, garden center and farm supply	C
Nursing or residential care facility <sub>1</sub>	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) <sup>1</sup>	P
Power plant	N
Processing plant	N
Professional offices	C
Public infrastructure; Public utility major, minor and yard <sup>1</sup>	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 (Indoor/Outdoor)	C/N
Shopping center	C
Short Term Rentals <sup>1</sup>	A
Solid waste transfer station	N
Storage facility, outdoor (commercial) <sup>1</sup>	C
Storage facility, self-service (commercial) <sup>1</sup>	C
Swimming pool, commercial/public	P
Television station	C
Temporary living quarters <sup>1</sup>	N

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

**DIMENSIONAL STANDARDS:**

Zoning District	Maximum Height	Minimum Yard Setbacks Note Conditions			
	Note Conditions	Front (1)	Rear	Interior Side	Street Side
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. Zero-Lot-Line and reduced front and rear setback waivers may be requested through the Development Agreement process. All other side yard setback requests for detached structures shall not be granted waivers, unless as part of a Planned Unit Development.
3. All setbacks in the CBD, C-1, C-2, LO, IL, PS, RC and M-U zone shall maintain a minimum 15' when adjacent to a residential use or zone.
4. As approved by the Fire District.

## **COMPREHENSIVE PLAN:**

### 8.2.3 Land Use Map Designations:

#### 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 subdivided in the future.

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

- A. Assist in the provision of coordinated, efficient, and cost-effective public facilities and utility services, carefully managing both residential and non-residential development and design, and proactively reinforcing downtown Star's role as the urban core while protecting existing property rights.
- B. Encourage commercial facilities to locate on transportation corridors.
- C. Locate neighborhood services within walking distance to residential development.
- D. Discourage the development of strip commercial areas.
- E. Maintain and develop convenient access and opportunities for shopping and employment activities.
- F. Commercial areas of five acres or less should be encouraged in residential land use designations with appropriate zoning to allow for commercial services for residential neighborhoods and to limit trip lengths. Such commercial areas should be submitted for approvals with a Conditional Use Permit or Development Agreement to assure that conditions are placed on the use to provide for compatibility with existing or planned residential uses. These areas should be oriented with the front on a collector or arterial street.
- G. Allow for some light industrial uses within the Commercial areas at the sole discretion of the City Council.

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

- A. Council, at their sole discretion, shall determine what mix of uses are appropriate for any mixed-use area considering existing property owners rights.
- B. Development within the Mixed-Use Designation is to proceed through the CUP, PUD, and/or Development Agreement process, and a concept plan must be included with any such proposed use.

- C. In general, mixed-use areas along state highways should be predominantly commercial with a very minor component of residential unless the residential is placed on upper floors as part of a mixed-use building.
- D. Mixed use areas along state and U.S. Highways where direct access to the state highway is prohibited, like along State Highway 16 between State Highway 44 and US Highway 20/26, should be predominately residential with a minor component of neighborhood commercial, or light industrial if sufficient roadway access, by means of backage or other roads, to the State Highway is provided.
- E. Mixed use areas located between commercial and residential land use designations are to provide a compatible transition between the higher intensity use of commercial and the lower intensity use of Estate and\_Neighborhood Residential. Uses for these mixed-use areas could include multi-family housing and or office related uses if determined by the Council through the public hearing process, to be appropriate.

#### 8.5.9 Additional Land Use Component Policies:

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

#### 18.4 Implementation Policies:

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

#### 21.1 – South of the River Planning Area

Refer to the South of the River Area Document



PROJECT OVERVIEW

ANNEXATION & REZONE:

The Applicant is requesting approval of an Annexation and Zoning (MU Mixed Use) and a Development Agreement modification for two future commercial parcels and a parcel for future roadway. The subject properties are located at 7230 W Chinden Blvd and consist of Parcel Numbers S0420347000, S0420347101 and S0420449210. The parcels are adjacent the existing Inspirado Subdivision to the north. The project is 4.2 acres and is generally located northeast of the Chinden Blvd and Star Rd intersection. The subject properties are currently vacant. S0420449210 is an outparcel which is being included now to ensure Old School Drive is able to be constructed and connected in its entirety consistent with other improvements within the original Inspirado approval. The new parcels to be included within the existing Inspirado Development are currently within Ada County and requesting annexation into the City of Star. All three parcels are requesting MU zoning. This is consistent with the adjacent zoning designations and Comprehensive Plan Map and South of the River Plan.

**In reviewing the application and proposed Mixed Use zoning designation and uses allowed, Council should consider excluding specific uses such as Multi-Family and other Residential, Storage Facilities or other uses that Council has voiced concerns about in past applications for Mixed Use zones.**

**ITD has responded that the two Mixed Use parcels on Hwy 20/26 were not considered as part of the original Traffic Impact Study (TIS). Staff recommends a condition of approval in the development agreement requiring the applicant to work with ITD and ACHD on all related requirements by the transportation agencies.**

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:

- Allowed Mixed Uses, including Multi-family and Storage Facilities
- ITD Proportionate Share Fees and Updated TIS
- Emergency Access

AGENCY RESPONSES

Ada County	July 7, 2023
ITD	July 6, 2023

PUBLIC RESPONSES

No public comments have been received on this application.

STAFF RECOMMENDATION

Based upon the information provided to staff in the applications and agency comments received to date, the proposed applications meet the requirements, standards, and intent for development as it relates to the Comprehensive Plan and Unified Development Code.

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

FINDINGS

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

ANNEXATION/REZONE FINDINGS:

1. The map amendment complies with the applicable provisions of the Comprehensive Plan.  
*The purpose of the Star Comprehensive Plan is to promote the health, safety, and general welfare of the people of the City of Star and its Impact Area. Some of the prime objectives of the Comprehensive Plan include:*
  - ✓ *Protection of property rights.*
  - ✓ *Adequate public facilities and services are provided to the people at reasonable cost.*
  - ✓ *Ensure the local economy is protected.*
  - ✓ *Encourage urban and urban-type development and overcrowding of land.*
  - ✓ *Ensure development is commensurate with the physical characteristics of the land.**The goal of the Comprehensive Plan for Land Use is to encourage the development of a diverse community that provides a mixture of land uses, housing types, and a variety of employment options, social and recreational opportunities, and where possible provides an assortment of amenities within walking distance of a residential development. The Council must find compliance with the Comprehensive Plan.*

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

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

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

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

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

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

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

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

**COUNCIL DECISION**

The Star City Council \_\_\_\_\_ File Number AZ-23-04/DA-21-11 Annexation/Zoning and Development Agreement Modification for Inspirado Commercial & Roadway on \_\_\_\_\_, 2023.





## ANNEXATION & ZONING - REZONE 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: Criterion Land Management, LLC

Applicant Address: 1861 S Wells Avenue, Suite 200 Meridian, ID Zip: 83642

Phone: 208-351-1990 Email: kody@criterionland.com

Owner Name: ANTONOV STAR HOLDING LLC

Owner Address: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Representative (e.g., architect, engineer, developer):

Contact: Teller Bard, PE Firm Name: Kimley-Horn

Address: 1100 W Idaho Street, Suite 210, Boise, ID Zip: 83702

Phone: 208-906-3871 Email: Teller.Bard@kimley-horn.com

### Property Information:

S0420347000,

S0420347101 &

Site Address: 7230 W Chinden Blvd Parcel Number: S0420449210

Total Acreage of Site: 4.2

Total Acreage of Site in Special Flood Hazard Area: N/A

Proposed Zoning Designation of Site: MU & R-3

### Zoning Designations:

	Zoning Designation	Comp Plan Designation	Land Use
Existing	RUT - County	MU	SFD
Proposed	MU & R-3 PUD	No change	Mixed-Use
North of site	R-3 PUD-DA	MU	Mixed-Use
South of site	RUT - County	Meridian AOI	Vacant
East of site	RUT - County	C	Vacant
West of site	MU PUD-DA	MU	Mixed-Use

**Special On-Site Features** (Yes or No – If yes explain):

Areas of Critical Environmental Concern - No

Evidence of Erosion - No

Fish Habitat - No

Floodplain - No

Mature Trees - No

Riparian Vegetation - No

Steep Slopes - No

Stream/Creek - No

Unique Animal Life - No

Unique Plant Life - No

Unstable Soils - No

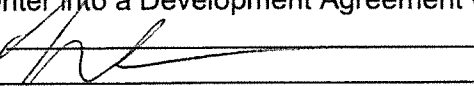
Wildlife Habitat - No

Historical Assets - No

**Application Requirements:**

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

	Applicant (√)	Description	Staff (√)
#1	X	Pre-application meeting with the Planning Department required prior to neighborhood meeting.	
	X	Copy of neighborhood meeting notice sent to property owners within 300 feet and meeting sign-in sheet. <b>(Please contact the City for addresses &amp; labels)</b> (Applicants are required to hold a neighborhood meeting to provide an opportunity for public review of the proposed project prior to the submittal of an application.)	
	X	Completed and signed Annexation & Zoning/Rezone Application	
#2	X	Fee: (Include Development Agreement Fee). Please contact the City for current fee. Fees may be paid in person with check or electronically with credit card. Please call City for electronic payment. Additional service fee will apply to all electronic payments.	
	X	Narrative fully describing the proposed project (must be signed by applicant)	
#3	X	Legal description of the property to be annexed and/or rezoned: <ul style="list-style-type: none"> <li>• Include a metes &amp; bounds description to the section line/centerline of all adjacent roadways, stamped and signed by a registered professional land surveyor, with a calculated closure sheet.</li> <li>• Scaled exhibit map showing the boundaries of the legal description in compliance w/the requirements of the Idaho State Tax Commission Property Tax Administrative Rules IDAPA 35.01.03.225.01h.</li> <li>• If requesting more than one zoning designation, include a legal description for each zone along with an overall annexation/rezone boundary description. Also include the boundaries of each different zone on the map.</li> <li>• Submit word.doc and pdf version with engineer's seal.</li> </ul>	
#4	X	Recorded warranty deed for the subject property	

#5	X	If the signature on this application is not the owner of the property, an <b>original</b> notarized statement (affidavit of legal interest) from the owner stating the applicant is authorized to submit this application.	
#6	X	One (1) 8½" X 11" copy and electronic copy in pdf. format of vicinity map showing the location of the subject property	
#7	X	One (1) full-size 24" X 36" copy and one (1) 11" X 17" copy of associated CUP/PUD Site Plan/Preliminary Plat. If this application is not accompanied by a plat or site plan, please submit conceptual development plan for the property.	
	X	Electronic copy in pdf. format of submitted plat, site or conceptual plan.	
#8	X	List of name(s) and address(es) of all canal or irrigation ditches within or contiguous to the proposed development.	
#9	X	One (1) copy of names and addresses printed on address labels, of property owners within three hundred feet (300') of the external boundaries of the property being considered as shown on record in the County Assessor's office. <b>Please contact the City to request addresses and labels.</b>	
	X	Two (2) copies of the Electronic versions of submitted application including neighborhood meeting information, signed application, narrative, legal description, warranty deed, vicinity map, preliminary plat/site plan, irrigation district information, <u>shall be submitted in original pdf format (no scans for preliminary plat/site plans) on two (2) thumb drives only (no discs) with the files named with project name and plan type.</u>	
	X	Signed Certification of Posting with pictures. (see attached posting requirements and certification form) – To be completed by application after acceptance of application. Staff will notify applicant of hearing and posting date.	
	X	*Applicant agrees to enter into a Development Agreement with this application. Applicant's Signature: 	
	X	Property shall be annexed into Star Sewer and Water District prior to Final Plat approval, building permits. Please contact SSWD for details.	

### FEE REQUIREMENT:

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

  
Applicant/Representative Signature

5/11/23  
Date



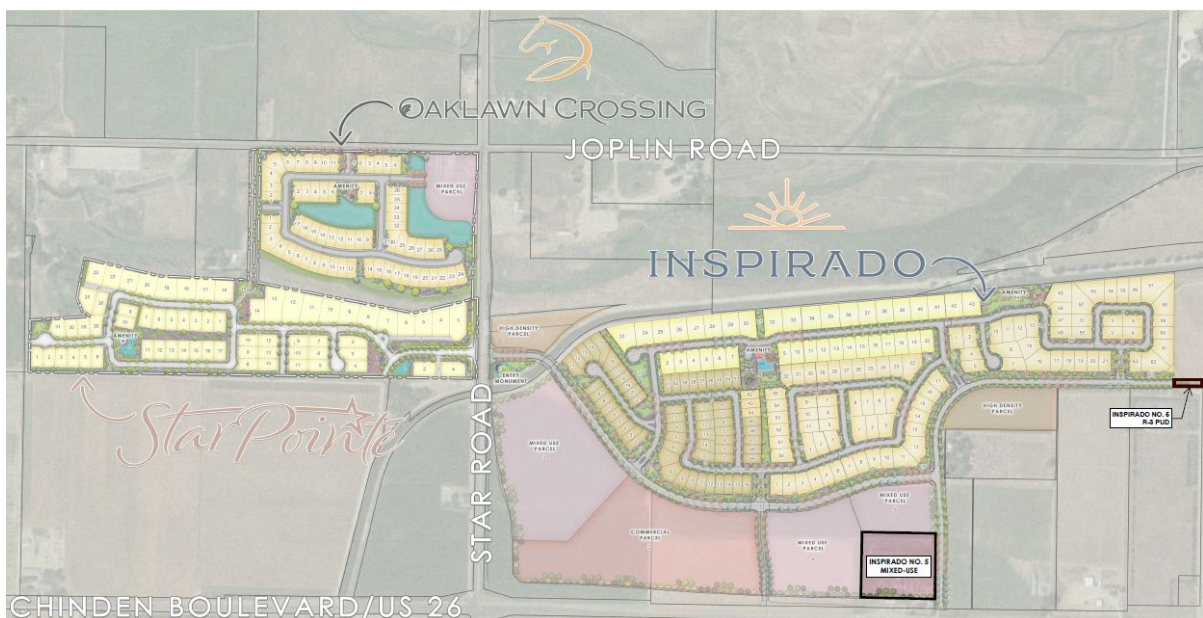


May 24, 2023

Planning & Zoning  
City of Star  
P.O. Box 130  
Star, Idaho 83669

**RE: *Inspirado Phase 5 Annexation, Rezone, Development Agreement Modification Request***

On behalf of Criterion Land Management LLC, we are submitting the Inspirado Phase 5 Annexation, Rezone, Development Agreement Modification requests for review and approval.

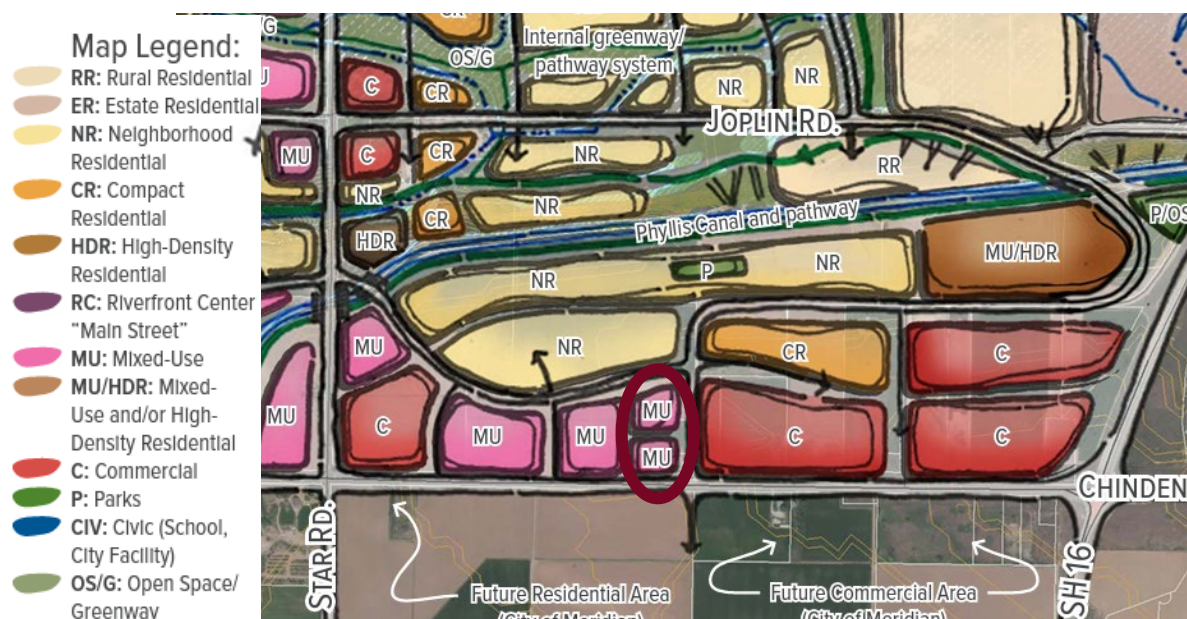


The subject properties (outlined in bold) are located at 7230 W Chinden Blvd and consist of Parcel Nos. S0420347000, S0420347101 and S0420449210. The parcels are adjacent the existing Inspirado Subdivision to the north. The project is 4.2 acres and is generally located northeast of the Chinden Blvd and Star Rd intersection. We are requesting to modify the original Inspirado Subdivision Development Agreement to include the new parcels mentioned above.

The subject properties are currently vacant. S0420449210 is an outparcel which is being included now to ensure Old School Drive is able to be constructed and connected in its entirety consistent with other improvements within the original Inspirado approval. The new parcels to be included within Inspirado are currently within Ada County and requesting annexation into the City of Star. Parcels S0420347000 and S0420347101 are requesting MU zoning, S0420449210 is requesting R-3 PUD zoning. This is consistent with the adjacent zoning assigned within Inspirado.

The “South of the River Sub-Area Plan” designates the site along Chinden Blvd as Mixed Use and states the area:

“has strong retail potential.. The mixed-use designation is appropriate as a measure allowing Star to either augment that corner development with complementary in-line retail and dining tenants or preserve some for later multifamily (or other) development. The flexibility is especially important given the uncertain trajectory of the brick-and-mortar retail industry” (page 3-7).



The project is consistent with the required findings for approval as it complies with several principles of the Comprehensive Plan. This includes Section 7.4.H which calls for developing a mixture of commercial, service and residential developments that encourage walking. Section 7.4.K calls for supporting economic development that provides quality employment opportunities to local residents, good wages, benefits and affordable goods. Section 7.5.A calls for concentrating appropriate commercial and office development in close proximity to housing and consumers for neighborhood commercial centers. Section 8.5.9.H calls for developing a harmonious blend of opportunities for living, working, recreation, education, shopping and cultural activities.

In addition, the project will be consistent with the regulations of the proposed zoning and will not be materially detrimental to the public health, safety, and welfare. Public services are available and adequate to serve the project. The project will not adversely impact the delivery of services as agency requirements will be fully met and submitted for your review and comment as the project continues. Comments will also confirm public financial capability of supporting services for the development. Initial meetings indicate that agencies are in alignment and agreement for the proposed project; however, as additional needs arise, they will be mitigated and incorporated in the project design. The development does not disturb any known significant natural, scenic or historic features. The annexation is in the best interest of the City as it will ensure the area is developed in a consistent manner and utilize previously



approved public services in a consolidated fashion. The engineering, architectural, and construction practices will be implemented with the professional standard of care.

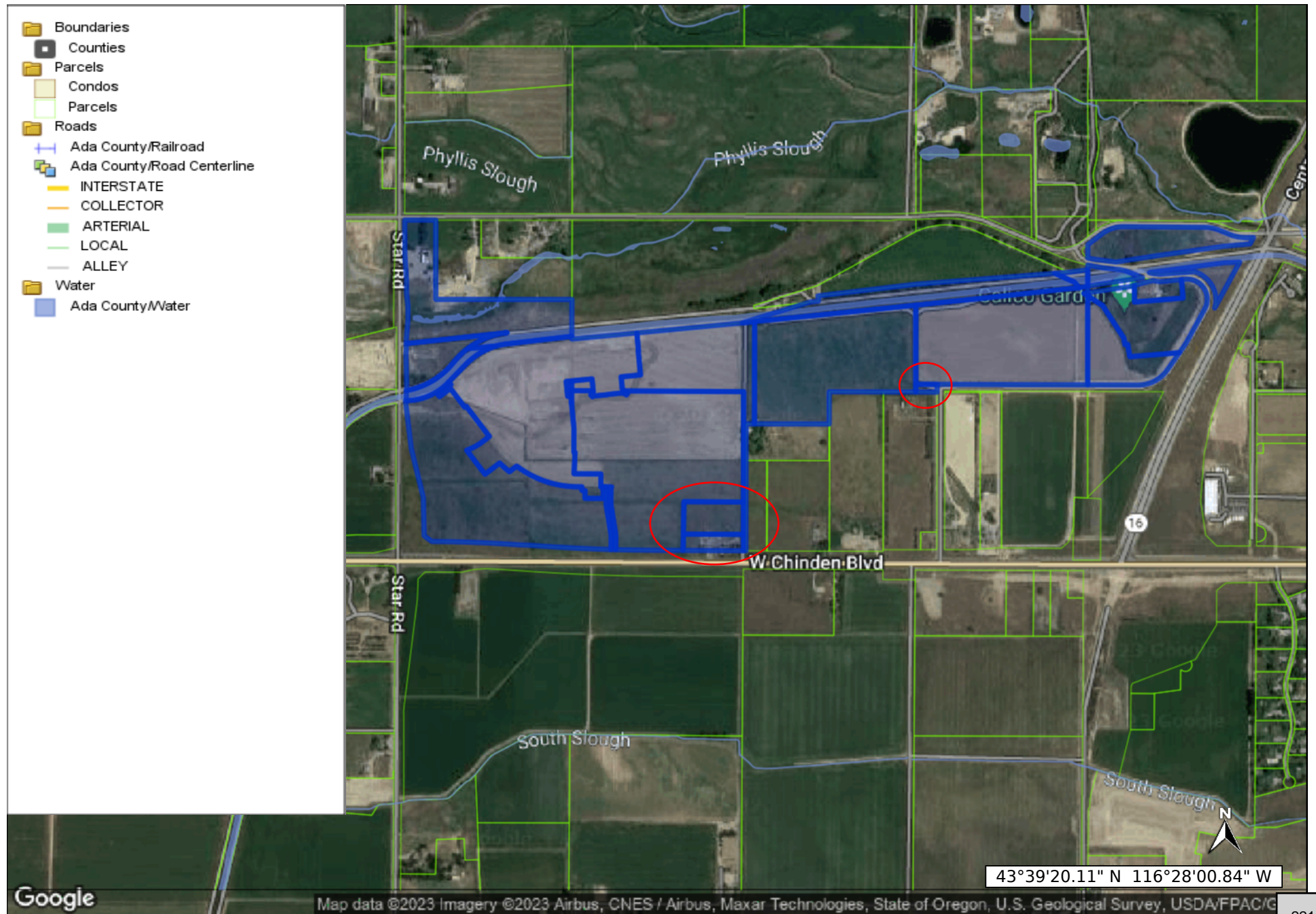
We greatly appreciate your time and review of our application submittal. In accordance with the submittal checklists, we are submitting electronically with all required information. Please contact me at (208) 207-8477 or [Nicolette.Womack@kimley-horn.com](mailto:Nicolette.Womack@kimley-horn.com) should you have any questions.

Sincerely,

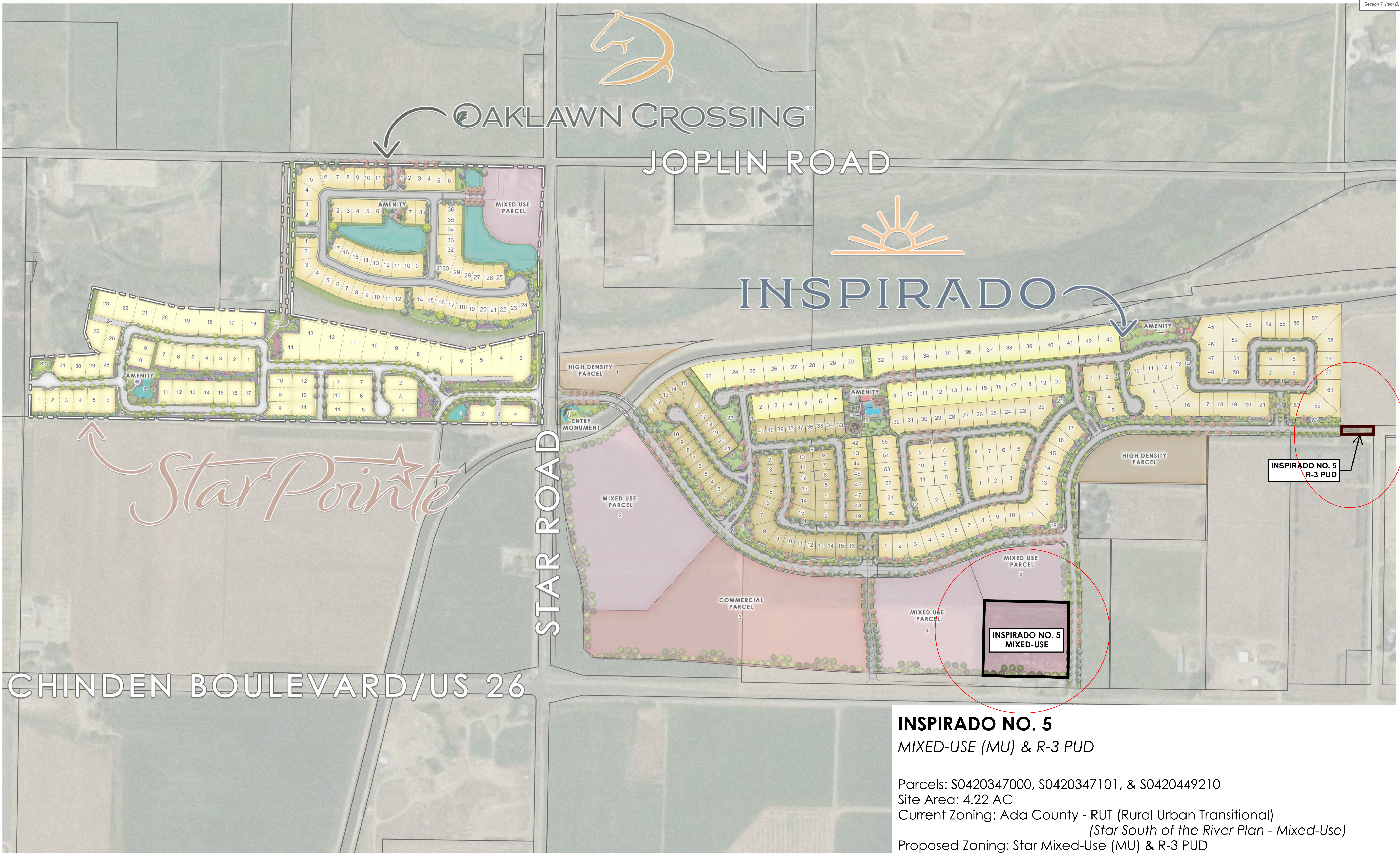
A handwritten signature in black ink that reads "Nicolette Womack".

Nicolette Womack, AICP  
Planner









**INSPIRADO NO. 5**  
MIXED-USE (MU) & R-3 PUD

Parcels: S0420347000, S0420347101, & S0420449210  
Site Area: 4.22 AC  
Current Zoning: Ada County - RUT (Rural Urban Transitional)  
(Star South of the River Plan - Mixed-Use)  
Proposed Zoning: Star Mixed-Use (MU) & R-3 PUD

**INSPIRADO NO. 5**

MAY 23, 2023





# 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

July 7, 2023

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

RE: AZ-23-04 / 7230 S Chinden Boulevard / Inspirado Commercial Annexation

Shawn,

The City of Star has requested feedback regarding the proposed annexation for the Inspirado Commercial Annexation, which is proposed to contain two future commercial lots and one future north / south collector street on 4.2 acres, generally located north of Chinden Boulevard and east of Star Road. Ada County supports the application due to the proximity of the site to existing public services. *Goal 2.2: Direct urban development to incorporated cities, ACIs, and Planned Communities where investments in urban services have already been made or are planned and programmed in a CIP or work program.*

Regarding land use, the Comprehensive Plan currently adopted by Ada County for the Star Area of City Impact designates the site as *Multiple Use 2, and Very Low Density*. However, the City of Star has since adopted an updated Comprehensive Plan, more specifically the South of the River Sub-Area Plan, which designates the site as *Mixed-Use (limited office, commercial, light industrial, and/or residential)*, which is supported by *Implementation Policy 15.5.H: Support the development of mixed-use and high-density housing within and adjacent to the Riverfront Center and in support of commercial development in the Center.*

The proposed future development of two commercial lots is further supported by the following City of Star Comprehensive Plan Objective and Implementation Policy:

- *Objective 7.4.H: Develop a mixture of commercial, service, and residential developments that encourage walking.*
- *Implementation Policy 7.5.A: Concentrate appropriate commercial and office development onto relatively small amounts of land, in close proximity to housing and consumers for neighborhood commercial centers.*

Thank you for this opportunity to provide feedback. Ada County looks forward to working with the City of Star in the renegotiation and adoption of the city's updated Comprehensive Plan.

Please feel free to contact me with any questions.

Sincerely,

*Stacey Yarrington*

Stacey Yarrington  
Community & Regional Planner  
Ada County Development Services





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

**IDAHO TRANSPORTATION DEPARTMENT**

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

Section 7, Item B.

July 6, 2023

City of Star  
Shawn Nickels, P&Z Administrator  
10769 W State St  
Star, ID 83669  
[snickel@staridaho.org](mailto:snickel@staridaho.org)

Re: Inspirado Commercial Annexation, Case No. AZ-23-04 & DA-21-11

Dear Mr. Nickels,

Idaho Transportation Department (ITD) appreciates this opportunity to provide comments regarding Inspirado Commercial Annexation request located on the north side of Chinden Boulevard (SH-44) (Mile Post 33.7) and the intersection of W Old School Drive and N Mystic Creek Avenue, Meridian, Idaho on a total of 5.26 acres. Please see the following comments:

1. This project abuts SH-44.
2. The Development Conditions Memo dated December 28, 2021, is over a year old thus updated traffic analysis and updated volumes need to be submitted and reviewed prior to an access permit being issued.
3. Until such time the type of commercial business is established, it is unknown if this proposal meets ITD's threshold for a Traffic Impact Study (TIS). It appears the new commercial parcels were not included in the original Traffic Impact Study (TIS). ITD needs more information on the trip generations to determine what mitigations the applicant may be required to construct on the State Highway system. If the new development generates 100 or more new trips in the peak hour or 1,000 new trips in a day, a Traffic Impact Study (TIS) is required. Mitigations identified by the Traffic Impact Study shall be the responsibility of the applicant to construct and install.
4. The ITD Form 2109, *Right-of-Way Encroachment Application and Permit Approaches or Public Street* must be submitted with the TIS. For permitting information, please contact Josh Nopens at [Josh.Nopens@itd.idaho.gov](mailto:Josh.Nopens@itd.idaho.gov).
5. Any addition, modification, change of use, relocation, maintenance, or removal of an encroachment of the state highway or use of highway right-of-way for any purpose other than normal travel, shall obtain an Encroachment Permit (ITD Form 2110) to use state right-of-way. The applicant may contact Shona Tonkin at [Shona.Tonkin@itd.idaho.gov](mailto:Shona.Tonkin@itd.idaho.gov).
6. Idaho Code 40-1910 does not allow advertising within the right-of-way of any State highway.
7. The Idaho Administrative Procedures Act (IDAPA) 39.03.60 governs advertising along the State highway system. The applicant may contact Justin Pond, Program Manager for ITD's Headquarters Right-of-Way Section at (208) 334-8832 for more information.

The City is reminded that the SH-44 corridor is already congested. This project will increase the number of vehicle trips in the corridor. As the City continues to add additional trips to the corridor through development, the congestion will worsen until the roadway system is ultimately overloaded and fails.

ITD reserves the right to make further comments on this project as deemed necessary.

Sincerely,

Wendy I. Howell, PCED  
Development Services Coordinator  
ITD – District 3

## LEGAL NOTICE PUBLIC HEARING

Notice is hereby given that the Star City Council will hold a Public Hearing on **July 18, 2023** 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.

**Application:** Vacation of Utility Easements for Milestone Ranch Subdivision (Hoot Nanney Farms)  
Files #'s VAC-23-01

**Applicant/Representative:** Kyle Prewett, Toll Brothers

**Owner:** BHEG Milestone Ranch LLC

**Action:** The Applicant is seeking approval of a vacation of existing utility, drainage and irrigation easements within the new Milestone Ranch Subdivision and original Hoot Nanney Farms Subdivision. . The property is located at 8542 Broken Arrow Street (formerly W. Floating Feather Road) in Star, Idaho and consists of approximately 70.52 acres with a proposed density of 4.24 dwelling units per acre.

**Property Location:** The subject property is generally located on the northwest corner of W. W. Broken Arrow Street (formerly Floating Feather Road) and Highway 16. Ada County Parcel No's. R3721750010, R3721750020 and R3721750030.

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

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

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



CITY OF STAR

LAND USE STAFF REPORT

**TO:** Mayor & Council

**FROM:** City of Star Planning Department *Shen T. Smith*

**MEETING DATE:** July 18, 2023 – PUBLIC HEARING

**FILE(S) #:** VAC-23-01- Vacation of Utility Easements Milestone Ranch Subdivision

OWNER/APPLICANT/REPRESENTATIVE

Property Owner:	Applicant/Representative:
BHEG Milestone Ranch LLC 1140 Virginia Drive Fort Washington, PA 19034	Kyle Prewett, Toll Brothers 3103 W. Sheryl Drive Suite 100 Meridian, ID 83642

REQUEST

**Request:** The Applicant is seeking approval of a vacation of an access easement for the Iron Mountain Vista Subdivision. The easement was for an original private street (N. Worsley Lane) accessing the property from W. Floating Feather Road. The property is located at 2327 N. Worsley Lane in Star, Idaho.

PROPERTY INFORMATION

**Property Location:** The Applicant is seeking approval of a vacation of existing utility, drainage and irrigation easements within the new Milestone Ranch Subdivision and original Hoot Nanny Farms Subdivision. . The property is located at 8542 Broken Arrow Street (formerly W. Floating Feather Road) in Star, Idaho and consists of approximately 70.52 acres with a proposed density of 4.24 dwelling units per acre. The subject property is generally located on the northwest corner of W. W. Broken Arrow Street (formerly Floating Feather Road) and Highway 16. Ada County Parcel No's. R3721750010, R3721750020 and R3721750030.



### APPLICATION REQUIREMENTS

Pre-Application Meeting Held	April 20, 2023
Application Submitted & Fees Paid	April 27, 2023
Application Accepted	April 27, 2023
Residents within 300' Notified	June 27, 2023
Legal Notice Published	June 30, 2023
Property Posted	July 6, 2023

### HISTORY

October 12, 2021	Council approved applications for Annexation and Zoning (AZ-21-20), Rezone (RZ-21-06), Development Agreement (DA-21-15) and Preliminary Plat (PP-21-14) for Milestone Ranch Subdivision. The preliminary plat was approved for 284 residential lots and 33 common lots on 70.52 acres.
May 3, 2022	Council approved the Final Plat for Milestone Ranch Subdivision, Phase 1 consisting of 57 residential lots and 15 common lots on 18.66 acres.
June 7, 2022	Council approved the Final Plat for Milestone Ranch Subdivision, Phase 2 consisting of 42 residential lots and 7 common lots on 8.69 acres.
June 21, 2022	Council approved the Final Plat for Milestone Ranch Subdivision Phase 3 consisting of 38 residential lots and 4 common lots on 8.97 acres. The Council also approved the Final Plat for Phase 4 consisting of 34 residential lots and 7 common lots on 5.96 acres.
June 20, 2023	Council approved the Final Plat for Milestone Ranch Subdivision Phase 5 consisting of 52 residential lots and 10 common lots on 12.43 acres.

### STAFF REVIEW AND RECOMMENDATIONS

Based upon the information provided to staff in the application, staff finds that the proposed vacation of easements meets the requirements, standards and intent of the Comprehensive Plan and Zoning Ordinance. The Council should consider the entire record and testimony presented at their scheduled public hearing prior to rendering its decision on the matter.

**COUNCIL ACTION**

The Council may **approve, conditionally approve, deny** or **table** this request for vacation of easements.

*Council may consider:*

1. This application complies with the framework of Star’s Comprehensive Plan;
2. The vacations do not create any landlocked property;
3. The vacations do not restrict access to any parcel;
4. The vacations do not reduce the quality of public services to any parcel of land.

**PROPOSED CONDITIONS OF APPROVAL**

1. The future Final Plats for Milestone Ranch Subdivision shall continue to comply with all conditions of approval for the final plat, along with all statutory requirements of applicable agencies and districts having jurisdiction in the City of Star.
2. The applicant shall comply with all requirements of the City Engineer.
3. Any additional site-specific conditions and considerations as required by Staff or Council.

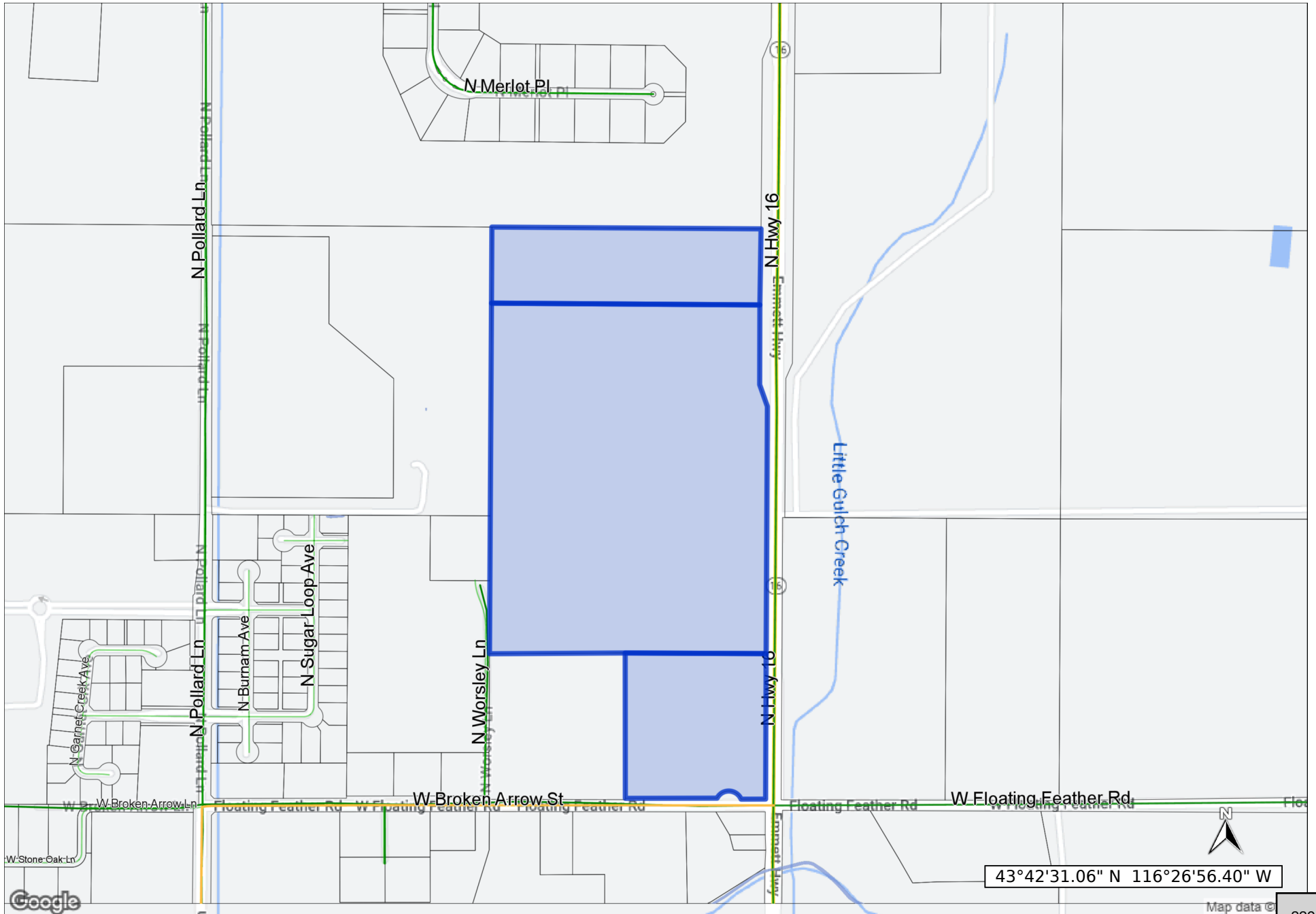
**COUNCIL DECISION**

The Star City Council \_\_\_\_\_ File VAC-23-01 Easement Vacation for Milestone Ranch Subdivision/Hoot Nanny Subdivision on \_\_\_\_\_, 2023.

# Milestone Ranch

## Easement Vacation

Section 7, Item C.







04/27/2023 10:27:34 AM

City of Star, Idaho  
Section 7, Item C.

Star, Idaho 83669

P: 208-286-7247 F: 208-286-7569

## VACATION APPLICATION

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

FILE NO.: **VAC-23-01**

Date Application Received: **4/27/2023** Fee Paid: **\$980.00**

Processed by: City: **Barbara Norgrove**

### Applicant Information:

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

Applicant Name: Toll West Inc.

Applicant Address: 3103 W Sheryl Dr, Suite 100, Meridian, ID Zip: 83642

Phone: 208.424.0020 Fax: \_\_\_\_\_ Email: acapell@tollbrothers.com

Owner Name: BHEG Milestone Ranch LLC

Owner Address: 1140 Virginia Dr, Fort Washington, PA Zip: 19034

Phone: 208.424.0020 Fax: \_\_\_\_\_ Email: \_\_\_\_\_

Representative (e.g., architect, engineer, **developer**):

Contact: Kyle Prewett Firm Name: Toll Brothers

Address: 3103 W Sheryl Dr, Suite 100, Meridian, ID Zip: 83642

Phone: 208.576.3625 Fax: \_\_\_\_\_ Email: kprewett@tollbrothers.com

### Property Information:

Site Location: NW of intersection of N Hwy 16 & W Broken Arrow St

Parcel Number(s): R3721750015, R3721750020, R3721750030

Approved Zoning Designation: R-5-DA, MU

### Application Requirements:

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

Applicant (✓)	Description	Staff (✓)
✓	Pre-application meeting with the Planning Department required prior to neighborhood meeting.	
N/A	Copy of neighborhood meeting notice sent to property owners within 300' and meeting sign-in sheet. (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 Vacation Application	
✓	Fee	
✓	If the signature on this application is not the owner of the property, an <b>original</b> notarized statement (Affidavit of Legal Interest) from the owner stating the applicant is authorized to submit this application is required.	

✓	Narrative fully describing the proposed request including the following: <ul style="list-style-type: none"> <li>• Particular circumstances regarding the request to vacate</li> <li>• Names of the persons affected by the proposed vacation</li> </ul>	
To be provided	Relinquishment of easement letters from the applicable parties (e.g. public utilities: phone, power, gas, cable, applicable irrigation and/or drainage entity, etc.)	
✓	Legal description of platted area or property to be vacated (with engineers seal). <ul style="list-style-type: none"> <li>• Submit two (2) paper and one (1) electronic copy See Hoot Nanney Farms Subdivision Plat</li> </ul>	
✓	Copy of recorded deed.	
✓	One (1) 8 ½" X 11" vicinity map showing the location of subject property	
✓	Two (2) 11" X 17" copies of site plan or plat showing the proposed vacation	
N/A	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.	
✓	Two (2) Electronic versions of the site plan or plat showing the easement proposed to be vacated and vicinity map in PDF format submitted on disks with the files named with project name and plan type. We encourage you to also submit at least one color version for presentation purposes.	
N/A	Signed Certification of Posting with pictures. (see attached posting requirements and certification form)	
N/A	Submit (1) 11" X 17" and (1) 18" X 24" <b>recorded</b> copy of Plat to the Star City Planning Department prior to any building permits being issued.	

**FEE REQUIREMENT:**

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

  
Applicant/Representative Signature

4/27/23  
Date

**\*\*Note:** All presentation boards, material boards, and documentation that are a part of the public hearing shall become property of the City of Star.

# Toll Brothers® LAND DEVELOPMENT

Section 7, Item C.

PAVING THE WAY FOR AMERICA'S LUXURY HOMEBUILDER

April 27, 2023

City of Star Planning and Zoning  
10769 W State St  
Star, Idaho 83669

**RE: Proposed Easement Vacation – Assessor Parcel No.'s R3721750015, R3721750020 & R3721750030**

City of Star Planning and Zoning Staff,

The referenced parcels are owned by BHEG Milestone Ranch LLC. The site is located at the approved Milestone Ranch Subdivision, located within the NW ¼ of the SE ¼, and the SW ¼ of the NE ¼ of Section 4, Township 4N, Range 1W, Boise Meridian.

The owner desires to obtain approval for an easement Vacation Application through the City of Star. The existing lots are in the soon-to-be platted Milestone Ranch Subdivision. The future platting requires an easement vacation of the existing ten-foot utility easement located along the exterior boundary of this subdivision, except for 90 feet along the south boundary of Lot 1 as shown on the Hoot Nanney Farms Subdivision Plat. Also, the request is to vacate the ten-foot public utilities, drainage, and irrigation easement lying five feet on either side of all interior lot lines. These are remnants of the platted Hoot Nanney Farms Subdivision, Notes 5 & 6.

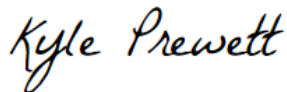
The purpose of the easement vacation is due to the approved Milestone Ranch Subdivision. Milestone Ranch Phases 1-6 have not been platted. Phases 1-3 are currently under development, phase 4 has received civil improvement plan approval, and phases 5-6 are yet to receive civil improvement plan approval. To plat these future phases, the existing public utilities easements must be vacated from the formerly platted Hoot Nanney Farms Subdivision. The platting of Milestone Ranch Subdivision will reinstate the public utilities easement common to prescriptive ROW and to current City of Star Municipal Code.

Letters of relinquishment of all pertinent public utilities will be provided as soon as possible. No known persons are to be affected by the proposed vacation.

Please find attached for your review and approval the required documents for a Vacation Application.

Thank you for your time and consideration of this request. If you have any questions or need further information, please don't hesitate to reach out to me at (208) 576-3625 or by email at [kprewett@tollbrothers.com](mailto:kprewett@tollbrothers.com).

Sincerely,



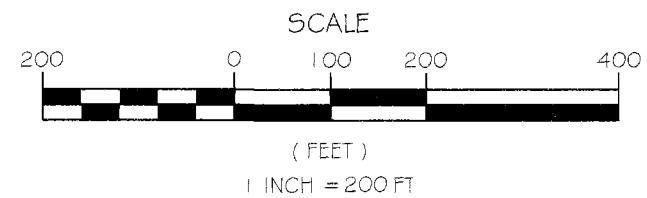
Kyle Prewett  
Land Entitlement Manager



HOOT NANNEY FARMS SUBDIVISION  
A PARCEL OF LAND WITHIN THE NW 1/4 OF THE SE 1/4,  
AND THE SW 1/4 OF THE NE 1/4, OF SECTION 4,  
T. 4 N., R. 1 W., B.M., ADA COUNTY, IDAHO  
2010

BOOK 103, PAGE 1383

Section 7, Item C.



NOTES

1. THE LAND WITHIN THIS PLAT IS NOT WITHIN AN IRRIGATION DISTRICT AS DEFINED IN IDAHO CODE 31-3805, AND THE REQUIREMENTS IN IDAHO CODE 31-3805 ARE NOT APPLICABLE.  
IRRIGATION FOR THE DEVELOPMENT IS PROVIDED BY AN EXISTING IRRIGATION WELL LOCATED IN LOT 2, BLOCK 1, SERVING UNDERGROUND IRRIGATION LINES IN LOTS 1, 2 AND 3, BLOCK 1. THIS IRRIGATION SYSTEM IS SUBJECT TO A WATER USERS AGREEMENT RECORDED AS INST. NO. 110113411.

2. THIS DEVELOPMENT RECOGNIZES SECTION 22-4503 OF THE IDAHO CODE, RIGHT TO FARM ACT, WHICH STATES: "NO AGRICULTURAL OPERATION OR AN APPURTENANCE TO IT SHALL BE OR BECOME A NUISANCE, PRIVATE OR PUBLIC, BY ANY CHANGED CONDITIONS IN OR ABOUT THE SURROUNDING NONAGRICULTURAL ACTIVITIES AFTER THE SAME HAS BEEN IN OPERATION FOR MORE THAN ONE (1) YEAR, WHEN THE OPERATION WAS NOT A NUISANCE AT THE TIME THE OPERATION BEGAN: PROVIDED, THAT THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO WHENEVER A NUISANCE RESULTS FROM THE IMPROPER OR NEGLIGENT OPERATION OF ANY AGRICULTURAL OPERATION OR APPURTENANCE TO IT."

3. BUILDING SETBACKS AND DIMENSIONAL STANDARDS IN THIS SUBDIVISION SHALL BE IN COMPLIANCE WITH THE APPLICABLE ZONING REGULATIONS OF ADA COUNTY.

4. ANY RE-SUBDIVISION OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE REGULATIONS IN EFFECT AT THE TIME OF THE RE-SUBDIVISION.

5. A TEN FOOT UTILITY EASEMENT IS LOCATED ALONG THE EXTERIOR BOUNDARY OF THIS SUBDIVISION, EXCEPT FOR 90 FEET ALONG THE SOUTH BOUNDARY OF LOT 1 AS SHOWN HEREON.

6. ALL INTERIOR LOTS HAVE A TEN FOOT PUBLIC UTILITIES, DRAINAGE AND IRRIGATION EASEMENT LYING FIVE FEET ON EITHER SIDE OF SAID LOT LINES.

7. CONSTRUCTION OF A STRUCTURE ON ANY LOT SHALL BE SUBJECT TO THE REQUIREMENTS OF THE STAR JOINT FIRE PROTECTION DISTRICT OR EQUIVALENT AS AUTHORIZED BY THE APPLICABLE FIRE CODE IN EFFECT AT TIME OF CONSTRUCTION.

A. THE OWNERS OF LOTS 2 AND 3, BLOCK 1, WILL BE REQUIRED TO MEET WITH THE STAR JOINT FIRE PROTECTION DISTRICT TO DISCUSS ALTERNATIVE MATERIALS AND METHODS FOR FIRE PROTECTION PRIOR TO ISSUANCE OF A BUILDING PERMIT FOR THESE LOTS, UNLESS AN APPROVED PRESSURIZED FIRE HYDRANT SYSTEM OR FIRE SPRINKLER SYSTEM IS VOLUNTARILY INSTALLED.

B. CONSTRUCTION OF ADDITIONAL DWELLING UNITS (BEYOND THE EXISTING HOME ON LOT 1, BLOCK 1, AND INDIVIDUAL HOMES ON LOTS 2 AND 3, BLOCK 1), WILL REQUIRE THE INSTALLATION OF AN APPROVED PRESSURIZED FIRE HYDRANT SYSTEM CAPABLE OF A MINIMUM FIRE FLOW OF 1000 GALLONS PER MINUTE, UNLESS OTHERWISE APPROVED IN WRITING BY THE STAR JOINT FIRE PROTECTION DISTRICT.

C. LOT DRIVEWAYS/ACCESS LANES THAT ARE 150 FEET LONG OR LESS SHALL BE AT LEAST 16 FEET WIDE AND SHALL BE CONSTRUCTED TO SUPPORT A MINIMUM IMPOSED LOAD OF 75,000 POUNDS, UNLESS OTHERWISE APPROVED IN WRITING BY THE STAR JOINT FIRE PROTECTION DISTRICT. LOT DRIVEWAYS/ACCESS LANES THAT ARE MORE THAN 150 FEET SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE ADOPTED FIRE CODE AT THE TIME OF CONSTRUCTION.

8. EXISTING OVERHEAD IDAHO POWER LINE LIES WITHIN THE 20 FOOT WIDE STRIP AS SHOWN HEREON, AND THIS STRIP IS DEDICATED HEREON AS A NEW IDAHO POWER EASEMENT. ALTHOUGH THE LINE IS EXISTING, THE WESTERLY 1023 FEET IS OUTSIDE OF THE EXISTING EASEMENTS AND THE EASTERLY 245 FEET IS WITHIN THE EXISTING EASEMENTS PER INST. NO. 196640 AND 253108.

9. AT THE TIME OF BUILDING PERMIT SUBMITTAL FOR EITHER LOT 2 OR 3 OF BLOCK 1, ITD WILL REQUIRE THE RELOCATION OF THE EXISTING APPROACH TO THE COMMON LOT LINE FOR USE AS A SINGLE JOINT USE APPROACH. THIS SHARED ACCESS FOR LOTS 2 AND 3 IS ALLOWED FOR AGRICULTURAL ACCESS AND/OR A SINGLE FAMILY HOME IN EACH LOT AND ASSOCIATED USES ONLY. NO OTHER ACCESS TO SH 16 (EMMETT HWY) IS ALLOWED.

10. THE EXISTING IRRIGATION EASEMENT AS SHOWN HEREON IS TO BENEFIT USERS TO THE WEST. THE BURIED IRRIGATION LINE SHALL BE MAINTAINED BY SAID USERS TO THE WEST. THE OWNER OF LOT 3, BLOCK 1, AS SHOWN HEREON SHALL NOT ERECT ANY STRUCTURES OR ENCUMBRANCES WITHIN SAID EASEMENT.

11. LOTS SHALL NOT BE REDUCED IN SIZE WITHOUT PRIOR APPROVAL FORM THE HEALTH AUTHORITY.

12. NO ADDITIONAL DOMESTIC WATER SUPPLIES SHALL BE INSTALLED BEYOND THE WATER SYSTEM APPROVED IN SANITARY RESTRICTION RELEASE.

13. REFERENCE IS MADE TO PUBLIC HEALTH LETTER ON FILE REGARDING ADDITIONAL RESTRICTIONS.

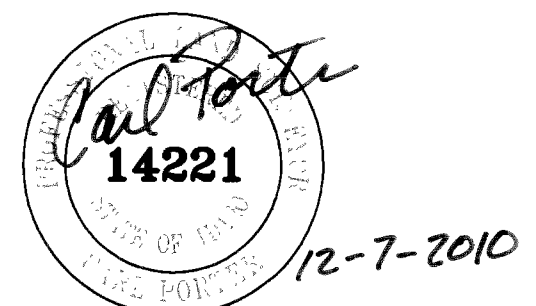
14. OTHER THAN APPROVED WITH THIS PLAT, NO ADDITIONAL DIRECT LOT ACCESS TO W. FLOATING FEATHER ROAD IS ALLOWED, UNLESS OTHERWISE APPROVED IN WRITING BY ADA COUNTY HIGHWAY DISTRICT.

LEGEND

---	LINE SURVEYED
---	OTHER DEED LINE
---	NEW LOT LINE
---	SECTIONAL LINE
---	EXISTING EASEMENTS
---	RIGHT OF WAY
●	FOUND BRASS CAP MONUMENT
■	FOUND ALUMINUM CAP MONUMENT
⊙	FOUND 5/8" REBAR AS NOTED
●	SET 5/8" REBAR/CAP PLS 14221
●	SET 1/2" REBAR/CAP PLS 14221
△	CALCULATED POINT
( )	RECORD INFORMATION
①	NEW LOT NUMBER
WC	WITNESS CORNER
RM	REFERENCE MONUMENT

REFERENCE

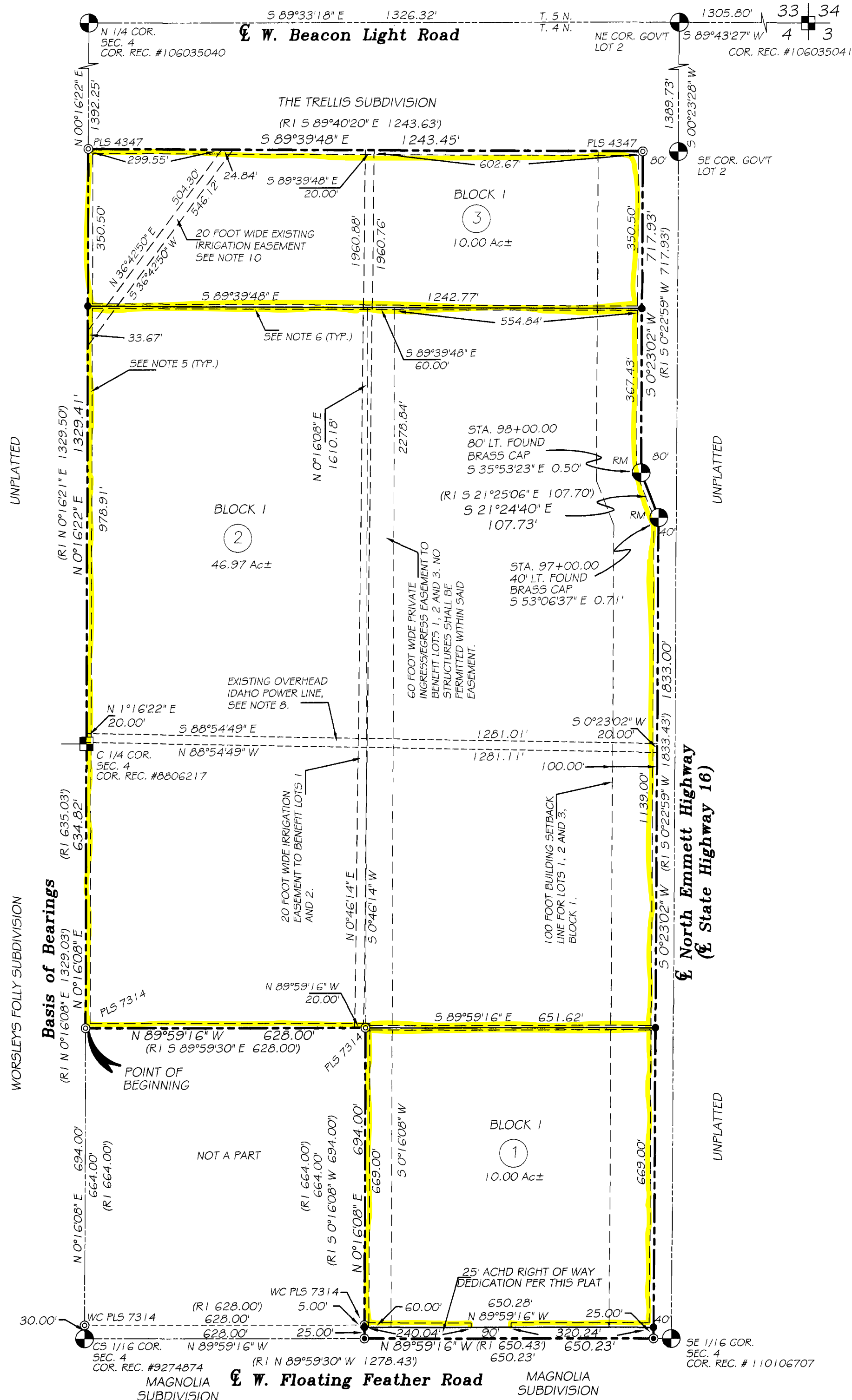
- R1=RECORD OF SURVEY NO. 5321, INST. NO. 101024252  
R2=RECORD OF SURVEY NO. 6981, INST. NO. 105094451  
R3=ITD, 1929 RIGHT OF WAY PLANS, STATE AID PROJECT NO. 142  
R4=WARRANTY DEED INST. NO. 7624878  
R5=PLAT OF THE TRELLIS SUBDIVISION BK 87 PGS 9991-9996  
ADA COUNTY BOOK OF PLATS  
R6=PLAT OF MAGNOLIA SUBDIVISION BOOK 61 PGS 6075-6076  
ADA COUNTY BOOK OF PLATS  
R7=PLAT OF WORSLEYS FOLLY SUBDIVISION BOOK 86 PGS 9656  
AND 9657 ADA COUNTY BOOK OF PLATS



207 W. MAIN ST.  
EMMETT, ID 83617  
(208) 398-8104  
FAX (208) 398-8105

WWW.SANTOOTHLS.COM

SHEET:	DATE:	DRAWN BY:	CHECKED BY:	JOB#:	233
1 OF 3	11/24/2010	GP	CP	10019	10019-FP



HOOT NANNEY FARMS SUBDIVISION  
A PARCEL OF LAND WITHIN THE NW 1/4 OF THE SE 1/4,  
AND THE SW 1/4 OF THE NE 1/4, OF SECTION 4,  
T. 4 N., R. 1 W., B.M., ADA COUNTY, IDAHO  
2010

CERTIFICATE OF OWNER

KNOW ALL MEN BY THESE PRESENTS:

THAT WE THE UNDERSIGNED DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY AS DESCRIBED BELOW AND IT IS OUR INTENTION TO INCLUDE SAID PROPERTY IN THIS SUBDIVISION PLAT.

THE INDIVIDUAL LOTS IN THE PLAT WILL NOT BE SERVED BY ANY WATER SYSTEM COMMON TO ONE (1) OR MORE OF THE LOTS, BUT WILL BE SERVED BY INDIVIDUAL WELLS.

THE PUBLIC STREETS, AS SHOWN ON THIS PLAT, ARE HEREBY DEDICATED TO THE PUBLIC.

THE EASEMENTS AS SHOWN ON THIS PLAT ARE NOT DEDICATED TO THE PUBLIC, BUT THE RIGHT TO USE SAID EASEMENTS IS HEREBY RESERVED FOR PUBLIC UTILITIES AND FOR ANY OTHER USES AS DESIGNATED HEREON, AND NO PERMANENT STRUCTURES ARE TO BE ERECTED WITHIN THE LINES OF SAID EASEMENTS.

A PARCEL OF LAND WITHIN THE NW 1/4 OF THE SE 1/4, AND THE SW 1/4 OF THE NE 1/4 OF SECTION 4, T. 4 N., R. 1 W., B.M., ADA COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND BRASS CAP MARKING THE SOUTHWEST CORNER OF SAID NW 1/4 OF THE SE 1/4 OF SECTION 4, (CS 1116 CORNER);

THENCE NORTH 0°16'08" EAST COINCIDENT WITH THE WEST LINE OF SAID NW 1/4 OF THE SE 1/4 OF SECTION 4, AND THE EAST BOUNDARY OF WORSLEY'S FOLLY SUBDIVISION AS SHOWN IN BOOK 86 OF PLATS AT PAGE 9656 AND 9657 ADA COUNTY RECORDS, 694.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING NORTH 0°16'08" EAST COINCIDENT WITH SAID WEST LINE OF THE NW 1/4 OF THE SE 1/4 OF SECTION 4, AND SAID EAST BOUNDARY OF WORSLEY'S FOLLY SUBDIVISION, 634.82 FEET TO THE NORTHEAST CORNER OF SAID WORSLEY'S FOLLY SUBDIVISION AND THE NORTHWEST CORNER OF SAID NW 1/4 OF THE SE 1/4 OF SECTION 4;

THENCE NORTH 0°16'22" EAST COINCIDENT WITH THE WEST LINE OF SAID SW 1/4 OF THE NE 1/4 OF SECTION 4 TO THE SOUTHWEST CORNER OF GOVERNMENT LOT 2 AND THE SOUTHERLY BOUNDARY OF THE TRELLIS SUBDIVISION AS SHOWN IN BOOK 87 OF PLATS AT PAGE 9991 THROUGH 9996, ADA COUNTY RECORDS, 1329.41 FEET;

THENCE SOUTH 89°39'48" EAST COINCIDENT WITH THE SOUTH LINE OF SAID GOVERNMENT LOT 2 AND THE SOUTH LINE OF SAID THE TRELLIS SUBDIVISION, 1243.45 FEET TO THE WESTERLY RIGHT OF WAY OF STATE HIGHWAY 16;

THENCE SOUTH 0°23'02" WEST COINCIDENT WITH SAID WESTERLY RIGHT OF WAY OF STATE HIGHWAY 16, A DISTANCE OF 717.93 FEET;

THENCE SOUTH 21°24'40" EAST COINCIDENT WITH SAID WESTERLY RIGHT OF WAY OF STATE HIGHWAY 16, A DISTANCE OF 107.73 FEET;

THENCE SOUTH 0°23'02" WEST COINCIDENT WITH SAID WESTERLY RIGHT OF WAY OF STATE HIGHWAY 16, A DISTANCE OF 1833.00 FEET TO THE SOUTH LINE OF SAID NW 1/4 OF THE SE 1/4 OF SECTION 4;

THENCE NORTH 89°59'16" WEST COINCIDENT WITH SAID SOUTH LINE OF THE NW 1/4 OF THE SE 1/4 OF SECTION 4, A DISTANCE OF 650.23 FEET;

THENCE NORTH 0°16'08" EAST, PARALLEL WITH SAID WEST LINE OF THE NW 1/4 OF THE SW 1/4 OF SECTION 4, A DISTANCE OF 694.00 FEET;

THENCE NORTH 89°59'16" WEST, PARALLEL WITH SAID SOUTH LINE OF THE NW 1/4 OF THE SE 1/4 OF SECTION 4, A DISTANCE OF 628.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 67.35 ACRES MORE OR LESS.

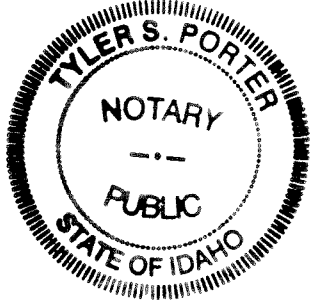
Hazel Dixon  
HOOT NANNEY FARMS, INC.  
HAZEL DIXON, VICE PRESIDENT

ACKNOWLEDGEMENT

STATE OF IDAHO }  
COUNTY OF ADA } SS

ON THIS 15 DAY OF ~~NOVEMBER~~, 2010, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED HAZEL DIXON, KNOWN OR IDENTIFIED TO ME TO BE THE VICE PRESIDENT OF HOOT NANNEY FARMS INC., THAT EXECUTED THE INSTRUMENT ON BEHALF OF SAID HOOT NANNEY FARMS INC., AND ACKNOWLEDGED TO ME THAT HOOT NANNEY FARMS INC., EXECUTED THE SAME.

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



Tyler S. Porter

NOTARY PUBLIC FOR IDAHO

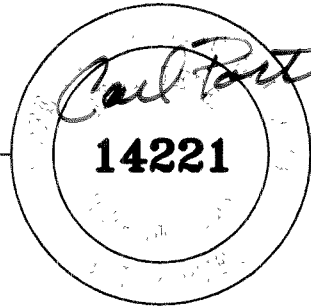
RESIDING AT EMMETT

MY COMMISSION EXPIRES 3/29/2016

CERTIFICATE OF SURVEYOR

I, CARL PORTER, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, LICENSED BY THE STATE OF IDAHO, AND THAT THIS PLAT, AS DESCRIBED IN THE "CERTIFICATE OF OWNERS" AND THE ATTACHED PLAT, WAS DRAWN FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY DIRECT SUPERVISION AND ACCURATELY REPRESENTS THE POINTS PLATTED THEREON IN CONFORMITY WITH THE STATE OF IDAHO CODES RELATING TO PLATS, SURVEYS AND THE CORNER PERPETUATION AND FILING ACT, IDAHO CODE 55-1601 THROUGH 55-1612.

CARL PORTER  
CARL PORTER



11-10-2010  
P.L.S. 14221



207 W. MAIN ST.  
EMMETT, ID 83617  
(208) 398-8104  
FAX (208) 398-8105

WWW.SAWTOOTHLS.COM

SHEET:	DATE:	DRAWN BY:	CHECKED BY:	JOB#:	D
2 OF 3	11/10/2010	GP	CP	10019	10019-FP

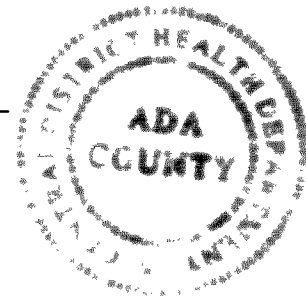


HOOT NANNEY FARMS SUBDIVISION  
A PARCEL OF LAND WITHIN THE NW 1/4 OF THE SE 1/4,  
AND THE SW 1/4 OF THE NE 1/4, OF SECTION 4,  
T. 4 N., R. 1 W., B.M., ADA COUNTY, IDAHO  
2010

CENTRAL DISTRICT HEALTH DEPARTMENT

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 MY BE RE-IMPOSED, IN ACCORDANCE WITH SECTION 50-1326, IDAHO CODE, BY THE ISSUANCE OF A CERTIFICATE OF DISAPPROVAL.

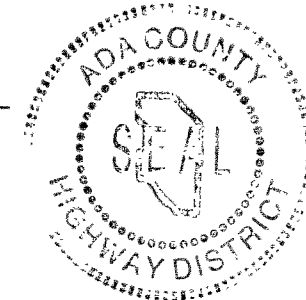
 11-22-10  
CENTRAL DISTRICT HEALTH DEPARTMENT, EHS DATE




APPROVAL OF ADA COUNTY HIGHWAY DISTRICT

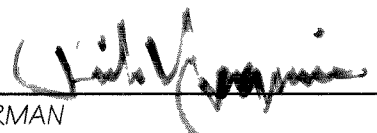
THE FOREGOING PLAT WAS ACCEPTED AND APPROVED BY THE BOARD OF ADA COUNTY HIGHWAY DISTRICT COMMISSIONERS ON THE 15 DAY OF DECEMBER 2010

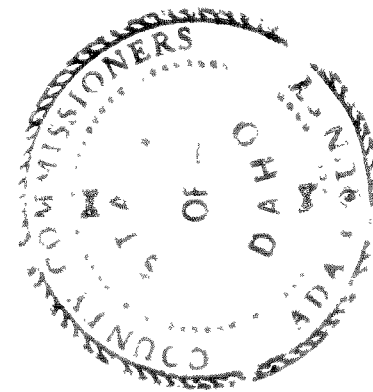
  
CHAIRMAN, ADA COUNTY HIGHWAY DISTRICT DATE



APPROVAL OF COUNTY COMMISSIONERS

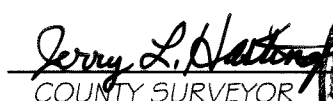
I, , CHAIRMAN OF THE ADA COUNTY COMMISSIONERS, ADA COUNTY, IDAHO, DO HEREBY CERTIFY THAT A REGULAR MEETING OF THE COMMISSIONERS HELD ON THE 14 DAY OF DECEMBER, 2010, THIS PLAT WAS ACCEPTED AND APPROVED.

 2-14-10  
CHAIRMAN DATE



APPROVAL OF COUNTY SURVEYOR

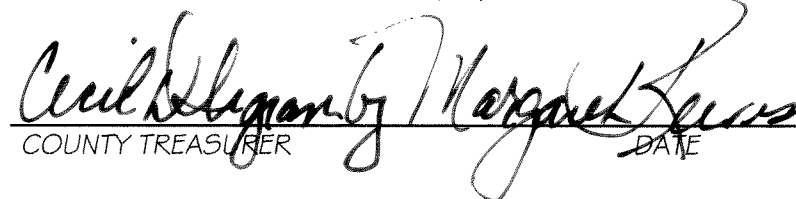
I, THE UNDERSIGNED COUNTY SURVEYOR IN AND FOR ADA COUNTY, IDAHO, DO HEREBY CERTIFY THAT I HAVE CHECKED THIS PLAT, AND FIND THAT IT COMPLIES WITH IDAHO CODE RELATING TO PLATS AND SURVEYS.

 PLS 5359  
COUNTY SURVEYOR DATE 12-8-2010



CERTIFICATE OF COUNTY TREASURER

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

 12-15-2010  
COUNTY TREASURER DATE




CERTIFICATE OF COUNTY RECORDER

STATE OF IDAHO } 55  
COUNTY OF ADA }

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED AT THE REQUEST OF SAWTOOTH LAND SURVEYING, LLC, AT 18 MINUTES PAST 11 O'CLOCK A.M. ON THIS 16 DAY OF DEC, 2010, IN BOOK 103 OF PLATS, AT PAGES 13839 THROUGH 13841, INSTRUMENT NO. 1191844

   
DEPUTY EX-OFFICIO RECORDER  
Fee \$16.00

 14221  
11-10-2010

		207 W. MAIN ST.	
		EMMETT, ID 83617	
		(208) 398-8104	
		FAX (208) 398-8105	
		WWW.SAWTOOTHLS.COM	
SHEET:	DATE:	DRAWN BY:	CHECKED BY:
3 OF 3	11/10/2010	GP	CP
		JOB#:	10019
		10019-FP	



# *Toll Brothers*<sup>®</sup> LAND DEVELOPMENT

Section 7, Item C.

PAVING THE WAY FOR AMERICA'S LUXURY HOMEBUILDER

July 10, 2023

City of Star Planning and Zoning  
10769 W State St  
Star, Idaho 83669

**RE: Application for Vacation (VAC-23-01)**

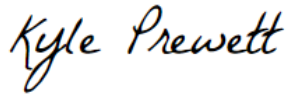
City of Star Planning and Zoning Staff,

Please see the attached letters of approval/no objection from the public utility companies listed below for the application for Vacation (VAC-23-01) for Milestone Ranch Subdivision.

- Intermountain Gas Company
- Sparklight
- Star Sewer & Water District
- Idaho Power
- CenturyLink
- CTC Telecom

Thank you for your time, if you have any questions or need further information, please don't hesitate to reach out to me at (208) 576-3625 or by email at [kprewett@tollbrothers.com](mailto:kprewett@tollbrothers.com).

Sincerely,



Kyle Prewett  
Land Entitlement Manager, Idaho  
Toll Brothers



NAMPA DISTRICT OFFICE  
2921 CALDWELL BLVD • NAMPA, ID. 83651  
(208) 468-6711 • Fax (208) 468-6727 [www.intgas.com](http://www.intgas.com)

May 8, 2023

To whom it may concern,

Intermountain Gas Company has no objection to the vacation of public utility easement outlined on Notes 5 and 6 of the Hoot Nanney Farms Subdivision plat. Located in Sec 4, T. 4N., R.1W., Star, Ada County Idaho. The platting of Milestone Ranch Subdivision will reinstate the public utilities easement common to prescriptive ROW and to current City of Star Municipal Code. For questions, please contact Monica Taylor at [monica.taylor@intgas.com](mailto:monica.taylor@intgas.com) or phone 208-468-6711.

*Monica Taylor*

GIS Field Technician  
Intermountain Gas Company

**From:** Horak, Jason <Jason.Horak@sparklight.biz>  
**Sent:** Monday, May 8, 2023 1:40 PM  
**To:** Kyle Prewett  
**Cc:** Lyle Dennison-Swisse; Shawn Nickel; Ryan Field; Ryan Morgan  
**Subject:** RE: Milestone Ranch Subdivision - Easement Vacation

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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Report Suspicious

We are good to Vacate the Easements listed. Please use this as approval from our office.

---

**From:** Kyle Prewett <[kprewett@tollbrothers.com](mailto:kprewett@tollbrothers.com)>  
**Sent:** Thursday, May 4, 2023 8:41 AM  
**To:** Horak, Jason <[Jason.Horak@sparklight.biz](mailto:Jason.Horak@sparklight.biz)>  
**Cc:** Lyle Dennison-Swisse <[ldennison-swisse@tollbrothers.com](mailto:ldennison-swisse@tollbrothers.com)>; Shawn Nickel <[snickel@staridaho.org](mailto:snickel@staridaho.org)>; Ryan Field <[rfield@staridaho.org](mailto:rfield@staridaho.org)>; Ryan Morgan <[rmorgan@staridaho.org](mailto:rmorgan@staridaho.org)>  
**Subject:** Milestone Ranch Subdivision - Easement Vacation

**CAUTION:** External source. **THINK BEFORE YOU CLICK!**

Good Morning Jason,

Thank you for reaching out to me yesterday, as I mentioned, Toll Brothers' intent is to vacate easements located in parcels R3721750015, R3721750020 & R3721750030. The referenced parcels are owned by BHEG Milestone Ranch LLC. The site is located at the approved Milestone Ranch Subdivision, located within the NW ¼ of the SE ¼, and the SW ¼ of the NE ¼ of Section 4, Township 4N, Range 1W, Boise Meridian.

The owner desires to obtain approval for an easement Vacation Application through the City of Star. The existing lots are in the soon-to-be platted Milestone Ranch Subdivision. The future platting requires an easement vacation of the existing ten-foot utility easement located along the exterior boundary of this subdivision, except for 90 feet along the south boundary of Lot 1 as shown on the attached plat. Also, the request is to vacate the ten-foot public utilities, drainage, and irrigation easement lying five feet on either side of all interior lot lines. These are remnants of the platted Hoot Nanney Farms Subdivision, Notes 5 & 6.

The purpose of the easement vacation is due to the approved Milestone Ranch Subdivision. Milestone Ranch Phases 1-6 have not been platted. Phases 1-3 are currently under development, phase 4 has received civil improvement plan approval, and phases 5-6 are yet to receive civil improvement plan approval. To plat these future phases, the existing public utilities easements must be vacated from the



formerly platted Hoot Nanney Farms Subdivision. The platting of Milestone Ranch Subdivision will reinstate the public utilities easement common to prescriptive ROW and to the current City of Star Municipal Code.

If you could provide a letter of relinquishment or another form of written approval for the release of these easements for the future platting of this subdivision, it would be greatly appreciated. No known persons are to be affected by the proposed vacation.

Thank you for your time and consideration of this request. Please let me know if you have any questions or need further information.

**Kyle Prewett**

**Land Entitlement Manager, Idaho**

Toll Brothers

3103 W Sheryl Dr., Suite 100, Meridian, Idaho 83642

Office: (208) 576-3625 | Cell: (831) 801-9724



*Toll Brothers*  
#1 HOME BUILDER  
FORTUNE WORLD'S MOST  
ADMIRABLE COMPANIES  
2023

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# Star Sewer & Water District

P.O. Box 400 ★ 10831 W. State Street ★ Star, ID 83669  
(208) 286-7388 • Fax (208) 286-7361

May 19, 2023

Toll Brothers  
3103 W. Sheryl Drive, Suite 100  
Meridian, ID 83642

SUBJECT: Easement Vacation – Assessor Parcel No.'s R3721750015, R3721750020 & R3721750030. Parcels are located at the approved Milestone Ranch Subdivision, located within the NW ¼ of the SE ¼, and the SW ¼ of the NE ¼ of Section 4, Township 4N, Range 1W, Boise Meridian.

To Whom It May Concern:

We, the undersigned public utility company, Star Sewer & Water District, release the rights for the following in Hoot Nanney Farms Subdivision:

1. The ten-foot utility easement located along the exterior boundary of this subdivision except for 90 feet along the south boundary of Lot 1 as shown on the attached plat.
2. The ten-foot public utilities, drainage and irrigation easement lying five feet on either side of all interior lot lines.

This vacation response is submitted with the stipulation that the platting of Milestone Ranch Subdivision will reinstate the public utilities easement common to prescriptive ROW and to the current City of Star Municipal Code.

Please let me know if you have any questions or if you need any additional information.

Thank you,



John A. Kirtley, Chairman  
Star Sewer & Water District

June 7, 2023

*Sent via email to [kprewett@tollbrothers.com](mailto:kprewett@tollbrothers.com)*

BHEG Milestone Ranch LLC  
%Kyle Prewett (Toll Brothers)  
1140 Virginia Dr.  
Fort Washington, PA 19034

Re: Relinquishment of Public Utility Easements of the exterior boundary and the interior lots  
of Hoot Nanney Farms Subdivision, Ada County, ID

Dear Kyle,

This is in response to the relinquishment request submitted to Idaho Power Company and received in our office April 2023, regarding the possible relinquishment of a public utility easement (PUE) located as noted above. The attached Exhibit A more specifically identifies the requested area for relinquishment highlighted in yellow.

Idaho Power's review of your request indicated that we do not have facilities located within the requested area. As such, Idaho Power agrees to relinquish our interest in the PUE as shown in Exhibit A.

Thank you once again for providing Idaho Power Company the opportunity to review and comment upon the subject petition for relinquishment.

Sincerely,

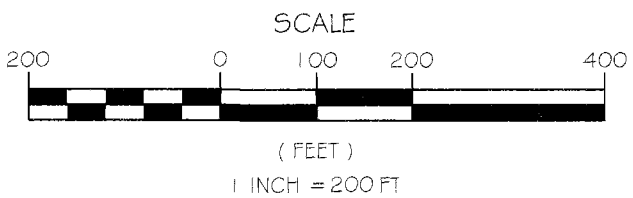


Laura Lacy  
Associate Real Estate Specialist  
Corporate Real Estate / Idaho Power Company  
208-388-5070  
[llacy@idahopower.com](mailto:llacy@idahopower.com)



# HOOT NANNEY FARMS SUBDIVISION

A PARCEL OF LAND WITHIN THE NW 1/4 OF THE SE 1/4,  
AND THE SW 1/4 OF THE NE 1/4, OF SECTION 4,  
T. 4 N., R. 1 W., B.M., ADA COUNTY, IDAHO  
2010



## NOTES

1. THE LAND WITHIN THIS PLAT IS NOT WITHIN AN IRRIGATION DISTRICT AS DEFINED IN IDAHO CODE 31-3805, AND THE REQUIREMENTS IN IDAHO CODE 31-3805 ARE NOT APPLICABLE.  
IRRIGATION FOR THE DEVELOPMENT IS PROVIDED BY AN EXISTING IRRIGATION WELL LOCATED IN LOT 2, BLOCK 1, SERVING UNDERGROUND IRRIGATION LINES IN LOTS 1, 2 AND 3, BLOCK 1. THIS IRRIGATION SYSTEM IS SUBJECT TO A WATER USERS AGREEMENT RECORDED AS INST. NO. 110113411.

2. THIS DEVELOPMENT RECOGNIZES SECTION 22-4503 OF THE IDAHO CODE, RIGHT TO FARM ACT, WHICH STATES: "NO AGRICULTURAL OPERATION OR AN APPURTENANCE TO IT SHALL BE OR BECOME A NUISANCE, PRIVATE OR PUBLIC, BY ANY CHANGED CONDITIONS IN OR ABOUT THE SURROUNDING NONAGRICULTURAL ACTIVITIES AFTER THE SAME HAS BEEN IN OPERATION FOR MORE THAN ONE (1) YEAR, WHEN THE OPERATION WAS NOT A NUISANCE AT THE TIME THE OPERATION BEGAN: PROVIDED, THAT THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO WHENEVER A NUISANCE RESULTS FROM THE IMPROPER OR NEGLIGENT OPERATION OF ANY AGRICULTURAL OPERATION OR APPURTENANCE TO IT."

3. BUILDING SETBACKS AND DIMENSIONAL STANDARDS IN THIS SUBDIVISION SHALL BE IN COMPLIANCE WITH THE APPLICABLE ZONING REGULATIONS OF ADA COUNTY.

4. ANY RE-SUBDIVISION OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE REGULATIONS IN EFFECT AT THE TIME OF THE RE-SUBDIVISION.

5. A TEN FOOT UTILITY EASEMENT IS LOCATED ALONG THE EXTERIOR BOUNDARY OF THIS SUBDIVISION, EXCEPT FOR 90 FEET ALONG THE SOUTH BOUNDARY OF LOT 1 AS SHOWN HEREON.

6. ALL INTERIOR LOTS HAVE A TEN FOOT PUBLIC UTILITIES, DRAINAGE AND IRRIGATION EASEMENT LYING FIVE FEET ON EITHER SIDE OF SAID LOT LINES.

7. CONSTRUCTION OF A STRUCTURE ON ANY LOT SHALL BE SUBJECT TO THE REQUIREMENTS OF THE STAR JOINT FIRE PROTECTION DISTRICT OR EQUIVALENT AS AUTHORIZED BY THE APPLICABLE FIRE CODE IN EFFECT AT TIME OF CONSTRUCTION.

A. THE OWNERS OF LOTS 2 AND 3, BLOCK 1, WILL BE REQUIRED TO MEET WITH THE STAR JOINT FIRE PROTECTION DISTRICT TO DISCUSS ALTERNATIVE MATERIALS AND METHODS FOR FIRE PROTECTION PRIOR TO ISSUANCE OF A BUILDING PERMIT FOR THESE LOTS, UNLESS AN APPROVED PRESSURIZED FIRE HYDRANT SYSTEM OR FIRE SPRINKLER SYSTEM IS VOLUNTARILY INSTALLED.

B. CONSTRUCTION OF ADDITIONAL DWELLING UNITS (BEYOND THE EXISTING HOME ON LOT 1, BLOCK 1, AND INDIVIDUAL HOMES ON LOTS 2 AND 3, BLOCK 1), WILL REQUIRE THE INSTALLATION OF AN APPROVED PRESSURIZED FIRE HYDRANT SYSTEM CAPABLE OF A MINIMUM FIRE FLOW OF 1000 GALLONS PER MINUTE, UNLESS OTHERWISE APPROVED IN WRITING BY THE STAR JOINT FIRE PROTECTION DISTRICT. LOT DRIVEWAYS/ACCESS LANES THAT ARE MORE THAN 150 FEET SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE ADOPTED FIRE CODE AT THE TIME OF CONSTRUCTION.

C. LOT DRIVEWAYS/ACCESS LANES THAT ARE 150 FEET LONG OR LESS SHALL BE AT LEAST 16 FEET WIDE AND SHALL BE CONSTRUCTED TO SUPPORT A MINIMUM IMPOSED LOAD OF 75,000 POUNDS, UNLESS OTHERWISE APPROVED IN WRITING BY THE STAR JOINT FIRE PROTECTION DISTRICT. LOT DRIVEWAYS/ACCESS LANES THAT ARE MORE THAN 150 FEET SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE ADOPTED FIRE CODE AT THE TIME OF CONSTRUCTION.

8. EXISTING OVERHEAD IDAHO POWER LINE LIES WITHIN THE 20 FOOT WIDE STRIP AS SHOWN HEREON, AND THIS STRIP IS DEDICATED HEREON AS A NEW IDAHO POWER EASEMENT. ALTHOUGH THE LINE IS EXISTING, THE WESTERLY 1023 FEET IS OUTSIDE OF THE EXISTING EASEMENTS AND THE EASTERLY 245 FEET IS WITHIN THE EXISTING EASEMENTS PER INST. NO. 196640 AND 253108.

9. AT THE TIME OF BUILDING PERMIT SUBMITTAL FOR EITHER LOT 2 OR 3 OF BLOCK 1, ITD WILL REQUIRE THE RELOCATION OF THE EXISTING APPROACH TO THE COMMON LOT LINE FOR USE AS A SINGLE JOINT USE APPROACH. THIS SHARED ACCESS FOR LOTS 2 AND 3 IS ALLOWED FOR AGRICULTURAL ACCESS AND/OR A SINGLE FAMILY HOME IN EACH LOT AND ASSOCIATED USES ONLY. NO OTHER ACCESS TO SH 16 (EMMETT HWY) IS ALLOWED.

10. THE EXISTING IRRIGATION EASEMENT AS SHOWN HEREON IS TO BENEFIT USERS TO THE WEST. THE BURIED IRRIGATION LINE SHALL BE MAINTAINED BY SAID USERS TO THE WEST. THE OWNER OF LOT 3, BLOCK 1, AS SHOWN HEREON SHALL NOT ERECT ANY STRUCTURES OR ENCUMBRANCES WITHIN SAID EASEMENT.

11. LOTS SHALL NOT BE REDUCED IN SIZE WITHOUT PRIOR APPROVAL FROM THE HEALTH AUTHORITY.

12. NO ADDITIONAL DOMESTIC WATER SUPPLIES SHALL BE INSTALLED BEYOND THE WATER SYSTEM APPROVED IN SANITARY RESTRICTION RELEASE.

13. REFERENCE IS MADE TO PUBLIC HEALTH LETTER ON FILE REGARDING ADDITIONAL RESTRICTIONS.

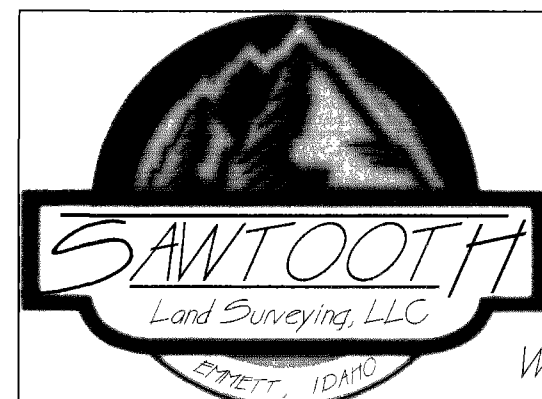
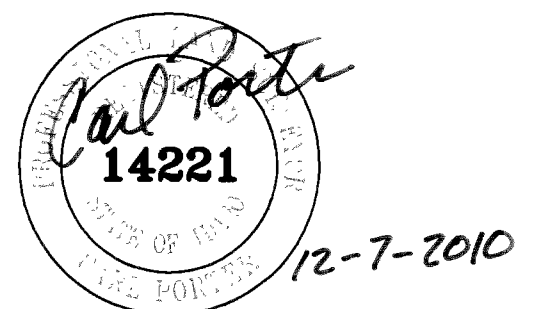
14. OTHER THAN APPROVED WITH THIS PLAT, NO ADDITIONAL DIRECT LOT ACCESS TO W. FLOATING FEATHER ROAD IS ALLOWED, UNLESS OTHERWISE APPROVED IN WRITING BY ADA COUNTY HIGHWAY DISTRICT.

## LEGEND

---	LINE SURVEYED
---	OTHER DEED LINE
---	NEW LOT LINE
---	SECTIONAL LINE
---	EXISTING EASEMENTS
---	RIGHT OF WAY
●	FOUND BRASS CAP MONUMENT
■	FOUND ALUMINUM CAP MONUMENT
⊙	FOUND 5/8" REBAR AS NOTED
●	SET 5/8" REBAR/CAP PLS 14221
●	SET 1/2" REBAR/CAP PLS 14221
△	CALCULATED POINT
( )	RECORD INFORMATION
①	NEW LOT NUMBER
WC	WITNESS CORNER
RM	REFERENCE MONUMENT

## REFERENCE

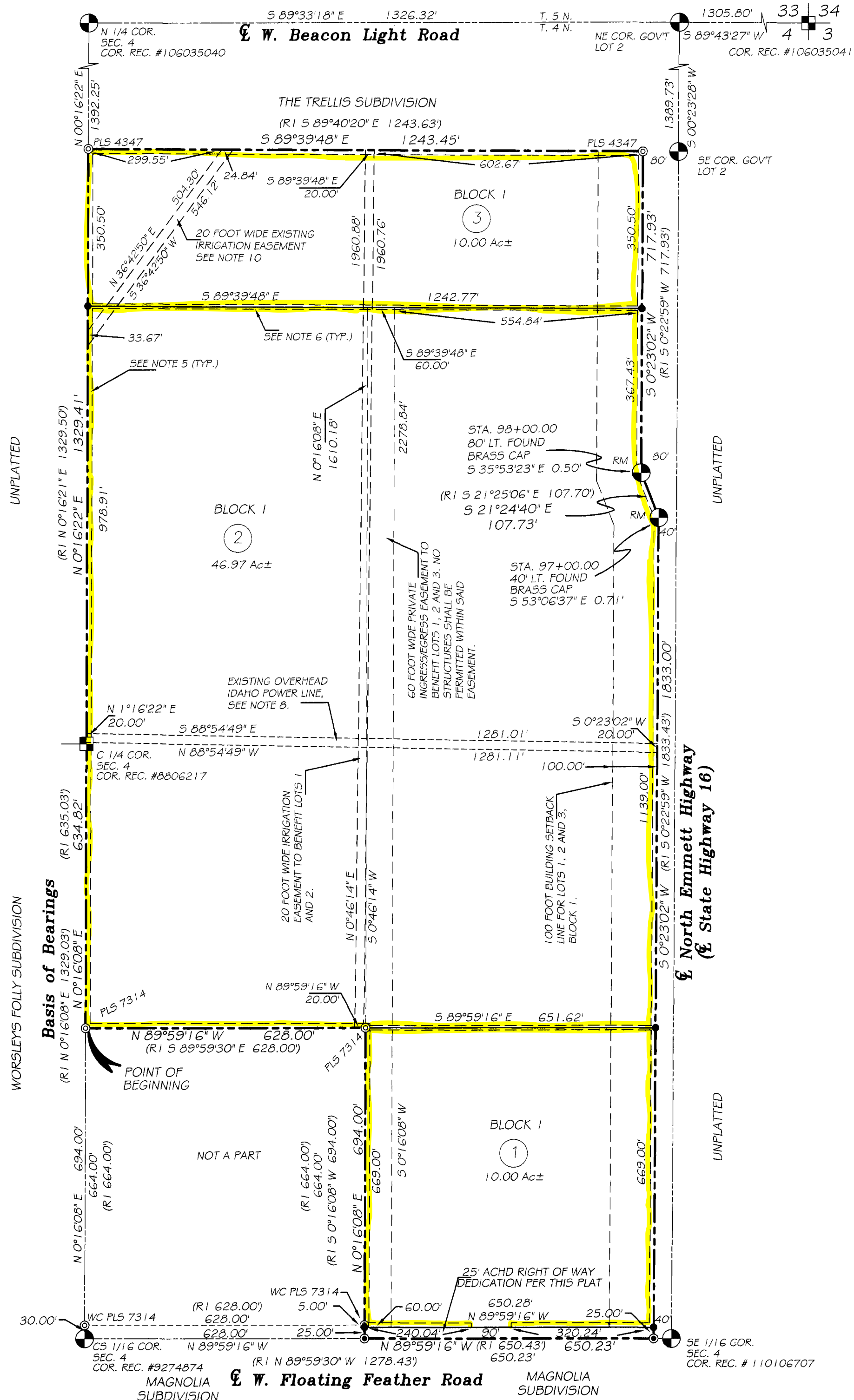
- R1=RECORD OF SURVEY NO. 5321, INST. NO. 101024252  
R2=RECORD OF SURVEY NO. 6981, INST. NO. 105094451  
R3=ITD, 1929 RIGHT OF WAY PLANS, STATE AID PROJECT NO. 142  
R4=WARRANTY DEED INST. NO. 7624878  
R5=PLAT OF THE TRELLIS SUBDIVISION BK 87 PGS 9991-9996 ADA COUNTY BOOK OF PLATS  
R6=PLAT OF MAGNOLIA SUBDIVISION BOOK 61 PGS 6075-6076 ADA COUNTY BOOK OF PLATS  
R7=PLAT OF WORSLEYS FOLLY SUBDIVISION BOOK 86 PGS 9656 AND 9657 ADA COUNTY BOOK OF PLATS



207 W. MAIN ST.  
EMMETT, ID 83617  
(208) 398-8104  
FAX (208) 398-8105

WWW.SANTOOTHLS.COM

SHEET:	DATE:	DRAWN BY:	CHECKED BY:	JOB#:	DN#:
1 OF 3	11/24/2010	GP	CP	10019	10019-FP



6/20/2023



Kyle Prewett  
Land Entitlement Manager, Idaho  
Toll Brothers  
3103 W Sheryl Dr., Suite 100, Meridian, Idaho 83642

P848835  
No Reservations/No Objection

SUBJECT: Request for the vacation of public utility easements located in parcels  
R3721750015, R3721750020 & R3721750030

To Whom It May Concern:

Quest Corporation d/b/a CENTURYLINK QC ("CenturyLink") has reviewed the request for the subject vacation and relocation and has determined that it has no objections with respect to the areas proposed for vacation as shown and/or described on Exhibit "A", said Exhibit "A" attached hereto and incorporated by this reference.

It is the intent and understanding of CenturyLink that this Vacation shall not reduce our rights to any other existing easement or rights we have on this site or in the area.

If you have any questions, please contact Richard Hollis at 903-559-1095 or  
richard.hollis@lumen.com

Sincerely yours,

Kevin Ellington  
Contract Manager II  
Carrier Relations  
kevin.ellington@lumen.com







RELINQUISHMENT OF EASEMENT

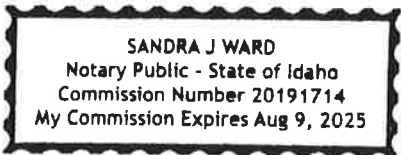
CTC TELECOM, INC., an Idaho corporation, hereby relinquishes, releases, and forever quitclaims onto BHEG MILESTONE RANCH LLC, a Delaware limited liability company, its heirs, successors, and assigns, any and all public easement rights that may have been created pursuant to that certain Hoot Nanney Farms Subdivision recorded on December 16, 2020 in Book 103 of Plats, at Pages 13839 through 13841, as Instrument No. 110118444 of the records of Ada County, State of Idaho, on that certain real property legal described on Exhibit A attached hereto and made part hereof.

IN WITNESS WHEREOF, CTC TELECOM, INC., hereby executes this Relinquishment of Easement, by its proper officers, this 22 day of May, 2023.

CTC TELECOM, INC., an Idaho corporation  
By: [Signature]  
Jerry Piper, Vice President of Operations

STATE OF IDAHO                    )  
  ) ss.  
County of Washington )

This record was acknowledged before me on this 22 day of May, 2023, by Jerry Piper, as Vice President of Operations of CTC Telecom, Inc.  
[Signature]  
My Commission Expires 8/9/25



### Exhibit A – Legal Description of Relinquished Easement Areas

Existing public utility easements over portions of Lots 1, 2, and 3 of Block 1 of Hoot Nanney Farms Subdivision, as shown in Book 103 of Plats on Pages 13839 through 13841, records of Ada County, Idaho; being located in the E ½ of Section 4, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, and more particularly described as follows:

#### LOT 1 BLOCK 1 EASEMENT

A strip of land of varying width, right of and adjacent to the following described easement line:

Commencing at a Brass Cap monument marking the southwest corner of the NW ¼ of the SE ¼ (CS 1/16 corner) of said Section 4, from which an Aluminum Cap monument marking the northwest corner of said NW ¼ of the SE ¼ (C ¼ corner) bears N 0°48'29" E a distance of 1329.13 feet;

Thence along the southerly boundary of said NW ¼ of the SE ¼ S 89°27'07" E a distance of 868.27 feet to a point;

Thence leaving said boundary N 0°32'53" E a distance of 25.00 feet to a point on the southerly boundary of said Lot 1 being the **POINT OF BEGINNING**;

Said easement being 10.00 feet in width, thence along said southerly boundary N 89°27'07" W a distance of 240.08 feet (formerly N 89°59'16" W, 240.04 feet) to the southwesterly corner of said Lot 1;

Thence along the westerly boundary of said Lot 1 N 0°48'29" E (formerly N 0°16'08" E) a distance of 669.00 feet to the northwesterly corner of said Lot 1;

Said easement becoming 5.00 feet in width, thence along the northerly boundary of said Lot 1 S 89°27'07" E a distance of 651.72 feet (formerly S 89°59'16" E, 651.62 feet) to the northeasterly corner of said Lot 1;

Said easement becoming 10.00 feet in width, thence along the easterly boundary of said Lot 1 S 0°55'29" W a distance of 669.01 feet (formerly S 0°23'02" W, 669.00 feet) to the southeasterly corner of said Lot 1;

Thence along the southerly boundary of said Lot 1 N 89°27'07" W a distance of 320.28 feet (formerly N 89°59'16" W, 320.24 feet) to the **ENDING POINT** of said easement line.

Said Lot 1 Block 1 Easement contains 0.504 acres more or less and is subject to any other easements existing or in use.

#### LOT 2 BLOCK 1 EASEMENT

A strip of land of varying width, right of and adjacent to the following described easement line:

Commencing at a Brass Cap monument marking the southwest corner of the NW ¼ of the SE ¼ (CS 1/16 corner) of said Section 4, from which an Aluminum Cap monument marking the

northwest corner of said NW ¼ of the SE ¼ (C ¼ corner) bears N 0°48'29" E a distance of 1329.13 feet;

Thence along the westerly boundary of said NW ¼ of the SE ¼ N 0°48'29" E a distance of 694.00 feet to the southwesterly corner of said Lot 2, the **BEGINNING POINT** of said easement line;

Said easement being 10.00 feet in width, thence along the westerly boundary of said Lot 2 N 0°48'29" E a distance of 635.13 feet (formerly N 0°16'08" E, 634.82 feet) to the Center ¼ corner of said Section 4;

Thence continuing along said westerly boundary N 0°48'31" E a distance of 979.09 feet (formerly N 0°16'22" E, 978.91 feet) to the northwesterly corner of said Lot 2;

Said easement becoming 5.00 feet in width, thence along the northerly boundary of said Lot 2 S 89°07'52" E a distance of 1243.06 feet (formerly S 89°39'48" E, 1242.77 feet) to the northeasterly corner of said Lot 2;

Said easement becoming 10.00 feet in width, thence along the easterly boundary of said Lot 2 the following courses and distances:

Thence S 0°55'29" W a distance of 367.37 feet (formerly S 0°23'02" W, 367.43 feet) to a point;

Thence S 20°52'06" E a distance of 107.74 feet (formerly S 21°24'40" E, 107.73 feet) to a point;

Thence S 0°55'29" W a distance of 1139.60 feet (formerly S 0°23'02" W, 1139.00 feet) to the southeasterly corner of said Lot 2;

Said easement becoming 5.00 feet in width, thence along the southerly boundary of said Lot 2 N 89°27'07" W a distance of 651.72 feet (formerly N 89°59'16" W, 651.62 feet) to a point being the northwesterly corner of said Lot 1;

Said easement becoming 10.00 feet in width, thence continuing along said southerly boundary N 89°27'07" W a distance of 628.08 feet (formerly N 89°59'16" W, 628.00 feet) to the southwesterly corner of said Lot 2, the **ENDING POINT** of said easement line.

Said Lot 2 Block 1 Easement contains 1.098 acres more or less and is subject to any other easements existing or in use.

### **LOT 3 BLOCK 1 EASEMENT**

A strip of land of varying width, right of and adjacent to the following described easement line:

Commencing at a Brass Cap monument marking the southwest corner of the NW ¼ of the SE ¼ (CS 1/16 corner) of said Section 4, from which an Aluminum Cap monument marking the northwest corner of said NW ¼ of the SE ¼ (C ¼ corner) bears N 0°48'29" E a distance of 1329.13 feet;

Thence along the westerly boundary of said NW ¼ of the SE ¼ N 0°48'29" E a distance of 1329.13 feet to said Center ¼ corner;



Thence along the westerly boundary of the SW ¼ of the NE ¼ of said Section 4 N 0°48'31" E a distance of 979.09 feet to the southwesterly corner of said Lot 3, the **BEGINNING POINT** of said easement line;

Said easement being 10.00 feet in width, thence along the westerly boundary of said Lot 3 N 0°48'31" E a distance of 350.56 feet (formerly N 0°16'22" E, 350.50 feet) to the northwesterly corner of said Lot 3;

Thence along the northerly boundary of said Lot 3 S 89°07'52" E a distance of 1243.77 feet (formerly S 89°39'48" E, 1243.45 feet) to the northeasterly corner of said Lot 3;

Thence along the easterly boundary of said Lot 3 S 0°55'29" W a distance of 350.56 feet (formerly S 0°23'02" W, 350.50 feet) to the southeasterly corner of said Lot 3;

Said easement becoming 5.00 feet in width, thence along the southerly boundary of said Lot 3 N 89°07'52" W a distance of 1243.06 (formerly N 89°39'48" W, 1242.77 feet) to the southwesterly corner of said Lot 3, the **ENDING POINT** of said easement line.

Said Lot 3 Block 1 Easement contains 0.582 acres more or less and is subject to any other easements existing or in use.

Clinton W. Hansen, PLS  
Land Solutions, PC  
May 4, 2023





CITY OF STAR

**ENGINEER DEPARTMENT**

**MEMO**

**TO:** Shawn Nickel, Planning Director  
**FROM:** Ryan V. Morgan, P.E., City Engineer  
**RE:** **Milestone Ranch Utility Easement Vacation**

**ACTION**

Toll Brothers has submitted an application for the vacation of existing easements located within the old Hoot Nanney Farms Subdivisions Plat. Attached you will find responses from the utility companies showing no objections to the proposed vacation.

The Engineering Department has reviewed these files and is recommending approval of the Vacation Application.

# *Toll Brothers*<sup>®</sup> LAND DEVELOPMENT

Section 7, Item C.

PAVING THE WAY FOR AMERICA'S LUXURY HOMEBUILDER

July 10, 2023

City of Star Planning and Zoning  
10769 W State St  
Star, Idaho 83669

**RE: Application for Vacation (VAC-23-01)**

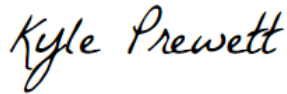
City of Star Planning and Zoning Staff,

Please see the attached letters of approval/no objection from the public utility companies listed below for the application for Vacation (VAC-23-01) for Milestone Ranch Subdivision.

- Intermountain Gas Company
- Sparklight
- Star Sewer & Water District
- Idaho Power
- CenturyLink
- CTC Telecom

Thank you for your time, if you have any questions or need further information, please don't hesitate to reach out to me at (208) 576-3625 or by email at [kprewett@tollbrothers.com](mailto:kprewett@tollbrothers.com).

Sincerely,



Kyle Prewett  
Land Entitlement Manager, Idaho  
Toll Brothers





NAMPA DISTRICT OFFICE  
2921 CALDWELL BLVD • NAMPA, ID. 83651  
(208) 468-6711 • Fax (208) 468-6727 [www.intgas.com](http://www.intgas.com)

May 8, 2023

To whom it may concern,

Intermountain Gas Company has no objection to the vacation of public utility easement outlined on Notes 5 and 6 of the Hoot Nanney Farms Subdivision plat. Located in Sec 4, T. 4N., R.1W., Star, Ada County Idaho. The platting of Milestone Ranch Subdivision will reinstate the public utilities easement common to prescriptive ROW and to current City of Star Municipal Code. For questions, please contact Monica Taylor at [monica.taylor@intgas.com](mailto:monica.taylor@intgas.com) or phone 208-468-6711.

*Monica Taylor*

GIS Field Technician  
Intermountain Gas Company

**From:** Horak, Jason <Jason.Horak@sparklight.biz>  
**Sent:** Monday, May 8, 2023 1:40 PM  
**To:** Kyle Prewett  
**Cc:** Lyle Dennison-Swisse; Shawn Nickel; Ryan Field; Ryan Morgan  
**Subject:** RE: Milestone Ranch Subdivision - Easement Vacation

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

### This message came from outside Toll Brothers

This message came from a sender outside Toll Brothers. Please be careful before clicking on or opening any links. If you are unsure about any of the contents, click the "Report Suspicious" button to report this email to Information Security and they will determine if the email is secure.

Report Suspicious

We are good to Vacate the Easements listed. Please use this as approval from our office.

---

**From:** Kyle Prewett <[kprewett@tollbrothers.com](mailto:kprewett@tollbrothers.com)>  
**Sent:** Thursday, May 4, 2023 8:41 AM  
**To:** Horak, Jason <[Jason.Horak@sparklight.biz](mailto:Jason.Horak@sparklight.biz)>  
**Cc:** Lyle Dennison-Swisse <[ldennison-swisse@tollbrothers.com](mailto:ldennison-swisse@tollbrothers.com)>; Shawn Nickel <[snickel@staridaho.org](mailto:snickel@staridaho.org)>; Ryan Field <[rfield@staridaho.org](mailto:rfield@staridaho.org)>; Ryan Morgan <[rmorgan@staridaho.org](mailto:rmorgan@staridaho.org)>  
**Subject:** Milestone Ranch Subdivision - Easement Vacation

**CAUTION:** External source. **THINK BEFORE YOU CLICK!**

Good Morning Jason,

Thank you for reaching out to me yesterday, as I mentioned, Toll Brothers' intent is to vacate easements located in parcels R3721750015, R3721750020 & R3721750030. The referenced parcels are owned by BHEG Milestone Ranch LLC. The site is located at the approved Milestone Ranch Subdivision, located within the NW ¼ of the SE ¼, and the SW ¼ of the NE ¼ of Section 4, Township 4N, Range 1W, Boise Meridian.

The owner desires to obtain approval for an easement Vacation Application through the City of Star. The existing lots are in the soon-to-be platted Milestone Ranch Subdivision. The future platting requires an easement vacation of the existing ten-foot utility easement located along the exterior boundary of this subdivision, except for 90 feet along the south boundary of Lot 1 as shown on the attached plat. Also, the request is to vacate the ten-foot public utilities, drainage, and irrigation easement lying five feet on either side of all interior lot lines. These are remnants of the platted Hoot Nanney Farms Subdivision, Notes 5 & 6.

The purpose of the easement vacation is due to the approved Milestone Ranch Subdivision. Milestone Ranch Phases 1-6 have not been platted. Phases 1-3 are currently under development, phase 4 has received civil improvement plan approval, and phases 5-6 are yet to receive civil improvement plan approval. To plat these future phases, the existing public utilities easements must be vacated from the

formerly platted Hoot Nanney Farms Subdivision. The platting of Milestone Ranch Subdivision will reinstate the public utilities easement common to prescriptive ROW and to the current City of Star Municipal Code.

If you could provide a letter of relinquishment or another form of written approval for the release of these easements for the future platting of this subdivision, it would be greatly appreciated. No known persons are to be affected by the proposed vacation.

Thank you for your time and consideration of this request. Please let me know if you have any questions or need further information.

**Kyle Prewett**

**Land Entitlement Manager, Idaho**

Toll Brothers

3103 W Sheryl Dr., Suite 100, Meridian, Idaho 83642

Office: (208) 576-3625 | Cell: (831) 801-9724





# Star Sewer & Water District

P.O. Box 400 ★ 10831 W. State Street ★ Star, ID 83669  
(208) 286-7388 • Fax (208) 286-7361

May 19, 2023

Toll Brothers  
3103 W. Sheryl Drive, Suite 100  
Meridian, ID 83642

SUBJECT: Easement Vacation – Assessor Parcel No.'s R3721750015, R3721750020 & R3721750030. Parcels are located at the approved Milestone Ranch Subdivision, located within the NW ¼ of the SE ¼, and the SW ¼ of the NE ¼ of Section 4, Township 4N, Range 1W, Boise Meridian.

To Whom It May Concern:

We, the undersigned public utility company, Star Sewer & Water District, release the rights for the following in Hoot Nanney Farms Subdivision:

1. The ten-foot utility easement located along the exterior boundary of this subdivision except for 90 feet along the south boundary of Lot 1 as shown on the attached plat.
2. The ten-foot public utilities, drainage and irrigation easement lying five feet on either side of all interior lot lines.

This vacation response is submitted with the stipulation that the platting of Milestone Ranch Subdivision will reinstate the public utilities easement common to prescriptive ROW and to the current City of Star Municipal Code.

Please let me know if you have any questions or if you need any additional information.

Thank you,



John A. Kirtley, Chairman  
Star Sewer & Water District

June 7, 2023

*Sent via email to [kprewett@tollbrothers.com](mailto:kprewett@tollbrothers.com)*

BHEG Milestone Ranch LLC  
%Kyle Prewett (Toll Brothers)  
1140 Virginia Dr.  
Fort Washington, PA 19034

Re: Relinquishment of Public Utility Easements of the exterior boundary and the interior lots  
of Hoot Nanney Farms Subdivision, Ada County, ID

Dear Kyle,

This is in response to the relinquishment request submitted to Idaho Power Company and received in our office April 2023, regarding the possible relinquishment of a public utility easement (PUE) located as noted above. The attached Exhibit A more specifically identifies the requested area for relinquishment highlighted in yellow.

Idaho Power's review of your request indicated that we do not have facilities located within the requested area. As such, Idaho Power agrees to relinquish our interest in the PUE as shown in Exhibit A.

Thank you once again for providing Idaho Power Company the opportunity to review and comment upon the subject petition for relinquishment.

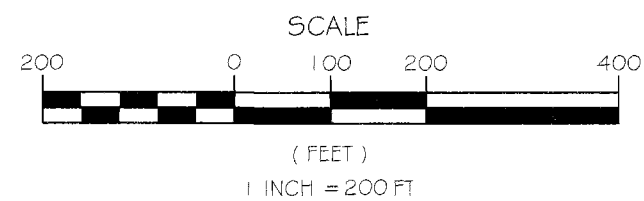
Sincerely,



Laura Lacy  
Associate Real Estate Specialist  
Corporate Real Estate / Idaho Power Company  
208-388-5070  
[llacy@idahopower.com](mailto:llacy@idahopower.com)

# HOOT NANNEY FARMS SUBDIVISION

A PARCEL OF LAND WITHIN THE NW 1/4 OF THE SE 1/4,  
AND THE SW 1/4 OF THE NE 1/4, OF SECTION 4,  
T. 4 N., R. 1 W., B.M., ADA COUNTY, IDAHO  
2010



## NOTES

1. THE LAND WITHIN THIS PLAT IS NOT WITHIN AN IRRIGATION DISTRICT AS DEFINED IN IDAHO CODE 31-3805, AND THE REQUIREMENTS IN IDAHO CODE 31-3805 ARE NOT APPLICABLE.  
IRRIGATION FOR THE DEVELOPMENT IS PROVIDED BY AN EXISTING IRRIGATION WELL LOCATED IN LOT 2, BLOCK 1, SERVING UNDERGROUND IRRIGATION LINES IN LOTS 1, 2 AND 3, BLOCK 1. THIS IRRIGATION SYSTEM IS SUBJECT TO A WATER USERS AGREEMENT RECORDED AS INST. NO. 110113411.

2. THIS DEVELOPMENT RECOGNIZES SECTION 22-4503 OF THE IDAHO CODE, RIGHT TO FARM ACT, WHICH STATES: "NO AGRICULTURAL OPERATION OR AN APPURTENANCE TO IT SHALL BE OR BECOME A NUISANCE, PRIVATE OR PUBLIC, BY ANY CHANGED CONDITIONS IN OR ABOUT THE SURROUNDING NONAGRICULTURAL ACTIVITIES AFTER THE SAME HAS BEEN IN OPERATION FOR MORE THAN ONE (1) YEAR, WHEN THE OPERATION WAS NOT A NUISANCE AT THE TIME THE OPERATION BEGAN; PROVIDED, THAT THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO WHENEVER A NUISANCE RESULTS FROM THE IMPROPER OR NEGLIGENT OPERATION OF ANY AGRICULTURAL OPERATION OR APPURTENANCE TO IT."

3. BUILDING SETBACKS AND DIMENSIONAL STANDARDS IN THIS SUBDIVISION SHALL BE IN COMPLIANCE WITH THE APPLICABLE ZONING REGULATIONS OF ADA COUNTY.

4. ANY RE-SUBDIVISION OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE REGULATIONS IN EFFECT AT THE TIME OF THE RE-SUBDIVISION.

5. A TEN FOOT UTILITY EASEMENT IS LOCATED ALONG THE EXTERIOR BOUNDARY OF THIS SUBDIVISION, EXCEPT FOR 90 FEET ALONG THE SOUTH BOUNDARY OF LOT 1 AS SHOWN HEREON.

6. ALL INTERIOR LOTS HAVE A TEN FOOT PUBLIC UTILITIES, DRAINAGE AND IRRIGATION EASEMENT LYING FIVE FEET ON EITHER SIDE OF SAID LOT LINES.

7. CONSTRUCTION OF A STRUCTURE ON ANY LOT SHALL BE SUBJECT TO THE REQUIREMENTS OF THE STAR JOINT FIRE PROTECTION DISTRICT OR EQUIVALENT AS AUTHORIZED BY THE APPLICABLE FIRE CODE IN EFFECT AT TIME OF CONSTRUCTION.

A. THE OWNERS OF LOTS 2 AND 3, BLOCK 1, WILL BE REQUIRED TO MEET WITH THE STAR JOINT FIRE PROTECTION DISTRICT TO DISCUSS ALTERNATIVE MATERIALS AND METHODS FOR FIRE PROTECTION PRIOR TO ISSUANCE OF A BUILDING PERMIT FOR THESE LOTS, UNLESS AN APPROVED PRESSURIZED FIRE HYDRANT SYSTEM OR FIRE SPRINKLER SYSTEM IS VOLUNTARILY INSTALLED.

B. CONSTRUCTION OF ADDITIONAL DWELLING UNITS (BEYOND THE EXISTING HOME ON LOT 1, BLOCK 1, AND INDIVIDUAL HOMES ON LOTS 2 AND 3, BLOCK 1), WILL REQUIRE THE INSTALLATION OF AN APPROVED PRESSURIZED FIRE HYDRANT SYSTEM CAPABLE OF A MINIMUM FIRE FLOW OF 1000 GALLONS PER MINUTE, UNLESS OTHERWISE APPROVED IN WRITING BY THE STAR JOINT FIRE PROTECTION DISTRICT.

C. LOT DRIVEWAYS/ACCESS LANES THAT ARE 150 FEET LONG OR LESS SHALL BE AT LEAST 16 FEET WIDE AND SHALL BE CONSTRUCTED TO SUPPORT A MINIMUM IMPOSED LOAD OF 75,000 POUNDS, UNLESS OTHERWISE APPROVED IN WRITING BY THE STAR JOINT FIRE PROTECTION DISTRICT. LOT DRIVEWAYS/ACCESS LANES THAT ARE MORE THAN 150 FEET SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE ADOPTED FIRE CODE AT THE TIME OF CONSTRUCTION.

8. EXISTING OVERHEAD IDAHO POWER LINE LIES WITHIN THE 20 FOOT WIDE STRIP AS SHOWN HEREON, AND THIS STRIP IS DEDICATED HEREON AS A NEW IDAHO POWER EASEMENT. ALTHOUGH THE LINE IS EXISTING, THE WESTERLY 1023 FEET IS OUTSIDE OF THE EXISTING EASEMENTS AND THE EASTERLY 245 FEET IS WITHIN THE EXISTING EASEMENTS PER INST. NO. 196640 AND 253108.

9. AT THE TIME OF BUILDING PERMIT SUBMITTAL FOR EITHER LOT 2 OR 3 OF BLOCK 1, ITD WILL REQUIRE THE RELOCATION OF THE EXISTING APPROACH TO THE COMMON LOT LINE FOR USE AS A SINGLE JOINT USE APPROACH. THIS SHARED ACCESS FOR LOTS 2 AND 3 IS ALLOWED FOR AGRICULTURAL ACCESS AND/OR A SINGLE FAMILY HOME IN EACH LOT AND ASSOCIATED USES ONLY. NO OTHER ACCESS TO SH 16 (EMMETT HWY) IS ALLOWED.

10. THE EXISTING IRRIGATION EASEMENT AS SHOWN HEREON IS TO BENEFIT USERS TO THE WEST. THE BURIED IRRIGATION LINE SHALL BE MAINTAINED BY SAID USERS TO THE WEST. THE OWNER OF LOT 3, BLOCK 1, AS SHOWN HEREON SHALL NOT ERECT ANY STRUCTURES OR ENCUMBRANCES WITHIN SAID EASEMENT.

11. LOTS SHALL NOT BE REDUCED IN SIZE WITHOUT PRIOR APPROVAL FROM THE HEALTH AUTHORITY.

12. NO ADDITIONAL DOMESTIC WATER SUPPLIES SHALL BE INSTALLED BEYOND THE WATER SYSTEM APPROVED IN SANITARY RESTRICTION RELEASE.

13. REFERENCE IS MADE TO PUBLIC HEALTH LETTER ON FILE REGARDING ADDITIONAL RESTRICTIONS.

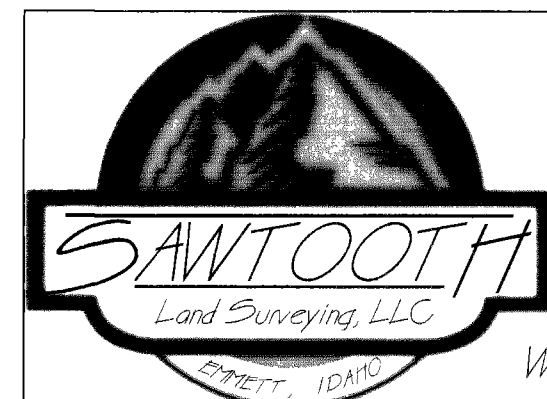
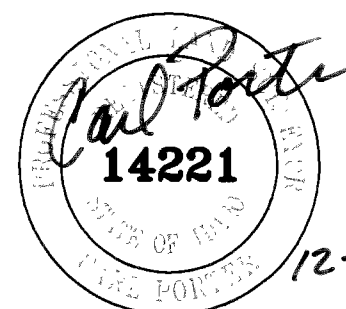
14. OTHER THAN APPROVED WITH THIS PLAT, NO ADDITIONAL DIRECT LOT ACCESS TO W. FLOATING FEATHER ROAD IS ALLOWED, UNLESS OTHERWISE APPROVED IN WRITING BY ADA COUNTY HIGHWAY DISTRICT.

## LEGEND

---	LINE SURVEYED
---	OTHER DEED LINE
---	NEW LOT LINE
---	SECTIONAL LINE
---	EXISTING EASEMENTS
---	RIGHT OF WAY
●	FOUND BRASS CAP MONUMENT
■	FOUND ALUMINUM CAP MONUMENT
⊙	FOUND 5/8" REBAR AS NOTED
⊙	SET 5/8" REBAR/CAP PLS 14221
●	SET 1/2" REBAR/CAP PLS 14221
△	CALCULATED POINT
( )	RECORD INFORMATION
①	NEW LOT NUMBER
WC	WITNESS CORNER
RM	REFERENCE MONUMENT

## REFERENCE

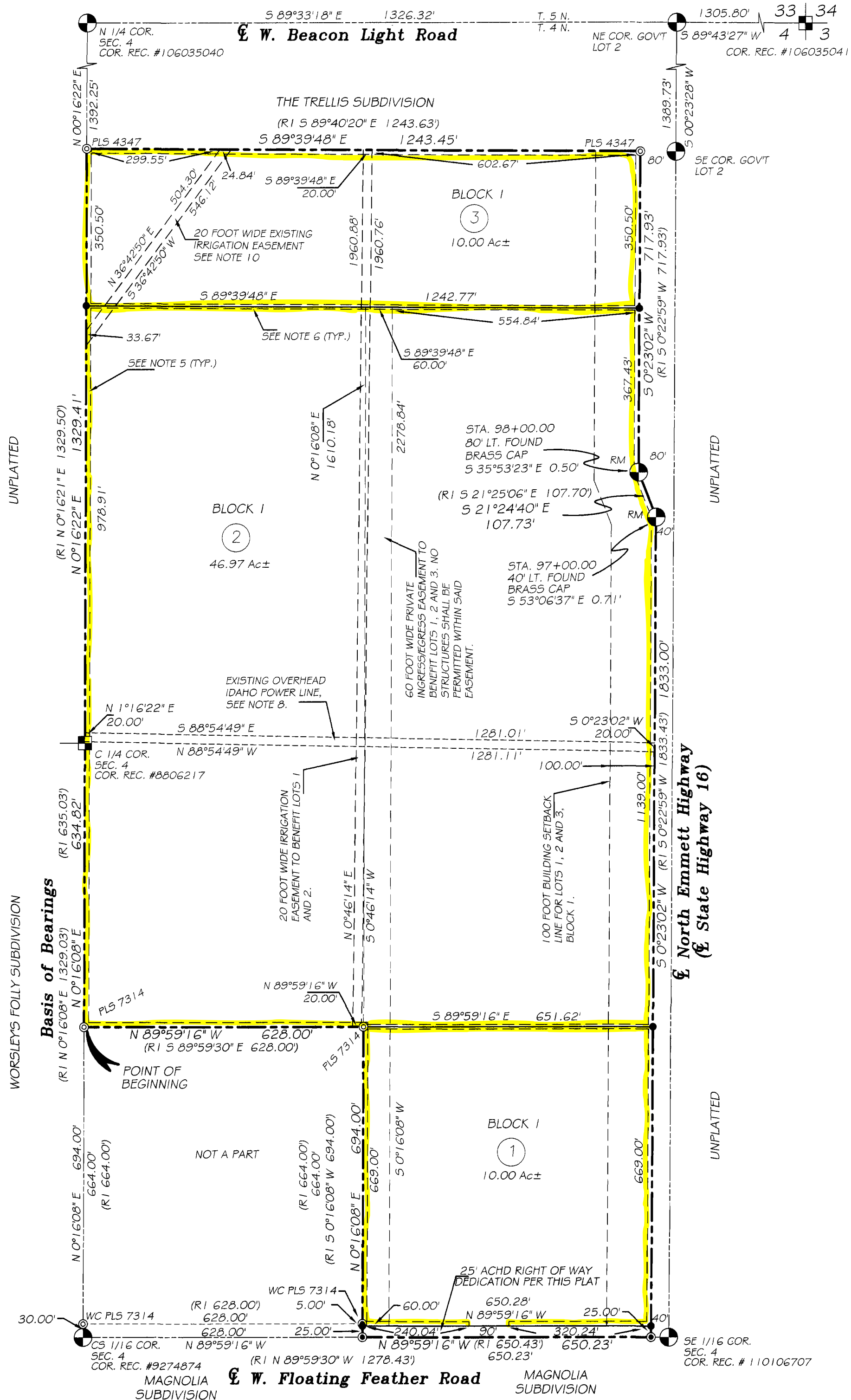
- R1=RECORD OF SURVEY NO. 5321, INST. NO. 101024252  
 R2=RECORD OF SURVEY NO. 6981, INST. NO. 105094451  
 R3=ITD, 1929 RIGHT OF WAY PLANS, STATE AID PROJECT NO. 142  
 R4=WARRANTY DEED INST. NO. 7624878  
 R5=PLAT OF THE TRELLIS SUBDIVISION BK 87 PGS 9991-9996  
 ADA COUNTY BOOK OF PLATS  
 R6=PLAT OF MAGNOLIA SUBDIVISION BOOK 61 PGS 6075-6076  
 ADA COUNTY BOOK OF PLATS  
 R7=PLAT OF WORSLEYS FOLLY SUBDIVISION BOOK 86 PGS 9656  
 AND 9657 ADA COUNTY BOOK OF PLATS



207 W. MAIN ST.  
 EMMETT, ID 83617  
 (208) 398-8104  
 FAX (208) 398-8105

WWW.SANTOOTHLS.COM

SHEET:	DATE:	DRAWN BY:	CHECKED BY:	JOB#:	DATE:
1 OF 3	11/24/2010	GP	CP	10019	10019-FP





6/20/2023



Kyle Prewett  
Land Entitlement Manager, Idaho  
Toll Brothers  
3103 W Sheryl Dr., Suite 100, Meridian, Idaho 83642

P848835  
No Reservations/No Objection

SUBJECT: Request for the vacation of public utility easements located in parcels  
R3721750015, R3721750020 & R3721750030

To Whom It May Concern:

Quest Corporation d/b/a CENTURYLINK QC ("CenturyLink") has reviewed the request for the subject vacation and relocation and has determined that it has no objections with respect to the areas proposed for vacation as shown and/or described on Exhibit "A", said Exhibit "A" attached hereto and incorporated by this reference.

It is the intent and understanding of CenturyLink that this Vacation shall not reduce our rights to any other existing easement or rights we have on this site or in the area.

If you have any questions, please contact Richard Hollis at 903-559-1095 or  
richard.hollis@lumen.com

Sincerely yours,

Kevin Ellington  
Contract Manager II  
Carrier Relations  
kevin.ellington@lumen.com



RELINQUISHMENT OF EASEMENT

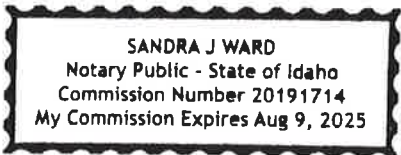
CTC TELECOM, INC., an Idaho corporation, hereby relinquishes, releases, and forever quitclaims onto BHEG MILESTONE RANCH LLC, a Delaware limited liability company, its heirs, successors, and assigns, any and all public easement rights that may have been created pursuant to that certain Hoot Nanney Farms Subdivision recorded on December 16, 2020 in Book 103 of Plats, at Pages 13839 through 13841, as Instrument No. 110118444 of the records of Ada County, State of Idaho, on that certain real property legal described on Exhibit A attached hereto and made part hereof.

IN WITNESS WHEREOF, CTC TELECOM, INC., hereby executes this Relinquishment of Easement, by its proper officers, this 22 day of May, 2023.

CTC TELECOM, INC., an Idaho corporation  
By: [Signature]  
Jerry Piper, Vice President of Operations

STATE OF IDAHO                    )  
  ) ss.  
County of Washington )

This record was acknowledged before me on this 22 day of May, 2023, by Jerry Piper, as Vice President of Operations of CTC Telecom, Inc.  
[Signature]  
My Commission Expires 8/9/25





### Exhibit A – Legal Description of Relinquished Easement Areas

Existing public utility easements over portions of Lots 1, 2, and 3 of Block 1 of Hoot Nanney Farms Subdivision, as shown in Book 103 of Plats on Pages 13839 through 13841, records of Ada County, Idaho; being located in the E ½ of Section 4, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, and more particularly described as follows:

#### LOT 1 BLOCK 1 EASEMENT

A strip of land of varying width, right of and adjacent to the following described easement line:

Commencing at a Brass Cap monument marking the southwest corner of the NW ¼ of the SE ¼ (CS 1/16 corner) of said Section 4, from which an Aluminum Cap monument marking the northwest corner of said NW ¼ of the SE ¼ (C ¼ corner) bears N 0°48'29" E a distance of 1329.13 feet;

Thence along the southerly boundary of said NW ¼ of the SE ¼ S 89°27'07" E a distance of 868.27 feet to a point;

Thence leaving said boundary N 0°32'53" E a distance of 25.00 feet to a point on the southerly boundary of said Lot 1 being the **POINT OF BEGINNING**;

Said easement being 10.00 feet in width, thence along said southerly boundary N 89°27'07" W a distance of 240.08 feet (formerly N 89°59'16" W, 240.04 feet) to the southwesterly corner of said Lot 1;

Thence along the westerly boundary of said Lot 1 N 0°48'29" E (formerly N 0°16'08" E) a distance of 669.00 feet to the northwesterly corner of said Lot 1;

Said easement becoming 5.00 feet in width, thence along the northerly boundary of said Lot 1 S 89°27'07" E a distance of 651.72 feet (formerly S 89°59'16" E, 651.62 feet) to the northeasterly corner of said Lot 1;

Said easement becoming 10.00 feet in width, thence along the easterly boundary of said Lot 1 S 0°55'29" W a distance of 669.01 feet (formerly S 0°23'02" W, 669.00 feet) to the southeasterly corner of said Lot 1;

Thence along the southerly boundary of said Lot 1 N 89°27'07" W a distance of 320.28 feet (formerly N 89°59'16" W, 320.24 feet) to the **ENDING POINT** of said easement line.

Said Lot 1 Block 1 Easement contains 0.504 acres more or less and is subject to any other easements existing or in use.

#### LOT 2 BLOCK 1 EASEMENT

A strip of land of varying width, right of and adjacent to the following described easement line:

Commencing at a Brass Cap monument marking the southwest corner of the NW ¼ of the SE ¼ (CS 1/16 corner) of said Section 4, from which an Aluminum Cap monument marking the

northwest corner of said NW ¼ of the SE ¼ (C ¼ corner) bears N 0°48'29" E a distance of 1329.13 feet;

Thence along the westerly boundary of said NW ¼ of the SE ¼ N 0°48'29" E a distance of 694.00 feet to the southwesterly corner of said Lot 2, the **BEGINNING POINT** of said easement line;

Said easement being 10.00 feet in width, thence along the westerly boundary of said Lot 2 N 0°48'29" E a distance of 635.13 feet (formerly N 0°16'08" E, 634.82 feet) to the Center ¼ corner of said Section 4;

Thence continuing along said westerly boundary N 0°48'31" E a distance of 979.09 feet (formerly N 0°16'22" E, 978.91 feet) to the northwesterly corner of said Lot 2;

Said easement becoming 5.00 feet in width, thence along the northerly boundary of said Lot 2 S 89°07'52" E a distance of 1243.06 feet (formerly S 89°39'48" E, 1242.77 feet) to the northeasterly corner of said Lot 2;

Said easement becoming 10.00 feet in width, thence along the easterly boundary of said Lot 2 the following courses and distances:

Thence S 0°55'29" W a distance of 367.37 feet (formerly S 0°23'02" W, 367.43 feet) to a point;

Thence S 20°52'06" E a distance of 107.74 feet (formerly S 21°24'40" E, 107.73 feet) to a point;

Thence S 0°55'29" W a distance of 1139.60 feet (formerly S 0°23'02" W, 1139.00 feet) to the southeasterly corner of said Lot 2;

Said easement becoming 5.00 feet in width, thence along the southerly boundary of said Lot 2 N 89°27'07" W a distance of 651.72 feet (formerly N 89°59'16" W, 651.62 feet) to a point being the northwesterly corner of said Lot 1;

Said easement becoming 10.00 feet in width, thence continuing along said southerly boundary N 89°27'07" W a distance of 628.08 feet (formerly N 89°59'16" W, 628.00 feet) to the southwesterly corner of said Lot 2, the **ENDING POINT** of said easement line.

Said Lot 2 Block 1 Easement contains 1.098 acres more or less and is subject to any other easements existing or in use.

### **LOT 3 BLOCK 1 EASEMENT**

A strip of land of varying width, right of and adjacent to the following described easement line:

Commencing at a Brass Cap monument marking the southwest corner of the NW ¼ of the SE ¼ (CS 1/16 corner) of said Section 4, from which an Aluminum Cap monument marking the northwest corner of said NW ¼ of the SE ¼ (C ¼ corner) bears N 0°48'29" E a distance of 1329.13 feet;

Thence along the westerly boundary of said NW ¼ of the SE ¼ N 0°48'29" E a distance of 1329.13 feet to said Center ¼ corner;

Thence along the westerly boundary of the SW ¼ of the NE ¼ of said Section 4 N 0°48'31" E a distance of 979.09 feet to the southwesterly corner of said Lot 3, the **BEGINNING POINT** of said easement line;

Said easement being 10.00 feet in width, thence along the westerly boundary of said Lot 3 N 0°48'31" E a distance of 350.56 feet (formerly N 0°16'22" E, 350.50 feet) to the northwesterly corner of said Lot 3;

Thence along the northerly boundary of said Lot 3 S 89°07'52" E a distance of 1243.77 feet (formerly S 89°39'48" E, 1243.45 feet) to the northeasterly corner of said Lot 3;

Thence along the easterly boundary of said Lot 3 S 0°55'29" W a distance of 350.56 feet (formerly S 0°23'02" W, 350.50 feet) to the southeasterly corner of said Lot 3;

Said easement becoming 5.00 feet in width, thence along the southerly boundary of said Lot 3 N 89°07'52" W a distance of 1243.06 (formerly N 89°39'48" W, 1242.77 feet) to the southwesterly corner of said Lot 3, the **ENDING POINT** of said easement line.

Said Lot 3 Block 1 Easement contains 0.582 acres more or less and is subject to any other easements existing or in use.

Clinton W. Hansen, PLS  
Land Solutions, PC  
May 4, 2023

