

**CITY COUNCIL REGULAR MEETING AGENDA**City Hall - 10769 W State Street, Star, Idaho  
Tuesday, February 20, 2024 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** – Bishop Tommy Walke, Church of Jesus Christ of Latter Day Saints
3. **ROLL CALL**
4. **PRESENTATIONS**
  - A. **New Deputy Introductions** - Chief Hessing Introduction of Deputy Ryan Vail & Deputy Levi Glynn
  - B. **Star Police Chief Monthly Report Presentation**
  - C. **Star Fire Chief Monthly Report Presentation**
5. **CONSENT AGENDA (ACTION ITEM)** *\*All matters listed within the Consent Agenda have been distributed to each member of the Star City Council for reading and study, they are considered to be routine and will be enacted by one motion of the Consent Agenda or placed on the Regular Agenda by request.*
  - A. **Approval of Claims**
  - B. **Findings of Fact / Conclusion of Law** - Talega Village (**FILES: AZ-22-11, RZ-22-03, CUP-22-05, DA-22-12, PP-22-15 & PR22-08**)
  - C. **Findings of Fact / Conclusion of Law** - Milestone Ranch Subdivision Phase 6 (**FILE: FP-23-11**)
  - D. **Findings of Fact / Conclusion of Law** - Calvary Chapel Church (**FILE: CU-23-08**)
  - E. **Findings of Fact / Conclusion of Law: Keely Live Work Rezone & Conditional Use Permit (FILE #'s: RZ-23-04; DA-23-06 & CU-23-07)**
6. **PUBLIC HEARINGS with ACTION ITEMS:**
  - A. **PUBLIC HEARING - Starpointe Subdivision Phase 2 (FILES: AZ-23-03, DA-21-09 MOD, PP-23-02, PR-23-02 & PP-21-10)** - The Applicant is requesting approval of an Annexation and Zoning (R-4), a Development Agreement Modification, a Preliminary Plat for a proposed residential subdivision consisting of 12 residential lots and 2 common lots, a private street and an amendment to the original Starpointe Subdivision Preliminary Plat. The property is located at 6777 and 6825 N. Star Road in Star, Idaho, and consists of 3.08 acres with a proposed density of 3.08 dwelling units per acre. (**Previously Noticed for October 3, 2023 / January 16, 2024**) (**ACTION ITEM**)
7. **ACTION ITEMS:**
  - A. **Memorandum of Understanding** - Boise River Greenbelt System Enforcement - An agreement of understanding between Ada County Sheriff's Office (including contracted cities), the City of Boise and Garden City Police Departments outlining the Peace Officer Authority, Prosecution and Investigation Cooperation and certain Miscellaneous Provisions including attachments (**DISCUSSION / ACTION ITEM**)
  - B. **Master Pathway Agreement** - Approval of Master Pathway Agreement with Drainage District #2 (**ACTION ITEM**)
  - C. **Building Services Vehicle Purchase** - Approve Purchase of Used Truck (2020 Ford F150 VIN # 1FTFW1E59LKD90107) in the amount of \$26,000.00 from Star Sewer and Water District (**ACTION ITEM**)
  - D. **Reconsideration: Milled Olive Conditional Use Permit** - Consideration of Milled Olive Conditional Use Permit decision (**ACTION ITEM**)
8. **ADJOURNMENT**



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Tuesday, February 20, 2024 at 7:00 PM

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



# January 2024 Police Report

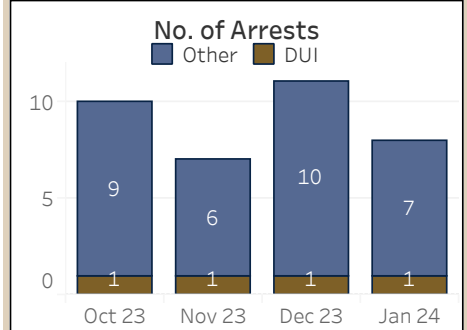
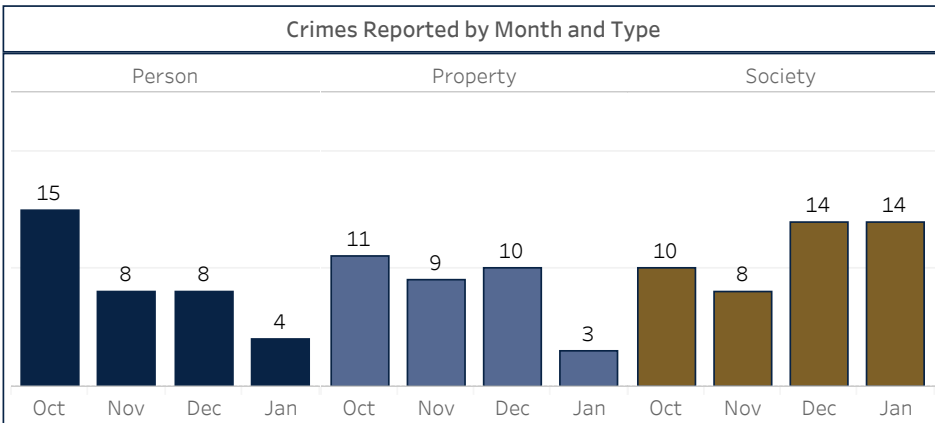
Release Date 2024-02-15

## Offenses Reported<sup>1</sup>

Types	2021	2022	2023	2024 YTD
Person	74	110	86	4
Property	59	92	106	3
Society	52	67	132	14
<b>Total Crimes</b>	<b>185</b>	<b>269</b>	<b>324</b>	<b>21</b>
<b>Crimes/1,000 Pop</b>	<b>13.8</b>	<b>17.7</b>	<b>18.3</b>	

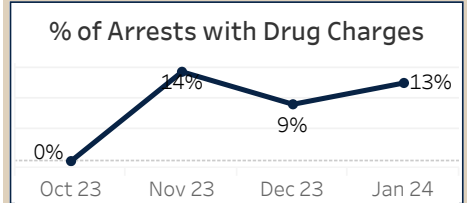
**Case Report Types**

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



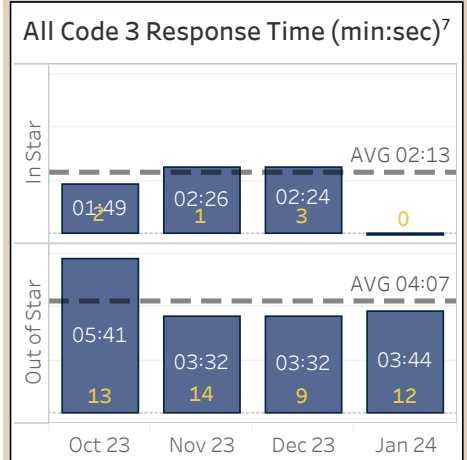
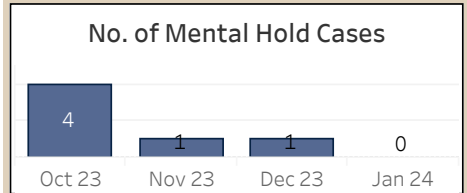
## Police Activity<sup>2</sup>

	2024 Monthly Avg <sup>3</sup>	Oct 23	Nov 23	Dec 23	Jan 24	January 2023
Citizen Calls for Service (CFS)	237	307	276	255	237	268
Proactive Policing	1,551	1,611	1,688	1,341	1,551	1,392



## Select Call Types

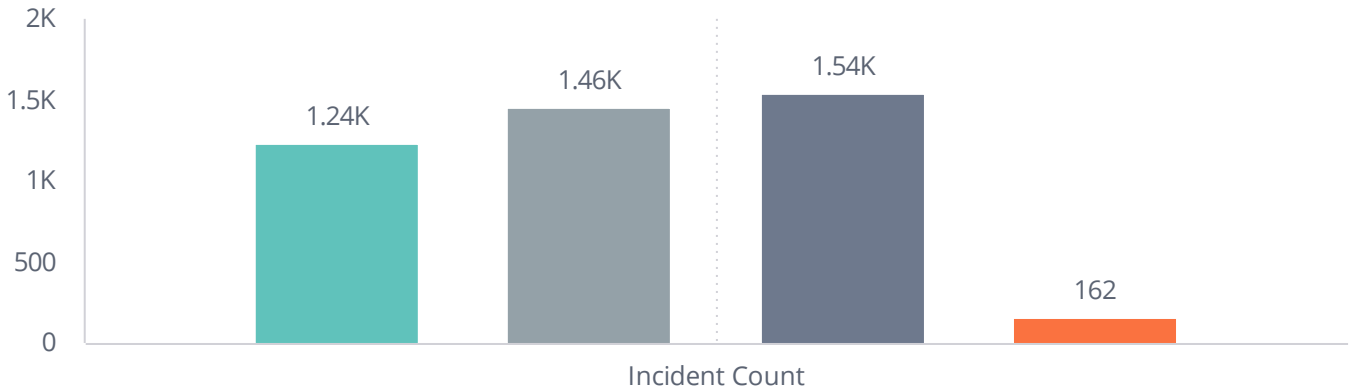
	2024 Monthly Avg <sup>3</sup>	Oct 23	Nov 23	Dec 23	Jan 24	January 2023
Crash Response	32	22	25	27	32	32
Crisis/Mental Health <sup>4</sup>	7	14	13	9	7	12
Domestic Violence	4	5	5	4	4	10
Juvenile Activity	15	19	18	12	15	9
Location Checks <sup>5</sup>	426	394	351	322	426	525
Property Crime Calls <sup>6</sup>	10	26	16	20	10	13
School Checks	60	49	43	37	60	40
Traffic Stops	227	254	401	279	227	369
Welfare Checks	18	24	28	16	18	15



<sup>1</sup>Offense Reports are compiled from NIBRS RMS. <sup>2</sup>Police Activity reflects calls within the City of Star and all calls dispatched with a Star deputy. <sup>3</sup>Monthly averages are based on all prior months of the current year. <sup>4</sup>Calls are for Crisis, Mental Holds, and Suicidal Subjects. <sup>5</sup>Location checks include Construction Site, Property, and Security checks. <sup>6</sup>Property Crime Calls include Theft, Vandalism, Burglary, Fraud. <sup>7</sup>Code 3 Calls represent all incidents that are routed at Priority 3, where Priority 3 calls require an immediate emergency response.

2024 Incidents Y...	AVG Response T...	Acres Burned	Dollar Loss
119	6.75	#N/A	Total Estima... #N/A   Total Esti... #N/A

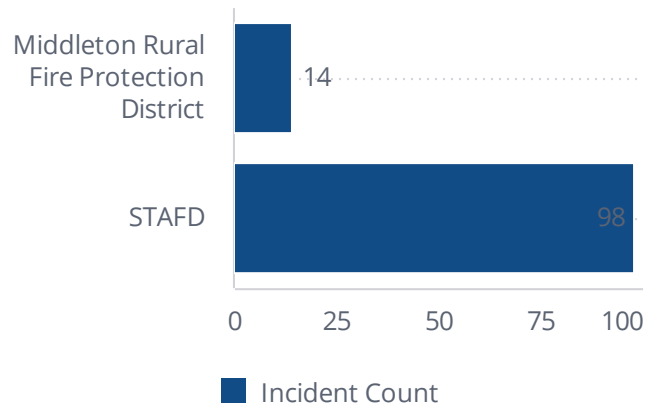
Incident Count By Year Group Comparison



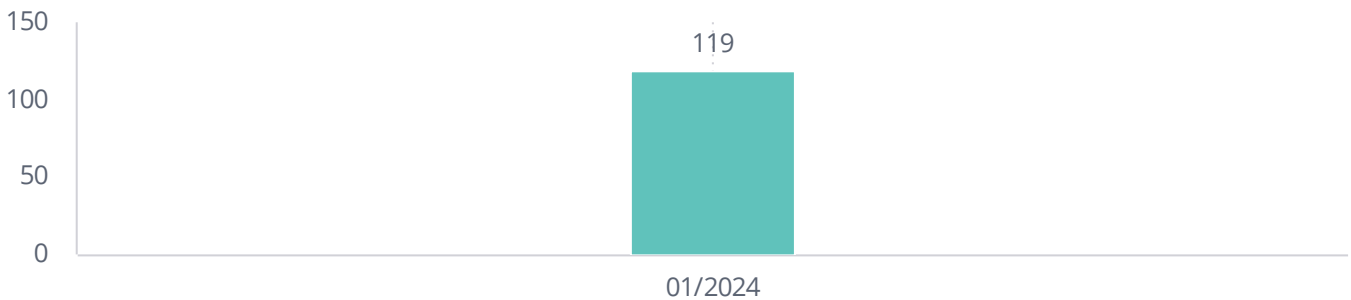
Count By Specific Call Types

Incident Type Group	Count
100 - Fire	3
300 - Rescue & EMS	69
400 - Hazardous Condition	6
500 - Service Call	18
600 - Good Intent Call	18
700 - False Alarm	3
Other	2
<b>Count</b>	<b>119</b>

District (Star and Middleton Only)



Incident County by Month



CITY OF STAR  
Claim Approval List  
For the Accounting Period: 2/24  
For Pay Date: 02/15/24

Claim/	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object	Proj	Cash Account
		*** Claim from another period ( 1/24) ****							
3139		413 IDAHO TRACTOR INC	1,664.52						
	401 01/19/24	Case Tool	20.75*			10 41540	437		10110
	401 01/19/24	Skid Shoe	131.86*			10 41540	437		10110
	401 01/19/24	Actuator	1,234.38*			10 41540	437		10110
	401 01/19/24	Deflector	252.53*			10 41540	437		10110
	401 01/19/24	Freight	25.00*			10 41540	437		10110
		<b>Total for Vendor:</b>	<b>1,664.52</b>						
3141		1374 MADYSSON JUNGENBERG	1,504.30						
	02/13/24	January Interstellar Cheer	1,504.30*			10 44022	352		10110
		<b>Total for Vendor:</b>	<b>1,504.30</b>						
		*** Claim from another period ( 1/24) ****							
3138		818 STAR STORAGE LLC	99.75						
	NEW UNIT 02/01/24	Unit C06 February 2024	99.75*			10 41810	699		10110
		<b>Total for Vendor:</b>	<b>99.75</b>						
		*** Claim from another period ( 1/24) ****							
3140		952 WHITMAN & ASSOC INC	607.75						
	Reinspections were missed on January's report.								
	2024-1 02/01/24	Bldg Reinspections Supplement	607.75*			10 41510	452		10110
		<b>Total for Vendor:</b>	<b>607.75</b>						
		<b># of Claims</b>	<b>4</b>	<b>Total:</b>	<b>3,876.32</b>	<b># of Vendors</b>	<b>4</b>		

CITY OF STAR  
Claim Approval List  
For the Accounting Period: 2/24  
For Pay Date: 02/09/24

Section 5, Item A.

Claim/	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object	Proj	Cash Account
3116		15 ACTION PLUMBING	850.00						
	2979	02/08/24 Replace 3 Faucets City Hall	850.00*			10 41540	434		10110
		<b>Total for Vendor:</b>	<b>850.00</b>						
		*** Claim from another period ( 1/24) ****							
3117		20 ADA COUNTY HIGHWAY DISTRICT	90,818.00						
	18248	01/31/24 ACHD Impact Fees Jan 2024	90,818.00*			10 41510	731		10110
		<b>Total for Vendor:</b>	<b>90,818.00</b>						
3127		21 ADA COUNTY LANDFILL	102.72						
	2402050277	02/05/24 Landfill Fees	21.76*			10 41540	411		10110
	2402090196	02/09/24 Landfill Fees	80.96*			10 41540	411		10110
		<b>Total for Vendor:</b>	<b>102.72</b>						
3118		110 BLUE RAVEN SOLAR	493.07						
		Decided not to go foward with the project							
		02/02/24 Refund for permit	493.07*			10 41510	698		10110
		<b>Total for Vendor:</b>	<b>493.07</b>						
3119		159 CANYON COUNTY CLERK	100.00						
	Jan2024	02/05/24 Prosecution Services	100.00*			10 42110	322		10110
		<b>Total for Vendor:</b>	<b>100.00</b>						
		*** Claim from another period (12/23) ****							
2977		160 CANYON HIGHWAY DISTRICT # 4	26.47						
		Property Tax Collected for 11/01/23 - 11/30/23 and 12/1/23 - 12/31/23							
		11/30/23 CHD4 Property Tax	0.10*			10 41510	732		10110
		11/30/23 CHD4 Penalty	0.00*			10 41510	732		10110
		11/30/23 CHD4 Interest	0.01*			10 41510	732		10110
		12/31/23 CHD4 Property Tax	23.14*			10 41510	732		10110
		12/31/23 CHD4 Penalty	0.46*			10 41510	732		10110
		12/31/23 CHD4 Interest	2.76*			10 41510	732		10110
		<b>Total for Vendor:</b>	<b>26.47</b>						
3129		1502 CHRISTIAN BROTHERS	260.00						
	02/09/24	Refund - Incorrect Permit	260.00*			10 41510	698		10110
		<b>Total for Vendor:</b>	<b>260.00</b>						

CITY OF STAR  
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Section 5, Item A.

Claim/	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object	Proj	Cash Account
3120		1428 FISHER'S TECHNOLOGY	147.42						
	1283439	02/02/24 Copier City Hall	100.00*			10 41810	324		10110
0385		1283439 02/02/24 Copier Rec Center	47.42*			10 44021	324		10110
		<b>Total for Vendor:</b>	<b>147.42</b>						
3121		331 GEM STATE PAPER & SUPPLY COMPANY	84.95						
	3085500-01	02/07/24 Cleaning Supplies	38.78*			10 41540	611		10110
	3085957	02/08/24 Vacuum Belt/Bearing Pully	46.17*			10 41540	611		10110
		<b>Total for Vendor:</b>	<b>84.95</b>						
3133		777 HERITAGE LANDSCAPE SUPPLY GROUP	126.66						
	3362-001	02/07/24 6" Extension w Cover	51.42*			10 41540	434		10110
	3362-001	02/07/24 Valve Box w Cover	75.24*			10 41540	434		10110
		<b>Total for Vendor:</b>	<b>126.66</b>						
3122		1344 HORROCKS	13,526.32						
	83019	01/11/24 SH-44 CE&I Progress Pay App 10	13,526.32*			10 500 41510	331		10110
		<b>Total for Vendor:</b>	<b>13,526.32</b>						
3123		399 IDAHO PRESS TRIBUNE	97.35						
	42237	02/07/24 Legal/Pub Notice PH 3/5/24	97.35*			10 41510	530		10110
		<b>Total for Vendor:</b>	<b>97.35</b>						
3126		421 INTERMOUNTAIN GAS COMPANY	1,346.05						
	*3000 1	02/01/24 City Hall	80.33*			10 41810	414		10110
	*3000 2	02/01/24 B&G Shop-1310 N Little Camas	500.35*			10 41540	414		10110
	*1000 1	02/01/24 Outreach Building	274.16*			10 41810	414		10110
	*7251 2	02/01/24 Star Police Station	491.21*			10 42010	414		10110
		<b>Total for Vendor:</b>	<b>1,346.05</b>						
3124		1328 JON C IRBY LANDSCAPING LLC	877.60						
	23455	11/30/23 Colorado Green Spruce	340.00*			10 41540	737		10110
	23455	11/30/23 Fat Albert Spruce	268.80*			10 41540	737		10110
	23455	11/30/23 Baby Blue Spruce	268.80*			10 41540	737		10110
		<b>Total for Vendor:</b>	<b>877.60</b>						

CITY OF STAR  
Claim Approval List  
For the Accounting Period: 2/24  
For Pay Date: 02/09/24

Section 5, Item A.

Claim/	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object	Proj	Cash Account
3125		635 MOUNTAIN ALARM	640.27						
	4304379	02/01/24 Security Monitoring	42.50*			10 41810	344		10110
	4348569	01/31/24 External Mount Antenna	597.77*			10 41810	344		10110
		<b>Total for Vendor:</b>	<b>640.27</b>						
3128		656 OFFICE SAVERS ONLINE	408.73						
	10451	02/01/24 Address Labels	94.99*			10 41510	611		10110
	10451	02/01/24 Copy Paper	58.99*			10 41510	611		10110
	10451	02/01/24 Copy Paper	117.98*			10 41810	611		10110
	10451	02/01/24 Staples	11.78*			10 41810	611		10110
	10451	02/01/24 Toner Cartridge	124.99*			10 41810	611		10110
		<b>Total for Vendor:</b>	<b>408.73</b>						
3130		686 PORTAPROS LLC	516.60						
	112049AT-1	02/02/24 River Walk Park	516.60*			10 41540	411		10110
		<b>Total for Vendor:</b>	<b>516.60</b>						
3131		707 REPUBLIC SERVICES INC	776.40						
	001346827	01/31/24 Hunters Creek Park	352.42*			10 41540	411		10110
	001346891	01/31/24 Star River Access 1000 S Ma	86.29*			10 41540	411		10110
	001346900	01/31/24 River Park 1000 S Main St	117.70*			10 41540	411		10110
	001347185	01/31/24 Star City Hall	128.67*			10 41540	411		10110
	001347201	01/31/24 Blake Haven Park	91.32*			10 41540	411		10110
		<b>Total for Vendor:</b>	<b>776.40</b>						
3136		811 STAR FIRE DEPARTMENT	74,527.00						
	Jan 2024	02/01/24 Star Fire Impact Fees	74,527.00*			10 41510	734		10110
		<b>Total for Vendor:</b>	<b>74,527.00</b>						
3132		812 STAR MERCANTILE INC	125.27						
	Multiple	01/31/24 Bldg & Grounds Supplies	125.27*			10 41540	611		10110
		<b>Total for Vendor:</b>	<b>125.27</b>						



CITY OF STAR  
 Claim Approval List  
 For the Accounting Period: 2/24  
 For Pay Date: 02/09/24

Section 5, Item A.

Claim/	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object	Proj	Cash Account
3134		949 WESTERN RECORDS DESTRUCTION	60.00						
Services	01/01/24 - 01/31/24								
	0681450	02/01/24 02-64 Gallon City Hall	60.00*			10 41810	411		10110
		<b>Total for Vendor:</b>	<b>60.00</b>						
3135		1451 WESTERN STATES EQUIPMENT CO	1,878.50						
	002682342	02/07/24 Genie S65 Boom Lift	1,878.50*			10 41540	442		10110
		<b>Total for Vendor:</b>	<b>1,878.50</b>						
		<b># of Claims</b>	<b>22</b>	<b>Total:</b>	<b>187,789.38</b>	<b># of Vendors</b>	<b>22</b>		

CITY OF STAR  
 Claim Approval List  
 For the Accounting Period: 2/24  
 For Pay Date: 02/08/24

Section 5, Item A.

Claim/	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object	Proj	Cash Account
3114		1490 SOFA EXPRESS	560.00						
	02/08/24	Seat Repair Maintenance Truck	560.00*			10 41540	431		10110
		<b>Total for Vendor:</b>	<b>560.00</b>						
		<b># of Claims</b>	<b>1</b>	<b>Total:</b>	<b>560.00</b>	<b># of Vendors</b>	<b>1</b>		

CITY OF STAR  
Claim Approval List  
For the Accounting Period: 1/24  
For Pay Date: 02/02/24

Section 5, Item A.

Claim/	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object	Proj	Cash Account
3102		23 ADA COUNTY SHERIFF'S OFFICE	243,235.57						
	122040	02/01/24 Police Services Feb 2024	243,235.57*			10 42110	365		10110
		<b>Total for Vendor:</b>	<b>243,235.57</b>						
3099		79 ASSOCIATION OF IDAHO CITIES	100.00						
	200011279	01/29/24 CODC Luncheon - Chadwick	50.00*			10 41810	560		10110
	200011279	01/29/24 CODC Luncheon - Salmonsens	50.00*			10 41810	560		10110
		<b>Total for Vendor:</b>	<b>100.00</b>						
3105		1035 BILLS MACHINE SHOP	29,025.00						
	24-3131	01/02/24 Shade Structure	29,025.00*			10 45110	735		10110
		<b>Total for Vendor:</b>	<b>29,025.00</b>						
3107		1368 DIAMOND CONTRACTORS	20,281.10						
	App 5	12/21/23 Pavilion Parking Lot App 5	20,281.10*			10 45110	738		10110
		<b>Total for Vendor:</b>	<b>20,281.10</b>						
3095		271 ECI CONTRACTORS	19,577.05						
		Electrical Inspections, 60% of Total							
	Jan 2024	02/01/24 Electrical Inspections	19,577.05*			10 41510	454		10110
		<b>Total for Vendor:</b>	<b>19,577.05</b>						
3096		325 GAMEFACE ATHLETICS	1,260.00						
	318454	01/31/24 Inspection Stickers	1,260.00*			10 41510	324		10110
		<b>Total for Vendor:</b>	<b>1,260.00</b>						
3100		331 GEM STATE PAPER & SUPPLY COMPANY	310.33						
	3085501	01/31/24 Brush Roll	38.78*			10 41540	611		10110
	3085500	01/31/24 Cleaning Supplies	271.55*			10 41540	611		10110
		<b>Total for Vendor:</b>	<b>310.33</b>						
3093		1073 INSPECT LLC	16,681.62						
		Monthly Plumbing Inspections, 60% of Total							
	Jan 2024	02/01/24 Plumbing Inspections	16,681.62*			10 41510	453		10110
		<b>Total for Vendor:</b>	<b>16,681.62</b>						

CITY OF STAR  
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Section 5, Item A.

Claim/	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object	Proj	Cash Account
3094		1037 RIMI INC	25,355.26						
		Mechanical Inspections, 60% of total							
		Jan 2024 02/01/24 Mechanical Inspections	25,355.26*			10	41510	455	10110
		<b>Total for Vendor:</b>	<b>25,355.26</b>						
3098		1238 ROYALTY ELECTRIC LLC	9,210.00						
		23156-3 01/30/24 Cameras City Hall	9,210.00*			10	45110	740	10110
		<b>Total for Vendor:</b>	<b>9,210.00</b>						
3092		857 TATES RENTS	50.00						
		564596-000 12/29/23 Trailer, Tandem Axle	50.00*			10	41540	442	10110
		<b>Total for Vendor:</b>	<b>50.00</b>						
3097		898 TREASURE VALLEY COFFEE	228.14						
		10164798 01/30/24 City Hall Coffee/Water/FA	188.89*			10	41810	610	10110
		10105780 01/30/24 Rec Cntr Water	31.20*			10	44022	610	10110
		10184317 01/30/24 Bldg Maint First Aid/Cups	8.05*			10	41540	610	10110
		<b>Total for Vendor:</b>	<b>228.14</b>						
3104		930 VALLEY WIDE COOP	1,153.05						
		A70970 01/10/24 Gas	1,176.11*			10	41540	626	10110
		D22886 01/24/24 Gas Credit	-23.06*			10	41540	626	10110
		<b>Total for Vendor:</b>	<b>1,153.05</b>						
3103		952 WHITMAN & ASSOC INC	74,842.72						
		2024-1 02/01/24 Building Inspections	74,842.72*			10	41510	452	10110
		<b>Total for Vendor:</b>	<b>74,842.72</b>						
3101		963 YORGASON LAW OFFICES PLLC	3,500.00						
		Contract 02/01/24 City Attorney Monthly Servic	3,500.00*			10	41310	322	10110
		<b>Total for Vendor:</b>	<b>3,500.00</b>						
		<b># of Claims</b>	<b>15</b>	<b>Total:</b>			<b>444,809.84</b>	<b># of Vendors</b>	<b>15</b>

CITY OF STAR  
Claim Approval List  
For the Accounting Period: 2/24  
For Pay Date: 02/02/24

Section 5, Item A.

Claim/	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object	Proj	Cash Account
		*** Claim from another period ( 1/24) ****							
3102		23 ADA COUNTY SHERIFF'S OFFICE	243,235.57						
	122040	02/01/24 Police Services Feb 2024	243,235.57*			10	42110	365	10110
		<b>Total for Vendor:</b>	<b>243,235.57</b>						
3090		1487 ALEXIS CHENOWITH	900.00						
	02/02/24	Riverhouse Refund	900.00*			10	41810	698	10110
		<b>Total for Vendor:</b>	<b>900.00</b>						
		*** Claim from another period ( 1/24) ****							
3099		79 ASSOCIATION OF IDAHO CITIES	100.00						
	200011279	01/29/24 CODC Luncheon - Chadwick	50.00*			10	41810	560	10110
	200011279	01/29/24 CODC Luncheon - Salmonsén	50.00*			10	41810	560	10110
		<b>Total for Vendor:</b>	<b>100.00</b>						
		*** Claim from another period ( 1/24) ****							
3105		1035 BILLS MACHINE SHOP	29,025.00						
	24-3131	01/02/24 Shade Structure	29,025.00*			10	45110	735	10110
		<b>Total for Vendor:</b>	<b>29,025.00</b>						
3091		119 BOISE STATE UNIVERSITY	1,320.00						
		Scholarship Award Funds for John Baldwin Student ID: 114239914							
	02/02/24	Scholarship John Baldwin	1,320.00*			10	48520	840	10110
		<b>Total for Vendor:</b>	<b>1,320.00</b>						
3106		231 DANA PARTRIDGE	2,654.89						
	02/02/24	Services Jan 19 - Feb 1, 2024	2,654.89*			10	41140	351	10110
		<b>Total for Vendor:</b>	<b>2,654.89</b>						
		*** Claim from another period ( 1/24) ****							
3107		1368 DIAMOND CONTRACTORS	20,281.10						
	App 5	12/21/23 Pavilion Parking Lot App 5	20,281.10*			10	45110	738	10110
		<b>Total for Vendor:</b>	<b>20,281.10</b>						
		*** Claim from another period ( 1/24) ****							
3095		271 ECI CONTRACTORS	19,577.05						
		Electrical Inspections, 60% of Total							
	Jan 2024	02/01/24 Electrical Inspections	19,577.05*			10	41510	454	10110
		<b>Total for Vendor:</b>	<b>19,577.05</b>						

CITY OF STAR  
Claim Approval List  
For the Accounting Period: 2/24  
For Pay Date: 02/02/24

Section 5, Item A.

Claim/	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object	Proj	Cash Account
3110		302 FATBEAM LLC	2,597.50						
	41475	02/01/24 Fiber Optic Internet Service	2,597.50*			10	41810	419	10110
		<b>Total for Vendor:</b>	<b>2,597.50</b>						
		*** Claim from another period ( 1/24) ****							
3096		325 GAMEFACE ATHLETICS	1,260.00						
	318454	01/31/24 Inspection Stickers	1,260.00*			10	41510	324	10110
		<b>Total for Vendor:</b>	<b>1,260.00</b>						
3108		1152 GARRETT PARKS AND PLAY	141,737.80						
	3355	02/01/24 Concrete for Pickleball Court	141,737.80*			10	704 45110	738	10110
		<b>Total for Vendor:</b>	<b>141,737.80</b>						
		*** Claim from another period ( 1/24) ****							
3100		331 GEM STATE PAPER & SUPPLY COMPANY	310.33						
	3085501	01/31/24 Brush Roll	38.78*			10	41540	611	10110
	3085500	01/31/24 Cleaning Supplies	271.55*			10	41540	611	10110
		<b>Total for Vendor:</b>	<b>310.33</b>						
		*** Claim from another period ( 1/24) ****							
3093		1073 INSPECT LLC	16,681.62						
		Monthly Plumbing Inspections, 60% of Total							
		Jan 2024 02/01/24 Plumbing Inspections	16,681.62*			10	41510	453	10110
		<b>Total for Vendor:</b>	<b>16,681.62</b>						
		*** Claim from another period ( 1/24) ****							
3094		1037 RIMI INC	25,355.26						
		Mechanical Inspections, 60% of total							
		Jan 2024 02/01/24 Mechanical Inspections	25,355.26*			10	41510	455	10110
		<b>Total for Vendor:</b>	<b>25,355.26</b>						
		*** Claim from another period ( 1/24) ****							
3098		1238 ROYALTY ELECTRIC LLC	9,210.00						
	23156-3	01/30/24 Cameras City Hall	9,210.00*			10	45110	740	10110
3109		1238 ROYALTY ELECTRIC LLC	940.00						
	24017-4	02/01/24 Phone Service	940.00*			10	41810	416	10110
		<b>Total for Vendor:</b>	<b>10,150.00</b>						

CITY OF STAR  
Claim Approval List  
For the Accounting Period: 2/24  
For Pay Date: 02/02/24

Section 5, Item A.

Claim/	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object	Proj	Cash Account
				*** Claim from another period ( 1/24) ****					
3092	857 TATES RENTS		50.00						
	564596-000 12/29/23 Trailer, Tandem Axle		50.00*			10 41540	442		10110
			<b>Total for Vendor: 50.00</b>						
				*** Claim from another period ( 1/24) ****					
3097	898 TREASURE VALLEY COFFEE		228.14						
	10164798 01/30/24 City Hall Coffee/Water/FA		188.89*			10 41810	610		10110
	10105780 01/30/24 Rec Cntr Water		31.20*			10 44022	610		10110
	10184317 01/30/24 Bldg Maint First Aid/Cups		8.05*			10 41540	610		10110
			<b>Total for Vendor: 228.14</b>						
				*** Claim from another period ( 1/24) ****					
3104	930 VALLEY WIDE COOP		1,153.05						
	A70970 01/10/24 Gas		1,176.11*			10 41540	626		10110
	D22886 01/24/24 Gas Credit		-23.06*			10 41540	626		10110
			<b>Total for Vendor: 1,153.05</b>						
				*** Claim from another period ( 1/24) ****					
3103	952 WHITMAN & ASSOC INC		74,842.72						
	2024-1 02/01/24 Building Inspections		74,842.72*			10 41510	452		10110
			<b>Total for Vendor: 74,842.72</b>						
				*** Claim from another period ( 1/24) ****					
3101	963 YORGASON LAW OFFICES PLLC		3,500.00						
	Contract 02/01/24 City Attorney Monthly Servic		3,500.00*			10 41310	322		10110
			<b>Total for Vendor: 3,500.00</b>						
		<b># of Claims</b>	<b>21</b>	<b>Total:</b>	<b>594,960.03</b>	<b># of Vendors</b>	<b>20</b>		

**FINDINGS OF FACT AND CONCLUSIONS OF LAW  
TALEGA VILLAGE SUBDIVISION  
FILE NO. AZ-22-11/RZ-22-03/DA-22-12/PP-22-17/CUP-22-05/PR-23-08**

The above-entitled Annexation, Rezone, Development Agreement, Preliminary Plat, Conditional Use Permit and Private Street land use applications came before the Star City Council for their action on January 16, 2024, at which time public testimony was taken and the public hearing was closed. The Star City Council, having requested and taken oral and written testimony, and having duly considered the matter, does hereby make the following Findings of Fact and Conclusions of Law.

**Procedural History:**

*A. Project Summary:*

The Applicant is requesting approval of an Annexation and Zoning (Residential R-10-DA), a Rezone (from R-1 & C-2 to Residential R-10-DA), a Development Agreement, a Preliminary Plat for proposed residential and commercial uses consisting of 162 buildable lots (1 commercial lot, 1 multi-family lot, 65 single-family residential lots, 95 townhome lots and multiple common lots), a Conditional Use Permit for a proposed multifamily residential use (340 units), and a Private Street. A residential density of 10 du/acre is proposed. The property is located at 58 N. Truman Place and 8370 W. Shults Court in Star, Idaho. The entire property consists of 74.61 acres. The subject property is generally located on the northeast corner of State Highway 16 and State Highway 44. Ada County Parcels: R3720002880, R3720003030, R3720002500, R3720002480, R3720001505, R3720002412, & S0409417201.

*B. Application Submittal:*

A neighborhood meeting was held on March 15, 2022, in compliance with the application submittal requirement of the Star Unified Development Code (Section 8-1 A-6 C). The Land Use application was deemed complete on October 10, 2023.

*C. Notice of Public Hearing:*

Notice of Public Hearing on the application for the City of Star Council was published in accordance with the requirements of Title 67, Chapter 65, Idaho Code and the Star Unified Development Code on November 7, 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 November 2, 2023. Notice was sent to agencies having jurisdiction in the City of Star on August



15, 2023. The property was posted in accordance with the Star Unified Development Code on November 21, 2023.

*D. History of Previous Actions:*

On March 6, 2018, the Council voted 4 to 0 to approve CPA-18-01 Comprehensive Plan Map Amendment to Commercial; AZ-18-01, Annexation and Zoning to Commercial (C2) for the Eagle Crossroads, LLC. Application.

On December 8, 2021, Council approved the 2020 Comprehensive Plan Map Amendment, recognizing this property with single-family, townhomes, multi-family and commercial.

*E. 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>	Commercial (C-2) Residential (R-1) Rural Urban Transition (RUT)	Commercial/High Density Residential/Compact Residential/Neighborhood Residential	Vacant
<b>Proposed</b>	Commercial (C-2-DA) Residential (R-10-DA)	Commercial/High Density Residential/Compact Residential/Neighborhood Residential	Commercial/Multi-Family Residential/Single-Family Residential
<b>North of site</b>	Residential (R-6-DA) City of Eagle	City of Eagle Comprehensive Plan	Approved 400 residential lot Cascade Springs Subdivision
<b>South of site</b>	Commercial (C-1) Residential (R-1) Rural Urban Transition (RUT)	Commercial	Hwy 44 Single Family Residential Vacant Agricultural
<b>East of site</b>	Residential (R-13/R-5) Commercial (C-2) Mixed Use (MU)	Commercial/High Density Residential/ Neighborhood Residential/Eagle’s Jurisdiction	Multi-Family Residential (Amazon Falls) Vacant (Junction Crossing)/Agricultural
<b>West of site</b>	Rural Urban Transition (RUT) Mixed Use (MU) Light Industrial (LI) Greyloch	Mixed Use Light Industrial	Hwy 16 Vacant Greyloch Cabinets

F. *Development Features.*

**ANNEXATION & REZONE:**

The annexation, zoning, and rezone request from County Rural Urban Transition (RUT) and Residential (R-1) and General Business District (C-2) to Residential (R-10-DA) on the applicant’s property will allow for the development and subdivision of the subject property into a residential subdivision with accompanying commercial uses that will be consistent with the recently adopted Comprehensive Plan. The property consists of a total of 74.61 acres, including 55.68 acres for residential use and 18.93 acres for commercial use. The total proposed residential units is 500, with an overall gross residential density of 8.98 dwelling units per acre, which excludes the 18.93 acres that is currently designated for commercial in the calculations. A further density breakdown shows:

- Approximately 2.17 dwelling units per acre for the single family residential dwellings - The current Comprehensive Plan Land Use Map designates this portion of the property as Neighborhood Residential, with an allowed density of 3-5 dwelling units per acre;
- Approximately 9.25 dwelling units per acre for the townhomes – The current Comprehensive Plan Land Use Map designates the portion of the property as Compact Residential, with an allowed density of 5-10 dwelling units per acre;
- Approximately 22 dwelling units per acre for the multi-family dwellings - The current Comprehensive Plan Land Use Map designates this portion of the property as High Density Residential, with an allowed density of 10 plus dwelling units per acre.

The requested land uses of residential and commercial within the annexation and zoning and rezone applications meet the intent of the zoning designations intended in the Comprehensive Plan.

**PRELIMINARY PLAT:**

The proposed Preliminary Plat contains 161 residential lots, 1 commercial lot and 19 common area lots for a total of 181 total lots. The Preliminary Plat contains 65 single family residential lots with an average lot size of 8,400 square feet, 95 townhome lots with and 340 apartment units. The 65 single family residential lots range in size from 6,623 square feet to 15,690 square feet with the average buildable lot area of approximately 8,400 square feet. The 95 townhome lots range in size from 4,851 square feet to 9,016 square feet with the average lot size of 6,974 square feet. The 340 apartments are located on 1 parcel.

The Preliminary Plat has been submitted with information that does not meet UDC and the Ada County Surveyor requirements for plats. Specifically, platted lots require lot and block numbers, and common lots should be numbered within the individual blocks and not as parcels (A-Q). A

revised Preliminary Plat shall be submitted prior to final plat application that clearly shows compliance with all Ada County platting procedures.

All streets are proposed to be public within the single family and townhome residential portion of the development, with private driveways proposed within the multi-family residential section. Residential roads are proposed as follows: The road section for the Hamlin collector road and one internal roadway between the single family and the multi-family proposes a 60-foot wide right of way, with a roadway measurement of 36 feet from back of curb to back of curb, and a 5-foot-wide detached sidewalk with an 8-foot-wide park strip. The UDC requires sidewalks along collectors to be a minimum of 7 feet. The sidewalks along both sides of Hamlin Avenue shall be revised to include a 7 foot width. The remaining roadway sections in the residential development include a 50-foot-wide right of way with 36 feet from back of curb to back of curb and a 5-foot-wide detached sidewalk with an 8-foot-wide park strip.

The project has 55.68 acres of residential housing area. Section 8-4E-2 of the Unified Development Code states *"The total land area of all common open space shall equal or exceed fifteen percent (15%) of the total gross acreage of land area of the development. A Minimum of 10% of the total gross acreage of the development shall be for useable area open space. Open space shall be designated as a total of 15% minimum for residential developments in all zones with densities of R-2 or greater."* As the submitted site plan does not appear to have the correct calculations for open space, Staff has done its own calculation, and the residential area appears to exceed the required amount of open space. With 55.68 acres of total residential area, the development should have a total of 8.35 acres of total open space (15%) and 5.57 acres of usable open space (10%). Staff calculations of the submitted plans are as follows:

- Total provided Open Space\* = 20.67 acres (37%). This breaks down as follows for the 3 individual residential sections of the development:
  - Single-Family = 8.54 acres (32.5%)
  - Townhomes = 9.09 acres (77.6%)
  - Multi-Family = 3.04 acres (17.2%)
- Total provided Usable Open Space\* =
  - Single Family = 5.98 acres (22.7%)
  - Townhomes = 2.13 acres (18.2%)
  - Multi-Family = 2.52 acres (14.3%)

\*All provided calculations have been determined by Staff as best as possible, as correctly detailed breakdowns of the open spaces has not been provided. Staff will require accurate calculations of total open space and usable open space from the applicant prior to final approval. This should include separated actual acreages of the 3 different residential types so Staff can properly review the calculations.

It is also unclear from the information submitted as to what type of common lots "Parcels G & H" are. If they are to be landscaped usable open space lots, they should be accessible to the residential portion of the development. They appear to be too large for the Hwy 16 required buffer. Staff recommends a pathway connection between Lots 3022 & 3023 to access the area.

Section 8-4E-2 also states *"Each development is required to have a least one site amenity. One additional site amenity shall be required for each additional twenty (20) acres of development area, plus one additional amenity per 75 residential units."* The Applicant is proposing 500 residential units on 55.68 acres, which requires a minimum of nine (9) amenities. The Applicant is proposing a tot lot, dog park, clubhouse, pool, 3 large open areas, a picnic shelter, walking paths and a bench as amenities. These meet the required number and kind of amenities as outline in the Unified Development Code. The pool shall be required to be a minimum of 3,600 square feet in size. It is assumed and also recommended that all amenities and open spaces shall be utilized by the residents of all 500 residential units.

Section 8-8C-2 paragraph J states "Any road designated as a principal arterial on the applicable highway district function class map: A minimum of forty feet (40') wide buffer area (not including right of way) shall be provided with the following plants per one hundred (100) linear feet of right of way: four (4) shade trees, three (3) evergreen trees, two (2) flowering/ornamental trees, and twelve (12) shrubs. Each required shade tree may be substituted with two (2) flowering/ornamental trees, provided that not more than fifty percent (50%) of the shade trees are substituted. A minimum seven foot (7') high buffer consisting of a berm, wall, fence, or combination thereof shall be provided within the buffer area. The maximum slope for any berm shall be three feet (3') horizontal distance to one foot (1') vertical distance. Unsightly fencing shall not be permitted." The Applicant has provided the correct buffer along Hwy 16 and the proposed landscape appears to satisfy the code requirements.

The development is currently provided with ingress/egress to the south from Highway 44 (State Street) via Hamlin Avenue. This is currently a right in/right out only and is subject to further access modification once the Hwy 16/44 interchange is constructed. There is a secondary access proposed via Amazon Drive, a public road through the Amazon Falls development off Short Road. This connection is not yet built and will need to cross the drainage ditch to connect to Hamlin Avenue. The council should consider the limited access and may want to condition this connection to be completed prior to any construction activities when making a decision on the application. The Applicant will need to receive approval from both transportation agencies (ITD and ACHD) and possibly the proper irrigation district and adhere to their requirements for access and improvements.

The applicant has provided a conceptual phasing plan showing 4 phases for the development. Phase 1 appears to be the apartments (17.67 acres), Phase 2 the townhomes (11.7 acres), Phase 3 the single family residential (26.3 acres) and Phase 4 the commercial portion (18.93 acres) of

the development. The council should consider this phasing plan and the timing of the commercial development when making a decision on the application.

**ADDITIONAL DEVELOPMENT FEATURES:**

- Sidewalks  
Sidewalks are proposed at five-foot (5') widths and will be detached throughout the subdivision. The Hamlin Avenue sidewalks shall be 7 feet minimum. The Applicant is proposing 8-foot landscape strips throughout, satisfying the Unified Development Code.
  
- Streetlights  
A streetlight location plan and design sample has been submitted by the applicant. Streetlights shall reflect the "Dark Sky" criteria with all lighting. The same streetlight design shall continue throughout the entire development. The proposed streetlight locations and proposed fixtures satisfy code and the City's requirements for a common style of streetlight. Although the streetlight plan and design meet City Code, upon installation and inspection, shielding of lights may be required to prevent light trespass as necessary.
  
- Subdivision and Street Names  
The Applicant has provided approval from Ada County for the subdivision name with the application packet. No street name approval was included in the application materials, this will be required before signing the final plat.
  
- Landscaping  
As required by the Unified Development Code, Chapter 8, Section 8-8C-2-M (2) Street Trees; A minimum of one street tree shall be planted for every thirty-five (35) linear feet of street frontage. For open areas, one shade tree shall be planted for every four thousand (4,000) square feet. The applicant shall use "Treasure Valley Tree Selection Guide", as adopted by the Unified Development Code. The proposed landscape plan appears to meet these requirements for street trees. In instances where street trees will be planted by the builder, certificate of occupancy may be held up if trees are not planted in accordance with this code.  
  
Applicant should be prepared to address Staff's question on the landscaping and usability of "Parcels G & H".
  
- Mail Cluster  
The Applicant has provided an approval letter from the Eagle Postmaster of a location for the mail clusters, however the map showing the approved location was not included in the application materials. Staff will require this map prior to signing

the final plat. Per Section 8-4A-20, all mailboxes and clusters shall be covered with an architecturally designed cover, to be approved by the Administrator prior to final plat signature. All covers shall be provided with lighting and shall be stained/painted and kept in good condition at all times. The administrator may issue a letter of violation to the HOA when any mailbox cluster or cover falls into disrepair. Maintenance shall be included in the CC&R's.

- Block Length

Part of Hamlin Avenue is already constructed, as the northern section is extended, Staff suggests the Applicant work with the Highway District and Fire District with regards to traffic calming techniques. Staff is supportive of the waiver to the block lengths in this development as only 1 appears to exceed the 750' limit.

- Setbacks

The applicant is not requesting any setback waivers and will adhere to the setbacks outlined in this report and as follows:

- Single-Family Detached = 15'/20' Front; 7.5' Side Yard; 15' Rear; 20' Street Side
- Townhomes = 0' Front; Zero-Lot Lines for Interior Sides; 5' Rear; 5' Exterior Side
- Multi-Family = N/A

- Common Driveways

The preliminary plat is currently showing two common driveways in the townhome section (lots 2030 & 2031). Section 8-6B-2D of the Unified Development Code states *"Common driveways shall serve a maximum of two (2) dwelling units and shall approved by the Fire District."* Staff recommends that the two lots be eliminated from the plat, as the Fire District has been denying all common and shared driveways due to emergency access and turn-around issues.

- Old Grange Hall Property:

The old grange hall property located currently at 8377 W Shultz Court is surrounded by this project. As Hwy 16 is improved, it will be necessary to provide access to this out-parcel internally within the Talega Village development. A cul-de-sac turn-around is designed north of the parcel. The right of way should be extended to provide legal access to this parcel.

## **CONDITIONAL USE PERMIT\*\*:**

The applicant is requesting approval of a Conditional Use Permit for 340 apartment units in approximately 22 buildings. The applicant has not indicated if the apartment units will be one or two bedroom units. For a two-bedroom unit, parking requirements are calculated at 2 spaces for each unit with 1 space being covered and .25 spaces per unit for guest parking. The Applicant is proposing approximately 500 parking spaces, based on what Staff can estimate. This number is

short approximately 265 parking spaces. Section 8-4B-2 of the Unified Development Code requires parking stalls to be a minimum of nine feet (9') wide and twenty feet (20') deep. Parking stall measurements are not clearly marked on the submitted plan. Prior to final approval, the Applicant shall provide to Staff a site plan that clearly meets all the requirements of the Unified Development Code.

Section 8-4B-3H of the Unified Development Code states that one bicycle parking space shall be provided for every twenty-five (25) vehicle parking spaces. Based on the required number of parking spaces, the Applicant will be required to provide 30 bicycle spaces, this is not clearly denoted on the submitted plan.

The Applicant has provided elevations for the proposed apartments, which appear to be three (3) stories tall. Section 8-4B-2 of the UDC requires "*all drive aisles adjacent to a building shall be a minimum of 25'0" or as required by the fire code, unless the building is 30 feet in height or greater, at which point the drive aisle shall be 26'0" or as otherwise approved by the Fire District.*" The drive aisles are not clearly marked on the submitted site plan or preliminary plat. The Applicant will be required to submit a site plan that clearly shows all drive aisle measurements, meeting code as required.

The Applicant is not asking for an exception of the height requirement, therefore buildings will be limited to thirty-five feet (35') in height, unless otherwise approved by Council.

All signage, including building and directionals require separate permit and approval from Staff prior to installation.

The applicant has submitted very brief color renderings of the proposed building, which will still need to go through design review (Certificate of Zoning Compliance) for approval prior to building permits being issued.

It is unclear from the site plan if the following requirements of Section 8-5-21 of the UDC has been included as part of the multi-family development. This includes:

- Any storage for recreational vehicles
- Location of the management office
- Location of maintenance storage area
- Location of the map of the development, including vehicle orientation map
- Maintenance and ownership responsibilities documents
- Architectural standards and materials
- Bicycle parking

\*\*The site plan submitted for review for the multi-family residential provides very minimal information necessary for Staff to properly review the layout. Staff recommends that, if Council

approves the land use, that the applicant be required to submit a detailed site plan with information as required in Section 8-5-21 of the UDC, and that the site plan be brought before the Council and/or Design Review Committee for review and final approval. Because of the appearance of needed extra parking, the 500 unit count proposed may not be achievable.

### **DEVELOPMENT AGREEMENT:**

Through the Development Agreement process, the applicant is proposing to work with the City to provide further insurance 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:

- ITD Proportionate Share Fees at \$1,000.00 per residential unit
- Density
- Fire Sprinklers Requirements
- Parking Requirements
- Commercial Acreage/Use
- Traffic
- Potential phasing limitations on the project
- Access to the old Grange Hall property
- Guest parking for townhomes
- Hamlin Avenue 7' sidewalks
- Usability of "Parcels G & H" as related to landscaping
- Open space usage for entire development
- Access to Amazon Falls Drive prior to construction
- Elimination of common drive lots

### **STAFF ANALYSIS & RECOMMENDATIONS**

Based upon the information provided to Staff in the applications and agency comments received to date, Staff finds that the proposed request for annexation and zoning, rezone, and preliminary plat, as conditioned, meets the requirements, standards and intent for development as they relate to the Unified Development Code and Comprehensive Plan. Regarding the conditional use permit for the multi-family residential, Staff would need additional information to make a clear recommendation on all aspects of the CUP application. Staff would recommend that the Council consider approval of the land use for multi-family residential with a maximum allowed density to be confirmed once the revised site plan is fully reviewed to determine if additional parking is required and density need to be reduced.

Traffic Concerns:



Staff is concerned with the amount of traffic that will be generated by the uses in this development upon full build-out in relationship with the current access to the site. Currently, Hamlin Avenue is the only access to the site. With the additional connection to Amazon Falls Drive to the east and access to Hwy 44 via Short Road, there will still be considerable traffic from this development, in addition to the currently approved residential and commercial developments north, east and west of Short Road. And if Hamlin Avenue is further restricted by ITD once the interchange is constructed, the strain on Short Road will be extreme. Staff has been informed by representatives of the two developments to the north and northeast of Talega Village (Cascade Springs and Fountain Park Subdivisions) that connection from Hamlin Road north towards Floating Feather Road and east towards Palmer Lane, are anticipated to be a minimum of 5-years out, based on current phasing of those projects and with the current market. The Palmer Lane signal light will also be necessary to handle all of the current and future traffic from the currently approved developments in Star and Eagle in this immediate area. Council may want to consider additional phasing and/or unit limitation conditions on this development until the proposed improvement to the traffic system are completed prior to final build-out of this development. While ACHD and ITD have provided initial review comments for this development, Staff has had discussions with both ITD and the Fire District regarding concerns on access and traffic. These two agencies will be providing additional comment prior to the public hearing.

**STAFF NOTE:**

**During the Council public hearing review process, the Applicant provided Staff and Council with additional details listed to the concerns listed above. Included in this was updated information from ACHD, ITD and Star Fire District. These revisions were included in the revised submitted plans dated December 28, 2023. The revisions address the majority of Staff concerns regarding the application. Any unaddressed issues will be included within the Conditions of Approval.**

*G. Existing Site Characteristics:*

**Existing Site Characteristics:** The property is currently vacant ground.

**Irrigation/Drainage District(s):** Middleton Irrigation Association  
Middleton Mill Ditch Company  
P.O. Box 848  
Middleton, ID 83644  
  
Pioneer Ditch Company  
P.O. Box 70  
Star, Idaho 86369

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

**Special *On-Site Features:***

- ✪ Areas of Critical Environmental Concern – No known areas.
- ✪ Evidence of Erosion – No evidence.
- ✪ Fish Habitat – No.
- ✪ Floodplain – No.
- ✪ Mature Trees – Several existing mature trees.
- ✪ Riparian Vegetation – None.
- ✪ Steep Slopes – None.
- ✪ Stream/Creek – Yes, Drainage District No. 2 main drain in the northern portion of property.
- ✪ Unique Animal Life – No unique animal life has been identified.
- ✪ Unique Plant Life – No unique plant life has been identified.
- ✪ Unstable Soils – No known issues.
- ✪ Historical Assets – No historical assets have been observed.
- ✪ Wildlife Habitat – No known sensitive wildlife habitat observed.

H. *Agencies Responding:*

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

ITD	March 21, 2023/October 25, 2023
ACHD	September 26, 2023
Ada County Dev. Services	February 27, 2023
COMPASS	March 13, 2023
West Ada School District	March 29, 2023
Central District Health	March 3, 2023
Star Fire Department	November 29, 2023

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

None

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

Comprehensive Plan:

8.2.3 Land Use Map Designations:

NEIGHBORHOOD RESIDENTIAL - Suitable primarily for single family residential use. Densities in

the majority of this land use area are to range from 3.01 units per acre to 5 dwelling 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 immediately adjacent to existing residential lots of one acre and larger where those existing larger lots are not likely to be subdivided in the future.

COMPACT RESIDENTIAL - Suitable primarily for residential use allowing a mix of housing types such as single family, two family, and multi-family. Densities range from 5.01 units per acre to 10 units per acre.

HIGH DENSITY RESIDENTIAL - Suitable primarily for multi-family. This use should generally be located in close proximity to commercial centers and primary transportation corridors. The use is also suitable within the Central Business District in mixed-use buildings with commercial or office uses on the first floor and high density residential on upper floors. Densities range from 10.01 units per acre and up. Density may be limited to ensure compatibility and transition between uses adjacent to the site. Design specifications may include increased setbacks for multi-story buildings, landscape buffers, and transitional densities. Rezoning to this designation should not be allowed unless adequate ingress/egress to major transportation corridors are assured.

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

### 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.

#### 8.5.6 Policies Related Mostly to the Commercial Planning Areas:

- Assist in the provision of coordinated, efficient, and cost-effective public facilities and utility services, carefully managing both residential and non-residential development and design, and proactively reinforcing downtown Star's role as the urban core while protecting existing property rights. 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.
- #### 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.

#### 8.5.8 Policies Related Mostly to Open Space and Special Areas:

- A. Projects that hold a residential designation, where the developers would like to provide or dedicate amenities similar to those allowed in the Public Use/Parks/Open Space designation, may transfer unused density from these areas to other areas within the development, as may be approved by the City Council through the Planned Unit Development or Development Agreement processes.
- B. Where possible, open space should be located to be contiguous to public lands and existing open space areas.
- C. Open space should be designed to capitalize on and expand the open space areas around natural features and environmentally sensitive areas. Priorities for preservation include: The most

sensitive resources – floodways and floodplains (including riparian and wetland areas), slopes in excess of 25%, locally significant features, and scenic viewpoints. Fragmentation of open space areas should be minimized so that resource areas are able to be managed and viewed as an integrated network.

D. Open space areas along the Boise River should be designed to function as part of a larger regional open space network.

E. Require the conservation and preservation of open spaces and public access to the Boise River and BLM lands and interconnected pathways, open to the public, through new developments.

F. The city should work with property owners adjacent to the Boise River to maintain and enhance the river corridor as an amenity for residents and visitors and to obtain public pathway easements and to have pathways constructed. Uses which complement this public access include trails and interpretive signage.

G. Common areas in subdivisions should be centrally located for the residents use and should include micro-path connections where feasible.

H. Discourage development within the floodplain, excluding within the Riverfront Center area, in which development could mitigate floodplain areas and provide for civic space within the floodway and adjacent areas.

I. Floodway areas are to remain “open space” because of the nature of the floodway which can pose significant hazards during a flood event. Within the Riverfront Center, this floodway area should be developed as civic gathering area, open and park space, with the design allowing for floodwaters to inundate the area without contributing to hazard risk.

J. Floodway areas are excluded from being used for calculating residential and development densities.

K. Any portion of the floodway developed as a substantially improved wildlife habitat and/or wetlands area that is open to and usable by the public for open space, such as pathways, ball fields, parks, or similar amenities, as may be credited toward the minimum open space required for a development, if approved by the City Council.

L. Encourage land uses that are in harmony with existing resources, scenic areas, natural wildlife areas, and surrounding land uses.

M. Areas over 25% slope are to be “no development” areas except for city approved trails and except where isolated areas of steep slope are located on property where site grading can easily modify the steep slope area for buildable area. In those cases where grading can be accomplished to modify the isolated steep slope areas the surrounding land use designation will apply within the area designated “steep slope.”

N. Clustering of housing is to be encouraged where needed to preserve hillsides, natural features, and to avoid mass grading of land in areas determined to be preserved.

#### 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.

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-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. Traffic studies may be required by the transportation authority prior to acceptance of an application.

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 plating: 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.

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

The following zoning districts are hereby established for the interpretation of this title, the zoning districts have been formulated to realize the general purposes as set forth in this title. In addition, the specific purpose of each zoning district shall be as follows:

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

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

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

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

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

ZONING DISTRICT USES	R	C-2
Dwelling		
Multi-family 1	C	N
Single-family attached	P	N
Single-family detached	P	N

**Notes:**

- 1. Indicates uses that are subject to specific use standards in accord with chapter 5 of**

**this title.**

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

Zoning District	Maximum Height  Note Conditions	Minimum Yard Setbacks Note Conditions			
		Front <sup>(1)</sup>	Rear	Interior Side	Street Side
R-6 to R-11 attached housing	35'	15' to living area 20' to garage 10' if alley load	15'  4' if alley load	7.5' (2)	20'
C-2	35'	20'	5'	0(4)	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. 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.

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

- A. Comply with Section 8-3A-1: ZONING DISTRICTS AND PURPOSE ESTABLISHED.
- B. When development is planned with lots that directly abut existing lots within a Rural Residential area, or "Special Transition Overlay Area" as shown on the Comprehensive Plan Land Use map, an appropriate transition shall be provided for the two abutting residential lot types. A transition shall take into consideration site constraints that may exist and may include clustering of the urban lots in order to provide an open space area avoiding urban lots directly abutting rural residential lots, or may include the provision of a buffer strip avoiding urban lots directly abutting rural residential lots, or may include setbacks within the urban lots similar to the rural

residential lots directly abutting, or may include the provision of one half to one acre size lots directly abutting the rural residential lots.

C. Urban style development, as guided by provisions within the comprehensive plan and this Title, is required to limit urban sprawl, however, densities of no more than 1 to 2 dwelling units per acre are to be designed within the floodplain, ridgeline developable areas and hillside developable areas (both as defined within the comprehensive plan).

D. Housing developments with densities of R-11 and higher shall be designed to limit height, increase setbacks and/or provide additional landscaping along the perimeter of the development, if determined by the council, where abutting areas are planned for lower densities.

E. Rezoning to R-11 and higher shall not be allowed unless adequate ingress/egress to major transportation corridors is assured.

F. All new residential, accessory uses or additions/remodels within the residential zones shall pave all unpaved driveways to the home.

G. Spite strips, common lots, unreasonable development phasing, or other means of any type purposely or unintentional that may result in the blocking of services or development, including but not limited to sewer, water, streets, or utilities are prohibited in any zoning district within the City of Star.

H. In any development that requires a traffic signal as part of the approval process, the developer shall be responsible for providing an Emergency Opticom System to the intersection.

**8-3C-1: ADDITIONAL COMMERCIAL DISTRICT STANDARDS:**

**ALL COMMERCIAL DISTRICTS:**

A. Comply with Section 8-3A-1: ZONING DISTRICTS AND PURPOSE ESTABLISHED.

B. New commercial developments shall incorporate site and architectural design recommendations from the Architectural Overlay Design Guidelines for the Central Business District and Riverfront Center.

C. Site Improvements: 1) Prior to any ground disturbance for any commercial, industrial or other non-residential buildings, a Commercial Site Improvements application shall be submitted to the City for approval by the City Engineer. This shall include any new site development initiated prior to a City Building permit.

2) In any development that requires a traffic signal as part of the approval process, the applicant shall be responsible for providing an Emergency Opticom System to the intersection.

3) One (1) full-size copy of the construction drawings, drawn in accordance with the requirements hereinafter stated. The construction Drawings 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.

a. Application shall include compliance with Section 8-4A-8 and 8-4A-11 of this ordinance.

- b. Construction drawings shall include both above ground and below ground improvements, including the proposed building envelope of proposed improvements. Said improvements must include proposed finished grades of all impervious surfaces, and shall be in conformance with all Federal, State, and local regulations.
- c. Electronic file of all application materials in original .pdf format shall be submitted with the application on a thumb drive.

**8-3G-1: ARCHITECTURAL OVERLAY DISTRICT:**

- A. An Architectural Overlay District boundary is all of the existing CBD north of the Boise River, and approximately 750' on either side of SH-44 from city limit to city limit, including future annexations. This shall also include all other non-residential zoned uses and properties throughout the City. Single-family dwellings that are part of an approved PUD or Conditional Use Permit shall comply with this section.
- B. Architectural Overlay District includes the entirety of the South of the River Area Plan.
- C. The "STAR DESIGN GUIDELINES, CENTRAL BUSINESS DISTRICT AND RIVERFRONT CENTER" (the Guidelines), is adopted through this ordinance. It may be amended from time to time by a Resolution of the Star City Council and shall be used within the Architectural Overlay District.
- D. If the Architectural Overlay District Guidelines conflict with other parts of the City of Star code, the Architectural Overlay District Guidelines shall be used.

**8-4B-3: REQUIRED NUMBER OF OFF-STREET PARKING SPACES:**

- A. Required parking spaces for other permitted or conditional uses not listed herein or uses that are listed but may be different from normal operation, shall be determined by the administrator and/or Council. Among the factors for determining the number of spaces to be required for a use not listed herein, the administrator may compare the proposed use with a use which has similar traffic generating characteristics as outlined in the most recent version of the institute of transportation engineers trip generation manual.
- B. Minimum Number of Off-Street Parking Spaces: The minimum number of required off street vehicle parking spaces for residential uses shall be:

Type Of Use	Off-Street Parking Spaces Required
RESIDENTIAL	
Apartments or multi-family	For each unit with 2 or more bedrooms - 2 including 1 covered; for each 1 bedroom or studio unit - 1.5 including 1 covered.

dwellings	Guest parking shall be provided at a ratio of .25 spaces per unit.
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**COMMON OPEN SPACE AND SITE AMENITY REQUIREMENTS**

**8-4E-1: APPLICABILITY:**

The standards for common open space and site amenities shall apply to all residential developments with a density exceeding one dwelling unit per acre.

**8-4E-2: STANDARDS:**

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

1. The total land area of all common open space shall equal or exceed fifteen percent (15%) of the total gross acreage of land area of the development. A minimum of 10% of the total gross acreage of the development shall be for useable area open space. Open space shall be designated as a total of 15% minimum for residential developments in all zones with densities of R-2 or greater.
2. Each development is required to have at least one site amenity.
3. One additional site amenity shall be required for each additional twenty (20) acres of development area, plus one additional amenity per 75 residential units.
4. Developments with a density of less than 1 dwelling unit per acre may request a waiver of open space and amenities to the Council. Developments with a density of less than 2 dwelling units per acre may request a 50% reduction in total required open space and amenities to the Council.
5. For multi-family developments, see Section 8-5-20 for additional standards.

B. Qualified Usable Area Open Space: The following qualifies to meet the useable area open space requirements:

1. Any open space that is active or passive in its intended use, and accessible or visible by all residents of the development, including, but not limited to:
  - a. Open grassy area of at least fifty feet by one hundred feet (50' x 100') in area;
  - b. Qualified natural areas, as determined by the Administrator;
  - c. Ponds or water features where active fishing, paddle boarding or other activities are provided (50% qualifies towards total required usable area open space, must be accessible by all residents to qualify.) ponds must be aerated;
  - d. A plaza.
  - e. Common lots that include a pathway providing local or regional connectivity that is a minimum of 20' in width.
  - f. Irrigation easements/ditches when a pathway is included (to be measured from the center of the ditch to the property line of the common lot).
2. Additions to a public park or other public open space area.

3. The buffer area along collector and arterial streets may be included in required overall common open space for residential subdivisions.
4. Parkways along local residential streets with detached sidewalks that meet all the following standards may count toward the common open space requirement:
  - a. The parkway is a minimum of eight feet (8') in width from street curb to edge of sidewalk and includes street trees as specified otherwise herein.
  - b. Except for alley accessed dwelling units, the area for curb cuts to each residential lot or common driveway shall be excluded from the open space calculation. For purposes of this calculation, the curb cut area shall be a minimum area of twenty-six feet (26') by the width of the parkway.
  - c. Stormwater detention facilities do not qualify to meet the common area open space requirements, unless all of the following is met:
    1. Must be at least fifty feet by one hundred feet (50' x 100') in area;
    2. Specifically designed as a dual use facility, as determined by the administrator, to include minimal slopes, grass throughout, and guarantee of water percolation within 24 hours of storm event.
    3. Is located in a development that has a second usable open space area that contains a qualified site amenity as herein defined.
  5. Visual natural space, including open ditches, wetlands, slopes or other areas that may not be readily accessible to residents, and is provided with open style fencing, may qualify for up to 20% of the required open space total, as determined by the Administrator.
- C. Qualified Site Amenities: Qualified site amenities shall include, but not be limited to, the following:
  1. Clubhouse;
  2. Fitness facilities, indoors or outdoors;
  3. Public art;
  4. Picnic area; or
  5. Recreation amenities:
    - a. Swimming pool with an enlarged deck and changing and restroom facility (pools shall count towards 3 required site amenities).
    - b. Children's play structures.
    - c. Sports courts.
    - d. Additional open space in excess of 10% qualified 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 owned by and be the responsibility of an owners' association for the purpose of maintaining the common area and improvements thereon.

**8-5-21: MULTI-FAMILY DWELLING/DEVELOPMENT:**

Multi-family developments with multiple properties shall be considered as one property for the purpose of implementing the standards set forth in this section.

A. Storage of Recreational Vehicles: No recreational vehicles, snowmobiles, boats or other personal recreation vehicles shall be stored on the site unless provided for in a separate, designated and screened area, and approved as part of the development.

B. Developments with Twenty Units Or More: Developments with twenty (20) units or more shall provide the following:

- 1. A property management office.
- 2. A maintenance storage area.
- 3. A map of the development at an entrance or convenient location for those entering the development.

C. Open Space Requirement (see also Chapter 8 "Architectural Review").

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

2. Private Open Space: In addition to the common open space and site amenity requirements of this title, a minimum of eighty (80) square feet of additional, private, usable open space shall be provided for each residential unit not planned as single-family detached. This requirement can be satisfied through porches, patios, decks, and enclosed yards. Landscaping, entryway and other accessways do not count toward this requirement.

D. Amenities

- 1. The number of amenities shall depend on the size of multi-family development as follows:
  - a. A multi-family development with less than twenty (20) units, two (2) amenities shall be provided from two (2) separate amenity categories.
  - b. A multi-family development between twenty (20) and seventy-five (75) units, three (3) amenities shall be provided, with one from each amenity category.
  - c. A multi-family development with seventy-five (75) units or more, four (4) amenities shall be



provided, with at least one from each amenity category.

d. A multi-family development with more than one hundred (100) units, the Council shall require additional amenities commensurate to the size of the proposed development.

e. All multi-family developments greater than 75 units shall be required to provide a swimming pool with a changing and restroom facilities, and an enlarged deck. The minimum pool size shall be equal to the following:

- (1) Developments between 75 and 149 units = 1,600 square feet
- (2) Developments between 150 and 299 units = 2,400 square feet
- (3) Developments over 300 units = minimum of 3,600 square feet

E. Any required traffic impact study shall be submitted and accepted by the appropriate transportation authority prior to submittal of an application. A hearing date before the Council shall not be scheduled until the traffic impact study has been approved and the transportation authority has issued a Staff report on the development application.

2. Amenity Categories. The council may consider other amenities in addition to those listed below.

- a. Clubhouse.
- b. Fitness facilities -Indoor/Outdoor.
- c. Enclosed bike storage.
- d. Public art.
- e. Covered bus stops as approved by the School District or Regional Transportation Authority.
- f. Ponds or water features.
- g. Plaza.
- h. Recreation areas.
- i. Pool.
- j. Walking trails and/or bike paths.
- k. Children's play structures.
- l. Sports courts.
- m. Natural Areas (as approved by Council).
- n. RV parking for the use of the residents within the development.

- o. Additional open space in excess of 5% usable space.
- p. School and/or Fire station sites if accepted by the district.
- q. Pedestrian or bicycle circulation system amenities meeting the following requirements:
  - (1) The system is not required for sidewalks adjacent to public right of way;
  - (2) The system connects to existing or planned pedestrian or bicycle routes outside the development; and
  - (3) The system is designed and constructed in accord with standards set forth by the city of Star

E. Maintenance and Ownership Responsibilities: All multi-family developments shall record legally binding documents that state the maintenance and ownership responsibilities for the management of the development, including, but not limited to, structures, parking, common areas, and other development features.

F. Architectural standards in Chapter 8 shall be applied to all multi-family developments.

G. Signs:

- (1) Addressing Signage. The following shall apply to all multi-family developments:
  - A. Approval from Fire District and Addressing Authority.
  - B. The sign(s) shall be front or back lit from dusk to dawn.
  - C. Sign materials shall be of wood, plastic or metal.
  - D. Minimum size of the plan view diagram portion of the sign shall be 3'x3' or presented at a larger size to be easily readable and visible from the distance of the intended viewer.
  - E. Text on the map shall be of a contrasting color to the background of the sign.
  - F. Maps can be produced as a digital print on a variety of substrates such as vinyl, paper, or a laminated graphic. The method of production needs to be compatible with the environmental conditions as well as with the structure that the map is to be integrated with.
  - G. Isometric or Three-Dimensional Signs are allowed if approved by the addressing agent.
  - H. Orientation: Vehicle oriented maps should always be positioned in the direction that a vehicle is facing.
  - I. The sign(s) shall be inspected annually by the owner/property manager for damage, visibility and legibility and appearance issues.

J. Nearby vegetation should be kept back from the sign(s) and low plantings used as to not block the sign when fully grown.

FIGURE 8-5-20(a)  
ADDRESSING SIGN STYLE



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

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

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

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

*The goal of the Comprehensive Plan for 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 and rezone is in compliance with the Comprehensive Plan.*

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

*The Council finds that the residential purpose statement states that the purpose of the residential districts is to provide for a range of housing opportunities consistent with the*

*Star Comprehensive Plan. Connection to the Star sewer and water district is a requirement for all residential districts, when available. Residential districts are distinguished by the allowable density of dwelling units per acre and corresponding housing types that can be accommodated within the density range. Council finds that this request is consistent with the statement.*

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

*The Council finds that there is no indication from the material and testimony submitted that the annexation rezoning of this property will be materially detrimental to the public health, safety or welfare.*

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

*The Council finds that the City has not been presented with any information from agencies having jurisdiction that public services will be adversely impacted other than traffic, which will continue to be impacted as the City grows. Emergency services were reviewed and mitigation recommended by the Star Fire District.*

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

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

#### **8-6A-7: PRELIMINARY PLAT FINDINGS:**

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

*The Council finds that the City has not received notice from any jurisdictional agency that there are any problems with public financial capability for this development.*

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

#### **8-1B-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 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 or purpose.*

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 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 finds 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 finds that the proposed use can 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 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 not received notice from any agency having jurisdiction stating that this application will create excessive additional costs for the public facilities and services as the development will pay for all changes in services.*

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.*

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.*

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

- a. A public hearing on the application was heard by the City Council on December 5, 2023 and again on January 16, 2024, at which time testimony was heard and the public hearing was closed. The City Council made their decision at that time.

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

- Shawn L Nickel, Planning Director, Presented Application
- Dennis Jordan
- Jason Ramsey
- Chip Sitton
- Tom Romney
- Ryan Morgan, City Engineer/Star Sewer & Water District
- Todd Collins
- Victor Islas, Star Fire District

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

Todd Collins

**Deliberations and Conclusions of Law:**

The Council reviewed the particular facts and circumstances of this proposed annexation and zoning and preliminary plat application in accordance with the City of Star Title 8 (Unified Development Code), deliberated on the matter, resulting in review of the record, including the staff report, and discussions on the annexation, rezoning, conditional use and platting of the development. Review and discussion included development layout, access and street configuration, setbacks, open space and drainage, pathways and landscaping, and phasing. The Council concluded that the Applicant’s request meets the requirements for annexation, rezone, conditional use, private streets and preliminary plat. Council hereby incorporates the staff report dated December 5, 2023 into the official decision as part of these Findings of Fact, Conclusions of Law.

**Statement of Compliance:**

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

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

- **All proposed drainage areas within the recognized usable open space shall function as usable area, as defined in Code.**
- **There shall be no parking on Hamlin Lane**
- **All sidewalks within the townhome area shall be 5 feet in width.**
- **All designated pathways and sidewalks within the preliminary plat shall have public access easements recorded with the final plat.**
- **Amazon Falls Drive shall be connected to the approved development in the first phase and shall be approved by Star Fire prior to issuance of building permits.**
- **The applicant shall participate in a pro-rata share of the Palmer Lane signal light. The amount shall be determined in the future by ACHD and ITD.**
- **The applicant shall submit an updated traffic study to ITD with every new phase of the development.**
- **There shall be no storage units allowed within the commercial development.**
- **Phasing of the development shall include the following:**
  - **Horizontal improvements for the multi-family may be constructed as part of the initial phase one.**

- **ITD and Star Fire District shall review and sign off on each phase of the multi-family prior to occupancy. ITD and Star Fire District shall also sign off on each phase additional residential and commercial phase of the development.**
- **CCR's for the HOA and/or management agreement shall include an irrevocable clause stating that the sidewalks/pathways will not be gated or otherwise prohibit access.**

**Conditions of Approval:**

- 1. The approved Conditional Use shall comply with all statutory requirements of applicable agencies and districts having jurisdiction in the City of Star. All required revisions indicated within the above report shall be included as part of these conditions of approval and contained within all newly submitted plans.**
- 2. The applicant shall enter into a Development Agreement with the City, agreeing to proportionate share assessment by ITD regarding impacts to the State Highway System. ITD has calculated the fees to be \$1000.00 per residential unit for a total of \$500,000 (\$1000 x 500). These fees will be collected by the City of Star, by phase, prior to issuance of building permits and/or final plat signature. The development agreement shall be signed and recorded as part of the ordinance for annexation and zoning and shall contain the details of the fees to be collected.**
- 3. A revised preliminary plat shall be submitted indicating the 7 feet sidewalk along both sides of Hamlin Avenue and showing the correct lot and block numbering as required by Ada Count and the City of Star. This shall be submitted prior to final plat approval.**
- 4. Prior to issuance of a building permit, all Star Sewer and Water District requirements shall be met. A letter of approval from the District shall be submitted with the building permit.**
- 5. Prior to issuance of any building permits for any use in this development, a final plat shall be recorded with Ada County.**
- 6. The multi-family buildings and townhome phase will need to go through the design review process (Certificate of Zoning Compliance) and receive approval prior to issuing building permits.**
- 7. The applicant may be responsible for additional mitigation measures regarding noise and lighting for existing, adjacent residential uses when it is determined by the City that unreasonable, negative impacts are a direct result of any commercial business activity. This shall include, but not be limited to additional landscaping, fencing/walls, and light shields or relocation of light poles.**
- 8. The multi-family and townhome developments shall contain the Code required number of parking spaces, proper size spaces, location and correct number of bicycle parking spots, clearly marked drive aisle dimensions and landscaping and amenities. This review shall be part of the required Design Review Committee (CZC application) approval prior to final approval of the CUP and building permits.**



- 9. **The Applicant shall provide renderings of the cover for the mail clusters and receive Staff approval, prior to signing the final plat and/or building permit. Mailbox covers shall be architecturally designed and shall include lighting.**
- 10. **The Applicant shall provide documentation from Ada County that the proposed street names have been approved and they shall be accurately reflected on the final plat prior to signature.**
- 11. Pressurized irrigation systems shall comply with the Irrigation District(s) and the City of Star Codes. Plans for pressurized irrigation systems shall be submitted to, and approved by the City of Star Engineer, prior to installation.
- 12. A form signed by the Star Sewer & Water District shall be submitted to the City prior to issuance of building permit stating that all conditions of the district have been met, including annexation into the District.
- 13. 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.**
- 14. The applicant shall obtain all the proper building permits from the City Building Department prior to occupancy of the unit.
- 15. The Conditional Use Permit may be revoked or modified by the City Council for any violation of any Condition of Approval.
- 16. **The applicant shall obtain a sign permit prior to any signage being placed on the site or building.**
- 17. A Certificate of Zoning Compliance will be required prior to the start of construction.
- 18. Any additional Condition of Approval as required by Staff and City Council.  
Any Conditions of Approval as required by Star Fire Protection District.

**Council Decision:**

The Council voted 3-0 (Salmonsens absent) to approve the Annexation, Rezone, Development Agreement Conditional Use Permit, Preliminary Plat and Private Streets for Talega Village Subdivision on January 16, 2024.

Dated this 20<sup>th</sup> day of February, 2024.

Star, Idaho

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

Trevor A. Chadwick, Mayor

ATTEST:

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



# CITY OF STAR

## LAND USE STAFF REPORT

**TO:** Mayor & Council

**FROM:** City of Star – Planning & Zoning Department

**MEETING DATE:** February 20, 2024

**FILE(S) #:** FP-23-21 Final Plat, Milestone Ranch Subdivision, Phase 6 (resubmittal)

### REQUEST

The Applicant is seeking approval of a Final Plat for Milestone Ranch Subdivision Phase 6, consisting of 59 residential lots and 11 common lots on 12.41 acres. The subject property is generally located on the northwest corner of W. Floating Feather Road and Highway 16. Ada County Parcel No's. R3721750020, R3721750030.

### APPLICANT/OWNER/REPRESENTATIVE

**APPLICANT/REPRESENTATIVE:**

Van Elg  
JUB Engineers  
2760 W. Excursion Lane, Ste. 400  
Meridian, Idaho 83642

**OWNER**

BHEG Milestone Ranch, LLC  
Toll Brothers Southwest  
3103 W. Sheryl Drive, Ste. 100  
Meridian, Idaho 83642

### PROPERTY INFORMATION

Land Use Designation - Residential (R-5-DA)

**Phase 6**

Acres - 12.41  
Residential Lots - 59  
Common Lots - 11  
Commercial - N/A

**HISTORY**

This property was previously platted in Ada County as Lots 1, 2 and 3, Block 1 of Hoot Nanney Farms Subdivision. On June 19, 2018, Lots 1 & 2 were annexed into the City of Star as Dixon Sunrise Subdivision with an M-U zoning designation. The approval did not include any development plans, but it was for commercial and residential according to the file records.

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.

September 2, 2023 Applicant withdrew application for the Final Plat of Phase 6.

**GENERAL DISCUSSION**

The Applicant is seeking approval of a Final Plat for Milestone Ranch Subdivision Phase 6, consisting of 59 residential lots and 9 common lots on 12.41 acres.

The Final Plat generally complies with the approved Preliminary Plat.

This subdivision is located in FEMA Zone X; outside the 500-year floodplain. No special permits are required.

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

The Preliminary Plat submitted contains 240 single family detached residential lots, 44 single family attached townhome lots and 33 common area lots on 67.0 acres. This equates to 4.24 dwelling units per acre. The lots will have access and frontage from public streets. The development has a variety of lot widths, including 40, 45, and 55 feet with depths of 110 feet. Single family detached lots will range in size from 4,738 square feet to 11,431 square feet with the average buildable lot being 5,498 square feet. The Townhome lots will range in size from 3,906 square feet to 9,172 square feet. The submitted preliminary plat is showing all local roads with a 50-foot wide right of way with paved streets measuring 36 feet from back of curb to back of curb. Sidewalks are proposed to be detached with a 5-foot, concrete sidewalk and 8-foot side landscape strip. The applicant is proposing 10.75 acres (16.04%) of open space, not including 5.93 acres set aside for future State Highway 16 right-of-way. The applicant is proposing 10.63 acres (15.87%) of usable open space, not including the 8-foot-wide landscape strip along the local streets. These percentages satisfy the Unified Development Code requirement of 15% open space with 10% useable.

The Unified Development Code, Section 8-4E-2 requires a development of this size to have a minimum of seven (7) site amenities. The applicant is proposing a 2.44-acre central park with a club house, pool, a plaza with picnic tables, two (2) pocket parks with sitting areas, four (4) pickleball courts, a cart path with connection to the golf course and multiple pathways and micro pathways that connect the development to the common areas and amenities. These amenities satisfy the code requirement for development amenities.

Discussions with ACHD indicate that this section of W. Floating Feather Road may be downgraded from a minor arterial to a collector and the applicant may be required to disconnect W. Floating Feather Road from Hwy 16 and construct a cul-de-sac turn around. Timing of this is being coordinated between ACHD and ITD. The applicant will be required to dedicate an additional five (5) feet of right of way and install curb, gutter and a detached 5-foot sidewalk along their W. Floating Feather Road frontage.

**Staff analysis of Final Plat Submittal:**

The preliminary plat was approved with 284 residential lots (240 single family and 44 townhomes). Phase 1 final plat included 57 residential lots. Phase 2 had 42 residential lots platted. Phase 3 is 38 lots and Phase 4 is 34 lots and Phase 5 has 52 lots for a total of 223 platted lots in the first 5 phases. Phase 6 is 59 lots. **Total number of lots platted to date is 282 lots.**

**Common/Open Space and Amenities** – Approved open space includes the large Central Park, clubhouse, pool, picnic tables, 2 pocket parks/sitting areas four pickleball courts, cart path/golf course connection, multiple pathways, micro paths for connectivity to common areas and mailbox turn out.

**Landscaping** - As required by the Unified Development Code, Chapter 4, Section B-7-C-3 Street Trees; the minimum density of one (1) tree per thirty-five (35) linear feet is required. The landscaping plan as submitted appears to satisfy this requirement. The applicant shall use "Tree Selection Guide for Streets and Landscapes throughout Idaho", as adopted by the Unified Development Code. The included landscape plan appears to satisfy these requirements.

**Streetlights** – Streetlight design shall be uniform throughout the development and follow the approved style and model from the previous phases. Staff is supportive of the location of the proposed streetlights in this phase. Applicant has previously submitted an approved streetlight cut sheet.

**Setbacks** – Council approved a 10-foot rear setback during the public hearing on the preliminary plat versus the 15-foot rear setback that code calls for.

**Subdivision Name** – Applicant has provided documentation that the proposed subdivision name has been accepted and reserved by Ada County.

**Street Names** – Applicant has provided documentation that the proposed street names have been reviewed and approved by Ada County and are reflected correctly on the final plat.

**Mail Cluster** – Applicant has provided approval from Star Postmaster for the location of the mail clusters. It will be on Lot 1, Block 3 in the provided vehicle pull out of phase 1.

**Staff Review of Development Agreement Conditions of Approval** – The following Conditions of Approval in the DA include:

- The subdivision was approved for a maximum of 284 residential lots. With this Phase 6, 282 residential lots have been platted.
- The following setbacks were approved by Council:
  - **Setbacks.** The development shall comply with the following approved setbacks and dimensional standards:

Single-family Detached Setbacks:

<u>Max. Height</u>	<u>Min. Front Yard Setback</u>	<u>Min. Rear Yard Setback</u>	<u>Min. Interior Side Setback</u>	<u>Min. Street Side Setback</u>
<u>35'</u>	<u>15' to living area/side load garage</u> <u>20' to garage face</u>	<u>10'</u>	<u>5'</u>	<u>20'</u>

Single-Family Attached Setbacks (Front-load):

<u>Max. Height</u>	<u>Min. Front Yard Setback</u>	<u>Min. Rear Yard Setback</u>	<u>Min. Interior Side Setback</u>	<u>Min. Street Side Setback</u>
<u>35'</u>	<u>15' to living area</u> <u>20' to garage face</u>	<u>10'</u>	<u>0' for common walls</u> <u>5' at end of building</u>	<u>20'</u>

Single-Family Attached Setbacks (Alley-load):

<u>Max. Height</u>	<u>Min. Front Yard Setback</u>	<u>Min. Rear Yard Setback from Alley</u>	<u>Min. Interior Side Setback</u>	<u>Min. Street Side Setback</u>
<u>35'</u>	<u>10'</u>	<u>20'</u>	<u>0' for common walls</u> <u>5' at end of building</u>	<u>20'</u>

- Proportionate shares for ITD roadway improvements in the amount of \$138.10 per residential lot have been paid for in the previous phases. This phase will provide an additional \$8.147.90 of Proportionate Shares.

**PUBLIC/DEPARTMENTAL NOTIFICATIONS**

Notifications of this application were sent to agencies and City Departments having jurisdiction on May 16, 2023.

**FINDINGS**

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

- A. The Plat is in conformance with the Comprehensive Plan.  
*Staff finds that this subdivision upon Preliminary Plat approval was in conformance with the Comprehensive Plan; no changes have been made to change this status.*

B. Public services are available or can be made available and are adequate to accommodate the proposed development.

*Staff finds that all public services are available and able to accommodate this development.*

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

*Staff knows of no financial hardship that would prevent services from being provided.*

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

*Staff finds no facts to support that this subdivision phase will be detrimental to the public health, safety, or general welfare.*

E. The development preserves significant natural, scenic, or historic features.

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

### CONDITIONS OF APPROVAL

1. The final plat for the Milestone Ranch Subdivision shall comply with all statutory requirements of applicable agencies and districts having jurisdiction in the City of Star.
2. The Final Plat shall comply with all received comments from the City Engineer prior to signature of the plat by the City.
3. **The applicant shall enter into a Development Agreement with the City, agreeing to proportionate share assessment by ITD regarding impacts to the State Highway System. ITD has calculated the fees to be \$39,222. These fees will be collected by the City of Star, by phase, prior to final plat signature.** The development agreement shall be signed and recorded as part of the ordinance for annexation and zoning and shall contain the details of the fees to be collected.
4. **All private drive shall be built to Fire Department specifications and receive their approval before certificate of occupancy is issued.**
5. The property shall be satisfactorily weed abated at all times, including future phases, preventing a public nuisance, per Star City Code Chapter 3, Section 3-1-1 through 3-1-7.
6. The property associated with this approved Final Plat, in addition to the property of all future phases shall be properly maintained throughout the construction process to include trash picked up and trash receptacles emptied with regular frequency, streets swept and cleaned weekly, including any streets used to access the property and all debris shall be prevented from accumulating on any adjacent property or public right of way and shall remove all debris from public way at least daily.
7. Mylar's/final plats must include the statement supporting the "Right to Farm Act" as per Idaho Code Title 22, Chapter 45.
8. Development standards for single family residential units shall comply with effective building and zoning requirements at time of building permit issuance.
9. The Mylar of this final plat shall be signed by the owner, Surveyor, Central District Health, ACHD and City Engineer, prior to being delivered to the City of Star for City Clerk's signature.
10. All common areas shall be maintained by the Homeowner's Association.

11. Streetlights shall comply with the Star City Code and shall be of the same design throughout the entire subdivision. Streetlights shall be continuous throughout the subdivision and shall be maintained by the Homeowners Association. **Streetlights shall be installed and energized prior to issuing of building permits.** Design shall follow Code with requirements for light trespass and "Dark Skies" lighting. Streetlights shall comply with the Star City Code regarding light trespass and "Dark Sky" initiative.
12. The Applicant/Owner shall comply with the City of Star Unified Development Code regarding landscaping, both internal buffers and frontages. Street trees shall be installed per Chapter 4, Section B-7-C-3 Street Trees as indicated on the approved landscape plan.
13. The applicant shall provide the City with a written Certificate of Completion that all landscaping and amenities have been installed in substantial compliance with the City approved landscape plan. The certification shall be prepared by the licensed landscape architect responsible for the landscape plan. **This shall be completed prior to final plat signature.**
14. A letter from the US Postal Service shall be given to the City prior to final Mylar signature stating the subdivision is in compliance with the Postal Service.
15. A form signed by the Star Sewer & Water District shall be submitted to the City prior to final mylar signature stating that all conditions have been met.
16. A sign application shall be submitted to the City for any subdivision signs.
17. The applicant shall provide a sign, to be located at all construction entrances, indicating the rules for all contractors that will be working on the property starting at grading and running through home sales that addresses items including but not limited to dust, music, dogs, starting/stopping hours for contractors (7a.m. start time). **Sign shall be approved by the City prior to start of any construction.**
18. Applicant shall provide the City with one (1) full size copy, one (1) 11"x17" copy and an electronic pdf copy of the as-built irrigation plans, **prior to any building permits being issued.**
19. Applicant shall provide the City with two (2) full size copies, one (1) 11"x17" copy and an electronic pdf copy of the **signed recorded final plat** with all signatures, **prior to any building permits being issued.**
20. Applicant shall provide the City with one (1) copy and an electronic pdf copy of the recorded CC&R's, **prior to any building permits being issued.**
21. Applicant shall provide the City with one (1) full size copy and an electronic pdf copy of the final, approved construction drawings, **prior to any building permits being issued.**
22. All common areas shall be maintained by the Homeowners Association.
23. Any additional Condition of Approval as required by Staff and City Council.
24. **Owner/Developer agrees to install a 2' (High Density Polyethylene) HDPR SDR-11 roll pipe in the shared utility trench to be used for future fiber optic/high speed data cables.**



**COUNCIL DECISION**

The Star City Council \_\_\_\_\_ File # FP-23-21 Milestone Ranch Subdivision, Phase 6  
Final Plat, on \_\_\_\_\_, 2024.

# Milestone Ranch No 6

Star, Idaho





J-U-B FAMILY OF COMPANIES

December 11, 2023

**Star City Hall  
Planning and Zoning  
10769 W State St  
Star, ID 83669**

RE: Milestone Ranch Subdivision Phase 6, Final Plat (For City Council Reschedule)

Dear Mr. Nickel,

On behalf of BHEG Milestone Ranch, LLC, please accept this request for Final Plat approval for the **Milestone Ranch Subdivision, Phase 6.**

The Final Plat application for this project was originally submitted in May of 2023 but due to unforeseen field conditions, the application was removed from the City Council agenda of September 5<sup>th</sup>, 2023. The documents included in this submittal reflect revisions approved by City Staff.

The project is located to the west of State Highway 16 (Emmett Highway) and to the north of W Broken Arrow Street. It is further identified as portions of Lot 2 and 3, Block 1, Hoot Nanney Farms Subdivision, Section 4, T4N, R1W, BM, City of Star, Ada County, Idaho. See also Parcels R3721750020, R3721750030.

- The proposed development includes a total of 59 residential lots and 11 common (70 total) lots on 12.41 acres. The residential gross density is 4.75 DU/A for Phase 6.
- Residential lots in this phase range from 4860 – 12520 SqFt
- The average lot size is 5967 SqFt.
- Approved open space for the phases of Milestone Ranch includes the large central park, clubhouse, pool, picnic tables, 2 pocket parks/sitting areas, four pickleball courts, cart path/golf course connection, multiple pathways, micro paths for connectivity to common areas, and a mailbox turn out.
- There are approximately 2.17 acres of common lots in the phase
  - 0.12 acres belong to a private alley (as required by ACHD)
  - 0.52 acres are designated for future Highway 16 ROW
  - 1.53 acres (12.32%) are common space, landscape buffer to future Highway 16 ROW, and end cap lots
- Rear setbacks are shown at 10'—as approved by Council.

In summary, the enclosed application and designs conform with the Conditions of Approval and the related requirements of the City of Star Municipal Code and Comprehensive Plan.

Please contact me if you need additional clarification, etc.

Sincerely,

  
 Van Elg  
 Project Manager  
 J-U-B ENGINEERS, Inc.

CC: Martin Taylor, Kesleigh Massey P.E.



# FINAL PLAT APPLICATION

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

FILE NO.: **FP-23-21**  
 Date Application Received: **12/12/2023** Fee Paid: \_\_\_\_\_  
 Processed by: City: **Barbara Norgrove**

## Applicant Information:

**PRIMARY CONTACT IS:** Applicant \_\_\_ Owner \_\_\_ Representative X

Applicant Name: J-U-B Engineers, Inc  
 Applicant Address: 2760 W Excursion Lane, Ste 400 | Meridian, ID Zip: 83642  
 Phone: (208) 376-7330 Email: velg@jub.com

Owner Name: BHEG Milestone Ranch LLC | Local: Toll Brothers Martin Taylor  
 Owner Address: 3103 W Sheryl Dr, #100 | Meridian, ID Zip: 83642  
 Phone: (208) 816-6045 Email: mtaylor1@tollbrothers.com

Representative (e.g., architect, engineer, developer):  
 Contact: Van Elg Firm Name: J-U-B Engineers, Inc  
 Address: 2760 W Excursion Lane, Ste 400 | Meridian, ID Zip: 83642  
 Phone: (208) 376-7330 Email: velg@jub.com

## Property Information:

Subdivision Name: Milestone Ranch Subdivision Phase: 6

Parcel Number(s): R3721750020 and R3721750030

Approved Zoning: R-5-DA Units per acre: 4.75

Total acreage of phase: 12.41 Total number of lots: 70

Residential: 59 Commercial: N/A Industrial: N/A

Common lots: 11 Total acreage of common lots: 2.17 Percentage: 17.5%

Percent of common space to be used for drainage: 1.8% Acres: 0.04

Special Flood Hazard Area: total acreage N/A number of homes N/A

Changes from approved preliminary plat pertaining to this phase:

	Preliminary Plat	Final Plat
Number of Residential Lots:	<u>284 (240+44 Townhomes)</u>	<u>59</u>
Number of Common Lots:	<u>33</u>	<u>11</u>
Number of Commercial Lots:	<u>0</u>	<u>0</u>
Roads:	<u>19</u>	<u>5 Roads. 1 Private Alley</u>

Amenities: Project: Central Park, clubhouse, pool, picnic tables, 2 pocket parks/sitting areas, pickleball courts, cart path/golf course connection, multiple pathways, micro-paths for connectivity to common areas and mailbox turn out

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

Subdivision Name:     This property is not in the flood plain     Phase:                     

Special Flood Hazard Area: total acreage                      number of homes                     

- a. A note must be provided on the final plat documenting the current flood zone in which the property or properties are located. The boundary line must be drawn on the plat in situations where two or more flood zones intersect over the property or properties being surveyed.
- b. FEMA FIRM panel(s): #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:**

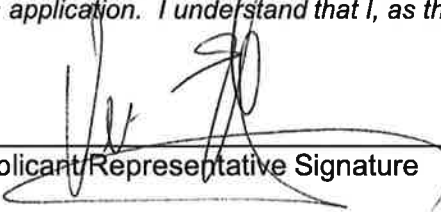
*(Applications are required to contain one copy of the following unless otherwise noted.)*

Applicant (√)	Description	Staff (√)
X	Completed and signed copy of Final Plat Application	BN
X	Fee: Please contact the City for current fee. Fees may be paid in person with check or electronically with credit card. Please call City for electronic payment. Additional service fee will apply to all electronic payments.	BN
X	Electronic copy of letter of intent and statement of compliance (or substantial compliance) with the approved Preliminary Plat and Conditions of Approval. The letter of intent shall include the following: <ul style="list-style-type: none"> <li>• Gross density of the phase of the Final Plat submitted</li> <li>• Lot range and average lot size of phase</li> <li>• Description of approved open space being provided in the submitted phase including percentage of overall open space, number and type of approved amenities</li> <li>• List any specific approved building setbacks previously approved by Council.</li> </ul>	BN
X	Electronic copy of legal description of the property (word.doc and pdf version with engineer's seal and closure sheet)	BN
X	Electronic copy of current recorded warranty deed for the subject property	BN
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 and/or representative is authorized to submit this application.	BN
X	Electronic copy of subdivision name approval from Ada County Surveyor's office.	BN
X	Copy of the "final" street name evaluation/approval or proof of submittal request from Ada County Street Naming	BN
X	Electronic copy of vicinity map showing the location of the subject property	BN
X	One (1) 24" X 36" paper copy of the Final Plat & Electronic Copy**	BN
X	One (1) 11" X 17" paper copy of the Final Plat	BN
X	Electronic copy of the Final landscape plan**	BN

X	One (1) 11" X 17" copy of the Final landscape plan	Section 5, Item C.
X	Electronic copy of site grading & drainage plans**	
X	Electronic copy of originally approved Preliminary Plat**	BN
X	Electronic copy of a Plat with all phases marked with changes, if applicable**	BN
X	Electronic copy of final engineering construction drawings, stamped and signed by a registered engineer**	BN
X	Storm drainage calculations must be submitted for <u>private</u> streets/drives and parking areas within subdivisions**	
X	Electronic copy of streetlight <b>design</b> and <b>location</b> information	BN
X	Special Flood Information – Must be included on Preliminary/Final Plat and Application form.	BN
X	Electronic copy of all easement agreements submitted to the irrigation companies	
X	Electronic copy of the proposed Covenants, Conditions, & Restrictions (CC&R's)	BN
X	One (1) copy of Electronic versions of submitted applications, including signed Final Plat Application, legal description, recorded warranty deed, vicinity map, final plat, landscape plan, site grading & drainage plans, copy of original Preliminary Plat, plat with phases marked, engineering construction drawings, storm drainage calculations, streetlight design and location, and signed irrigation agreements, CC&R's <u>shall be submitted in original pdf format (no scans for preliminary plat, landscape plans or grading and drainage plans) on a thumb drive only (no discs) with the files named with project name and plan type.</u>	BN
	<p><b>Upon Recording of Final Plat, the applicant shall submit the following to the Planning Department prior to building permit issuance:</b></p> <ul style="list-style-type: none"> <li>• One (1) 11" X 17" and (1) 18" X 24" <b>recorded</b> copy of Final Plat</li> <li>• Electronic copy of final, approved construction drawings</li> <li>• Electronic copy of as-built irrigation plans</li> <li>• Electronic copy of recorded CC&amp;R's</li> <li>• Proof of required Construction Sign installation at entrance to development (as conditioned in Preliminary Plat approval) – Picture of installed sign</li> <li>• Electronic copies shall be submitted in pdf format on a thumb drive with the files named with project name and plan type. **Original pdf's are required for all plans – No Scanned PDF's please.</li> </ul>	
	**NOTE: No building permits will be issued until property is annexed into the Star Sewer & Water District and all sewer hook up fees are paid.	

**FEE REQUIREMENT:**

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

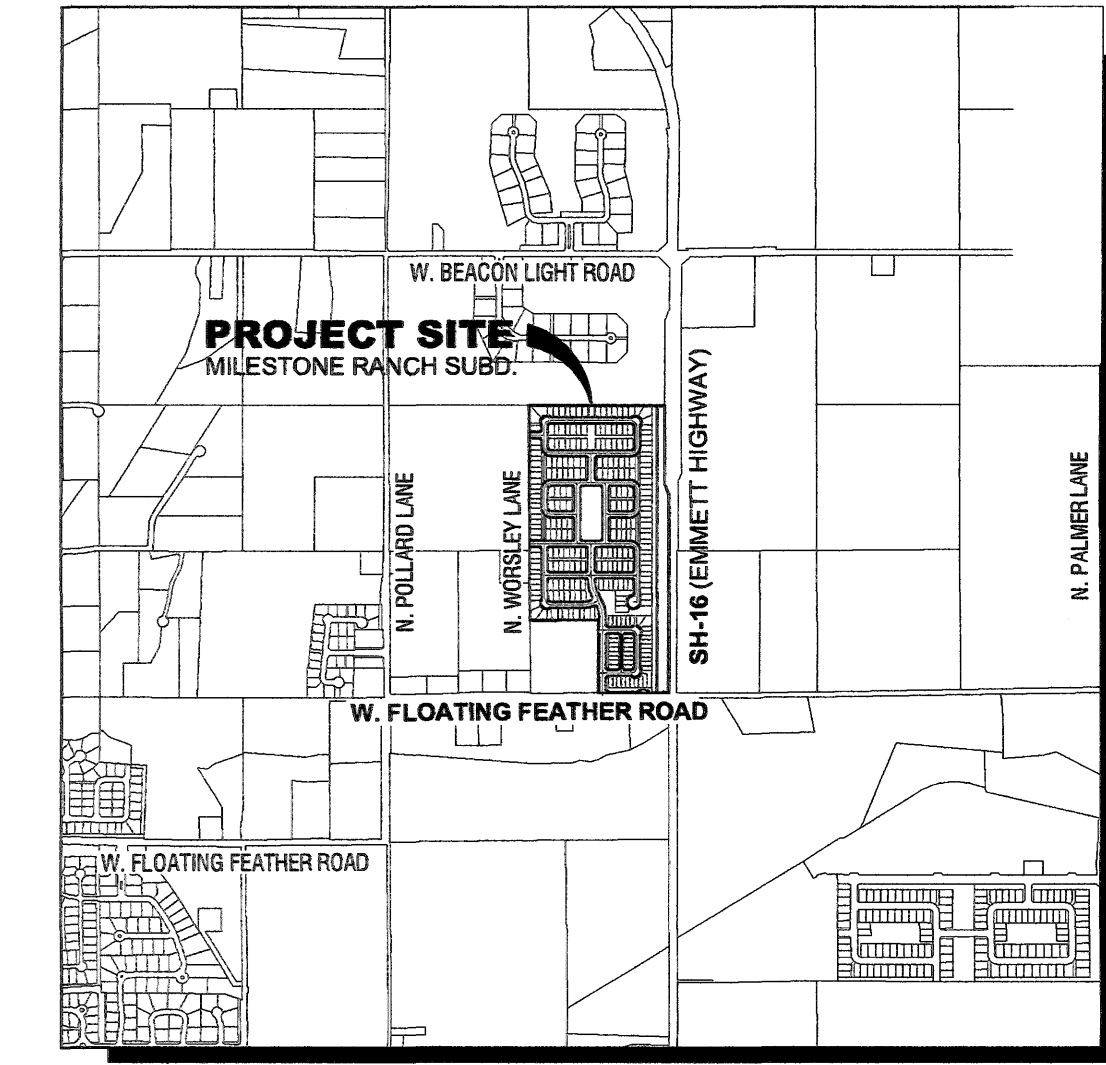
  
 Applicant Representative Signature

12-12-2023  
 Date

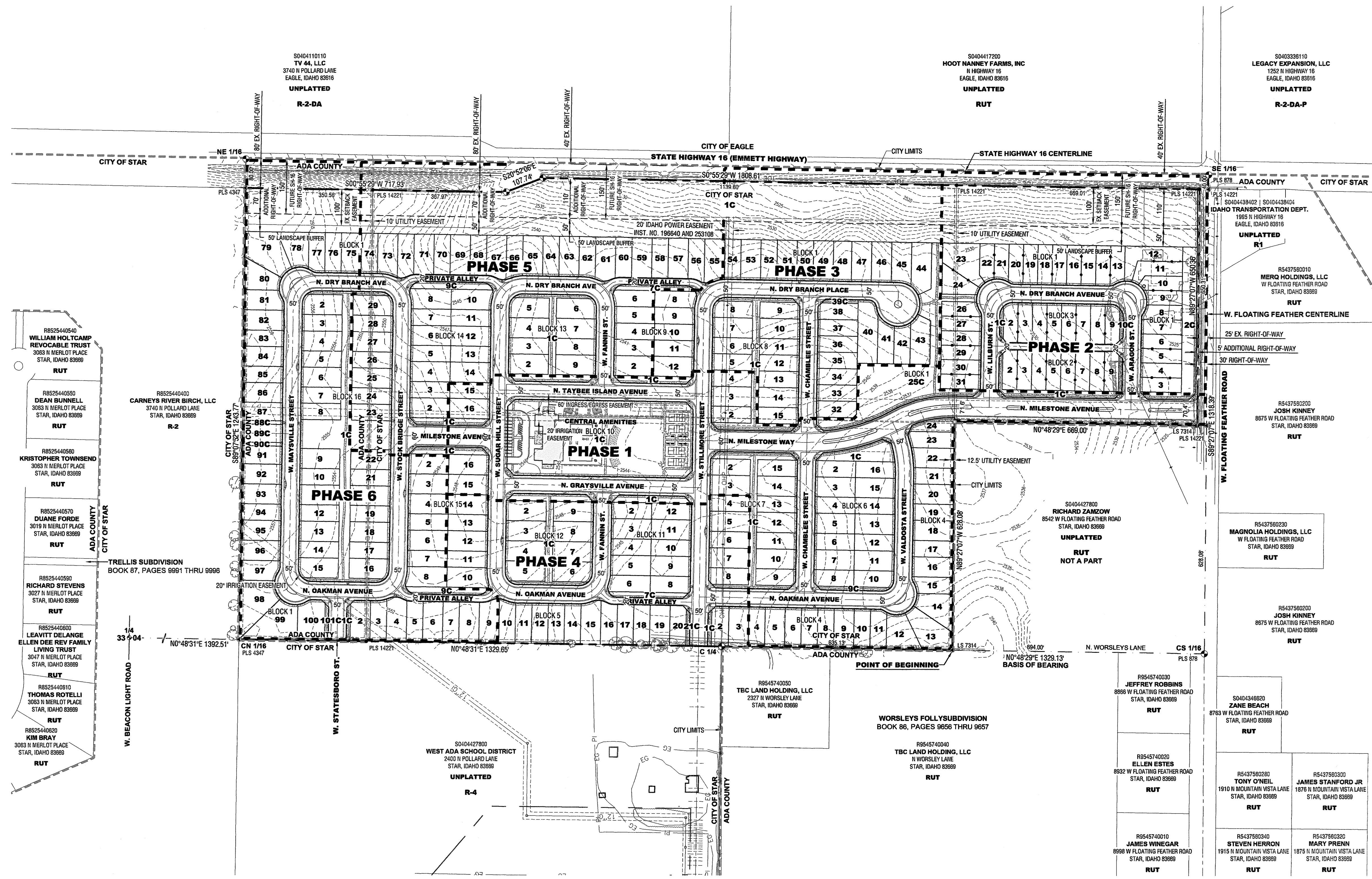
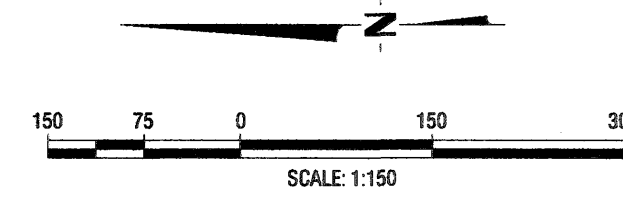
# PRELIMINARY PLAT MILESTONE RANCH SUBDIVISION

ADA COUNTY, IDAHO  
A RESUBDIVISION OF LOTS 1, 2, AND 3, BLOCK 1, HOOT NANNEY FARMS SUBDIVISION  
LOCATED WITHIN THE NW 1/4 OF THE SE 1/4, AND THE SW 1/4 OF THE NE 1/4 OF SECTION 4,  
T.4N., R.1W., B.M., ADA COUNTY, IDAHO

## 2021



VICINITY MAP  
NOT TO SCALE

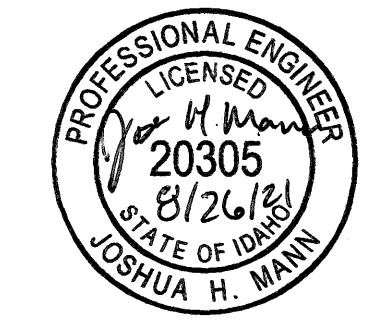


### PRELIMINARY PLAT NOTES

1. SANITARY SEWER AND DOMESTIC WATER SERVICE TO BE PROVIDED BY STAR SEWER AND WATER DISTRICT.
2. SUBJECT PROPERTY DOES NOT FALL WITHIN FEMA FLOOD HAZARD ZONES A AND X. SEE FIRM PANEL 160001C0130A, DATED JUNE 19, 2020.
3. ALL LOTS ARE HEREBY DESIGNATED AS HAVING A PERMANENT EASEMENT FOR PUBLIC UTILITIES, IRRIGATION, AND LOT DRAINAGE OVER THE TEN (10) FEET ADJACENT TO ANY PUBLIC STREET. THIS EASEMENT SHALL NOT PRECLUDE THE CONSTRUCTION OF HARD-SURFACED DRIVEWAYS AND WALKWAYS TO EACH LOT.
4. UNLESS OTHERWISE SHOWN AND DIMENSIONED, ALL LOTS ARE HEREBY DESIGNATED AS HAVING A PERMANENT EASEMENT FOR PUBLIC UTILITIES, IRRIGATION AND LOT DRAINAGE OVER THE FIVE (5) FEET ADJACENT TO ANY INTERIOR SIDE LOT LINE, AND OVER THE TWELVE (12) FEET ADJACENT TO ANY REAR LOT LINE OR SUBDIVISION BOUNDARY.
5. THIS SUBDIVISION WILL BE SUBJECT TO THE TERMS OF A DEVELOPMENT AGREEMENT WITH THE CITY OF STAR.
6. IRRIGATION WATER SHALL BE PROVIDED FROM THE GROUNDWATER RIGHTS WITH IDWR (63-2957) IN COMPLIANCE WITH IDAHO CODE 31-3805(B). LOTS WITHIN THE SUBDIVISION SHALL BE ENTITLED TO IRRIGATION WATER RIGHTS, AND THE INDIVIDUAL LOTS SHALL BE SUBJECT TO IRRIGATION WATER ASSESSMENTS.
7. BUILDING SETBACKS AND DIMENSIONAL STANDARDS IN THIS SUBDIVISION SHALL BE IN COMPLIANCE WITH THE APPLICABLE ZONING REGULATIONS OF THE CITY OF STAR OR AS APPROVED UNDER THE DEVELOPMENT AGREEMENT.
8. DIRECT LOT ACCESS TO STATE HIGHWAY 16 AND W. FLOATING FEATHER ROAD IS PROHIBITED. (EXCEPT EMERGENCY VEHICLE ACCESS)
9. LOTS 1, 2, 25, 39, 88, 89, 90, 101, BLOCK 1; LOT 1, BLOCK 2; LOTS 1 AND 10, BLOCK 3; LOTS 1 AND 24, BLOCK 4; LOTS 1 AND 21, BLOCK 5; LOTS 1 AND 9, BLOCK 6; LOT 1, BLOCK 7; LOT 1, BLOCK 8; LOTS 1 AND 7, BLOCK 9; LOT 1, BLOCK 10; LOTS 1 AND 7, BLOCK 11; LOT 1, BLOCK 12; LOT 1, BLOCK 13; LOTS 1 AND 9, BLOCK 14; LOTS 1 AND 9, BLOCK 15; AND LOT 1, BLOCK 16 SHALL BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION.
10. A STAR SEWER & WATER DISTRICT EASEMENT WILL BE PROVIDED ON LOT 89C, BLOCK 1.

### PRELIMINARY PLAT DATA

TOTAL ACRES	67.00 AC
SINGLE-FAMILY RESIDENTIAL (46.57%)	31.20 AC
DUPLEX RESIDENTIAL (8.94%)	4.85 AC
PUBLIC RIGHT-OF-WAY (21.60%)	14.47 AC
FUTURE SH-16 RIGHT-OF-WAY (8.85%)	5.93 AC
OPEN SPACE (16.04%)	10.75 AC
TOTAL LOTS	317
SINGLE-FAMILY RESIDENTIAL LOTS	240
DUPLEX RESIDENTIAL LOTS	44
OPEN SPACE LOTS	33
TOTAL RESIDENTIAL LOTS	284
USEABLE OPEN SPACE (15.87%)	10.63 AC
CENTRAL AMENITY LOT	2.44 AC
ARTERIAL BUFFERS	3.00 AC
COLLECTOR BUFFERS	0.70 AC
END BLOCK BUFFERS/PATHS	1.24 AC
POCKET PARKS	2.15 AC
MEWS	1.10 AC
LOT AREA DATA	
MINIMUM LOT SIZE (SINGLE-FAMILY)	4,738 SF
MINIMUM LOT SIZE (DUPLEX)	3,908 SF
AVERAGE LOT SIZE	5,498 SF
RESIDENTIAL DENSITY (DU/AC)	
GROSS RESIDENTIAL DENSITY	4.24
NET RESIDENTIAL DENSITY (EXCLUDES RIGHT-OF-WAY)	6.09
ZONING	
EXISTING: MU, RUT	PROPOSED: R-5-DA
SITE AMENITIES	
CLUB HOUSE, SWIMMING POOL FACILITY, PICKLEBALL COURTS, PICNIC GAZEBO, MEWS, AND MULTI-USE PATHS	

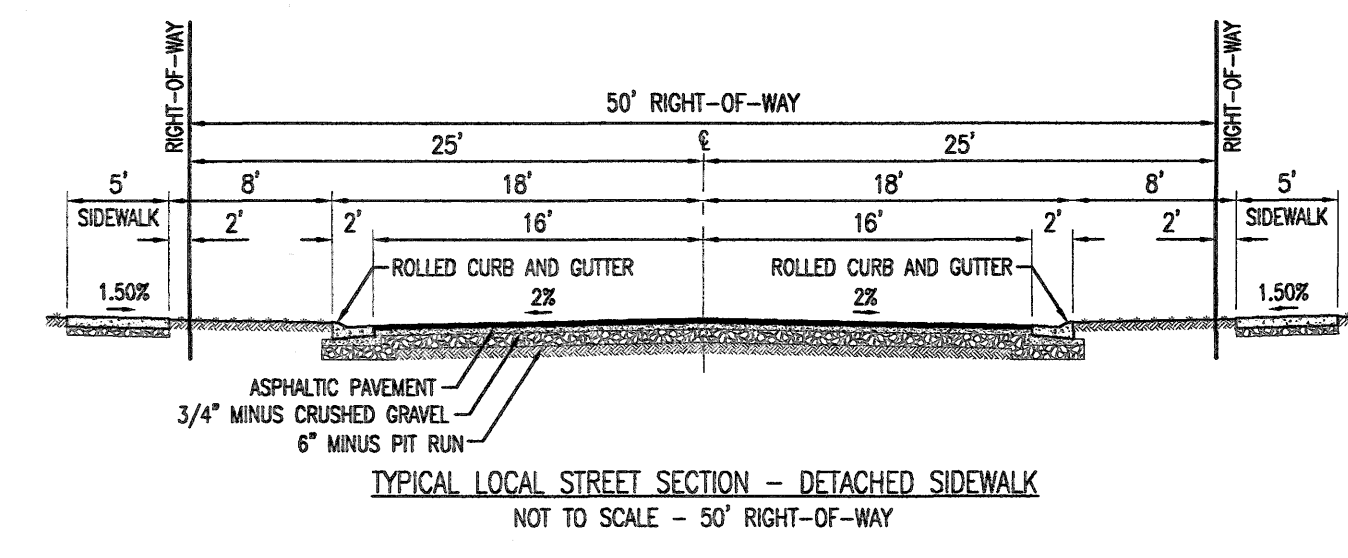
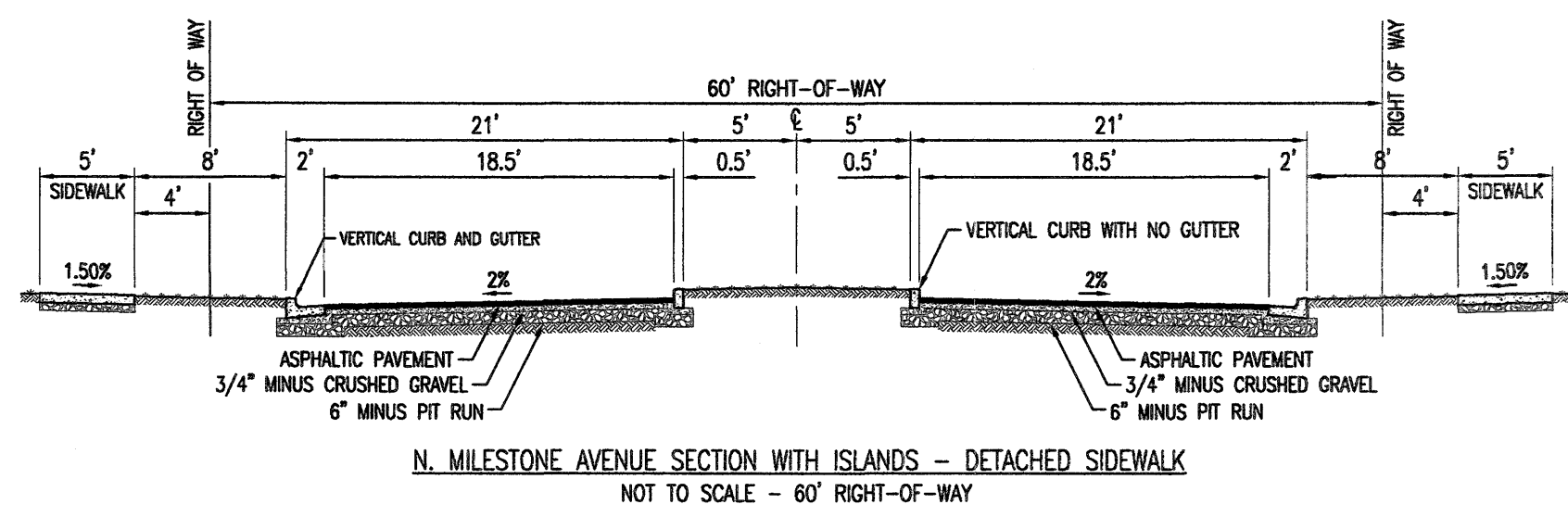


#### LEGEND

--- BOUNDARY LINE	--- EXISTING VERTICAL CURB
- - - CITY LIMITS BOUNDARY	--- EXISTING ROLLED CURB
- - - PHASING BOUNDARY	--- EXISTING 5' CONTOUR
- - - RIGHT-OF-WAY LINE	--- EXISTING 1' CONTOUR
- - - CENTERLINE	--- EXISTING TOP OF BANK
- - - PROPERTY LOT LINE	--- EXISTING BOTTOM OF BANK
- - - ZERO LOT LINE	--- EXISTING FENCE LINE
- - - PROPOSED EASEMENT LINE	--- EXISTING OVERHEAD POWER LINE
- - - PROPERTY SETBACK LINE	--- EXISTING FIBER OPTIC LINE
- - - PROPOSED VERTICAL CURB	--- EXISTING GAS LINE
- - - PROPOSED ROLLED CURB WITH TRAFFIC CALMING	--- EXISTING TELEPHONE LINE
- - - PROPOSED STORM DRAIN LINE AND MANHOLE	
- - - PROPOSED SANITARY SEWER LINE	
- - - EXISTING SEWER LINE AND MANHOLE	

#### SURVEY LEGEND

● FOUND 5/8" IRON PIN, AS NOTED	--- EXISTING VERTICAL CURB
● FOUND 1/2" IRON PIN, AS NOTED	--- EXISTING ROLLED CURB
● FOUND BRASS CAP MONUMENT	--- EXISTING 5' CONTOUR
● FOUND ALUMINUM CAP MONUMENT	--- EXISTING 1' CONTOUR
● FOUND PK/MAG NAIL	--- EXISTING TOP OF BANK
□ CALCULATED POINT, NOTHING SET	--- EXISTING BOTTOM OF BANK
	--- EXISTING FENCE LINE
	--- EXISTING OVERHEAD POWER LINE
	--- EXISTING FIBER OPTIC LINE
	--- EXISTING GAS LINE
	--- EXISTING TELEPHONE LINE



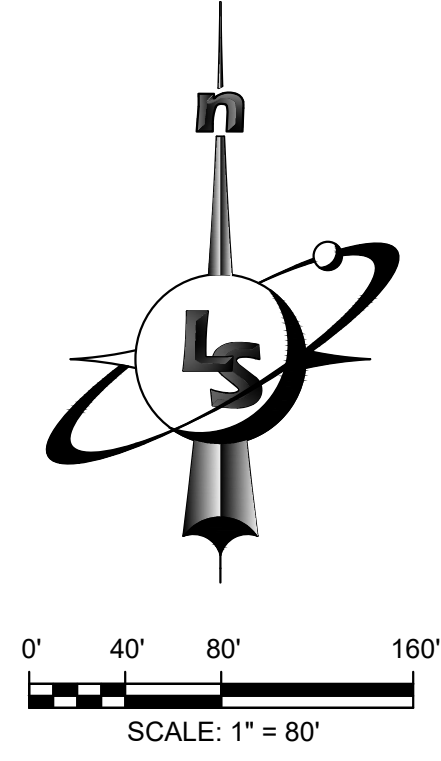
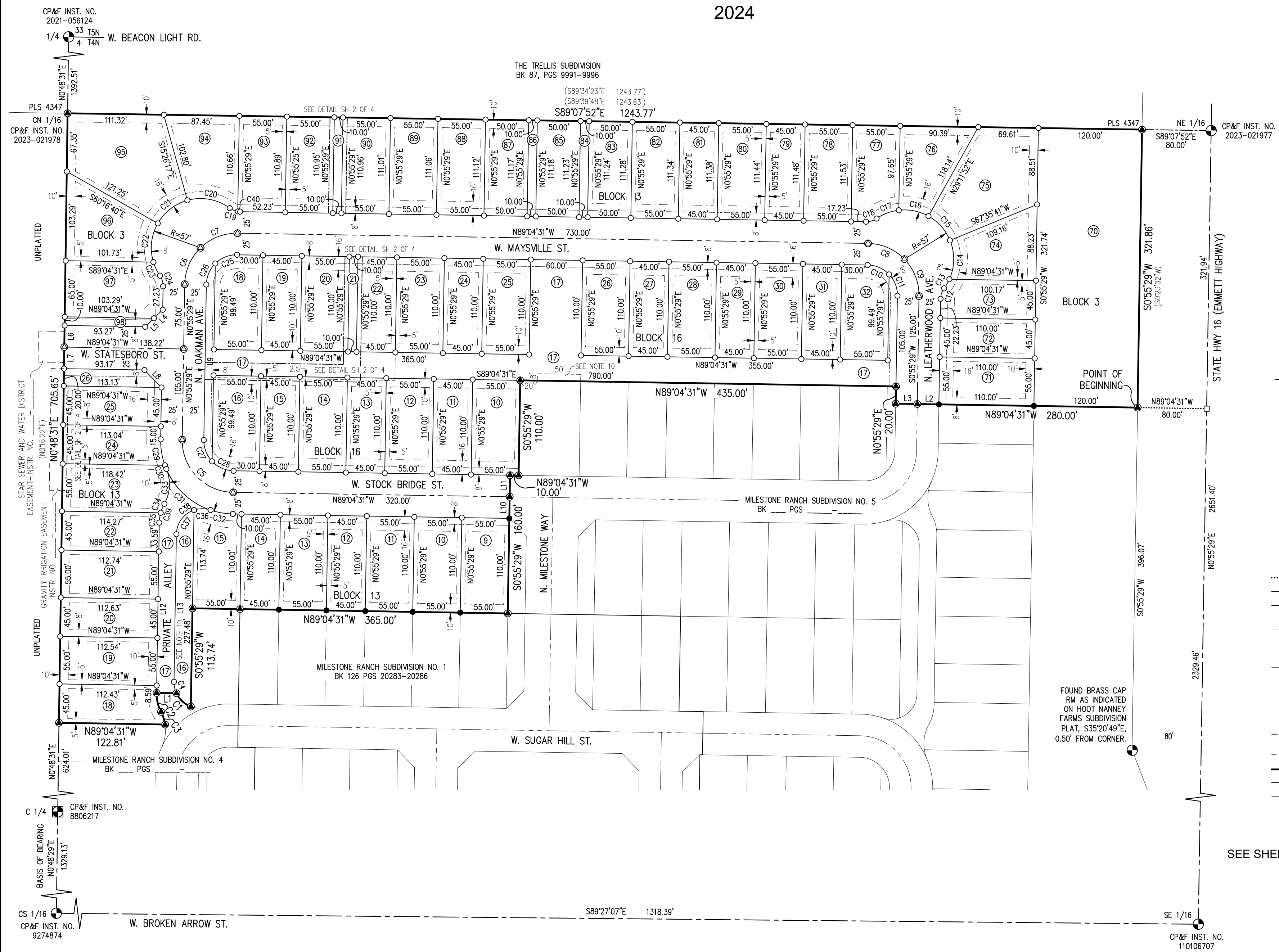
<b>OWNERS OF RECORD</b>	HOOT NANNEY FARMS, INC. CAROL M. DIXON AND SANDRA A. DIXON 8542 W. FLOATING FEATHER ROAD STAR, IDAHO 83869
<b>DEVELOPER</b>	TOLL SOUTHWEST, LLC 3103 W. SHERYL DRIVE, STE. 100 MERIDIAN, IDAHO 83842 PHONE: (208) 424-0020
<b>SURVEYOR</b>	CLINT HANSEN, PLS LAND SOLUTIONS, PC 231 E 5TH STREET, STE A MERIDIAN, IDAHO 83842 PHONE: (208) 288-2040 FAX: (208) 288-2557 EMAIL: chansen@landolutions.biz
<b>PLANNER</b>	BECKY MCKAY ENGINEERING SOLUTIONS 1029 N. ROSARIO STREET, STE. 100 MERIDIAN, IDAHO 83842 PHONE: (208) 938-0980 FAX: (208) 938-0941 EMAIL: bckymckay@engsol.com
<b>REVISIONS</b>	DATE: 08-12-21 16 08-26-21 16
<b>ENGINEERING SOLUTIONS</b>	1029 N. ROSARIO STREET, SUITE 100 MERIDIAN, IDAHO 83842 PHONE: (208) 938-0980 FAX: (208) 938-0941
<b>MILESTONE RANCH SUBD.</b>	LOCATED WITHIN THE NW 1/4 OF THE SE 1/4, AND THE SW 1/4 OF THE NE 1/4 OF SECTION 4, T.4N., R.1W., B.M.
<b>PRELIMINARY PLAT</b>	
<b>DATE ISSUED</b>	05/09/2021
<b>PROJECT NO.</b>	201102
<b>DWG. FILE</b>	201102-P-PREL.dwg
<b>SCALE</b>	AS SHOWN
<b>DRAWN BY</b>	KDH
<b>CHECKED BY</b>	BLM
<b>PREL-1</b>	
<b>SHEET 01 OF 02</b>	

# MILESTONE RANCH SUBDIVISION NO. 6

## A PORTION OF LOTS 2 AND 3, BLOCK 1, HOOT NANNEY FARMS SUBDIVISION

### LOCATED IN THE SW 1/4 OF THE NE 1/4 OF SECTION 4, T.4N., R.1W., B.M., CITY OF STAR, ADA COUNTY, IDAHO

#### 2024



### LEGEND

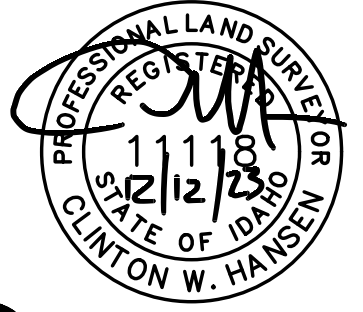
- FOUND ALUMINUM CAP MONUMENT
- FOUND BRASS CAP MONUMENT
- FOUND 1/2" REBAR WITH PLS 11118 PLASTIC CAP, OR AS NOTED
- FOUND 5/8" REBAR WITH PLS 11118 PLASTIC CAP, OR AS NOTED
- SET 1/2" REBAR WITH PLS 11118 PLASTIC CAP
- SET 5/8" REBAR WITH PLS 11118 PLASTIC CAP
- CALCULATED POINT, NOT SET
- LOT NUMBER
- RECORD DATA
- SURVEY TIE LINE
- SECTION LINE
- CENTER LINE
- ADA COUNTY HIGHWAY DISTRICT STORM DRAINAGE EASEMENT LINE SEE NOTE 10
- ADA COUNTY HIGHWAY DISTRICT PERMANENT EASEMENT, INSTRUMENT NO.
- PUBLIC UTILITY, PRESSURE IRRIGATION & LOT DRAINAGE EASEMENT LINE - SEE NOTES 1 & 2
- GRAVITY IRRIGATION EASEMENT LINE SEE DETAILS SHEET 2 OF 4
- OTHER EASEMENT LINE AS NOTED
- SUBDIVISION BOUNDARY LINE
- LOT LINE
- ADJACENT PROPERTY LINE

SEE SHEET 2 OF 4 FOR CURVE DATA, DETAILS AND NOTES

LINE TABLE			LINE TABLE			LINE TABLE		
LINE #	LENGTH	BEARING	LINE #	LENGTH	BEARING	LINE #	LENGTH	BEARING
L1	23.03'	N89°04'31"W	L6	25.00'	S0°47'03"W	L11	25.00'	N0°55'29"E
L2	25.00'	N89°04'31"W	L7	25.00'	S0°49'50"W	L12	197.18'	N0°55'29"E
L3	25.00'	N89°04'31"W	L8	28.28'	N44°04'31"W	L13	170.91'	N0°55'29"E
L4	14.14'	N45°55'29"E	L9	180.00'	N0°55'29"E			
L5	14.14'	N45°55'29"E	L10	25.00'	N0°55'29"E			

### SURVEYOR'S NARRATIVE

THE BOUNDARY FOR THIS SUBDIVISION WAS DEVELOPED FROM SURVEYED TIES TO CONTROLLING SECTION CORNER MONUMENTATION, THE PLATTED SUBDIVISION BOUNDARIES OF HOOT NANNEY FARMS SUBDIVISION, THE TRELIS SUBDIVISION, MILESTONE RANCH SUBDIVISION NO. 1, MILESTONE RANCH SUBDIVISION NO. 4, MILESTONE RANCH SUBDIVISION NO. 5, INFORMATION FROM RECORD OF SURVEY NUMBERS 1205, 4931, 5321, 5716, 6991, 12518, AND CURRENT DEEDS OF RECORD. THE SURVEYED MONUMENTATION AND CONTROLLING BOUNDARIES FIT THE RECORDS WELL AND WERE ACCEPTED TO ESTABLISH THE BOUNDARY FOR THIS SUBDIVISION SHOWN HEREON.



231 E. 5TH STREET, MERIDIAN ID 83642  
(208) 288-2040 www.landsolutions.biz

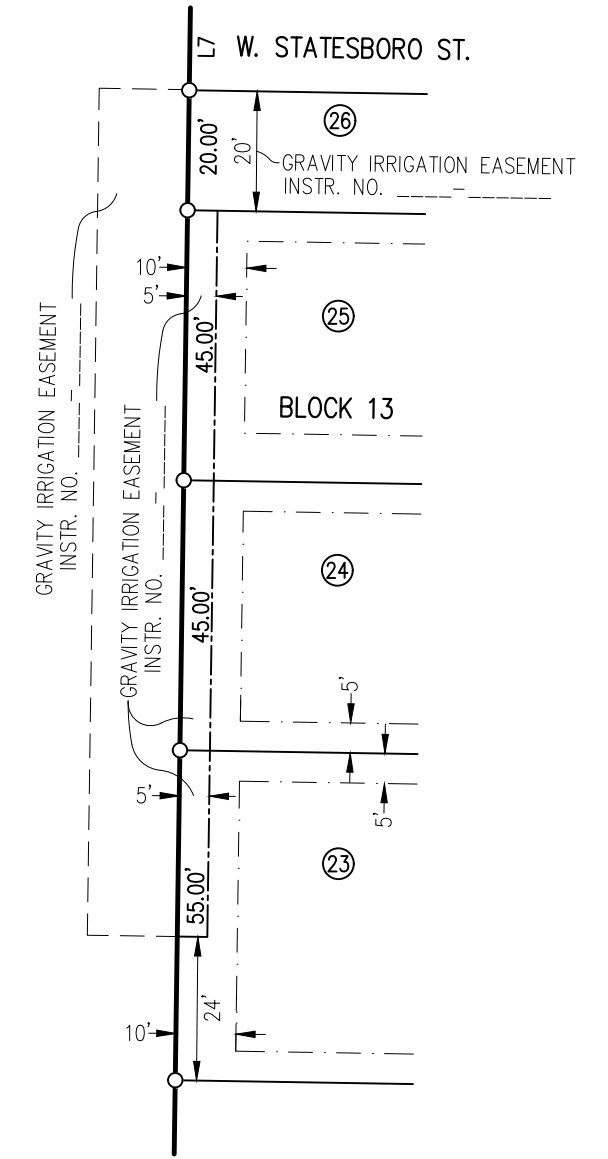


# MILESTONE RANCH SUBDIVISION NO. 6

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	BEARING	CHORD
C1	23.33'	30.00'	44°33'55"	N47°20'05"W	22.76'
C2	22.79'	46.00'	28°22'55"	S13°15'58"E	22.55'
C3	15.43'	46.00'	19°13'26"	S17°50'43"E	15.36'
C4	13.59'	30.00'	25°57'48"	S12°03'25"E	13.48'
C5	94.25'	60.00'	90°00'00"	S44°04'31"E	84.85'
C6	47.12'	60.00'	45°00'00"	S23°25'29"W	45.92'
C7	47.12'	60.00'	45°00'00"	S68°25'29"W	45.92'
C8	47.12'	60.00'	45°00'00"	N66°34'31"W	45.92'
C9	47.12'	60.00'	45°00'00"	N21°34'31"W	45.92'
C10	27.85'	35.00'	45°35'05"	N66°16'58"W	27.12'
C11	27.13'	35.00'	44°24'55"	N21°16'58"W	26.46'
C12	12.98'	21.00'	35°24'29"	S18°37'44"W	12.77'
C13	12.18'	57.00'	12°14'20"	N30°12'48"E	12.15'
C14	46.26'	57.00'	46°29'57"	N0°50'39"E	45.00'
C15	38.20'	57.00'	38°23'49"	N41°36'14"W	37.49'
C16	35.57'	57.00'	35°45'33"	N78°40'55"W	35.00'
C17	27.78'	57.00'	27°55'19"	S69°28'39"W	27.50'
C18	12.98'	21.00'	35°24'29"	N73°13'15"E	12.77'
C19	10.20'	21.00'	27°50'17"	S67°35'10"E	10.10'
C20	51.50'	57.00'	51°46'15"	N79°33'09"W	49.77'
C21	44.61'	57.00'	44°50'24"	S52°08'31"W	43.48'
C22	46.36'	57.00'	46°35'57"	S6°25'21"W	45.09'
C23	17.52'	57.00'	17°36'22"	S25°40'49"E	17.45'
C24	12.98'	21.00'	35°24'29"	N16°46'45"W	12.77'
C25	27.85'	35.00'	45°35'05"	S68°07'57"W	27.12'
C26	27.13'	35.00'	44°24'55"	S23°07'57"W	26.46'
C27	27.13'	35.00'	44°24'55"	S21°16'58"E	26.46'
C28	27.85'	35.00'	45°35'05"	S66°16'58"E	27.12'
C29	30.66'	85.00'	20°40'02"	S9°24'32"E	30.49'
C30	4.52'	85.00'	3°02'38"	S21°15'52"E	4.52'
C31	72.05'	85.00'	48°34'11"	S47°04'17"E	69.92'
C32	26.29'	85.00'	17°43'08"	S80°12'57"E	26.18'
C33	41.82'	46.00'	52°05'35"	N3°15'36"E	40.40'
C34	11.26'	46.00'	14°01'10"	S22°17'49"W	11.23'
C35	11.53'	46.00'	14°21'45"	S8°06'22"W	11.50'
C36	19.47'	30.00'	37°11'25"	N89°57'05"W	19.13'
C37	36.93'	30.00'	70°31'44"	S36°11'21"W	34.64'
C38	56.40'	30.00'	107°43'08"	S54°47'03"W	48.45'
C39	22.79'	46.00'	28°22'55"	S15°06'57"W	22.55'
C40	2.77'	21.00'	7°34'12"	S85°17'25"E	2.77'

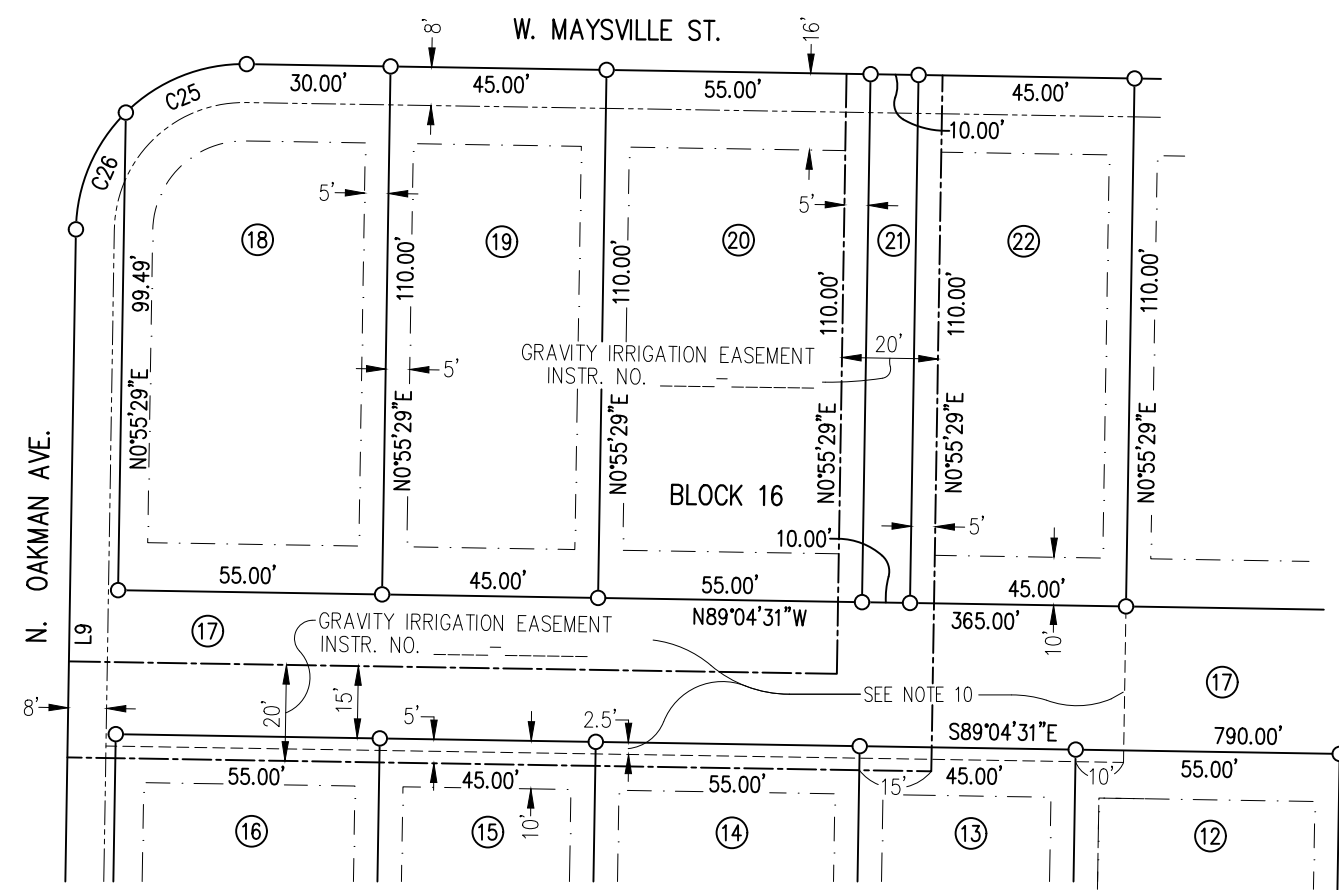
## NOTES

- ALL LOT LINES COMMON TO PUBLIC STREETS ARE HEREBY DESIGNATED TO HAVE A SIXTEEN (16) FOOT PERMANENT EASEMENT FOR PUBLIC UTILITIES, PRESSURE IRRIGATION AND LOT DRAINAGE, UNLESS OTHERWISE SHOWN. THIS EASEMENT SHALL NOT PRECLUDE THE CONSTRUCTION OF PROPER HARD-SURFACED DRIVEWAYS AND WALKWAYS FOR ACCESS TO EACH INDIVIDUAL LOT.
- ALL LOTS ARE HEREBY DESIGNATED AS HAVING A FIVE (5) FOOT PERMANENT EASEMENT ON EACH SIDE OF THE INTERIOR SIDE LOT LINES, AND TEN (10) FOOT PERMANENT EASEMENT CONTIGUOUS TO ALL REAR LOT LINES, PRIVATE ALLEYS, AND SUBDIVISION BOUNDARY, FOR PUBLIC UTILITIES, PRESSURE IRRIGATION, AND LOT DRAINAGE, UNLESS OTHERWISE SHOWN. ALL OTHER EASEMENTS ARE AS SHOWN.
- MINIMUM BUILDING SETBACKS SHALL BE IN ACCORDANCE WITH THE CITY OF STAR APPLICABLE ZONING AND SUBDIVISION REGULATIONS AT THE TIME OF ISSUANCE OF INDIVIDUAL BUILDING PERMITS OR AS SPECIFICALLY APPROVED AND/OR REQUIRED, OR AS SHOWN ON THIS PLAT.
- ANY RE-SUBDIVISION OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE ZONING REGULATIONS IN EFFECT AT THE TIME OF THE RESUBDIVISION.
- IRRIGATION WATER HAS BEEN PROVIDED BY THE FARMERS UNION DITCH COMPANY IN COMPLIANCE WITH IDAHO CODE SECTION 31-3805(1)(b). LOTS WITHIN THE SUBDIVISION SHALL BE ENTITLED TO IRRIGATION WATER FROM SAID IRRIGATION ENTITY, TO BE DELIVERED TO LOTS THROUGH A PRESSURIZED IRRIGATION SYSTEM OWNED AND MAINTAINED BY THE HOMEOWNER ASSOCIATION. THE HOMEOWNER ASSOCIATION WILL BE SUBJECT TO ASSESSMENTS BY SAID IRRIGATION ENTITY.
- MAINTENANCE OF ANY IRRIGATION OR DRAINAGE PIPE OR DITCH CROSSING A LOT SHALL BE THE RESPONSIBILITY OF THE LOT OWNER UNLESS SUCH RESPONSIBILITY IS ASSUMED BY AN IRRIGATION/DRAINAGE ENTITY OR THE HOMEOWNER ASSOCIATION.
- LOTS 70, 84, 85, 86, 91 AND 98, BLOCK 3; LOTS 16, 17 AND 26, BLOCK 13; AND LOTS 17 AND 21, BLOCK 16 ARE DESIGNATED AS COMMON LOTS AND SHALL BE OWNED AND MAINTAINED BY THE MILESTONE RANCH SUBDIVISION HOMEOWNERS ASSOCIATION, OR ITS ASSIGNS. SAID LOTS ARE COVERED BY BLANKET EASEMENTS FOR PUBLIC UTILITIES, IRRIGATION AND LOT DRAINAGE.
- THIS DEVELOPMENT RECOGNIZES IDAHO CODE SECTION 22-4503, RIGHT TO FARM ACT, WHICH STATES "NO AGRICULTURAL OPERATION, AGRICULTURAL FACILITY OR EXPANSION THEREOF SHALL BE OR BECOME A NUISANCE, PRIVATE OR PUBLIC, BY ANY CHANGED CONDITIONS IN OR ABOUT THE SURROUNDING NONAGRICULTURAL ACTIVITIES AFTER IT HAS BEEN IN OPERATION FOR MORE THAN ONE (1) YEAR, WHEN THE OPERATION, FACILITY OR EXPANSION WAS NOT A NUISANCE AT THE TIME IT BEGAN OR WAS CONSTRUCTED. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY WHEN A NUISANCE RESULTS FROM THE IMPROPER OR NEGLIGENT OPERATION OF AN AGRICULTURAL OPERATION, AGRICULTURAL FACILITY OR EXPANSION THEREOF."
- THIS SUBDIVISION IS SUBJECT TO THE TERMS OF A DEVELOPMENT AGREEMENT RECORDED AS INSTRUMENT NO. 2022-014198, RECORDS OF ADA COUNTY, IDAHO.
- LOT 17, BLOCK 13 AND THE PORTIONS OF LOTS 13 THROUGH 17, BLOCK 16 AS SHOWN HEREON ARE SERVIENT TO AND CONTAIN THE ADA COUNTY HIGHWAY DISTRICT STORM WATER DRAINAGE SYSTEM. THESE LOTS ARE ENCLUMBERED BY THAT CERTAIN MASTER PERPETUAL STORM WATER DRAINAGE EASEMENT RECORDED ON NOVEMBER 10, 2015 AS INSTRUMENT NO. 2015-103256, OFFICIAL RECORDS OF ADA COUNTY, AND INCORPORATED HEREIN BY THIS REFERENCE AS IF SET FORTH IN FULL (THE "MASTER EASEMENT"). THE MASTER EASEMENT AND THE STORM WATER DRAINAGE SYSTEM ARE DEDICATED TO ADA COUNTY HIGHWAY DISTRICT PURSUANT TO SECTION 40-2302, IDAHO CODE THE MASTER EASEMENT IS FOR THE OPERATION AND MAINTENANCE OF THE STORM WATER DRAINAGE SYSTEM.
- THIS SUBDIVISION IS SUBJECT TO THE TERMS OF AN ADA COUNTY HIGHWAY DISTRICT TEMPORARY LICENSE AGREEMENT RECORDED AS INSTRUMENT NO. \_\_\_\_\_, RECORDS OF ADA COUNTY, IDAHO.
- DIRECT LOT OR PARCEL ACCESS TO N. MILESTONE WAY, W. STATESBORO STREET AND STATE HIGHWAY 16 IS PROHIBITED.
- THIS SUBDIVISION IS SUBJECT TO THE DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR MILESTONE RANCH SUBDIVISION, RECORDED AS INSTRUMENT NO. \_\_\_\_\_, RECORDS OF ADA COUNTY, AND AS MAY BE AMENDED.
- SEE INSTRUMENTS NOS. 2023-039839 AND VAC-23-01, RECORDS OF ADA COUNTY, IDAHO FOR VACATION OF EXISTING PLATTED INGRESS/EGRESS, PUBLIC UTILITY, DRAINAGE AND IRRIGATION, AND IDAHO POWER EASEMENTS PER THE PLAT OF HOOT NANNY FARMS SUBDIVISION.
- SEE INSTRUMENT NOS. 2023-032855 AND 2023-032857 RECORDS OF ADA COUNTY, IDAHO, FOR THE RELEASE OF THE HISTORIC IDAHO POWER OVERHEAD LINE EASEMENTS PER NOTE 8 OF HOOT NANNY FARMS SUBDIVISION.
- LOT 17, BLOCK 13 IS SUBJECT TO A BLANKET EASEMENT FOR A COMMON DRIVE TO PROVIDE ACCESS FOR THE RESIDENTIAL LOTS ADJACENT TO SAID LOT. THE COMMON DRIVE SHALL BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION.
- THIS SUBDIVISION IS SUBJECT TO THE DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR MILESTONE RANCH SUBDIVISION, FILED AND RECORDED AS INSTRUMENT NO. 2023-050392, RECORDS OF ADA COUNTY, AND AS MAY BE AMENDED.
- ACCESS TO LOT 18, BLOCK 13 IS PROVIDED THROUGH THE COMMON DRIVE LOCATED IN THE ADJACENT LOT 27, BLOCK 11, OF MILESTONE RANCH SUBDIVISION NO. 4.



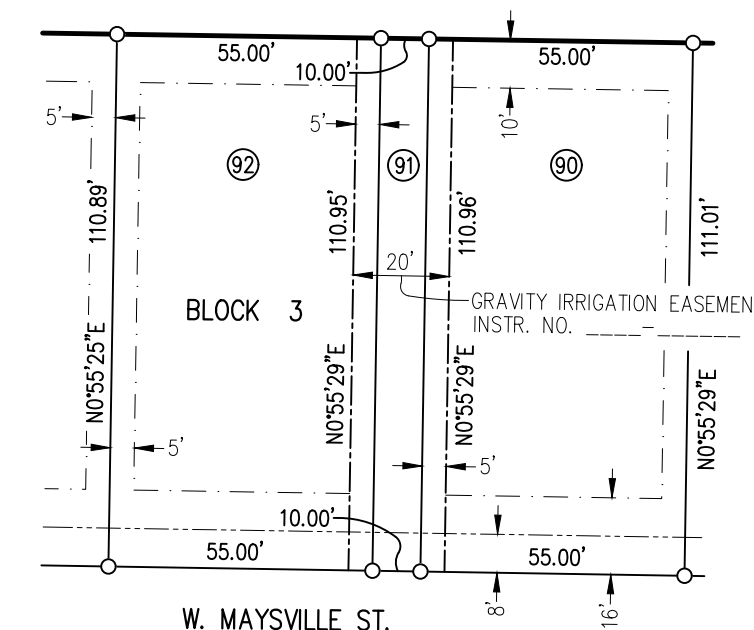
BLOCK 13 DETAIL

NOT TO SCALE



BLOCK 16 DETAIL

NOT TO SCALE



BLOCK 3 DETAIL

NOT TO SCALE



# MILESTONE RANCH SUBDIVISION NO. 6

BOOK \_\_\_\_\_, PAGE \_\_\_\_\_

## CERTIFICATE OF OWNERS

KNOW ALL MEN BY THESE PRESENTS: THAT WE, THE UNDERSIGNED, ARE THE OWNERS OF THE REAL PROPERTY DESCRIBED BELOW IN ADA COUNTY, IDAHO, AND THAT WE INTEND TO INCLUDE THE FOLLOWING DESCRIBED PROPERTY IN THIS PLAT OF MILESTONE RANCH SUBDIVISION NO. 6;

A PORTION OF LOTS 2 AND 3, 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 SW ¼ OF THE NE ¼ OF SECTION 4, TOWNSHIP 4 NORTH, RANGE 1 WEST, BOISE MERIDIAN, CITY OF STAR, ADA COUNTY, IDAHO, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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 1318.39 FEET TO THE SOUTHEAST CORNER OF SAID NW ¼ OF THE SE ¼ (SE 1/16 CORNER);

THENCE ALONG THE EASTERLY BOUNDARY OF SAID NW ¼ OF THE SE ¼ AND OF SAID SW ¼ OF THE NE ¼ N 0°55'29" E A DISTANCE OF 2329.46 FEET TO A POINT;

THENCE LEAVING SAID EASTERLY BOUNDARY N 89°04'31" W A DISTANCE OF 80.00 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF STATE HIGHWAY 16 BEING THE NORTHEASTERLY CORNER OF MILESTONE RANCH SUBDIVISION NO. 5, AS SHOWN IN BOOK \_\_\_\_\_ OF PLATS ON PAGES \_\_\_\_\_ THROUGH \_\_\_\_\_, RECORDS OF ADA COUNTY, IDAHO, AND THE POINT OF BEGINNING;

THENCE ALONG THE NORTHERLY BOUNDARY OF SAID MILESTONE RANCH SUBDIVISION NO. 5 THE FOLLOWING COURSES AND DISTANCES:

THENCE N 89°04'31" W A DISTANCE OF 280.00 FEET TO A POINT;

THENCE N 0°55'29" E A DISTANCE OF 20.00 FEET TO A POINT;

THENCE N 89°04'31" W A DISTANCE OF 435.00 FEET TO A POINT;

THENCE S 0°55'29" W A DISTANCE OF 110.00 FEET TO A POINT;

THENCE N 89°04'31" W A DISTANCE OF 10.00 FEET TO A POINT;

THENCE S 0°55'29" W A DISTANCE OF 160.00 FEET TO A POINT ON THE NORTHERLY BOUNDARY OF MILESTONE RANCH SUBDIVISION NO. 1 AS SHOWN IN BOOK 126 OF PLATS ON PAGES 20283 THROUGH 20286, RECORDS OF ADA COUNTY, IDAHO;

THENCE ALONG SAID NORTHERLY BOUNDARY, AND CONTINUING ALONG THE NORTHERLY BOUNDARY OF MILESTONE RANCH SUBDIVISION NO. 4, AS SHOWN IN BOOK \_\_\_\_\_ OF PLATS ON PAGES \_\_\_\_\_ THROUGH \_\_\_\_\_, RECORDS OF ADA COUNTY, IDAHO THE FOLLOWING COURSES AND DISTANCES:

THENCE N 89°04'31" W A DISTANCE OF 365.00 FEET TO A POINT;

THENCE S 0°55'29" W A DISTANCE OF 113.74 FEET TO A POINT ON A CURVE;

THENCE A DISTANCE OF 23.33 FEET ALONG THE ARC OF A 30.00 FOOT RADIUS NON-TANGENT CURVE RIGHT, SAID CURVE HAVING A CENTRAL ANGLE OF 44°33'55" AND A LONG CHORD BEARING N 47°20'05" W A DISTANCE OF 22.76 FEET TO A POINT;

THENCE N 89°04'31" W A DISTANCE OF 23.03 FEET TO A POINT ON A CURVE;

THENCE A DISTANCE OF 22.79 FEET ALONG THE ARC OF A 46.00 FOOT RADIUS NON-TANGENT CURVE LEFT, SAID CURVE HAVING A CENTRAL ANGLE OF 28°22'55" AND A LONG CHORD BEARING S 13°15'58" E A DISTANCE OF 22.55 FEET TO A POINT OF REVERSE CURVATURE;

THENCE A DISTANCE OF 15.43 FEET ALONG THE ARC OF A 46.00 FOOT RADIUS CURVE RIGHT, SAID CURVE HAVING A CENTRAL ANGLE OF 19°13'26" AND A LONG CHORD BEARING S 17°50'43" E A DISTANCE OF 15.36 FEET TO A POINT;

THENCE N 89°04'31" W A DISTANCE OF 122.81 FEET TO THE NORTHWESTERLY CORNER OF SAID MILESTONE RANCH SUBDIVISION NO. 4, SAID POINT BEING ON THE WESTERLY BOUNDARY OF SAID HOOT NANNEY FARMS SUBDIVISION AND THE WESTERLY BOUNDARY OF SAID SW ¼ OF THE NE ¼;

THENCE LEAVING THE BOUNDARY OF SAID MILESTONE RANCH SUBDIVISION NO. 4 AND ALONG SAID WESTERLY BOUNDARY N 0°48'31" E (FORMERLY N 0°16'22" E) A DISTANCE OF 705.65 FEET TO THE NORTHWESTERLY CORNER OF SAID SW ¼ OF THE NE ¼ (CN 1/16 CORNER) AND OF SAID HOOT NANNEY FARMS SUBDIVISION, SAID POINT ALSO BEING ON THE SOUTHERLY BOUNDARY OF THE TRELIS SUBDIVISION, AS SHOWN IN BOOK 87 OF PLATS ON PAGES 9991 THROUGH 9996, RECORDS OF ADA COUNTY, IDAHO;

THENCE S 89°07'52" E A DISTANCE OF 1243.77 FEET ALONG THE NORTHERLY BOUNDARY OF SAID SW ¼ OF THE NE ¼ AND OF SAID HOOT NANNEY FARMS SUBDIVISION (FORMERLY S 89°39'48" E, 1243.63 FEET), AND THE SOUTHERLY BOUNDARY OF SAID THE TRELIS SUBDIVISION (FORMERLY S 89°34'23" E, 1243.77 FEET) TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF STATE HIGHWAY 16 BEING THE NORTHEASTERLY CORNER OF SAID HOOT NANNEY FARMS SUBDIVISION;

THENCE ALONG SAID RIGHT-OF-WAY AND THE EASTERLY BOUNDARY OF SAID HOOT NANNEY FARMS SUBDIVISION S 0°55'29" W (FORMERLY S 0°23'02" W) A DISTANCE OF 321.86 FEET TO THE POINT OF BEGINNING.

THIS PARCEL CONTAINS 12.41 ACRES.

ALL THE LOTS IN THIS SUBDIVISION WILL BE ELIGIBLE TO RECEIVE WATER AND SEWER SERVICE FROM THE STAR SEWER AND WATER DISTRICT. THE STAR SEWER AND WATER DISTRICT HAS AGREED IN WRITING TO SERVE ALL THE LOTS IN THIS SUBDIVISION.

THE PUBLIC STREETS SHOWN ON THIS PLAT ARE HEREBY DEDICATED TO THE PUBLIC. PUBLIC UTILITY, IRRIGATION AND DRAINAGE EASEMENTS ON THIS PLAT ARE NOT DEDICATED TO THE PUBLIC, BUT THE RIGHT OF ACCESS TO, AND USE OF, THESE EASEMENTS IS HEREBY RESERVED FOR PUBLIC UTILITIES, DRAINAGE AND FOR ANY OTHER USES AS MAY BE DESIGNATED HEREON AND NO PERMANENT STRUCTURES OTHER THAN FOR SAID USES ARE TO BE ERECTED WITHIN THE LIMITS OF SAID EASEMENTS.

IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

BHEG MILESTONE RANCH LLC, A DELAWARE LIMITED LIABILITY COMPANY

\_\_\_\_\_  
BY A. JANELLE ITURBE, AUTHORIZED REPRESENTATIVE

## ACKNOWLEDGMENT

COMMONWEALTH OF PENNSYLVANIA }  
COUNTY OF MONTGOMERY } s.s.

ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE PERSONALLY APPEARED A. JANELLE ITURBE, KNOWN OR IDENTIFIED TO ME TO BE AN AUTHORIZED REPRESENTATIVE OF BHEG MILESTONE RANCH LLC, A DELAWARE LIMITED LIABILITY COMPANY, WHO SUBSCRIBED SAID LIMITED LIABILITY COMPANY'S NAME TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT SHE 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.

MY COMMISSION EXPIRES \_\_\_\_\_

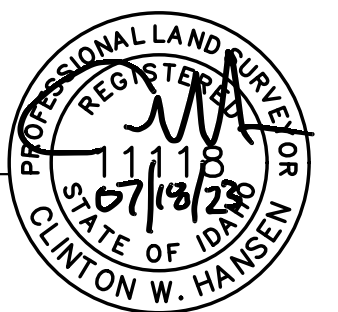
RESIDING AT \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC FOR THE COMMONWEALTH OF PENNSYLVANIA

## CERTIFICATE OF SURVEYOR

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

CLINTON W. HANSEN  
PLS 11118



# MILESTONE RANCH SUBDIVISION NO. 6

BOOK \_\_\_\_\_, PAGE \_\_\_\_\_

## HEALTH CERTIFICATE

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

\_\_\_\_\_  
CENTRAL DISTRICT HEALTH, EHS      DATE

## APPROVAL OF CITY COUNCIL

I, THE UNDERSIGNED, CITY CLERK IN AND FOR THE CITY OF STAR, ADA COUNTY, IDAHO, DO HEREBY CERTIFY THAT AT A REGULAR MEETING OF THE CITY COUNCIL HELD ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, THIS PLAT WAS DULY ACCEPTED AND APPROVED.

\_\_\_\_\_  
CITY CLERK

## APPROVAL OF THE CITY ENGINEER

I, THE UNDERSIGNED, CITY ENGINEER IN AND FOR THE CITY OF STAR, ADA COUNTY, IDAHO, ON THIS DAY, \_\_\_\_\_, HEREBY APPROVE THIS PLAT.

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

## APPROVAL OF ADA COUNTY HIGHWAY DISTRICT

THE FOREGOING PLAT WAS ACCEPTED AND APPROVED BY THE BOARD OF ADA COUNTY HIGHWAY DISTRICT COMMISSIONERS ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
PRESIDENT, ADA COUNTY HIGHWAY DISTRICT

## CERTIFICATE OF THE COUNTY SURVEYOR

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

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

## CERTIFICATE OF THE COUNTY TREASURER

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

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

## CERTIFICATE OF COUNTY RECORDER

STATE OF IDAHO }  
COUNTY OF ADA } S.S.      INSTRUMENT NO. \_\_\_\_\_

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD AT THE REQUEST OF LAND SOLUTIONS, P.C., AT \_\_\_\_ MINUTES PAST \_\_\_\_ O'CLOCK \_\_.M. ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, IN BOOK \_\_\_\_ OF PLATS AT PAGES \_\_\_\_\_.

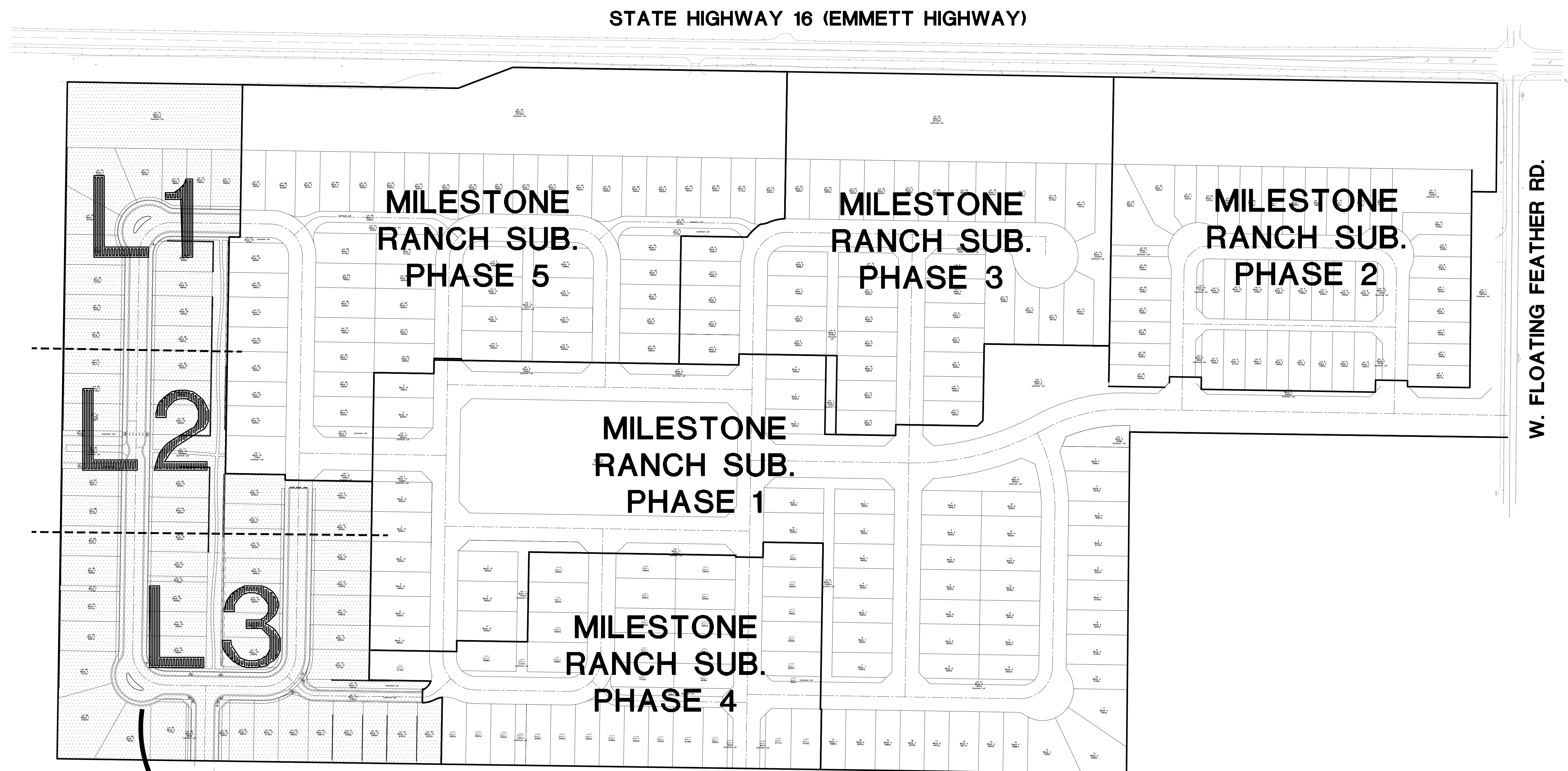
\_\_\_\_\_  
DEPUTY      EX-OFFICIO RECORDER

FEE: \_\_\_\_\_

CLINTON W. HANSEN  
PLS 11118



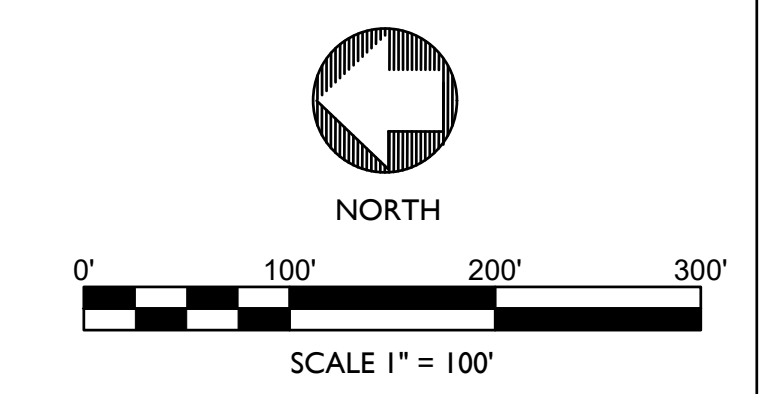
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 AMERICA'S LUXURY HOME BUILDER®      Land Surveying and Consulting  
 231 E. 5TH STREET, MERIDIAN ID 83642  
 (208) 288-2040      www.landsolutions.biz



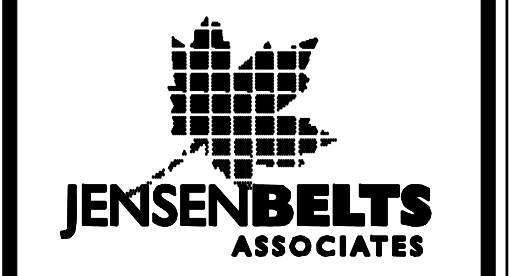
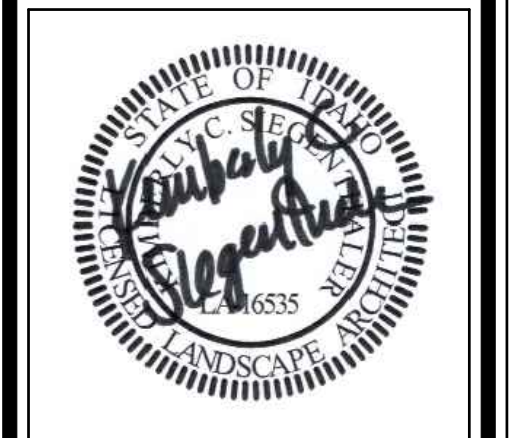
**MILESTONE RANCH SUB. PHASE 6**

**NOTES**

1. REFER TO INDIVIDUAL SHEET L1 - L3 FOR COMPLETE LANDSCAPE PLANTING PLANS.
2. REFER TO SHT L4 FOR PLANT SCHEDULE, LANDSCAPE NOTES, AND DETAILS.
3. REFER TO SHT L5 FOR LANDSCAPE SPECIFICATION AND IRRIGATION PERFORMANCE SPECIFICATION.



Issue Description	Date
ISSUE	9-23-23
BASE REV.	5-15-23
BASE REV.	12-4-23



Site Planning  
Landscape Architecture  
1509 Tyrell Lane, Ste 130  
Boise, Idaho 83706  
Ph. (208) 343-7175  
www.jensenbelts.com

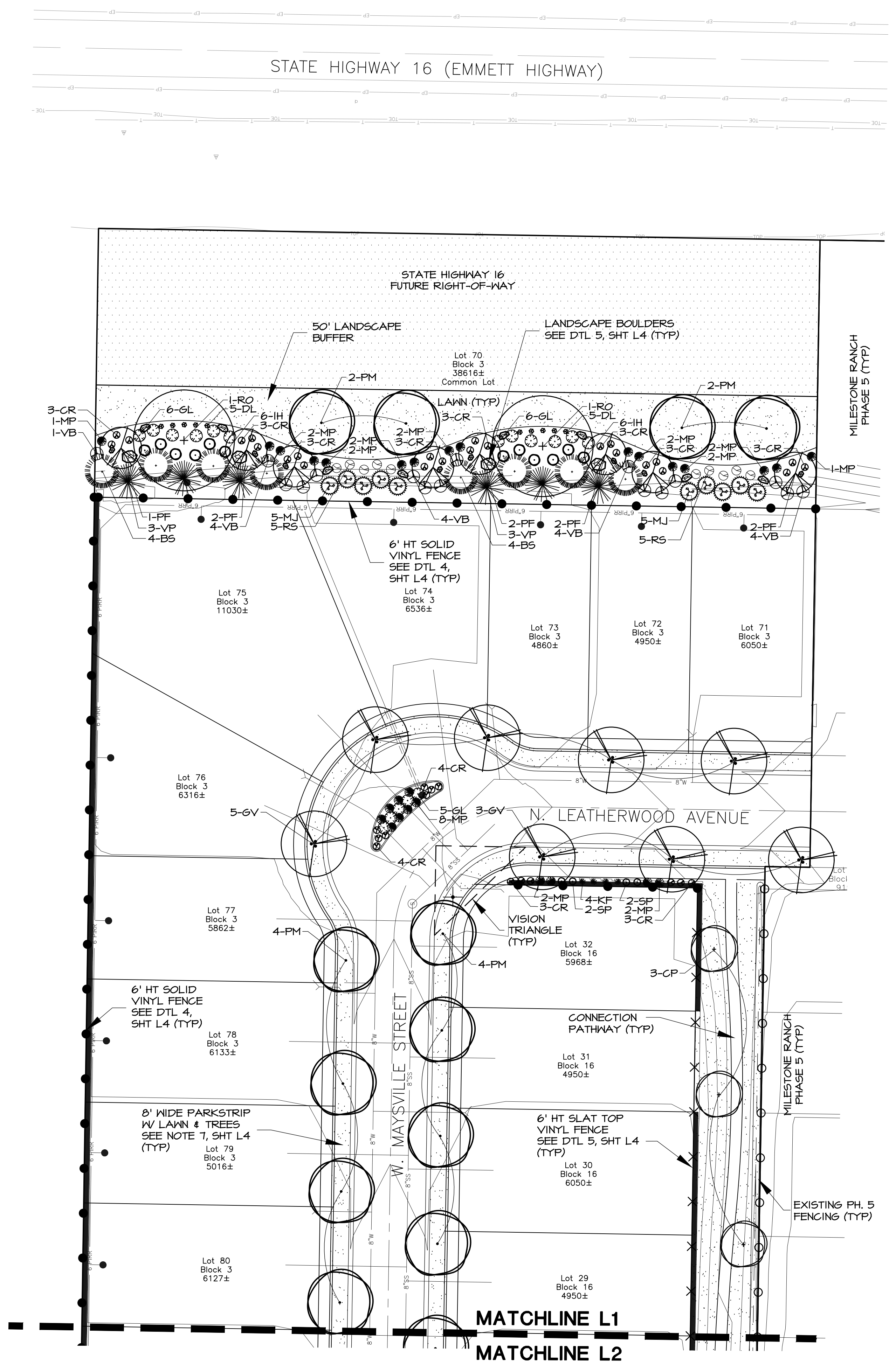
**MILESTONE RANCH No.6**  
**STAR, IDAHO**  
**FINAL PLAT LANDSCAPE PLAN**

Job Number 2210

Drawn KCS  
Checked KCS  
Scale AS SHOWN

Sheet Title  
**OVERALL LANDSCAPE PLAN**

Sheet Number  
**LO**  
1 of 6 Sheets



## PLANT SCHEDULE

(REFERENCE SHT L4)

SYM COMMON NAME

### EVERGREEN TREES

- BS HOOPS BLUE SPRUCE
- MJ MOONGLOW JUNIPER
- VP VANDERWOLF'S PINE

### SHADE TREES (CLASS III)

- RO NORTHERN RED OAK

### SHADE/STREET TREES (CLASS II)

- CP CLEVELAND SELECT PEAR
- HL SKYLINE HONEYLOCUST
- GV GREEN VASE ZELKOVA
- PM PACIFIC SUNSET MAPLE

### ORNAMENTAL TREES (CLASS I)

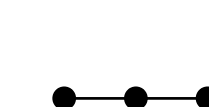
- PF PRAIRIFIRE GRABAPPLE

### SHRUBS/ORNAMENTAL GRASSES/PERENNIALS

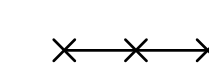
- CR RED FLOWER CARPET ROSE
- DL ENDLESSLILY ORANGE DAYLILY
- GL GRO-LOW SUMAC
- HR HUSKER RED FENSTEMON
- IH IVORY HALO DOGWOOD
- KF KARL FOERSTER REED GRASS
- MP SLOWMOUND MUGO PINE
- RS RUSSIAN SAGE
- SP SPILLED WINE WEIGELA
- VB BLUE MUFFIN VIBURNUM



SOD  
LAWN



6' SOLID VINYL FENCE ALONG PERIMETER PROPERTY LINES, LANDSCAPE BUFFERS, AND END LOTS (TYP) SEE DTL 4, SHT L4.



6' OPEN VISION VINYL SLAT TOP FENCE ALONG CONNECTION PATHWAYS & COMMON AREAS (TYP) SEE DTL 5, SHT L4.

## NOTES

1. REFER TO SHT L4 FOR PLANT SCHEDULE, LANDSCAPE NOTES, AND DETAILS.
2. REFER TO SHT L5 FOR LANDSCAPE SPECIFICATION AND IRRIGATION PERFORMANCE SPECIFICATION.

Issue Description	Date
ISSUE	5-23-23
BASE REV.	5-15-23
BASE REV.	12-4-23



Site Planning  
Landscape Architecture  
1509 Tyrell Lane, Ste 130  
Boise, Idaho 83706  
Ph. (208) 343-7175  
www.jensenbelts.com

**MILESTONE RANCH NO. 6**  
**STAR, IDAHO**  
**FINAL PLAT LANDSCAPE PLAN**

Job Number 2210

Drawn KCS  
Checked KCS

Scale AS SHOWN

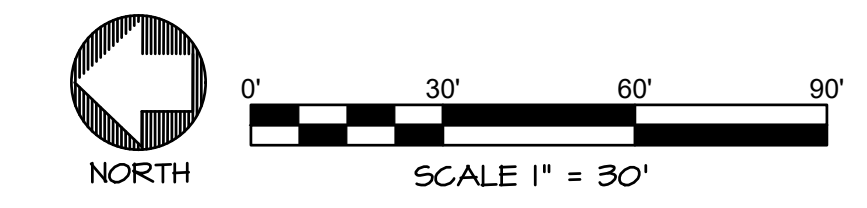
Sheet Title

**LANDSCAPE PLAN**

Sheet Number

**L1**

2 of 6 Sheets



Issue	Description	Date
ISSUE		5-23-23
	BASE REV.	5-15-23
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# MILESTONE RANCH NO.6 STAR, IDAHO FINAL PLAT LANDSCAPE PLAN

Job Number 2210

Drawn KCS	Checked KCS
Scale AS SHOWN	
Sheet Title <b>LANDSCAPE PLAN</b>	

Sheet Number  
**L2**  
3 of 6 Sheets

## PLANT SCHEDULE

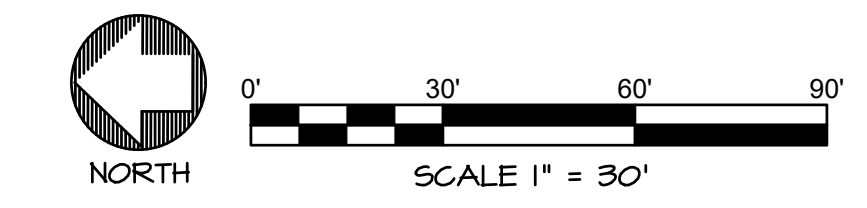
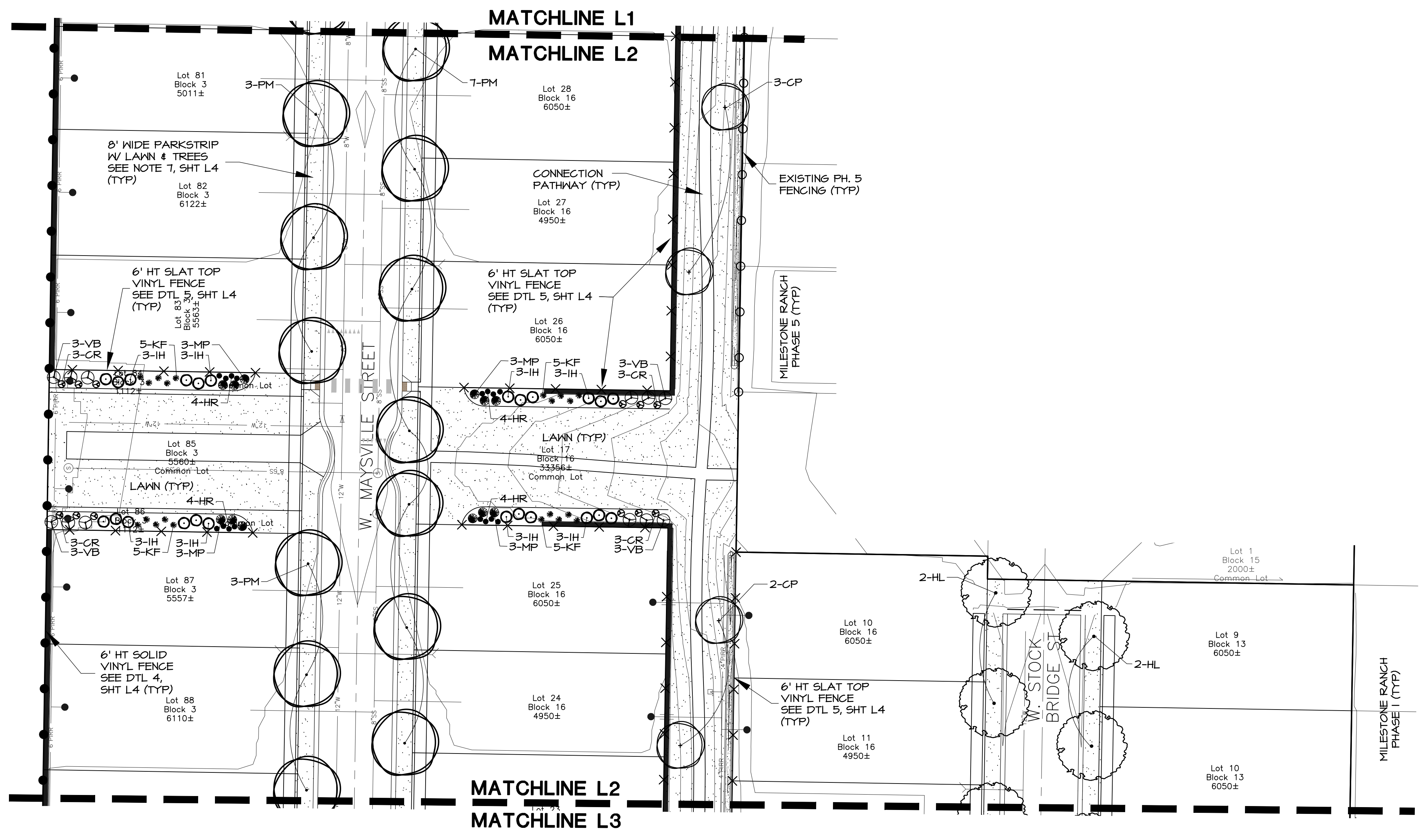
(REFERENCE SHT L4)  
SYM COMMON NAME

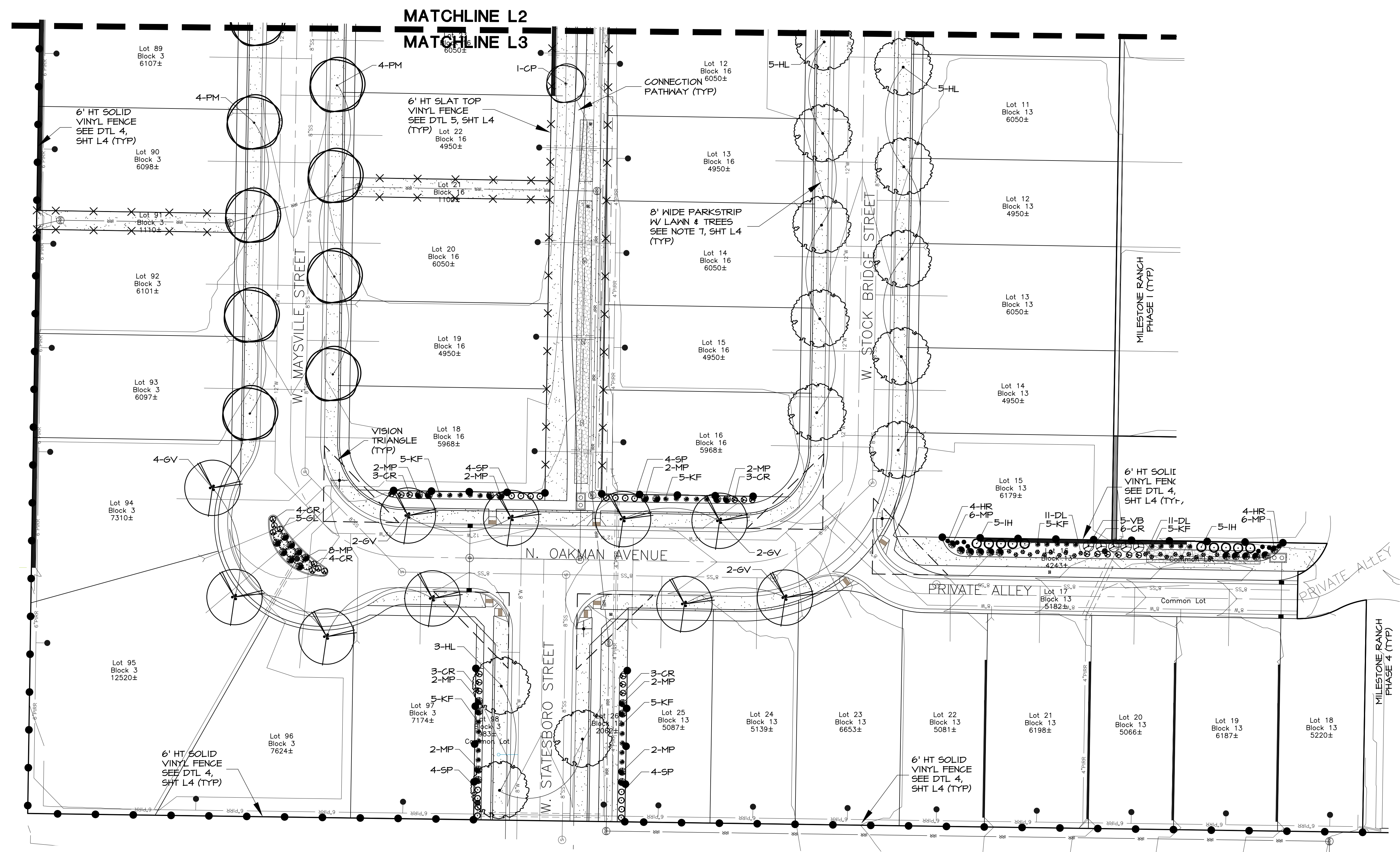
- EVERGREEN TREES**
- BS HOOPS BLUE SPRUCE
  - MJ MOONGLOW JUNIPER
  - VP VANDERWOLFS PINE
- SHADE TREES (CLASS III)**
- RO NORTHERN RED OAK
- SHADE/STREET TREES (CLASS II)**
- CP CLEVELAND SELECT PEAR
  - HL SKYLINE HONEYLOCUST
  - GV GREEN VASE ZELKOVA
  - PM PACIFIC SUNSET MAPLE
- ORNAMENTAL TREES (CLASS I)**
- PF PRAIRIFIRE GRABAPPLE
- SHRUBS/ORNAMENTAL GRASSES/PERENNIALS**
- CR RED FLOWER CARPET ROSE
  - DL ENDLESSLILY ORANGE DAYLILY
  - GL GRO-LOW SUMAC
  - HR HUSKER RED FENSTEMON
  - IH IVORY HALO DOGWOOD
  - KF KARL FOERSTER REED GRASS
  - MP SLOWMOUND MUGO PINE
  - RS RUSSIAN SAGE
  - SP SPILLED WINE WEIGELA
  - VB BLUE MUFFIN VIBURNUM

- SOD LAWN
- 6' SOLID VINYL FENCE ALONG PERIMETER PROPERTY LINES, LANDSCAPE BUFFERS, AND END LOTS (TYP) SEE DTL 4, SHT L4.
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(REFERENCE SHT L4)  
SYM COMMON NAME

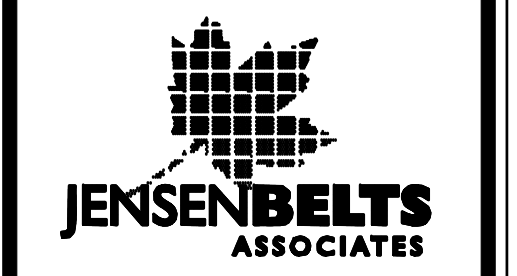
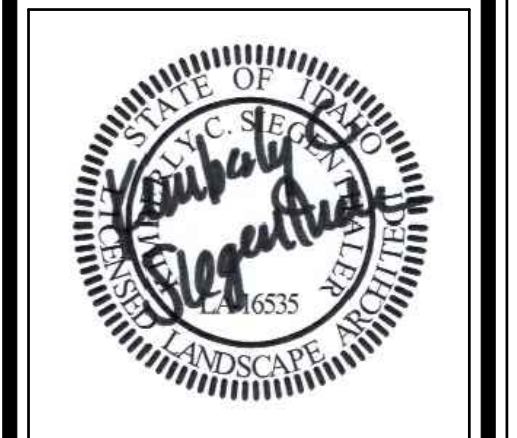
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Issue	Description	Date
ISSUE		5-23-23
	BASE REV.	5-15-23
	BASE REV.	12-4-23



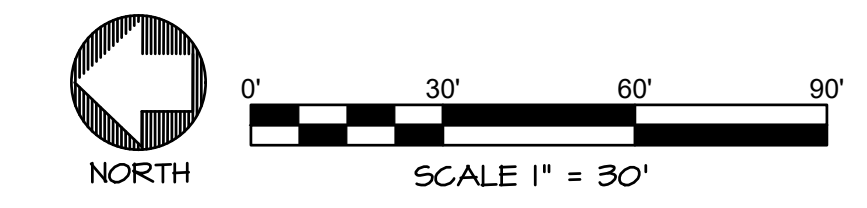
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# MILESTONE RANCH No.6 STAR, IDAHO FINAL PLAT LANDSCAPE PLAN

Job Number 2210

Drawn	Checked
KCS	KCS
Scale	AS SHOWN
Sheet Title	
<b>LANDSCAPE PLAN</b>	

Sheet Number  
**L3**  
4 of 6 Sheets



Issue	Description	Date
ISSUE		3-23-23
BASE REV.		5-15-23
BASE REV.		12-4-23



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**MILESTONE RANCH No.6**  
**STAR, IDAHO**  
**FINAL PLAT LANDSCAPE PLAN**

Job Number 2210

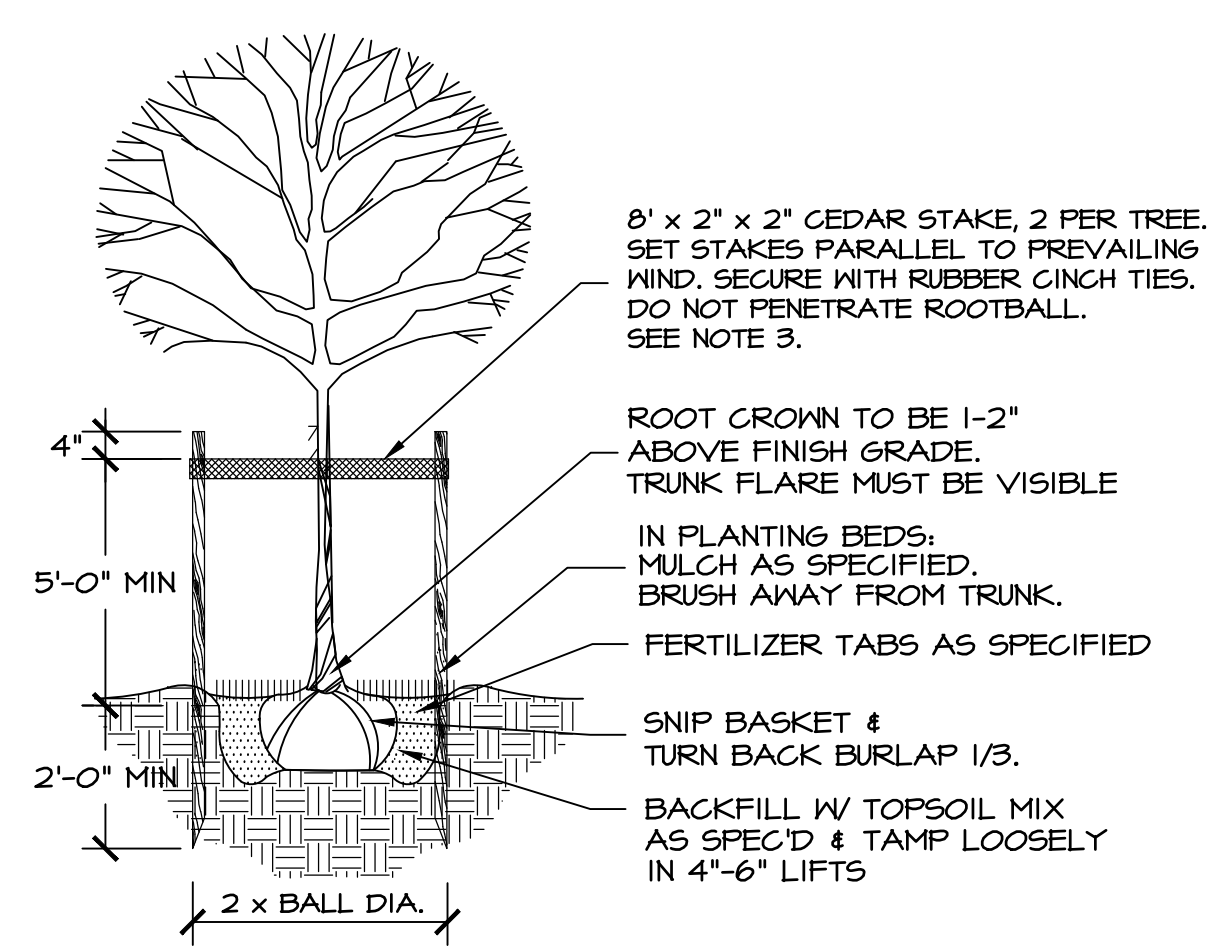
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**LANDSCAPE DETAILS**

Sheet Number  
**L4**  
5 of 6 Sheets

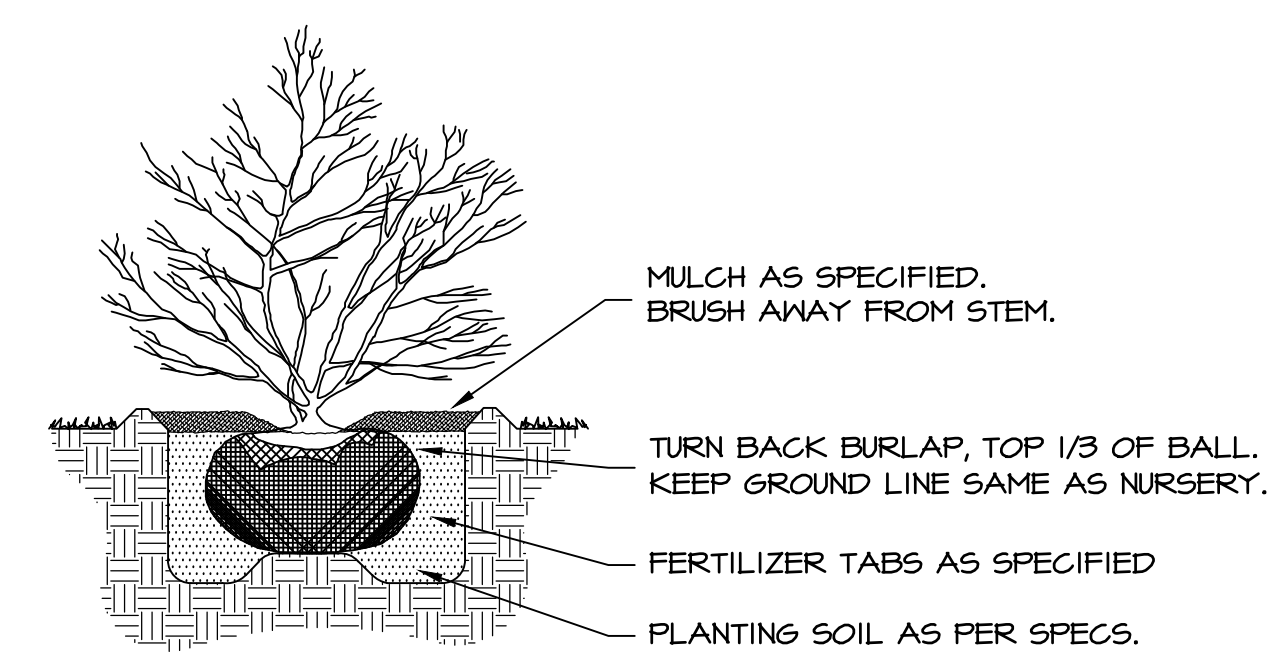
**PLANT SCHEDULE**

SYM	COMMON NAME	BOTANICAL NAME	SIZE
<b>EVERGREEN TREES</b>			
BS	HOOPS BLUE SPRUCE	PICEA PUNGENS 'HOOPSII'	6-8' HT B4B
MJ	MOONGLOW JUNIPER	JUNIPERUS SCOPLULORUM 'MOONGLOW'	6-8' HT B4B
VP	VANDERWOLFS PINE	PINUS FLEXILIS 'VANDERWOLFS'	6-8' HT B4B
<b>SHADE TREES (CLASS III)</b>			
RO	NORTHERN RED OAK	QUERCUS RUBRA	2" CAL B4B
<b>SHADE/STREET TREES (CLASS II)</b>			
CP	CLEVELAND SELECT PEAR	PYRUS CALLERYANA 'CLEVELAND SELECT'	2" CAL B4B
HL	SKYLINE HONEYLOCUST	GLEDITSIA TRIACANTHOS F. INERMIS 'SKYGOLE'	2" CAL B4B
GV	GREEN VASE ZELKOVA	ZELKOVA SERRATA 'GREEN VASE'	2" CAL B4B
PM	PACIFIC SUNSET MAPLE	ACER TRUNCATUM x A. PLATANOIDES 'WARRENRED'	2" CAL B4B
<b>ORNAMENTAL TREES (CLASS I)</b>			
PF	PRAIRIFIRE CRABAPPLE	MALUS x 'PRAIRIFIRE'	2" CAL B4B
<b>SHRUBS/ORNAMENTAL GRASSES/PERENNIALS</b>			
CR	RED FLOWER CARPET ROSE	ROSA 'FLOWER CARPET- NOARE'	3 GAL
DL	ENDLESSLY ORANGE DAYLILY	HEMEROCALLIS FULVA 'DHEMORANGE'	1 GAL
GL	GRO-LOW SUNAG	RHUS AROMATICA 'GRO-LOW'	5 GAL
HR	HUSKER RED PENSTEMON	PENSTEMON DIGITALIS 'HUSKER RED'	1 GAL
IH	IVORY HALO DOGWOOD	CORNUS ALBA 'BAILHALO'	5 GAL
KF	KARL FOERSTER REED GRASS	CALAMAGROSTIS ARUNDINACEA 'K.F.'	1 GAL
MP	SLOWMOUND MUGO PINE	PINUS MUGO 'SLOWMOUND'	3 GAL
RS	RUSSIAN SAGE	PEROVKSIA ATRIPLICIFOLIA	2 GAL
SP	SPILLED WINE WEIGELA	WEIGELA FLORIDA 'BOKRASPIKI'	3 GAL
VB	BLUE MUFFIN VIBURNUM	VIBURNUM DENTATUM 'CHRISTOM'	5 GAL



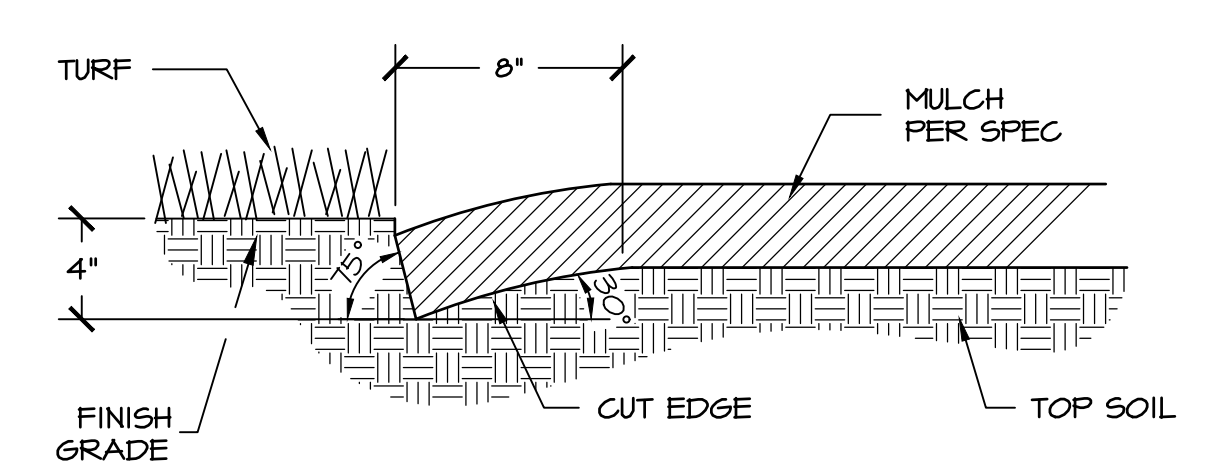
- NOTES:**
- REMOVE ALL TWINE, ROPE, OR BINDINGS FROM ALL TRUNKS.
  - REMOVE BURLAP AND WIRE BASKETS FROM THE TOP 1/3 OF ALL ROOT BALLS AFTER PLANTING. IF SYNTHETIC WRAP/BURLAP IS USED, IT MUST BE COMPLETELY REMOVED.
  - STAKING OF TREES TO BE THE CONTRACTOR'S OPTION; HOWEVER, THE CONTRACTOR IS RESPONSIBLE TO INSURE THAT ALL TREES ARE PLANTED STRAIGHT AND REMAIN STRAIGHT FOR A MIN OF 1 YEAR. ALL STAKING SHALL BE REMOVED AT THE END OF THE 1 YEAR WARRANTY PERIOD.
  - TREES PLANTED IN TURF AREAS: REMOVE TURF 3' DIA. FROM TREE TRUNK.

**1 TREE PLANTING/STAKING** NOT TO SCALE

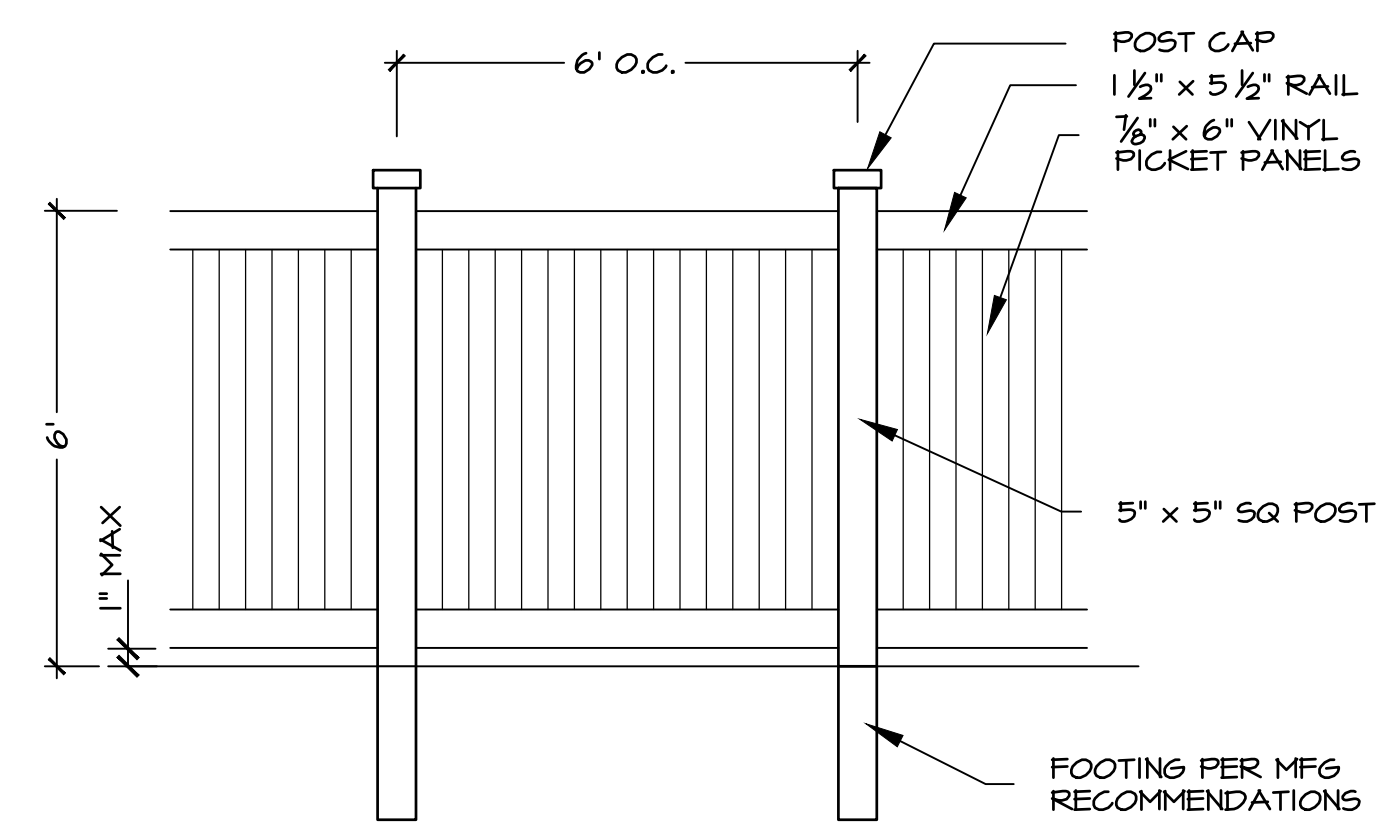


**NOTE:** DIG HOLE TWICE THE SIZE OF ROOTBALL.

**2 SHRUB PLANTING** NOT TO SCALE

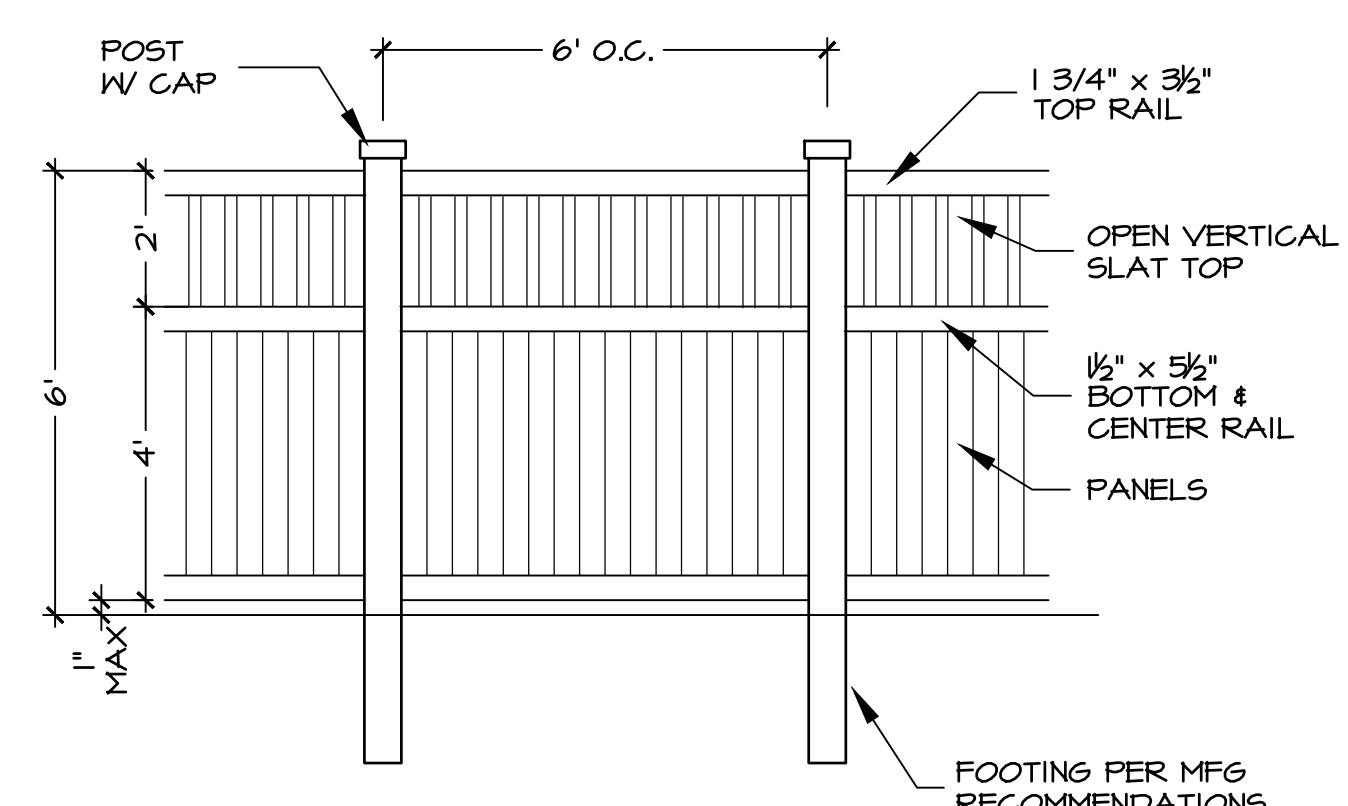


**3 PLANTER CUT BED EDGE** NOT TO SCALE



- NOTES:**
- VINYL FENCE STYLE MAY VARY SLIGHTLY.
  - FENCE TO STEP DOWN TO 3' HEIGHT 20' FROM ROW.
  - 6" WIDE ROCK MULCH MOW STRIP TO BE INSTALL AT BASE OF FENCE ON COMMON LOT/LANDSCAPE BUFFER SIDE.

**4 VINYL PRIVACY FENCE** NOT TO SCALE

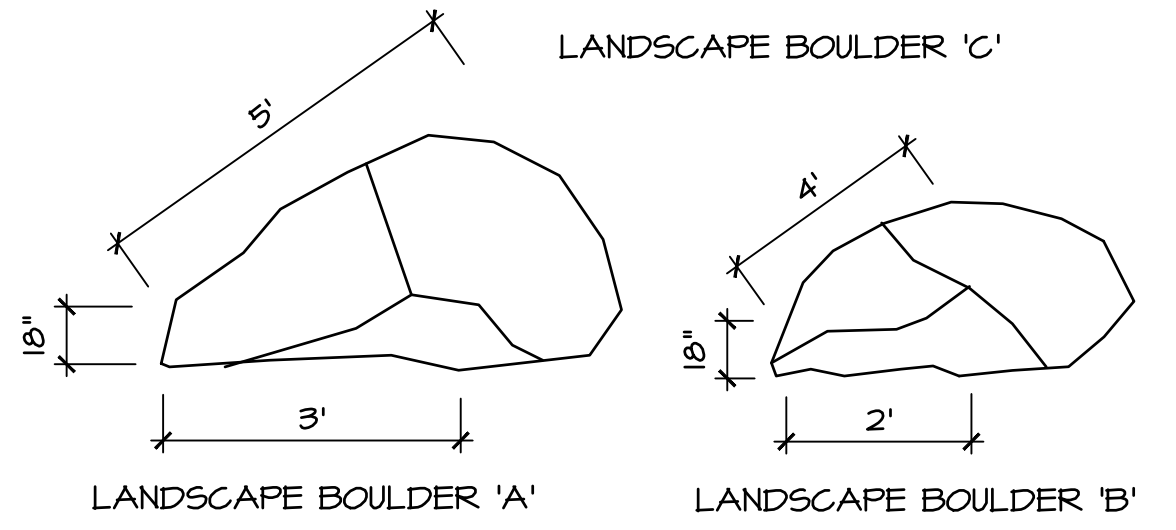


- NOTES:**
- VINYL FENCE STYLE MAY VARY SLIGHTLY.
  - FENCE TO STEP DOWN TO 3' HEIGHT 20' FROM ROW.
  - 6" WIDE ROCK MULCH MOW STRIP TO BE INSTALL AT BASE OF FENCE ON COMMON LOT/LANDSCAPE BUFFER SIDE.

**5 OPEN VISION VINYL SLAT TOP FENCE** NOT TO SCALE

**LANDSCAPE BOULDERS**

- APPROX. SIZE
- A 5' x 3'
  - B 4' x 2'
  - C 2' x 2'



- BOULDER NOTES:**
- PROVIDE/INSTALL LANDSCAPE BOULDERS. SIZES OF BOULDERS ARE APPROXIMATIONS. SELECTION OF BOULDERS SHALL BE APPROVED BY LANDSCAPE ARCHITECT PRIOR TO SITE DELIVERY. COORDINATE PLACEMENT OF BOULDERS WITH LANDSCAPE ARCHITECT.
  - BURY BOULDER APPROX. 1/3 OF DEPTH INTO GROUND WHEN FLAGGING.

**6 LANDSCAPE BOULDERS** NOT TO SCALE



**NOTES**

- ALL PLANTING AREAS SHALL BE INSTALLED BE IN ACCORDANCE WITH CITY OF STAR CODE. REFER TO SHEET L5 - SPEC SECTION 32 40 00 - LANDSCAPE SPECIFICATIONS.
- ALL PLANTING AREAS TO BE WATERED WITH AN AUTOMATIC UNDERGROUND IRRIGATION SYSTEM. REFER TO SHEET L5 - SPEC SECTION 32 84 00 - IRRIGATION PERFORMANCE SPECIFICATIONS.
- LOCATE AND PROTECT ALL UTILITIES DURING CONSTRUCTION.
- TREES SHALL NOT BE PLANTED WITHIN THE 10-FOOT CLEAR ZONE OF ALL ACHD STORM DRAIN PIPE, STRUCTURES, OR FACILITIES IN PARKSTRIPS. SEEPAGE BEDS MUST BE PROTECTED FROM ANY AND ALL CONTAMINATION DURING THE CONSTRUCTION AND INSTALLATION OF THE LANDSCAPE IRRIGATION SYSTEM. ALL SHRUBS PLANTED OVER OR ADJACENT TO SEEPAGE BEDS TO HAVE A ROOT BALL THAT DOES NOT EXCEED 18" IN DIAMETER. NO LAMN SOD TO BE PLACED OVER DRAINAGE SHALE SAND WINDOWS. ACHD STORMWATER BASINS AND SHALES SHALL BE LANDSCAPED ACCORDING TO THE 'ADA COUNTY HIGHWAY DISTRICT STORMWATER MANAGEMENT BASIN REVEGETATION GUIDANCE MANUAL' (OCTOBER 2017) IN APPENDIX D.
- NO TREES SHALL IMPEDE THE 40' VISION TRIANGLE AT ALL INTERSECTIONS. NO CONIFEROUS TREES OR SHRUBS OVER 3' HIGH AT MATURITY WILL BE LOCATED WITHIN SIGHT TRIANGLE OR ACHD ROW. AS TREES MATURE, THE OWNER SHALL BE RESPONSIBLE FOR PRUNING TREE CANOPIES TO MEET ACHD REQUIREMENTS FOR MAINTAINING CLEAR VISIBILITY WITHIN 40' STREET VISION TRIANGLE.
- TREES SHALL BE PLANTED NO CLOSER THAN 50' FROM INTERSECTION STOP SIGNS.
- CLASS II TREES AND LANDSCAPE IN FRONT OF BUILDING LOTS ON INTERIOR STREETS TO BE COMPLETED DURING CONSTRUCTION ON THESE LOTS. TREE LOCATIONS MAY BE ALTERED TO ACCOMMODATE DRIVENWAYS AND UTILITIES. TREES MUST BE CLASS II AND SHALL NOT BE PLANTED WITHIN 5' OF WATER METERS OR UNDERGROUND UTILITY LINES. **BOULDER SHALL BE REQUIRED TO INSTALL STREET TREES 5' FROM BACK OF SIDEWALKS EVERY 35' ADJACENT TO ALL BUILDABLE HOME LOTS PRIOR TO OCCUPANCY. FLEXIBILITY IN TREE PLACEMENT AND QUANTITIES TO BE GIVEN FOR DRIVEWAY AND UTILITY CONFLICTS.**
- PLANT LIST IS SUBJECT TO SUBSTITUTIONS OF SIMILAR SPECIES DUE TO PLANT MATERIAL AVAILABILITY. BURLAP AND WIRE BASKETS TO BE REMOVED FROM ROOT BALL AS MUCH AS POSSIBLE, AT LEAST HALFWAY DOWN THE BALL OF THE TREE. ALL NYLON ROPES TO BE COMPLETELY REMOVED FROM TREES.
- ALL EXISTING TREES ON SITE TO BE REMOVED.

**LANDSCAPE CALCULATIONS**

LOCATION	BUFFER WIDTH	LENGTH	REQUIRED	PROVIDED
STATE HIGHWAY 16	50'	320' / 35' =	9 TREES	38 TREES
NUMBER OF TREES PROVIDED ON BUFFERS:			38 TREES	
NUMBER OF TREES PROVIDED ON RESIDENTIAL PARKSTRIPS:			51 TREES	
NUMBER OF TREES PROVIDED ON COMMON LOTS:			21 TREES	
TOTAL NUMBER OF TREES:			110 TREES	





**FINDINGS OF FACT AND CONCLUSIONS OF LAW  
CALVARY CHAPEL CONDITIONAL USE PERMIT  
FILE NO. CU-23-08**

The above-entitled Conditional Use Permit land use applications came before the Star City Council for their action on January 16, 2024, at which time public testimony was taken and the public hearing was closed. The Star City Council, having requested and taken oral and written testimony, and having duly considered the matter, does hereby make the following Findings of Fact and Conclusions of Law.

**Procedural History:**

*A. Project Summary:*

The Applicant is requesting approval of a Conditional Use Permit for a Church Facility that includes retail space and a drive through restaurant. The property is located at the northwest corner of Hwy 16 and Floating Feather Road in Star, Idaho and consists of 17.21 acres. The subject property is generally located between Hwy 16 and N. Pollard Lane, north of W. Floating Feather Road in Star, Idaho. Ada County Parcel Number S0404438620.

*B. Application Submittal:*

A neighborhood meeting was held on November 27, 2023, in compliance with the application submittal requirement of the Star Unified Development Code (Section 8-1 A-6 C). The Land Use application was deemed complete on December 18, 2023.

*C. Notice of Public Hearing:*

Notice of Public Hearing on the application for the City of Star Council was published in accordance with the requirements of Title 67, Chapter 65, Idaho Code and the Star Unified Development Code on December 20, 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 December 18, 2023. Notice was sent to agencies having jurisdiction in the City of Star on December 18, 2023. The property was posted in accordance with the Star Unified Development Code on January 4, 2024.

*D. History of Previous Actions:*

June 16, 2020 Council approved the Annexation and Zoning (AZ-20-03), Preliminary Plat and Planned Unit Development (PUD-20-02) and Development Agreement (DA-20-12) for the Rosti Farms Subdivision, being marketed as Heirloom Ridge Subdivision.

E. *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>	Residential (R-3-PUD-DA)	Estate Urban Residential/Commercial	Vacant Land
<b>Proposed</b>	Residential (R-3-PUD-DA)	Estate Urban Residential/Commercial	Church/Coffee Shop
<b>North of site</b>	Residential (R-1PUD-DA) Mixed Use (MUPUD-DA)	Low Density Residential/Mixed Use	Magnolia Subdivision/Josh Kinney Mixed Use
<b>South of site</b>	Residential (R-3-PUD-DA)	Estate Urban Residential	Rosti Farms Subdivision
<b>East of site</b>	Residential (R-1)	City of Eagle	Hwy 16/City of Eagle
<b>West of site</b>	Residential (R-3-PUD-DA)	Estate Urban Residential	Rosti Farms Subdivision

F. *Development Features.*

**CONDITIONAL USE PERMIT:**

The Applicant is requesting approval of a Conditional Use Permit to construct a church campus at the northwest corner of Highway 16 and Floating Feather Road. The Applicant is proposing to build out the campus in phases with the first phase consisting of a worship facility, a church office building and a church run coffee shop with a drive through. When demand requires additional facilities, a new Sanctuary and children’s ministry building would be constructed. When that takes place the phase 1 worship facility would become a fellowship hall. Access to the site is proposed via existing access of N. Worsley Avenue to the west of the property. This is an existing roadway connecting to Floating Feather Road. The Applicant is currently working with ACHD on additional access points. An emergency access would be on the northwest corner of the property through the adjacent neighborhood via W. Virginia City Drive. This access is proposed to have bollards or gates, as approved, to restrict non-emergency access.

The Applicant is proposing the following building sizes and uses which will each have unique parking requirements. The Phase one church building has the capacity for 1800 seats. Section 8-4B-3 of the Unified Development Code calls for 1 parking space for every 5 seats. Phase one church building will require 360 parking stalls.

The retail coffee shop is proposed to be approximately 5,500 square feet. The UDC calls for one parking space for every 200 square feet of gross floor area. The coffee shop will require 27.5 parking stalls. The drive-through requires queue space for five cars. The proposed concept site plan appears to provide five or more car lengths in the drive through lane.

The proposed office building is approximately 5,200 square feet in size. The code calls for one parking space for every 250 square feet of gross floor area. This building will require 20.8 parking stalls.

The proposed storage building is approximately 7,500 square feet in size. The code calls for one parking space for every 1,000 square feet of gross floor area. The storage building will require 7.5 stalls.

The total parking requirement for the project is 427 parking stalls, 9 of which should be ADA. The Applicant is proposing 493 parking stalls, 12 of which are ADA. This satisfies the parking requirements in the Unified Development Code. The site plan shows the parking stalls as 9 feet wide and 20 feet long, which complies with code requirements. The site plan also shows the drive aisles to be a minimum of 24 feet wide. Section 8-4B-3 states that "all drive aisles adjacent to a building shall be a minimum of 25 feet unless the building is 30 feet in height or greater, at which point the drive aisle shall be 26 feet or as otherwise approved by the Fire District." The Applicant will need to provide 25 feet in front of the storage building and the two retail buildings as they currently show as 24 feet. The drive aisle along the main church buildings are proposed at 30 feet, satisfying the code requirements.

The Applicant is proposing the building be a modern farmhouse style with exterior finishes to include board and batten siding, cedar wood accents, EIFS/Stucco and manufactured stone. The proposed building's maximum height is 35 feet. The Applicant has provided color renderings showing each elevation. This design will require approval through a Certificate of Zoning Compliance to include a review from the Design Review Committee.

The applicant has not asked for any setback waivers and the site plan is compliant with the required Residential (R-3) setbacks.

As required by the Unified Development Code, Chapter 8, Section 8-8C-2-M (2) Street Trees; A minimum of one street tree shall be planted for every thirty-five (35) linear feet of street frontage. The applicant shall use "Treasure Valley Tree Selection Guide", as adopted by the Unified Development Code. The Applicant has provided a landscape plan that appears to meet these requirements. The Applicant is also proposing three open spaces and a walking path along the perimeter of the property. The Applicant is also proposing a solid privacy fence along the property. The proposed landscape plan appears to satisfy the requirements of the UDC.

One area of the property that will need consideration is the piece that has been set aside as right of way for the highway district. Staff advised the Applicant to plan on that area being used for future roadway access, which they did. If that land is not used in the future and goes back to the Applicant, the landscape plan will need to be adjusted to include this piece.

**The Applicant has not provided a lighting plan for the site or building. This will be required prior to issuing a building permit, for review and approval by Staff.** All lighting shall be downward facing and Dark Sky like compliant to avoid any fugitive light to the neighboring properties.

H. *On-Site Features:*

- ✪ Areas of Critical Environmental Concern – No known areas.
- ✪ Evidence of Erosion – No known areas.
- ✪ Fish Habitat – No known areas.
- ✪ Mature Trees – None.
- ✪ Riparian Vegetation – None.
- ✪ Steep Slopes – None.
- ✪ Stream/Creek – No.
- ✪ Unique Animal Life – No unique animal life has been identified.
- ✪ Unique Plant Life – No unique plant life has been identified.
- ✪ Unstable Soils – No known issues.
- ✪ Wildlife Habitat – No wildlife habitat has been developed or will be destroyed.
- ✪ 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	December 15, 2023
ACHD	January 5, 2024
ITD	January 8, 2024

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

Jennifer Meiners  
Josh Kinney

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

**Comprehensive Plan:**

8.2.3 Land Use Map Designations:

Estate Urban Residential

Suitable primarily for single family residential use. Densities in this land use area are a maximum of 3 dwelling 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 immediately adjacent to existing residential lots of greater than one acre where those existing larger lots are not likely to be subdivided in the future. Clustering is allowed to preserve open space.

### 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.
- Work to create a vibrant Central Business District.
- 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.

### 8.5.3 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.
- D. High Density residential uses should be located in close proximity to commercial centers located near highway corridors and on upper floors within the Central Business District land use area. High Density residential uses otherwise should not be dispersed throughout the community and should not be located along the Boise River.
- E. High Density residential may be limited to ensure compatibility and transition between uses adjacent to the site.

- F. High Density residential design specifications may include increased setbacks for multi-story buildings and increased landscape buffers.

8.5.9 Additional Land Use Component Policies:

- Encourage flexibility in site design and innovative land uses.
- Encourage landscaping to enhance the appearance of subdivisions, structures, and parking areas.
- Require more open space and trees in subdivisions.
- Work with Ada County Highway District (ACHD), Canyon Highway District #4 (CHD4), and Idaho Department of Transportation (ITD) for better coordination of roadway and access needs.
- Support well-planned, pedestrian-friendly developments.
- Dark sky provision should be adopted within the code to assure down style lighting in all developments and Star should consider joining the International Dark Sky Association.
- The City should utilize the 2018 Treasure Valley Tree Selection Guide when requiring trees within developments.

**Unified Development Code:**

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

The following zoning districts are hereby established for the interpretation of this title, the zoning districts have been formulated to realize the general purposes as set forth in this title. In addition, the specific purpose of each zoning district shall be as follows:

ESTATE URBAN RESIDENTIAL: Suitable primarily for single family residential use. Densities in this land use area are a maximum of 3 dwelling 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 immediately adjacent to existing residential lots of greater than one acre where those existing larger lots are not likely to be subdivided in the future. Clustering is allowed to preserve open space.

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

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

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

(N) uses.

<b>ZONING DISTRICT USES</b>	<b>R</b>
Church or place of religious worship	<b>C</b>

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

Zoning District	Maximum Height Note Conditions	Minimum Yard Setbacks Note Conditions			
		Front (1)	Rear	Interior Side	Street Side
R-3	35'	15' to living area/side load garage 20' to garage face	15'	7.5' <sup>(2)</sup>	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. 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.

**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.

**8-1B-4E. 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.

**8-5-11: CHURCH OR PLACE OF RELIGIOUS WORSHIP:**

Uses that are accessory to churches or other places of religious worship, such as schools, child daycare services, meeting facilities for clubs and organizations, and other similar uses not operated primarily for the purpose of religious instruction, worship, government of the church, or the fellowship of its congregation may be permitted to the extent the activity is otherwise permitted in the district.

Churches conducting activities outside the normal church events are required to complete a temporary use permit stating when and where the activity will take place and who will be in charge of the activity.

**8-1B-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 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 or purpose.*

- 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 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 finds 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 finds that the proposed use can 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 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 not received notice from any agency having jurisdiction stating that this application will create excessive additional costs for the public facilities and services as the development will pay for all changes in services.*

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.*

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.*

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

- a. A public hearing on the application was heard by the City Council on January 16, 2024, at which time testimony was heard and the public hearing was closed, and the Council made their decision at that time.
- b. Oral testimony regarding the application was presented to the City Council by:
  - Shawn L Nickel, City Planning Director gave Staff Presentation

- James Marsh
- Todd Collins
- David Ax
- Josh Kinney
- Kelli Kinney
- Michael Keyes
- Ryan Hammons
- Ryan Morgan, City Engineer

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

Todd Collins

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

The Council reviewed the particular facts and circumstances of this proposed conditional use permit application in accordance with the City of Star Title 8 (Unified Development Code), deliberated on the matter, resulting in review of the record, including the staff report, and discussions on the proposed land use. Review and discussion included site plan/layout, access and circulation, pedestrian pathways, fencing, landscape buffering, cross-access and lighting. The Council included Staff recommended conditions of approval and added additional conditions to address these concerns. Council concluded that the Applicant's request, as conditioned, meets the requirements for conditional use. Council hereby incorporates the staff report dated January 16, 2024 into the official decision as part of these Findings of Fact, Conclusions of Law.

### **Statement of Compliance:**

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

Council included the following additional conditions of approval as part of the approval of this application request:

- **Work with neighboring property owner to the north on pedestrian pathway connection across irrigation canal**
- **Fencing to be determined by the Applicant**
- **City of Star will work with ITD on a potential frontage road connection to the north. The Applicant agrees to work with the City and neighboring property owner on any roadway connections, including potential easements.**

### Conditions of Approval:

1. The approved Conditional Use shall comply with all statutory requirements of applicable agencies and districts having jurisdiction in the City of Star.
2. 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 lighting plan and design that meets city standards prior to Building Permit being issued.**
3. **A Certificate of Zoning Compliance will be required prior to the start of construction, to include review and approval of the structures by the Design Review Committee.**
4. **The Applicant shall meet all the requirements for the Ada County Highway District (ACHD) prior to certificate of occupancy.**
5. **The Applicant shall provide a letter from the Star Postmaster approving the location of the mailboxes for the new buildings, prior to signing the final plat.**
6. The property shall be satisfactorily weed abated, preventing a public nuisance, per Star City Code.
7. A plat note supporting the "Right to Farm Act" as per Idaho Code Title 22, Chapter 45, shall be shown on the Final Plat.
8. Pressurized irrigation systems shall comply with the Irrigation District(s) and the City of Star Codes. Plans for pressurized irrigation systems shall be submitted to, and approved by the City of Star Engineer, prior to installation.
9. A form signed by the Star Sewer & Water District shall be submitted to the City prior to issuance of building permit stating that all conditions of the District have been met, including annexation into the District.
10. 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.**
11. The applicant shall obtain all the proper building permits from the City Building Department prior to occupancy of the unit.
12. The Conditional Use Permit may be revoked or modified by the City Council for any violation of any Condition of Approval.
13. The applicant shall obtain a sign permit prior to any signage being placed on the site or building.
14. Any additional Condition of Approval as required by Staff and City Council.
15. Any Conditions of Approval as required by Star Fire Protection District.

### Council Decision:

The Council voted 3-0 (Salmonson absent) to approve the Conditional Use for Calvary Chapel on January 16, 2024.

Dated this 21st day of February, 2024.

Star, Idaho

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

ATTEST:

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

**FINDINGS OF FACT AND CONCLUSIONS OF LAW  
KEELY LIVE-WORK  
FILE NO. RZ-23-04/DA-23-06/CU-23-07**

The above-entitled Rezone, Development Agreement and Conditional Use Permit land use applications came before the Star City Council for their action on February 6, 2024, at which time public testimony was taken and the public hearing was closed. The Star City Council, having requested and taken oral and written testimony, and having duly considered the matter, does hereby make the following Findings of Fact and Conclusions of Law.

**Procedural History:**

*A. Project Summary:*

The Applicant is requesting approval of a Rezone (R-1 to CBD), a Development Agreement and Conditional Use Permit for two, 4700 square foot Live/Work units. The property is located at 856 S. Star Road, Star, Idaho and consists of .909 acres. The subject property is generally located on the east side of S. Star Road at address 856 S. Star Road in Star, Idaho. Ada County Parcel Number R1842701822.

*B. Application Submittal:*

A neighborhood meeting was held on November 13, 2023, in compliance with the application submittal requirement of the Star Unified Development Code (Section 8-1 A-6 C). The Land Use application was deemed complete on December 7, 2023.

*C. Notice of Public Hearing:*

Notice of Public Hearing on the application for the City of Star Council was published in accordance with the requirements of Title 67, Chapter 65, Idaho Code and the Star Unified Development Code on December 20, 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 December 18, 2023. Notice was sent to agencies having jurisdiction in the City of Star on December 7, 2023. The property was posted in accordance with the Star Unified Development Code on January 4, 2024.

*D. History of Previous Actions:*

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

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

	<b>Zoning Designation</b>	<b>Comp Plan Designation</b>	<b>Land Use</b>
<b>Existing</b>	Residential (R-1)	Central Business District (CBD)	Single-family residential w/pasture
<b>Proposed</b>	Central Business District (CBD)	Central Business District (CBD)	Live/Work units
<b>North of site</b>	Residential (R-1)	Central Business District (CBD)	Single-family residential w/pasture
<b>South of site</b>	Residential (R-1)	Central Business District (CBD)	Single-family residential w/pasture
<b>East of site</b>	Residential (R-1)	Central Business District (CBD)	Single-family residential w/pasture
<b>West of site</b>	Commercial (C-1)	Central Business District (CBD)	Professional Offices

F. *Development Features.*

**REZONE:**

The rezone request from Residential (R-4) to Central Business District (CBD) on the applicant’s property will allow for the development of the property in a manner that will be consistent with the current Comprehensive Plan Map. Sewer and Water will be provided by the Star Sewer and Water District and is in close proximity to the property. Annexation into the Sewer and Water District will be required.

**CONDITIONAL USE PERMIT:**

The applicant is requesting approval of a Conditional Use Permit to construct two, 4,700 square foot live/work buildings. Each proposed building will consist of two residential units upstairs with two commercial units downstairs. Each residential unit is proposed to have two bedrooms and two baths with kitchen and great room. The commercial units are proposed to be open area with an ADA compliant bathroom in each unit. Each residential unit will be accessed by external stairs.

Access will be taken from S. Star Road, directly to the property along the northern edge of the parcel. To utilize this access, the Applicant will need to close their existing access to S. Star Road for the current residence and all access will utilize this new, northern ingress/egress.

The Applicant is proposing approximately 2,300 square feet of commercial space on the main level with two living residences on the second level. Section 8-4B-3 of the Unified Development Code requires one parking space for every 250 square feet of commercial space. Each proposed



building will require 9 parking spaces for commercial use. Each residential unit will require two spaces, one of which must be covered. The Applicant is proposing 22 total parking spaces for both buildings, with four covered, satisfying the required number of parking spaces as required by the UDC. The proposed site plan only calls out one ADA parking spot. **Each building shall have one space designated as ADA.**

Section 8-4B-2 of the UDC requires all parking stalls to be a minimum of nine feet (9') wide and twenty feet (20') deep. The proposed site plan calls out the appropriate dimensions to satisfy this requirement.

The Unified Development Code, Section 8-4B-2 states that all drive aisles adjacent to a building shall be a minimum of twenty-five wide (25') or as required by the fire code, unless the building is thirty feet (30') in height or greater, at which point the drive aisle shall be twenty-six feet (26') wide or as otherwise approved by the Fire District. The Applicant is proposing a twenty-six foot (26') wide drive aisle along the northern edge of the property and a twenty-five foot (25') wide drive aisle between the two proposed buildings which satisfies the requirement for minimum drive aisle width.

**The applicant has provided exterior elevations and color renderings that will need to be reviewed by the Design Review Committee, as part of the Certificate of Zoning Compliance process, for approval.**

Section 8-3A-4 of the UDC requires "All setbacks in the CBD . . . zone shall maintain a minimum 15' when adjacent to a residential use or zone." The applicant is requesting a ten foot (10') setback on the southern edge of the property in order to provide the required number of parking spaces and drive aisle width. In addition, the applicant is proposing a detached covered parking area along the eastern boundary of the property that will be within the required setback. Staff is supportive of these requests given the propensity for future development of the southern and eastern parcels and that no vehicle traffic will be along the southern property boundary and the eastern boundary is against adjacent pasture area. All other CBD setback requirements will be met.

As required by the Unified Development Code, Chapter 8, Section 8-8C-2-M (2) Street Trees; A minimum of one street tree shall be planted for every thirty-five (35) linear feet of street frontage. The applicant shall use "Treasure Valley Tree Selection Guide", as adopted by the Unified Development Code. **The Applicant has not provided a proper landscape plan that meets Code requirements. This will be required prior to final approval and will be part of the Design Review/CZC process. The landscape plan should give attention to residential neighbors.**

The Applicant is proposing to pave the driveway and all drive aisles.

**The Applicant has not provided a lighting plan for the site or building. This will be required prior to issuing a building permit and will be part of the Design Review/CZC process.** All lighting shall be downward facing and Dark Sky like compliant to avoid any fugitive light to the neighboring properties.

**EXISTING DWELLING AND CBD REZONE:**

The applicant is proposing to rezone the entire property as CBD and keep the existing residential use on the house adjacent to Star Road. The intent is to split the residential use from the live/work uses and continue to use the residential dwelling until a future date, when the home will be either converted or redeveloped as commercial. The applicant has submitted an administrative lot split application that will be processed once the rezone is completed.

**DEVELOPMENT AGREEMENT:**

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

- Approved Commercial Use
- Future Development
- ITD Proportionate Share

The Development Agreement may also contain additional items as directed by the City Council as part of the review and approval process.

H. *On-Site Features:*

- ✪ Areas of Critical Environmental Concern – No known areas.
- ✪ Evidence of Erosion – No known areas.
- ✪ Fish Habitat – No known areas.
- ✪ Mature Trees – Yes, will not be impacted by proposed project.
- ✪ Riparian Vegetation – None.
- ✪ Steep Slopes – None.
- ✪ Stream/Creek – No.
- ✪ Unique Animal Life – No unique animal life has been identified.
- ✪ Unique Plant Life – No unique plant life has been identified.
- ✪ Unstable Soils – No known issues.
- ✪ Wildlife Habitat – No wildlife habitat has been developed or will be destroyed.
- ✪ Historical Assets – No historical assets have been observed.

I. *Agencies Responding:*

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

ACHD	December 22, 2023
City Engineer	February 1, 2024
Fire District	December 22, 2023

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

None

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

**Comprehensive Plan:**

8.2.3 Land Use Map Designations:

Central Business District

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

8.3 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.
- Work to create a vibrant Central Business District.
- 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.

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

- A. The CBD zoning district should allow for a mix of commercial, office, institutional, and civic type uses with specific provisions for residential use in appropriate locations with compatible densities.
- B. High density residential is suitable within the CBD in mixed use buildings with commercial or office type uses on the first floor and high density residential on upper floors.
- C. Main Street, generally south of Tempe Lane extended, consists of several lots which are about one acre in size created by "Dixon Subdivision" almost a century ago. Many of the existing home sites on these lots are rural in nature, including farm animals. As redevelopment of this area occurs, a transition consisting of a compatible mix of lower intensity commercial and office type uses mixed with residential should be encouraged. This Main Street area needs to be studied to provide for special care guiding future development understanding that the rights consisting of the existing rural use of residential lots are not to be infringed. Furthermore, Main Street is to be studied for the provision of traffic calming measures and to provide for a connection for horseback riders to access an equestrian trail which should be planned along the Boise River.
- D. The city should develop a street improvement plan for the CBD identifying drainage and street improvements with a functional grid system and use public private partnerships to assure the system is built and that "ad hoc" development of parcels within the CBD do not block good planning.
- E. The city should develop a downtown grid system, in part, planning for the easterly extension of Tempe Lane and easterly extension of West First Street to help provide better downtown access and parking facilities.
- F. The east west public road from the Heron River Development, south of the LDS Church on Main Street, should be extended to Star Road.
- G. Implement, review, and update the 2011 Star Downtown Revitalization Plan for development strategies within the plan intended to stimulate development within the CBD.
- H. As recommended in the 2011 Star Downtown Revitalization Plan, the city should create an Urban Renewal District to stimulate development within the CBD.
- I. The city should encourage assemblage of the smaller properties where appropriate.

J. The “floodway” lands abutting the CBD land use designation, all as shown in the Comprehensive Plan Land Use Map, should continue to be developed as park space supporting activities integral to the economic and “Live, Work, Play” ambiance planned for the CBD.

K. Main city service facilities should be located in the CBD and should all be south of State Highway 44 clustered into a “City Services Campus”. That includes the City Hall, Library, Post Office, Emergency Services, Department of Motor Vehicles, and other related facilities.

L. Big Box commercial, generally a single-story single use building over 50,000 square feet, should not be permitted within the CBD and any single-story single use building which is large in scale, such as approaching the 50,000 square foot size, should be located to front on Highway 44 or Star Road.

8.5.9 Additional Land Use Component Policies:

- Encourage flexibility in site design and innovative land uses.
- Encourage landscaping to enhance the appearance of subdivisions, structures, and parking areas.
- Require more open space and trees in subdivisions.
- Work with Ada County Highway District (ACHD), Canyon Highway District #4 (CHD4), and Idaho Department of Transportation (ITD) for better coordination of roadway and access needs.
- Support well-planned, pedestrian-friendly developments.
- Dark sky provision should be adopted within the code to assure down style lighting in all developments and Star should consider joining the International Dark Sky Association.
- The City should utilize the 2018 Treasure Valley Tree Selection Guide when requiring trees within developments.

18.4 Implementation Policies:

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

**Unified Development Code:**

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

B. Standards:

1. The subject property shall meet the minimum dimensional standards of the proper district.
2. The city may require a development agreement in conjunction with the annexation and zoning, or rezone, pursuant to Idaho Code section 67-6511A, which may include a concept plan.

In addition to other processes permitted by city and state code, exceptions or waivers of standards, other than use, may be permitted through execution of a development agreement. A development agreement and concept plan shall be required for any rezone to a mixed-use zone, high density zone or land which includes steep slope (land over 25%) or floodway.

3. The termination of a development agreement shall result in the reversal of the official zoning map amendment approval and applicable development approval for any undeveloped portion of property subject to the development agreement. The undeveloped property subject to the development agreement shall be rezoned to the district classification as designated by the development agreement. When no designation is provided, the property shall revert to its original zoning or, if the original designation no longer exists, to the closest current equivalent zoning as determined by the current Comprehensive Plan Land Use Map designation.

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

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

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

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

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

The following zoning districts are hereby established for the interpretation of this title, the zoning districts have been formulated to realize the general purposes as set forth in this title. In addition, the specific purpose of each zoning district shall be as follows:

CENTRAL BUSINESS DISTRICT: To provide for commercial, retail, civic, office, and entertainment



uses. High density housing is encouraged on the upper floors of mixed-use buildings and may also be allowed at the fringes of the land use designation shown on the comprehensive plan. Live/work designed development is also encouraged in this district. Developments in this district are to place an emphasis on pedestrian and bicycle access and compatibility. Special emphasis shall be placed on development in the central downtown area to encourage and create a vibrant, walkable downtown community that incorporates the Boise River as an active amenity.

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

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

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

ZONING DISTRICT USES	CBD
Live/Work Multi-Use	C

Notes:

1. Indicates uses that are subject to specific use standards in accord with chapter 5 of this title.

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

Zoning District	Maximum Height Note Conditions	Minimum Yard Setbacks Note Conditions			
		Front (1)	Rear	Interior Side	Street Side
CBD	35'	0'	0'	0' <sup>4</sup>	0'

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.

**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.

**8-1B-4E. 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.

#### **8-5-17: LIVE/WORK UNIT:**

##### General Standards:

1. Live/Work units are allowed in the Mixed Use (MU) and Central Business District (CBD) zoning districts.
2. The commercial component of live/work is intended for use by the following occupations: accountants, architects, artists and artisans, attorneys, computer software and multimedia related professions, consultants, engineers, fashion, florist and greens, designers, hair stylists and barbers, insurance, real estate, one-on-one instructors, or similar uses. The Council may authorize other similar uses using reasonable discretion, as long as such other uses are allowed within the base zone and not otherwise precluded by law.
3. Live/work units must be attached. Residential areas are permitted above the commercial component, to the side or in the rear of the business component.
4. The commercial component shall be primarily operated within the unit, but may be also conducted in the yard, provided it meets all further requirements of this title.

- 5. The external access for the commercial component shall be oriented to the street and should have at least one external entrance/exit separate from the living space. The entrance to the business component shall be located on the ground level. Access to the commercial component of each live/work unit shall be clearly separate from the common walkways or entrances to the other residential units within the development, or other residential units in adjacent developments;
- 6. The commercial use shall not generate external noise, odor, glare, vibration or electrical interference detectable to the normal sensory perception by adjacent neighbors;
- 7. No explosive, toxic, combustible or flammable materials in excess of what would be allowed incidental to normal residential use shall be stored or used on the premises.
- 8. The commercial component as designated on the floor plan approved through the conditional use permit shall remain commercial and cannot be converted to residential use. The residential component may be converted to a commercial use in the CBD zoning district upon approval of a new application.

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

- 1. The map amendment complies with the applicable provisions of the Comprehensive Plan.
  - The Council finds that the purpose of the Star Comprehensive Plan is to promote the health, safety, and general welfare of the people of the City of Star and its Impact Area. Some of the prime objectives of the Comprehensive Plan include:*
    - ✓ *Protection of property rights.*
    - ✓ *Adequate public facilities and services are provided to the people at reasonable cost.*
    - ✓ *Ensure the local economy is protected.*
    - ✓ *Encourage urban and urban-type development and overcrowding of land.*
    - ✓ *Ensure development is commensurate with the physical characteristics of the land.*
  - The goal of the Comprehensive Plan for Land Use is to encourage the development of a diverse community that provides a mixture of land uses, housing types, and a variety of employment options, social and recreational opportunities, and where possible provides an assortment of amenities within walking distance of a residential development. The City must find compliance with the Comprehensive Plan. The Council finds that this rezone is in compliance with the Comprehensive Plan.*
- 2. The map amendment complies with the regulations outlined for the proposed district, specifically, the purposes statement.
  - The Council finds that the proposal complies with the proposed district and purpose statement. The purpose of the central business district is to provide for commercial, retail, civic, office, and entertainment uses. Council finds that this request is consistent*

*with the statement.*

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

*The Council finds that there is no indication from the material and testimony submitted that the rezoning of this property will be materially detrimental to the public health, safety or welfare.*

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

*The Council finds that the City has not been presented with any information from agencies having jurisdiction that public services will be adversely impacted other than traffic, which will continue to be impacted as the City grows. Emergency services were reviewed and mitigation recommended by the Star Fire District.*

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

*The Council finds the majority of the property is already annexed. The annexation and rezone request proposed is reasonably necessary for the continued, orderly development of the City.*

**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 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 or purpose.*

- 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 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 finds 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 finds that the proposed use can 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 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 not received notice from any agency having jurisdiction stating that this application will create excessive additional costs for the public facilities and services as the development will pay for all changes in services.*

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.*

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.*

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

a. A public hearing on the application was heard by the City Council on February 6, 2024, at which time testimony was heard and the public hearing was closed, and the Council made their decision at that time.

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

- Shawn L Nickel, City Planning Director gave Staff Presentation
- Clint Keely
- Heidi Preige
- Susan Avis
- Micki Openshaw

- Ryan Morgan, City Engineer/Star Sewer & Water District

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

None

**Deliberations and Conclusions of Law:**

The Council reviewed the particular facts and circumstances of this proposed rezone and conditional use permit application in accordance with the City of Star Title 8 (Unified Development Code), deliberated on the matter, resulting in review of the record, including the staff report, and discussions on the rezone and proposed land use. Review and discussion included site plan/layout, access and circulation, setbacks, lighting and fencing. The Council included Staff recommended conditions of approval and added additional conditions to address these concerns. Council concluded that the Applicant’s request, as conditioned, meets the requirements for rezone and conditional use. Council hereby incorporates the staff report dated February 6, 2024 into the official decision as part of these Findings of Fact, Conclusions of Law.

**Statement of Compliance:**

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

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

1. The applicant shall provide solid fencing along the entire eastern property line to address neighbor concerns with lights and buffering.
2. All lighting shall meet the City’s Dark Sky standards, including downward lighting.
3. Applicant shall meet all requirements from the City Engineer letter, dated 2/6/24.

**Conditions of Approval:**

1. The approved Conditional Use shall comply with all statutory requirements of applicable agencies and districts having jurisdiction in the City of Star.
2. 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.**
3. **A Certificate of Zoning Compliance will be required prior to the start of construction.**
4. **The Applicant shall meet all the requirements for the Ada County Highway District (ACHD) prior to certificate of occupancy.**

- 5. **The Applicant shall receive approval from the Flood Plain Administrator and complete the necessary paperwork for building in a special flood hazard area prior to issuing the building permit.**
- 6. The property shall be satisfactorily weed abated, preventing a public nuisance, per Star City Code.
- 7. Pressurized irrigation systems shall comply with the Irrigation District(s) and the City of Star Codes. Plans for pressurized irrigation systems shall be submitted to, and approved by the City of Star Engineer, prior to installation.
- 8. A form signed by the Star Sewer & Water District shall be submitted to the City prior to issuance of building permit stating that all conditions of the District have been met, including annexation into the District.
- 9. 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.**
- 10. The applicant shall obtain all the proper building permits from the City Building Department prior to occupancy of the building.
- 11. The Conditional Use Permit may be revoked or modified by the City Council for any violation of any Condition of Approval.
- 12. The applicant shall obtain a sign permit prior to any signage being placed on the site or building.
- 13. Any additional Condition of Approval as required by Staff and City Council.
- 14. Any Conditions of Approval as required by Star Fire Protection District.

**Council Decision:**

The Council voted 4-0 to approve the Rezone, Development Agreement, and Conditional Use for Keely Live-Work on February 6, 2024.

Dated this 20th day of February, 2024.

Star, Idaho

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

ATTEST:

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

## LEGAL NOTICE PUBLIC HEARING

Notice is hereby given that the Star City Council will hold a Public Hearing on **October 3, 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:** Starpointe Subdivision Phase Two  
Files #'s AZ-23-03 Annexation/Zoning  
DA-21-09 (MOD) Development Agreement Modification  
PP-23-02 Preliminary Plat  
PR-23-02 Private Street  
PP-21-10 (Amended) Amended Preliminary Plat Starpointe Subdivision

**Representative:** Teller Bard, Kimley-Horn

**Owner/Applicant:** W. West Development LLC & GHW Holdings, LLC/Criterion Land Management, LLC

**Action:** The Applicant is requesting approval of an Annexation and Zoning (R-4), a Development Agreement Modification, a Preliminary Plat for a proposed residential subdivision consisting of 12 residential lots and 2 common lots, a private street and an amendment to the original Starpointe Subdivision Preliminary Plat. The property is located at 6777 and 6825 N. Star Road in Star, Idaho, and consists of 3.08 acres with a proposed density of 3.08 dwelling units per acre.

**Property Location:** The subject property is generally located on the west side of N. Star Road between Hwy 20/26 (Chinden Blvd) and W. Joplin Road. Ada County Parcel No's. S0419449020 & S0419417750.

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

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

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



**CITY OF STAR**

**LAND USE STAFF REPORT**

**TO:** Mayor & Council

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

**MEETING DATE:** **February 20, 2024 – PUBLIC HEARING (originally tabled from October 3, 2023)**

**FILE(S) #:** AZ-23-03 Annexation/Zoning  
 DA-21-09 (MOD) Development Agreement Modification  
 PP-23-02 Preliminary Plat for **Starpointe Subdivision Phase Two**  
 PR-23-02 Private Street  
 PP-21-10 (Amended) Amended Preliminary Plat Starpointe Subdivision

**OWNER/APPLICANT/REPRESENTATIVE**

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

**Request:** The Applicant is requesting approval of an Annexation and Zoning (R-4), a Development Agreement Modification, a Preliminary Plat for a proposed residential subdivision consisting of 12 residential lots and 2 common lots, a private street and an amendment to the original Starpointe Subdivision Preliminary Plat. The property is located at 6777 and 6825 N. Star Road in Star, Idaho, and consists of 3.08 acres with a proposed density of 3.89 dwelling units per acre.

**PROPERTY INFORMATION**

**Property Location:** The subject property is generally located on the west side of N. Star Road between Hwy 20/26 (Chinden Blvd) and W. Joplin Road. Ada County Parcel No's. S0419449020 & S0419417750.



**Surrounding Land Use/Designations:**

	<b>Zoning Designation</b>	<b>Comp Plan Designation</b>	<b>Land Use</b>
<b>Existing</b>	RUT (County) R-3-DA	South of the River Plan	Vacant
<b>Proposed</b>	R-4-DA	South of the River Plan	Single Family Residential
<b>North of site</b>	Residential R-3-DA	South of the River Plan	Developing Single Family Residential - Starpointe Subdivision
<b>South of site</b>	RUT (County)	South of the River Plan	Vacant
<b>East of site</b>	RUT (County) R-3-PUD-DA	South of the River Plan	Star Road/R.C. Bean Saddlery/Developing Inspirado Subdivision
<b>West of site</b>	RUT (County)	South of the River Plan	Vacant

**Existing Site Characteristics:** The property is currently vacant with existing structures recently removed

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

**Flood Zone:** This property is currently located in Flood Zones X. FEMA FIRM Panels 16001C0120J & 16001C0140J. Effective Date: 6/19/2020

**Special On-Site Features:**

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

Wildlife Habitat – No known sensitive wildlife habitat observed.

**APPLICATION REQUIREMENTS**

Pre-Application Meeting Held	February 23, 2023
Neighborhood Meeting Held	April 17, 2023
Application Submitted & Fees Paid	May 23, 2023
Application Accepted	July 14, 2023
Residents within 300' Notified	September 7, 2023
Agencies Notified	July 19, 2023
Legal Notice Published	September 12, 2023
Property Posted	September 21, 2023

**HISTORY**

- August 17, 2021                      Application was originally scheduled for public hearing and was postponed allowing ACHD and ITD time to provide comments.
  
- January 11, 2022                    Council approved applications for Annexation and Zoning (AZ-21-07), Development Agreement (DA-21-09) and Preliminary Plat (PP-21-10) for Starpointe Subdivision. The preliminary plat was approved for a maximum 71 residential lots and 13 common lots on 29.24 acres.
  
- June 7, 2022                         Council approved Final Plat (FP-22-01) of Starpointe Subdivision for 69 residential lots and 15 common 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:**

R RESIDENTIAL DISTRICT: To provide regulations and districts for various residential neighborhoods. Gross density in a Residential (R) district shall be determined according to the numeral following the R. The numeral designates the maximum number of dwelling units per acre. In zoning designations of R-1, R-2, R-3, R-4 and R-5, housing shall be single family detached unless approved with a PUD or development agreement. Connection to municipal water and sewer facilities are required for all subdivision and lot split applications submitted after the effective date hereof in all districts exceeding one dwelling unit per acre. Wells and

septic systems may be permitted for larger lots in this land use designation that are not adjacent to municipal services, as determined by the Sewer District, and if approved by the applicable Health Department. Private streets may be approved in this district for access to newly subdivided or split property. This district does allow for some non-residential uses as specified in 8-3A-3.

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

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

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

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

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

Zoning District	Maximum Height Note Conditions	Minimum Yard Setbacks Note Conditions			
		Front <sup>(1)</sup>	Rear	Interior Side	Street Side
R-4	35'	15' to living area 20' to garage face	15'	7.5' <sup>(2)</sup>	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. 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.

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

All private streets shall be designed and constructed to the following standards:

A. Design Standards:

1. Easement: The private street shall be constructed on a perpetual ingress/egress easement or a single platted lot (with access easement) that provides access to all applicable properties.
2. Connection Point: Where the point of connection of the private street is to a public street, the private street shall be approved by the transportation authority.
3. Emergency Vehicle: The private street shall provide sufficient maneuvering area for emergency vehicles as determined and approved by the Star Fire District.
4. Gates: Gates or other obstacles shall not be allowed, unless approved by Council through a Planned Unit Development or Development Agreement.

B. Construction Standards:

1. Obtain approval from the county street naming committee for a private street name(s);
  2. Contact the transportation authority to install an approved street name sign that complies with the regulations of the county street naming ordinance;
  3. Roadway and Storm Drainage: The private street shall be constructed in accord with the roadway and storm drainage standards of the transportation authority or as approved by the city of Star based on plans submitted by a certified engineer.
  4. Street Width: The private street shall be constructed within the easement and shall have a travel lane that meets ACHD width standards for the City of Star, or as determined by the Council and Star Fire District.
  5. Sidewalks: A five foot (5') attached or detached sidewalk shall be provided on one side of the street in commercial districts. This requirement may be waived if the applicant can demonstrate that an alternative pedestrian path exists. Residential private streets may request a waiver of sidewalks to be approved by Council.
  6. Fire Lanes: All drive aisles as determined by the Star Fire District to be fire lanes, shall be posted as fire lanes with no parking allowed. In addition, if a curb exists next to the drive aisle, it shall be painted red.
  7. No building permit shall be issued for any structure using a private street for access to a public street until the private street has been approved.
- C. The applicant or owner shall establish an on-going maintenance fund through the Owner's association with annual maintenance dues to ensure that funds are available for future repair and maintenance of all private streets. This shall be a requirement in a development agreement and/or as part of a planned unit development. A reserve account condition shall be included in the recorded CC&R's and shall be provided to the City for review. The condition of approval shall include the following:

1. Private Road Reserve Study Requirements.
  - a. At least once every three years, the board shall cause to be conducted a reasonably competent and diligent visual inspection of the private road components that the association is obligated to repair, replace, restore, or maintain as part of a study of the reserve account requirements of the common interest development, if the current replacement value of the major components is equal to or greater than one-half of the gross budget of the association, excluding the association's reserve account for that period. The board shall review this study, or cause it to be reviewed, annually and shall consider and implement necessary adjustments to the board's analysis of the reserve account requirements as a result of that review.
  - b. The study required by this section shall at a minimum include:

- i. Identification of the private road components that the association is obligated to repair, replace, restore, or maintain.
  - ii. Identification of the probable remaining useful life of the components identified in paragraph (1) as of the date of the study.
  - iii. An estimate of the cost of repair, replacement, restoration, or maintenance of the components identified in paragraph (1).
  - iv. An estimate of the total annual contribution necessary to defray the cost to repair, replace, restore, or maintain the components identified in paragraph (1) during and at the end of their useful life, after subtracting total reserve funds as of the date of the study.
  - v. A reserve funding plan that indicates how the association plans to fund the contribution identified in paragraph (4) to meet the association’s obligation for the repair and replacement of all private road components.
- c. A copy of all studies and updates shall be provided to the City, to be included in the development application record.

**8-4D-4: REQUIRED FINDINGS (PRIVATE STREETS):**

In order to approve the application, the administrator and/or Council shall find the following:

- A. The design of the private street meets the requirements of this article;
- B. Granting approval of the private street would not cause damage, hazard, or nuisance, or other detriment to persons, property, or uses in the vicinity; and
- C. The use and location of the private street shall not conflict with the comprehensive plan and/or the regional transportation plan.

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

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

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

total required open space and amenities to the Council. Developments with a density of less than 2 dwelling units per acre may request a 50% reduction in total required open space to the Council.

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

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

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

b. Qualified natural areas;

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

d. A plaza.

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

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

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

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

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

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

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



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

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

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

D. Location: The common open space and site amenities shall be located on a common lot or an area with a common maintenance agreement.

**COMPREHENSIVE PLAN:**

8.2.3 Land Use Map Designations:

Neighborhood Residential

Suitable primarily for single family residential use. Densities in the majority of this land use area are to range from 3.01 units per acre to 5 dwelling 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 immediately adjacent to existing residential lots of one acre and larger where those existing larger lots are not likely to be subdivided in the future.

### 8.3 Goal:

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

### 8.4 Objectives:

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

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

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

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

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 rezone application, annexing into the City a parcel containing approximately 2.01 acres, and zoning the property Residential (R-4-DA). This zoning district would allow for a maximum residential density of 5 dwelling units per acre. The property is adjacent to the currently developing Starpointe Subdivision and is located in an area that will be serviceable with central sewer and water provided by Star Sewer and Water District. The property is accessed by the existing public road in Starpointe that currently has frontage on Star Road. The rezone request includes a development agreement that will address future density and development standards.

**PRELIMINARY PLAT AND AMENDED STARPOINTE PRELIMINARY PLAT:**

The new preliminary plat submitted contains 12 single-family attached residential lots and 2 common lots on a total of 3.08 acres and a proposed density of 3.89 dwelling units per acre. A portion of the area in the subdivision (1.08 acres) is part of the original Starpointe Subdivision preliminary plat, which requires the applicant to receive approval of an amendment to the original Starpointe Subdivision Preliminary Plat. Council may approve the attached single-family dwellings through the Development Agreement in-lieu-of a Conditional Use Permit. All lots will have access and frontage from private streets. The attached residential lots range in size from 2,500 square feet to 3,452 square feet with the average buildable lot being 2,806 square feet. The applicant is proposing private streets to access all lots within the development . All roads will be built to ACHD, City of Star and Star Fire District standards. The submitted preliminary plat is showing a 28 ft wide easement with paved streets measuring 28 feet from back of curb to back of curb. Sidewalks are proposed to be 5 feet wide attached throughout the development. The UDC requires all streets to have a minimum street width of 36 feet and detached sidewalks with planter strips between the sidewalks and the roadway. The applicant will need to request approval from the City Council for a waiver modification of the roadway and sidewalk standards.

The application has indicated that the proposed overall open space provided is 1.80 acres (58%), including at least (10%) usable open space. Amenities include a shade structure with tables and seating, in addition to access to the amenities within the Starpointe Subdivision.

**ADDITIONAL DEVELOPMENT FEATURES:**

- Pathways  
Landscape plan shows some pathways within a portion of the common area. It does not show a pathway along the Phyliss Canal out to Star Road. **Council shall review and consider the need for a pathway along the canal.**
- Lighting  
Streetlights shall reflect the "Dark Sky" criteria with all lighting. The same streetlight design shall continue throughout the entire development. The applicant has submitted a streetlight location plan and but not a street light design. **Applicant shall provide a streetlight design style for City approval. This will be required at submittal of the final plat.**
- Street Names  
**Applicant has not provided documentation from Ada County that the street names are acceptable and have been approved. This will be required at final plat application.**
- Landscaping - As required by the Unified Development Code, Chapter 8, Section 8-8C-2-M (2) Street Trees; A minimum of one street tree shall be planted for every thirty-five (35) linear feet of street frontage. The applicant shall use "Treasure Valley Tree Selection Guide", as adopted by the Unified Development Code. Section 8-8C-2, J5 states that a minimum of one deciduous shade tree per four thousand (4,000) square feet of common area shall be provided. The submitted landscape plan does not show street trees. **A revised landscape plan shall be submitted at final plat application.**
- **Setbacks – The applicant is requesting zero-lot-lines for the attached single-family dwelling lots within the development.** The applicant is also requesting reductions in the front yard setbacks to 10' for living area and 5' street side setbacks for several internal lots. Per the UDC, this can be requested and approved as part of the Development Agreement process.
- **Fencing – The applicant has not indicated safety fencing of the Phylis Canal. Council should consider any needed fencing of the canal.**

- Mailbox Cluster – **Applicant has not submitted a mailbox review from the Meridian Postmaster. The applicant shall provide this information to the City prior to signing the final plat. The mailbox cluster shall be covered with an architectural structure.**

**DEVELOPMENT AGREEMENT**

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

- Approval of the Attached Residential Dwellings as part of the Development Agreement process (in-leu-of a Conditional Use Permit)
- Approval of Zero-Lot-Line Setbacks, Front and Street Side Setbacks for the Attached Dwellings as part of the Development Agreement process
- Consideration of a Pathway and Fencing along the Phylis Canal
- ITD Proportionate Share Fees;
- Reduced Street Widths of 28 feet
- Waiver of Detached Sidewalks

**AGENCY RESPONSES**

DEQ	July 19, 2023
ACHD	January 30, 2024
Ada County Development Services	July 31, 2023

**PUBLIC RESPONSES**

Email from Robert and Joanne Ax Trust      February 7, 2024

**STAFF RECOMMENDATION**

Based upon the information provided to staff in the applications and agency comments received to date, the proposed annexation and zoning request and associated applications including the preliminary plat, private streets and amended preliminary plat, as requested, and with proposed conditions of approval, meets the requirements, standards and intent for development as they relate to the Comprehensive Plan and Unified Development Code. The proposed maximum density of 3.89 dwelling unit per acre is within the range of 3-5 dwelling units per acre allowed in the Neighborhood Residential Comprehensive Plan Land Use Map. Staff is supportive of proposed diversity in lot sizes, housing sizes and density that the (R-4) zoning designation will provide.

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

**FINDINGS**

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

**ANNEXATION/REZONE FINDINGS:**

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

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

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

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

*The Council must find that the proposal complies with the proposed district and purpose statement. The purpose of the Neighborhood Residential District is to provide for development suitable primarily for residential use. Densities in this land use area are to range from 3.01 unit per acre to 5 units per acre. Densities not exceeding 1 to 2 units per acre are to be encouraged in areas of the floodplain, ridgeline developable areas, hillside developable areas, and where new residential lots are proposed adjacent to existing residential lots of one acre and larger where those existing larger lots are not*

*likely to be subdivided in the future. Clustering is encouraged to preserve open space.*

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

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

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

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

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

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

**PRELIMINARY PLAT FINDINGS:**

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

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

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

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

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

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

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

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

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

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

**CONDITIONS OF APPROVAL**

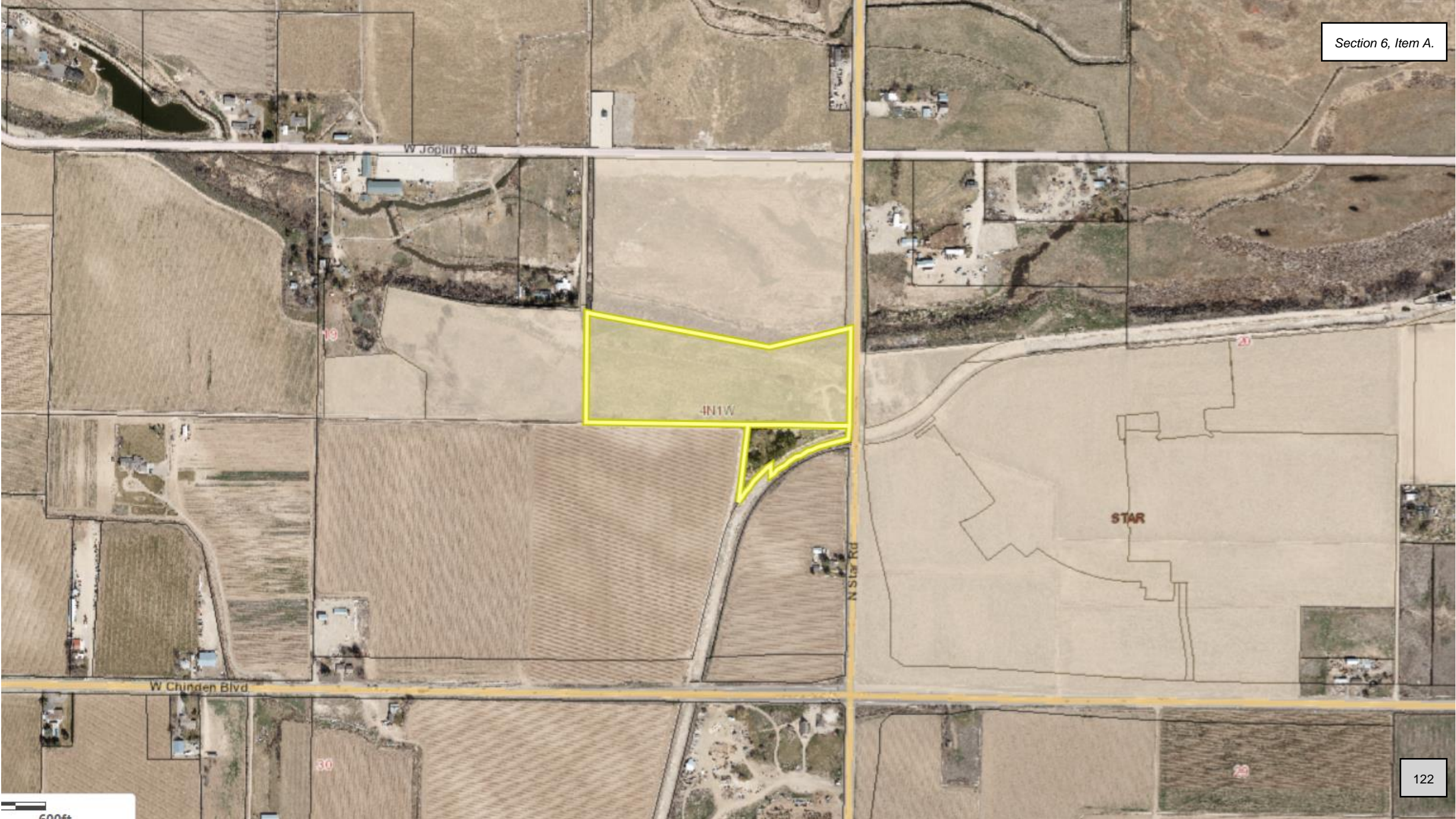
1. The approved Preliminary Plat for the Starpointe Subdivision Phase Two shall comply with all statutory requirements of applicable agencies and districts having jurisdiction in the City of Star.
2. **The applicant shall enter into a Development Agreement with the City, agreeing to proportionate share assessment by ITD regarding impacts to the State Highway System. ITD has calculated the fees to be \$12,000.00. These fees will be collected by the City of Star, by phase, prior to final plat signature. The development agreement shall be signed and recorded as part of the ordinance for annexation and zoning and shall contain the details of the fees to be collected.**
3. **All private streets shall have a minimum street width of 36’ with detached sidewalks, and shall be constructed to ACHD standards, unless a waiver is granted by Council.**
4. **A revised landscape plan shall be submitted at the time of final plat showing any proposed or required fencing and pathways within the development. Street trees along the private streets shall be shown on the revised plan and installed per Chapter 8, including Section 8-8C-2-M(2) Street Trees.**
5. Streetlights shall comply with the Star City Code and shall be of the same design throughout the entire subdivision. Streetlights shall be continuous throughout the subdivision and shall be maintained by the Homeowners Association. **Streetlights shall be installed and energized prior to issuing of building permits. Applicant shall submit a streetlight design at Final Plat submittal. Streetlights shall comply with the Star City Code regarding light trespass and “Dark Sky” initiative.**
6. The property with the approved Preliminary Plat shall be satisfactorily weed abated, preventing a public nuisance, per Star City Code.
7. All signed Irrigation District Agreements with the Irrigation Districts shall be provided to the City of Star with each subsequent Final Plat application.
8. Pressurized irrigation systems shall comply with the Irrigation District(s) and the City of Star Codes. Plans for pressurized irrigation systems shall be submitted to, and approved by the City of Star Engineer, prior to installation.
9. A plat note supporting the “Right to Farm Act” as per Idaho Code Title 22, Chapter 45, shall be shown on the Final Plat.
10. A copy of the CC&R’s shall be submitted to the City of Star at Final Plat.



- 11. A letter from Ada County shall be provided approving the street names in the development and all names shall be reflected correctly on all pages of the final plat, before the mylar will be signed.
- 12. A letter from the US Postal Service shall be given to the City at Final Plat stating the subdivision is in compliance with the Postal Service, including mailbox cluster location. The mailbox cluster shall be covered with an architectural structure to be approved by Staff prior to signature of final plat.**
- 13. The Applicant shall submit a private street maintenance plan, including future funding, in compliance with Section 8-4D-3C of the UDC, with the submittal of the final plat application.**
- 14. Private street shall be maintained by the Homeowners Association.
- 15. A form signed by the Star Sewer & Water District shall be submitted to the City prior to the signature of the Final Plat stating that all conditions of the District have been met, including annexation into the District.
- 16. A plat note shall state that development standards for residential development shall comply with the effective building and zoning requirements at time of building permit issuance, unless amended in the Development Agreement or CUP conditions.
- 17. Development standards for single family residential units shall comply with effective building and zoning requirements at time of building permit issuance, or as approved through the Development Agreement or as stated herein.
- 18. All common areas shall be owned and maintained by the Homeowners Association.
- 19. The applicant shall provide a sign, to be located at all construction entrances, indicating the rules for all contractors that will be working on the property starting at grading and running through home sales that addresses items including but not limited to dust, music, dogs, starting/stopping hours for contractors (7a.m. start time). **Sign shall be approved by the City prior to start of construction.**
- 20. A sign application is required for any subdivision signs.
- 21. Owner/Developer will agree to install a 2" (High Density Polyethylene) HDPE SDR-11 roll pipe in the shared utility trench to be used for future fiber optic and/or copper telecommunication cables.**
- 22. Any additional Condition of Approval as required by Staff and City Council.**

**COUNCIL DECISION**

The Star City Council \_\_\_\_\_ File Number AZ-23-03/DA-21-09 MOD/PP-23-02/PR-23-02/PP-21-10 Amended for Starpointe Subdivision Phase Two on \_\_\_\_\_, 2024.



600ft

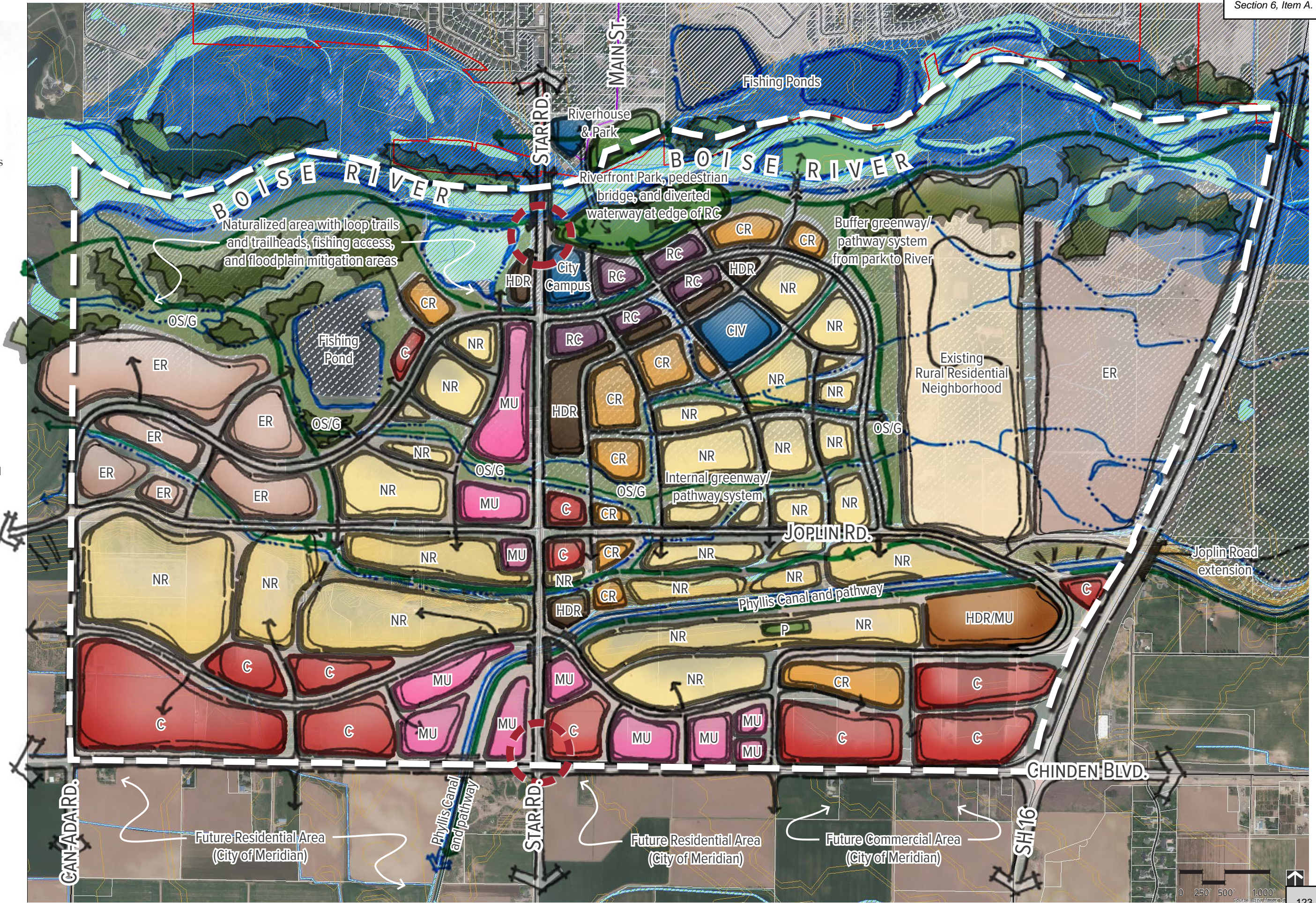
### ILLUSTRATIVE VISION PLAN

The Illustrative Vision Plan highlights a visionary concept depicting the possible distribution of land uses, connectivity between neighborhoods and to arterials, and the level of amenities expected in regard to natural areas and open space, pathways and parks. The Vision Plan is illustrative in nature, and defines only one possible development option.

#### Map Legend:

- RR: Rural Residential
- ER: Estate Residential
- NR: Neighborhood Residential
- CR: Compact Residential
- HDR: High-Density Residential
- RC: Riverfront Center "Main Street"
- MU: Mixed-Use
- HDR/MU: High-Density Residential/ Mixed-Use
- C: Commercial
- P: Parks
- CIV: Civic (School, City Facility)
- OS/G: Open Space/ Greenway
- Gateway

*Note: The Illustrative Vision Plan is conceptual in nature and distribution of land uses, road alignments, and park and school locations may change as development occurs.*





May 22, 2023

Planning & Zoning  
City of Star  
P.O. Box 130  
Star, Idaho 83669

**RE: *StarPointe Phase 2 Annexation, Rezone, Development Agreement Modification, Private Road & Preliminary Plat Request***

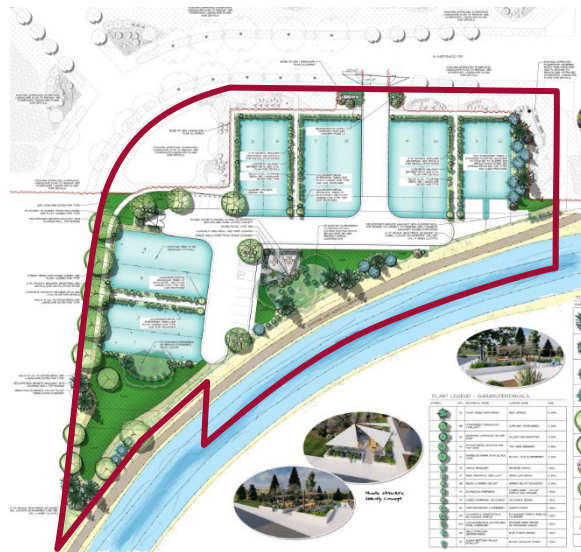
On behalf of GHW Holdings, LLC and Criterion Land Management, we are submitting the StarPointe Phase 2 Annexation, Rezone, Development Agreement Modification, Private Road and Preliminary Plat requests for review and approval.

The subject property (outlined in red) is located at 6777 N Star Road and a portion of 6825 N Star Road and consists of Parcel Nos. S0419449020 and S0419417750. The existing StarPointe Subdivision is outlined in blue. The subject property is 3.08 acres and is generally located northwest of the Chinden Blvd and Star Rd intersection.

The northern 1.06 acres of the project is within the StarPointe Subdivision and originally anticipated for two buildable lots and a drainage area. We are requesting to modify the original StarPointe Subdivision Development Agreement to include the new parcel at 6777 N Star Road.



Existing on site is a single-family home with several outbuildings. The "South of the River Sub-Area Plan" designates the site as Mixed Use and states the most compact housing development should be located at and adjacent to the Star/Chinden Mixed-Use Gateway and are likely to include two- to three-story condominium/townhome projects (page 3-9). The new parcel to be included within StarPointe is currently within Ada County and is requesting annexation into the City of Star with R-4 DA zoning. The project will be buffered by the adjacent high-volume roadways, Star Rd, Inspirado Dr and the Phyllis Canal on the south side. Consistency with the adjacent development will be ensured through consistent streetscaping.





Our client intends to construct 12 single-family attached townhomes with an overall density of 3.9 units per acre within the allowable density of the R-4 zone. Minor setback modifications noted within the table below are requested which are generally consistent with the R-6 standards which are tailored for attached housing products. A Setback Exhibit has also been provided in the submittal package detailing the setbacks applied to each lot. A request to reduce the minimum street frontage to 25' wide is also included. Impacts to the adjacent properties will be minimal as the project is buffered from adjacent properties by the new collector Inspirado Drive and the canal on the south. A Preliminary Plat application is also included to divide the parcels for individual sale.

	<b>R-4</b>	<b>R-6 Attached</b>	<b>Proposed</b>
<b>Front</b>	15' to living area 20' to garage face	15' to living area 20' to garage 10' if alley load	10'
<b>Rear</b>	15'	15' 4' if alley load	20' to garage 10' to living area
<b>Interior Side</b>	7.5'	0' for common walls 7.5' at end of building	0' (Minimum building separation of 15')
<b>Street Side</b>	20'	20'	Lots 5, 9, 11: 5' Lot 14: 20' to Star Rd

Inspirado Drive and Star Road as part of the original StarPointe Subdivision approval included curb, gutter and detached sidewalk improvements. All proposed homes will be oriented to front Inspirado Drive with site access provided via a new private road off of Inspirado Drive to the rear loaded homes. The project will be internally connected via the new 28' wide private street with curb, gutter and sidewalks. The private road is compliant with the required findings for approval as it will not cause damage, hazard, or nuisance, or other detriment to persons, property, or uses in the vicinity. The use

and location of the private street does not conflict with the Comprehensive Plan and/or the Regional Transportation Plan as only local roads were anticipated to service the area near the canal. The HOA dues for the subdivision will be sufficient to fund the on-going maintenance fund through the HOA for future repair and maintenance of the private street in compliance with UDC Section 8-4D-3C.

All proposed homes will include a two-car garage with at least 1 additional guest parking spaces within the driveway apron off the private street to be included as a condition of the Development Agreement. An additional 13 guest parking spaces will be available off the private drive, bringing the total parking spaces to 49 spaces (four spaces per unit).

The project will be completed within one phase. A central common space amenity is provided which consists of a paved patio area with shade sails, picnic tables, trash receptacles, a community BBQ grill, and lawn areas. The existing irrigation canal on the south of the site will remain open with the existing dirt road to remain. The project greatly exceeds the 15% open space requirement by providing 58% open space onsite. In addition, the overall buildable lot area within these parcels of StarPointe No. 1 is reduced, additional open space is provided, and exceeding the originally approved open space.



The project and plat are consistent with the required findings for approval as it complies with several principles of the Comprehensive Plan. This includes Section 5.5.D which calls for providing a variety of housing opportunities for differing population needs. Section 7.4.H and 6.5.6.C call for developing a mixture of commercial, service and residential developments that encourage walking. Lastly, Section 8.5.9.T calls for supporting well-planned, pedestrian-friendly developments. 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 provide additional variety of housing 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



# ANNEXATION & ZONING - REZONE APPLICATION

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

FILE NO.: <u>AZ-23-04</u>
Date Application Received: <u>5-24-2023</u> Fee Paid: _____
Processed by: City: <u>Barbara Norgrove</u>

## Applicant Information:

**PRIMARY CONTACT IS:** Applicant  Owner  Representative

Applicant Name: Kody Daffer - 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: W WEST DEVELOPMENT LLC & GHW HOLDINGS 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:

Site Address: 6777 & 6825 N Star Rd Parcel Number: S0419449020 & S0419417750  
 Total Acreage of Site: 3.08  
 Total Acreage of Site in Special Flood Hazard Area: NA  
 Proposed Zoning Designation of Site: \_\_\_\_\_

## Zoning Designations:

	Zoning Designation	Comp Plan Designation	Land Use
Existing	RUT - County	MU	SFD
Proposed	R-4 DA	No change	SFD
North of site	R-3-DA	NR	Starpointe Subdivision
South of site	RUT - County	MU	SFD w/ Vacant Field
East of site	R-3-PUD-DA	MU	Inspirado Subdivision
West of site	RUT - County	MU	SFD w/ Vacant Field




**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><u>(Please contact the City for addresses &amp; labels)</u></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.)	
#2	X	Completed and signed Annexation & Zoning/Rezone Application	
	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.	
#3	X	Narrative fully describing the proposed project (must be signed by applicant)	
#4	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>	
	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.	
#8	X	Electronic copy in pdf. format of submitted plat, site or conceptual plan.	
	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, 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.	
	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

  
 \_\_\_\_\_  
 Date



## PRELIMINARY PLAT APPLICATION

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

FILE NO.: PP-23-03  
 Date Application Received: 5-23-23 Fee Paid: \_\_\_\_\_  
 Processed by: City: Barbara Norgrove

### Applicant Information:

**PRIMARY CONTACT IS: Applicant  Owner  Representative**

Applicant Name: Kody Daffer - 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: W WEST DEVELOPMENT LLC & GHW HOLDINGS 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:

Subdivision Name: StarPointe Phase 2  
 Site Location: Northwest of the Chinden Blvd and Star Rd intersection  
 Approved Zoning Designation of Site: \_\_\_\_\_  
 Parcel Number(s): S0419449020 & S0419417750

### Zoning Designations:

	Zoning Designation	Comp Plan Designation	Land Use
Existing	See Annexation App		
Proposed			
North of site			
South of site			
East of site			
West of site			

**SITE DATA:**

Total Acreage of Site - 3.08  
 Breakdown of Acreage of Land in Contiguous Ownership - 3.08  
 Total Acreage of Site in Special Flood Hazard Area - 0  
 Dwelling Units per Gross Acre - 3.9  
 Minimum Lot Size - 2,500 sq ft  
 Minimum Lot Width - 25'

Total Number of Lots - 12  
 Residential - 12  
 Commercial - \_\_\_\_\_  
 Industrial - \_\_\_\_\_  
 Common - 2

Total Number of Units - 12  
 Single-family - 12  
 Duplex - \_\_\_\_\_  
 Multi-family - \_\_\_\_\_

Percent of Site and Total Acreage of Common Area - 60 % / 1.2 acres  
 Percent of Common Space to be used for drainage - 0  
 Describe Common Space Areas (amenities, landscaping, structures, etc.) - \_\_\_\_\_  
Paved patio area with shade sails, picnic tables, trash receptacles, a community BBQ grill, and lawn areas  
 Proposed Dedicated Lots & Acreage (school, parks, etc): \_\_\_\_\_

Public Streets - External Private Streets - Internal  
 Describe Pedestrian Walkways (location, width, material) - \_\_\_\_\_  
Detached sidewalks on Inspirado Drive and Attached sidewalks internal to site  
 Describe Bike Paths (location, width, material) - \_\_\_\_\_  
 \_\_\_\_\_

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

Total Acreage of Site in Special Flood Hazard Area - N/A

- a. A note must be provided on the final plat documenting the current flood zone in which the property or properties are located. The boundary line must be drawn on the plat in situations where two or more flood zones intersect over the property or properties being surveyed.
- b. FEMA FIRM panel(s): #160xxxxxxC, 160xxxxxxE, etc.: \_\_\_\_\_  
 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.

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

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

Potable Water - Star Sewer and Water District  
 Irrigation Water- Pioneer Irrigation District  
 Sanitary Sewer- Star Sewer and Water District  
 Fire Protection - Star Fire Protection District  
 Schools - West Ada School District  
 Roads - Ada County Highway District

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

Areas of Critical Environmental Concern - No Floodplain - No  
 Evidence of Erosion - No Fish Habitat - No  
 Historical Assets - No Mature Trees - No  
 Riparian Vegetation - No Steep Slopes - No  
 Stream/Creek - No Unstable Soils - No  
 Unique Animal Life - No Unique Plant Life - No

**Application Requirements:**

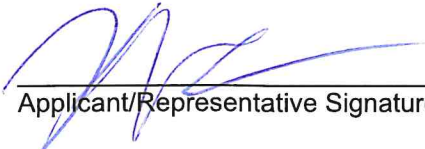
*(Applications are required to contain one copy of the following unless otherwise noted. **When combining with other applications (Annexation, CUP, etc.) please include one paper copy for all applications**)*

	Applicant (√)	Description	Staff (√)
	X	Pre-application meeting with Planning Department required prior to neighborhood meeting.	
#1	X	Copy of neighborhood meeting notice sent to property owners within 300 feet and meeting sign-in sheet. <b>(Please contact the City for addresses &amp; labels)</b> (Applicants are required to hold a neighborhood meeting to provide an opportunity for public review of the proposed project prior to the submittal of an application.)	
	X	Completed and signed Preliminary Plat Application	
	X	Fee: Please contact the City for current fee. Fees may be paid in person with check or electronically with credit card. Please call City for electronic payment. Additional service fee will apply to all electronic payments.	
#2	X	Narrative explaining the project. (must be signed by applicant)	
#3	X	Legal description of the property (word.doc and pdf version with engineer's seal)	
#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.	
#10	X	Approval of the proposed subdivision name from Ada County Surveyor's office.	
#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 copy and one (1) 11" X 17" copy of the Preliminary Plat	
	X	Electronic copy in pdf. format of Preliminary Plat	
#11	X	One (1) full-size copy and one (1) 11" X 17" copy of the landscape plan	
	X	Electronic copy in pdf. format of landscape plan	
#7	X	Electronic copy in pdf. format of preliminary site grading & drainage plans <b>See Preliminary Plat</b>	
	N/A	Phasing plan shall be included in the application if the project is to be phased.	

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

**FEE REQUIREMENT:**

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

  
 Applicant/Representative Signature

5/11/23  
 Date



# PRIVATE STREET APPLICATION

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

FILE NO.: <u>PR-23-02</u> Date Application Received: <u>5-23-23</u> Fee Paid: _____ Processed by: <u>Barbara Norgrove</u>
---------------------------------------------------------------------------------------------------------------------------------

## Applicant Information:

**PRIMARY CONTACT IS:** Applicant  Owner  Representative

Applicant Name: Kody Daffer - Criterion Land Management, LLC  
 Applicant Address: 1861 S Wells Avenue, Suite 200 Meridian, ID Zip: 83642  
 Phone: 208-351-1990 Fax: \_\_\_\_\_ Email: kody@criterionland.com

Owner Name: W WEST DEVELOPMENT LLC & GHW HOLDINGS LLC  
 Owner Address: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ 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 Fax: \_\_\_\_\_ Email: Teller.Bard@kimley-horn.com

## Property Information:

Subdivision Name: StarPointe Phase 2  
 Site Location: 6777 & 6825 N Star Rd

## Application Requirements:

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


	Applicant (√)	Description	Staff (√)
#1	X	Pre-application meeting with Planning Department required prior to neighborhood meeting	
	X	Copy of neighborhood meeting notice sent to property owners within 300 feet and meeting sign-in sheet. (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 Private Street Application	
	X	Fee	
#2	X	Narrative (Letter of Intent) fully describing the proposed project (must be signed by applicant)	
#4	X	Recorded warranty deed for the subject property	
#3	X	Legal description of the private street easement (with surveyor's seal)	
#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) 8 ½" X 11" vicinity map showing the location of the subject property	
#7	X	One (1) Full-sized, drawn to scale and One (1) 8 ½" X 11" copy of the Preliminary Plat or Site Plan showing all existing and proposed private streets, easements, property lines, structures, and existing and proposed connection to a public street.	
#9	X	Names and addresses, printed on one (1) set of 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.	
		Identify which of the following is being processed:  <input checked="" type="checkbox"/> New Private Street      ___ Other      ___ New Private Gate ___ Extension of a Private Street ___ Existing Private Street to be Widened & Paved (Access to more than four properties)	
	X	Identify users of the private street. <b>Subdivision Owners and Guests</b>	
	X	Identify if the private street currently has an easement, and if any restrictions are placed on said easement. <b>Not existing, new street</b>	
	12	Number of Properties that will use the Private Street	
	12	Number of properties that the Private Street will provide frontage and Access to.	
		Private Street is/will be in:      Easement <input checked="" type="checkbox"/> Separate Lot	
#16	X	<b>Private Street Cross Section</b> , including the following information: <input checked="" type="checkbox"/> Show the intersection of the proposed private street with a public street. <input checked="" type="checkbox"/> Turnaround configuration at terminus of private street. <input checked="" type="checkbox"/> Grade of proposed private street <input checked="" type="checkbox"/> Length of proposed private street <input checked="" type="checkbox"/> Width of private street <input checked="" type="checkbox"/> Easement width (Inside City Limits or Area of Impact: 50') <input checked="" type="checkbox"/> Detailed description of proposed paving materials.	
	N/A	<b>Gate</b> (only for exceptional circumstances – to be approved by Council only). Submit evidence for an exceptional circumstance necessary to improve safety or to halt environmental degradation in the area. Including the following information: ___ Dimensions of proposed gate and opening ___ Include traffic direction and proposed locking device(s) ___ Include letter of approval from Fire District	
#17	X	Draft Maintenance Agreement (must be submitted at time of application submittal)	
#2	X	Draft Maintenance Fund ( <b>See UDC Section 8-4D-3C</b> ) – Include in Letter of Intent	
	X	Proposed Street Name <b>Sequoia Grove, Forest View, Big Timber submitted name reservation at County</b>	
	X	One (1) Electronic version of submitted application including signed Private Street application, legal description of property, recorded warranty deed, affidavit of legal interest, vicinity map, preliminary plat map or site plan, names and addresses of property owners within three hundred feet (300') in word document format, copy of letter of intent in word document format.	
	X	Signed Certification of Posting with pictures. (see attached posting requirements and certification form) – To be completed and submitted prior to public hearing	

**FEE REQUIREMENT:**

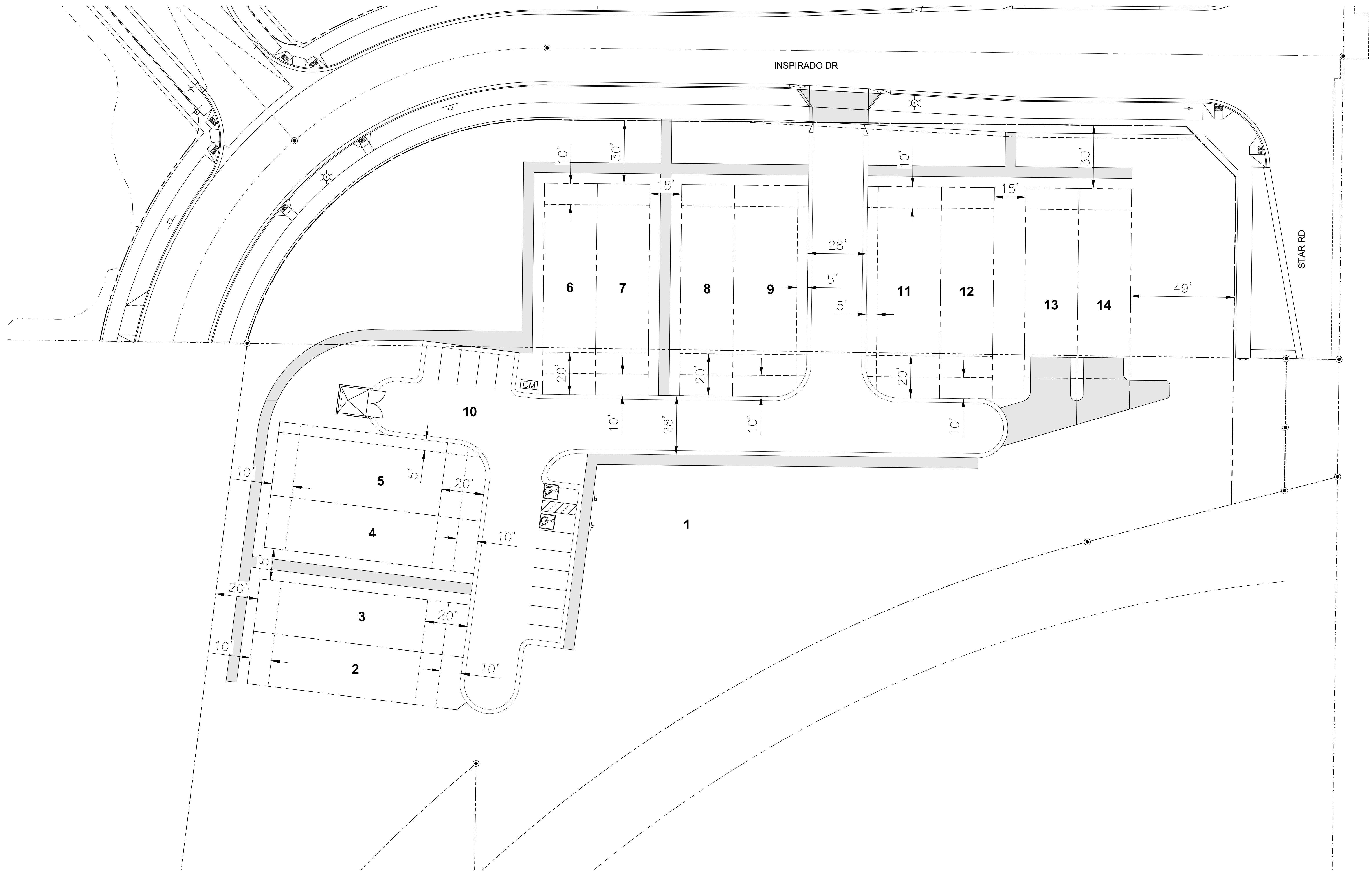
*\*\* I have read and understand the above requirements. I further understand fees will be collected at the time of filing an application. I understand that there may be other fees associated with this application incurred by the City in obtaining reviews or referrals by architect, engineering, or other 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.*

*I further agree that if this request is granted the Star Fire and Police Department shall be given access codes for this gate and under no circumstances shall the access codes be changed without first granting them to the Star Fire & Police Department.*

  
 \_\_\_\_\_  
 Applicant/Representative Signature

5/13/23  
 \_\_\_\_\_  
 Date



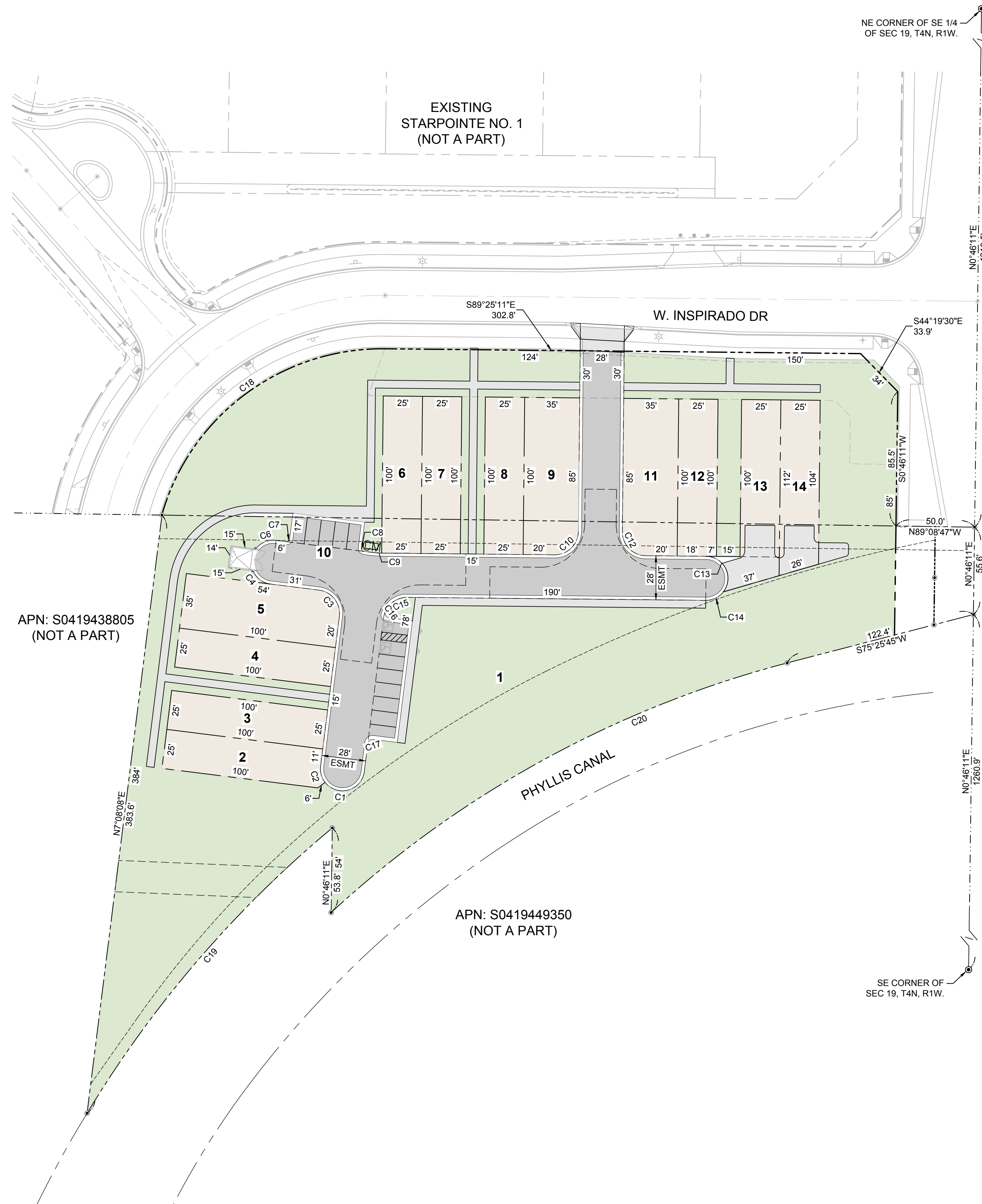
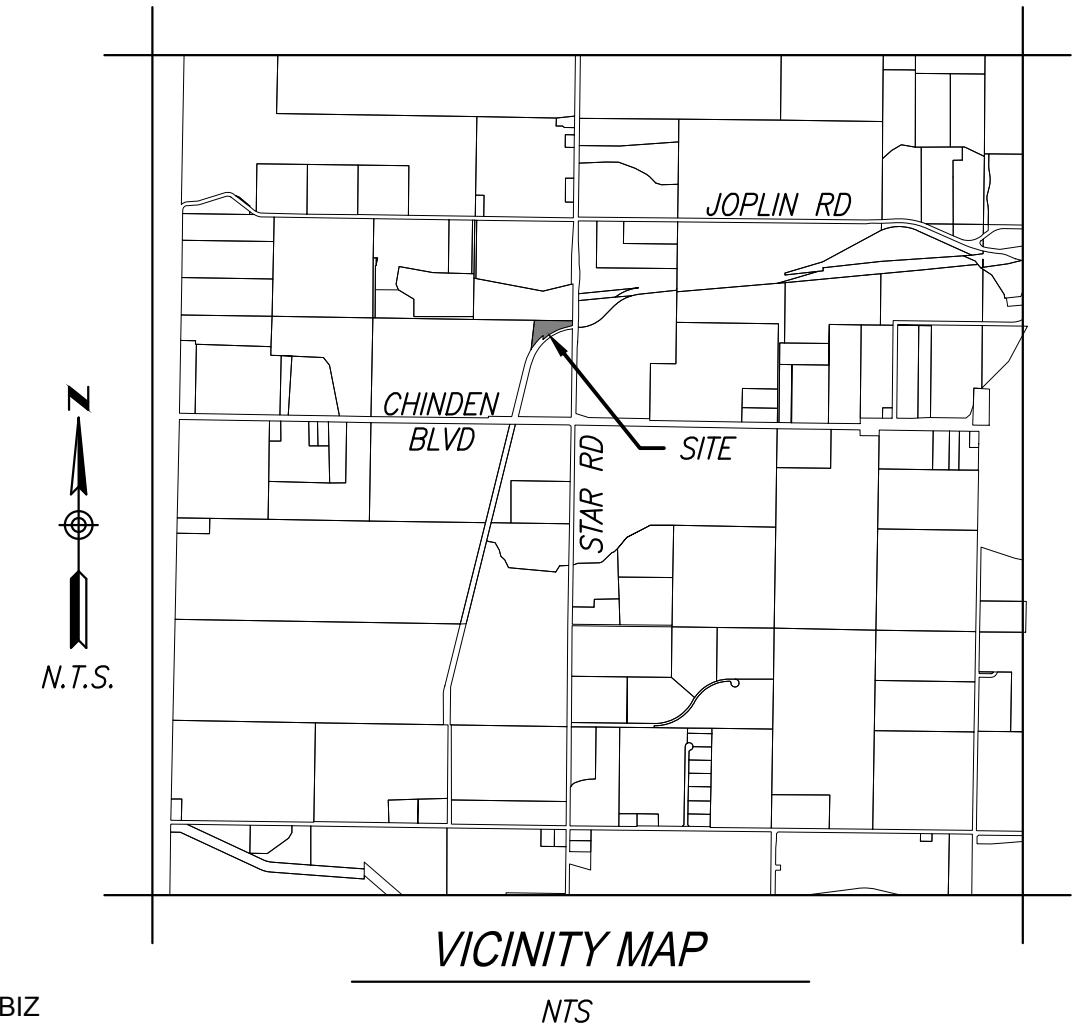


# STARPOINTE NO. 2 PRELIMINARY PLAT

A PORTION OF THE SE 1/4 OF SECTION 19,  
TOWNSHIP 4 NORTH, RANGE 1 WEST  
ADA COUNTY, IDAHO

DEVELOPER CIVIL ENGINEER/LAND PLANNER LAND SURVEYOR

GHW HOLDINGS, LLC 1861 S. WELLS AVENUE #200 MERIDIAN, IDAHO 83642 PHONE: (208) 228-2021 CONTACT: RANDAL CLARNO EMAIL: RANDY@CRITERIONLAND.COM	KIMLEY-HORN AND ASSOCIATES, INC. 1100 W. IDAHO STREET SUITE 210 BOISE, IDAHO 83702 PHONE: (208) 906-3871 CONTACT: TELLER BARD, PE EMAIL: TELLER.BARD@KIMLEY-HORN.COM	LAND SOLUTIONS 231 E 5TH ST. SUITE A MERIDIAN, ID 83642 PHONE: (208) 288-2040 CONTACT: CLINT HANSEN EMAIL: CHANSEN@LANDSOLUTIONS.BIZ
--------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------



### PRELIMINARY PLAT DATA

EXISTING ZONING: RUT  
 PROPOSED ZONING: R-4 (DA)  
 GROSS ACREAGE: 3.08 AC  
 NET ACREAGE: 3.01 AC  
 NUMBER OF BUILDING LOTS: 12  
 NUMBER OF COMMON LOTS: 2  
 TOTAL NUMBER OF LOTS: 14  
 MINIMUM LOT SIZE (SF): 2500 SF  
 AVERAGE LOT SIZE: 2806 SF  
 RESIDENTIAL GROSS DENSITY (DU/AC): 3.90 DU/AC

### OPEN SPACE DATA

COMMON LOT AREA  
 STARPOINTE NO. 1: 26,015 SF | 0.60 AC (57%)  
 HUTTON: 52,178 SF | 1.20 AC (60%)  
 TOTAL COMMON LOT AREA: 1.80 AC (58%)  
 15% OPEN SPACE REQUIRED

USABLE OPEN SPACE: 30,210 SF | 0.69 AC (23%)  
 10% USABLE OPEN SPACE REQUIRED

### LEGEND

	PROPOSED CENTERLINE
	SECTION LINE
	PROPOSED BOUNDARY
	ROAD RIGHT OF WAY
	LOT LINE
	EASEMENT
	PROPOSED SWALE
	PROPOSED 8" SEWER
	PROPOSED 8" WATER
	STORM WATER INFRASTRUCTURE EASEMENT
	PROPOSED CURB
	PROPOSED STORM DRAIN MANHOLE
	PROPOSED CATCH BASIN
	PROPOSED SEWER MANHOLE
	PROPOSED FIRE HYDRANT
	PROPOSED GATE VALVE
	SIDEWALK RAMP
	PROPOSED STORM DRAIN
	EXISTING SEWER MAIN
	EXISTING WATER MAIN
	EXISTING EDGE OF PAVEMENT
	EXISTING EDGE OF GRAVEL ROAD
	EXISTING FENCE
	EXISTING OVERHEAD POWER
	EXISTING GAS LINE
	PROPOSED PAVEMENT
	PROPOSED OPEN SPACE
	PROPOSED SIDEWALK

### SHEET INDEX

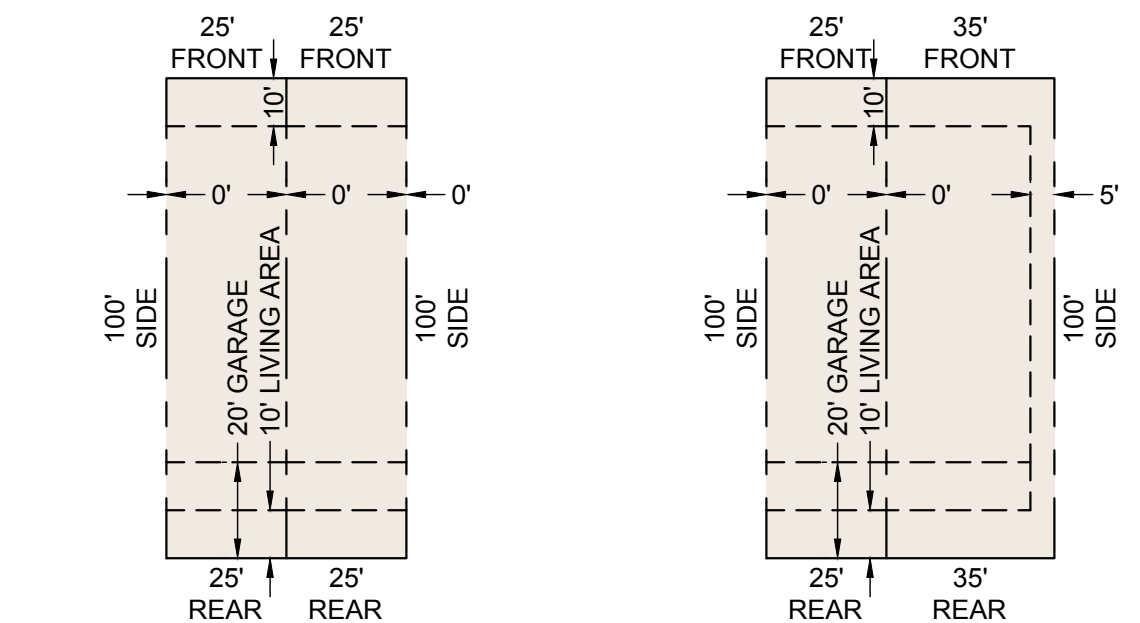
SHEET INDEX	
SHEET NUMBER	SHEET TITLE
01	PRELIMINARY PLAT
02	ENGINEERING PLAN

### BUILDING SETBACK DATA

R-4 (DA)  
 FRONT: 10'  
 REAR: 20' TO GARAGE | 10' TO LIVING AREA  
 SIDE: 0' (MINIMUM BUILDING SEPARATION 15')  
 STREET SIDE: 5' (LOT 5, 9 & 11)  
 20' (LOT 14 TO STAR ROAD)

### PRELIMINARY PLAT NOTES

- CONTOUR AND SPOT ELEVATION DATA IS REFERENCE TO NAVD '88 DATUM.
- ALL STREETS PROPOSED IN THIS DEVELOPMENT ARE PRIVATE STREETS.
- BLOCK 1 LOT 1 AND LOT 10 ARE COMMON LOTS TO BE OWNED AND MAINTAINED BY THE STARPOINTE SUBDIVISION HOMEOWNERS ASSOCIATION. THESE LOTS SHALL BE USED FOR HOMEOWNER PEDESTRIAN ACCESS AND LANDSCAPING AND ARE SUBJECT TO A BLANKET EASEMENT ACROSS SAID LOTS FOR PUBLIC UTILITIES, IRRIGATION, AND LOT DRAINAGE.
- STORMWATER RUNOFF GENERATED ON THIS SITE SHALL HAVE QUALITY CONTROL TREATMENT PRIOR TO BEING CONVEYED TO ONSITE STORAGE FACILITIES.
- PUBLIC UTILITIES SHALL INCLUDE WATER, SEWER, ELECTRICAL POWER, NATURAL GAS, TELEPHONE, AND CABLE TELEVISION.
- THIS SUBDIVISION WILL RECEIVE PRESSURE IRRIGATION FROM A PRESSURE IRRIGATION SYSTEM OWNED AND MAINTAINED BY THE HOA.
- DOMESTIC WATER SERVICE AND FIRE PROTECTION SHALL BE PROVIDED BY THE STAR SEWER AND WATER DISTRICT.
- SANITARY SEWER COLLECTION SHALL BE PROVIDED BY THE STAR WATER AND SEWER DISTRICT.
- THIS DEVELOPMENT RECOGNIZES IDAHO CODE SECTION 22-4503, RIGHT TO FARM ACT, WHICH STATES: "NO AGRICULTURAL OPERATION, AGRICULTURAL FACILITY OR EXPANSION THEREOF SHALL BE OR BECOME A NUISANCE, PRIVATE OR PUBLIC, BY ANY CHANGED CONDITIONS IN OR ABOUT THE SURROUNDING NONAGRICULTURAL ACTIVITIES AFTER IT HAS BEEN IN OPERATION FOR MORE THAN ONE (1) YEAR, WHEN THE OPERATION WAS NOT A NUISANCE AT THE TIME IT BEGAN OR WAS CONSTRUCTED. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY WHENEVER A NUISANCE RESULTS FROM THE IMPROPER OR NEGLIGENT OPERATION OF ANY AGRICULTURAL OPERATION, AGRICULTURAL FACILITY OR EXPANSION THEREOF."
- THE OWNER SHALL COMPLY WITH IDAHO CODE, SECTION 31-3805 OR ITS PROVISIONS THAT MAY APPLY TO IRRIGATION RIGHTS.
- BUILDING SETBACKS AND DIMENSIONAL STANDARDS IN THIS SUBDIVISION SHALL BE IN COMPLIANCE WITH CITY OF STAR CODE UNLESS OTHERWISE MODIFIED BY CONDITIONAL USE PERMIT.
- THE BOTTOM ELEVATION OF BUILDING FOOTINGS SHALL BE SET A MINIMUM OF 12 INCHES ABOVE THE HIGHEST ESTABLISHED NORMAL GROUNDWATER ELEVATIONS.
- ANY RE-SUBDIVISION OF THIS PLAT SHALL COMPLY WITH THE MOST RECENTLY APPROVED SUBDIVISION STANDARDS OF THE CITY OF STAR AT THE TIME OF THE RE-SUBDIVISION.
- ALL LOT LINES COMMON TO PRIVATE STREETS ARE HEREBY DESIGNATED TO HAVE A TEN (10) FOOT PERMANENT EASEMENT FOR PUBLIC UTILITIES, IRRIGATION, AND LOT DRAINAGE, UNLESS OTHERWISE DIMENSIONED.
- UNLESS OTHERWISE SHOWN AND DIMENSIONED, EACH LOT WILL HAVE A PERMANENT EASEMENT FOR PUBLIC UTILITIES, IRRIGATION AND LOT DRAINAGE OVER THE FIVE (5) FEET ADJACENT TO ANY EXTERIOR SIDE LOT LINE, AND OVER THE TEN (10) FEET ADJACENT TO ANY REAR LOT LINE OR SUBDIVISION BOUNDARY. MAINTENANCE OF ANY IRRIGATION AND DRAINAGE PIPES OR DITCHES CROSSING A LOT IS THE RESPONSIBILITY OF THE LOT OWNER UNLESS SUCH RESPONSIBILITY IS ASSUMED BY AN IRRIGATION/DRAINAGE ENTITY.
- MAINTENANCE OF ANY IRRIGATION AND DRAINAGE PIPES OR DITCHES CROSSING A LOT IS THE RESPONSIBILITY OF THE LOT OWNER UNLESS SUCH RESPONSIBILITY IS ASSUMED BY AN IRRIGATION/DRAINAGE ENTITY.
- RESTRICTIVE COVENANTS WILL BE IN EFFECT FOR THE SUBDIVISION.
- SEE SHEET 02 FOR PARCEL AND CURVE DATA.



TYPICAL LOT SETBACKS  
TYPICAL LOT SETBACKS STREET SIDE

Date: 5/18/2023 2:07 PM User: BARD, TELLER  
 Path: K:\PHX\_OVL\291015013 - CATHEY-HARRIGAN\CADD\PRELIMINARY PLAT\STARPOINTE HDR\5013-PP-HDR.DWG

This document, together with the associated design presented herein, is an instrument of service, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Release of any improper reference of this document without written authorization by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.

CAUTION: NOTICE TO CONTRACTOR  
 THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND, WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE LOCAL UTILITY LOCATION CENTER AT LEAST 48 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATIONS OF THE UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.

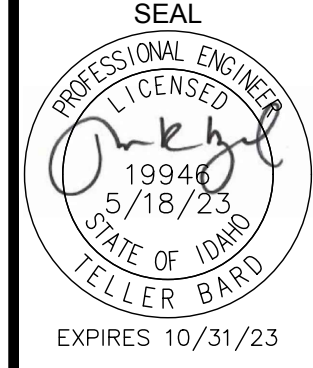


DATE	DESCRIPTION

**Kimley-Horn**  
 © 2022 KIMLEY-HORN AND ASSOCIATES, INC.  
 1100 W. Idaho Street, Suite 210  
 Boise, Idaho 83702 (208) 297-8885

STARPOINTE SUBDIVISION NO. 2  
 PRELIMINARY PLAT  
 STAR, IDAHO

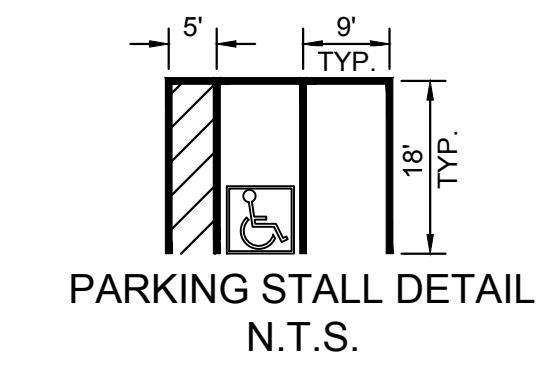
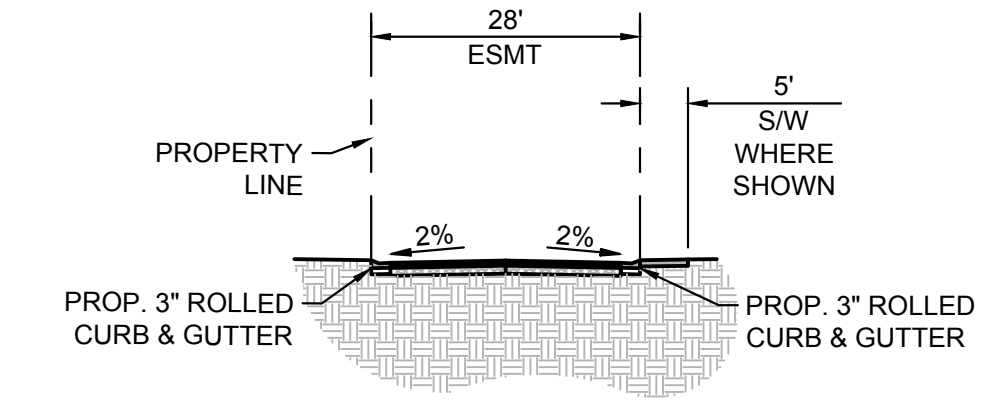
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PROJECT No.: 291015013	CHECKED BY: SRK	
SCALE (H): 1"=40'		
SCALE (V): N/A		



SHEET NO.  
 01  
 01 OF 02

**DEMOLITION, REMOVAL, AND ABANDONMENT NOTES**

1. ALL BUILDINGS, OUTBUILDINGS, FENCES, CONCRETE, AND OTHER SITE IMPROVEMENTS TO BE REMOVED AND DISPOSED OF BY DEVELOPER.
2. TREES TO BE REMOVED PER LANDSCAPE PLAN.
3. EXISTING SEPTIC AND DRAINFIELD TO BE REMOVED PER CENTRAL DISTRICT HEALTH REQUIREMENTS.
4. EXISTING WELL(S) TO BE ABANDONED PER IDAHO DEPT. OF WATER RESOURCES REQUIREMENTS WITH CITY OF EAGLE VERIFICATION OF DISCONNECT.



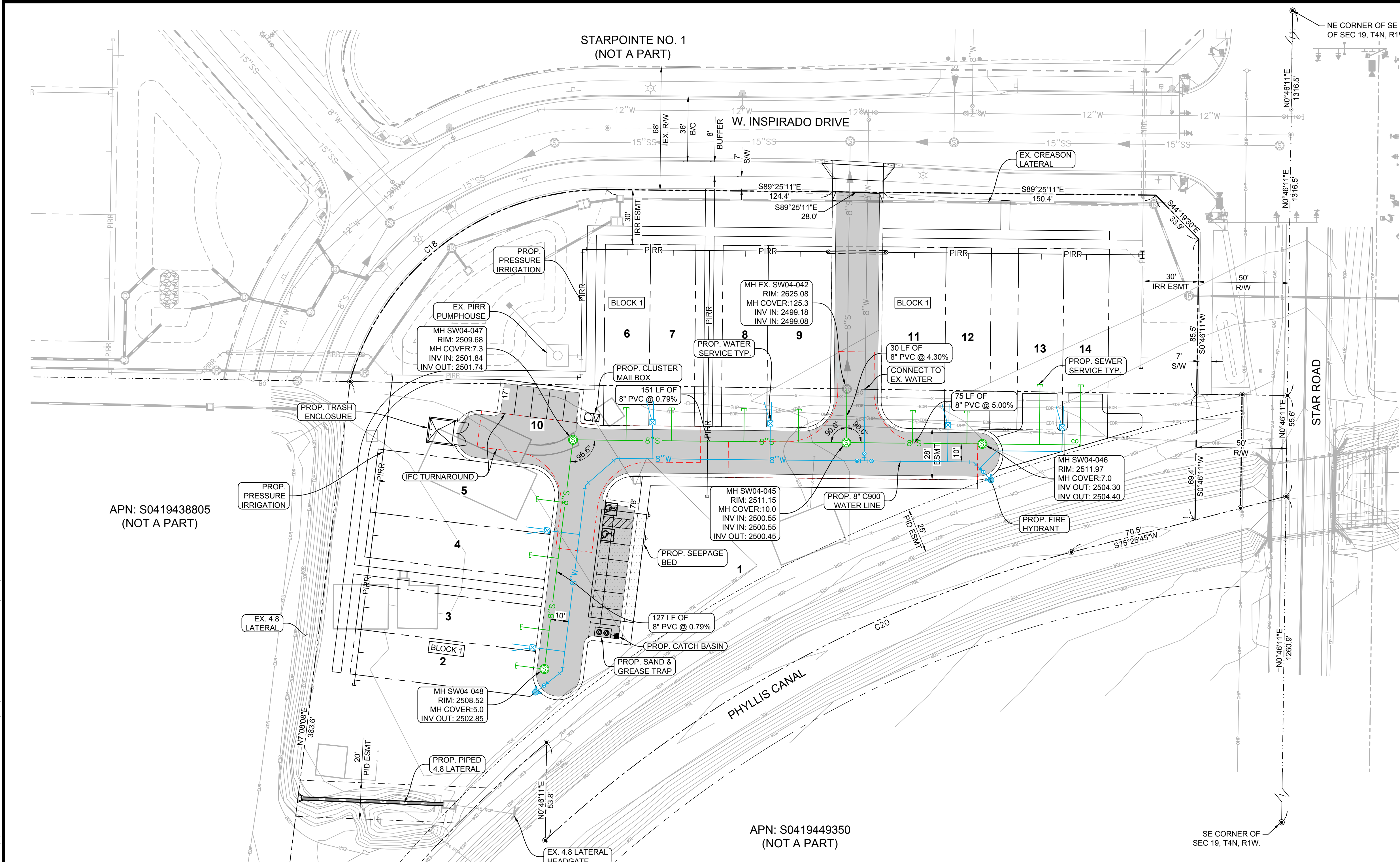
**Kimley»Horn**  
 © 2022 KIMLEY-HORN AND ASSOCIATES, INC.  
 1100 W. Idaho Street, Suite 210  
 Boise, Idaho 83702 (208) 297-8885

STARPOINTE SUBDIVISION NO. 2  
 ENGINEERING PLAN  
 STAR, IDAHO

DRAWING NAME: 5013-EP-HDR.dwg  
 PROJECT No.: 291015013  
 SCALE (H): 1"=30'  
 SCALE (V): N/A

PROFESSIONAL ENGINEER  
 1994  
 5/18/23  
 TELLER BARD  
 EXPIRES 10/31/23

SHEET NO.  
 02  
 02 OF 02

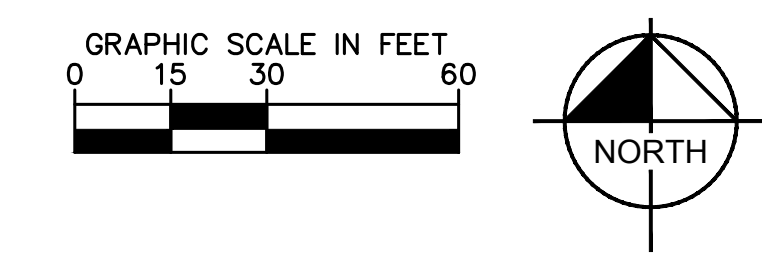


APN: S0419449350 (NOT A PART)

APN: S0419438805 (NOT A PART)

LOT CURVE TABLE						
CURVE	RADIUS	LENGTH	CHORD BEARING	CHORD	DELTA	TANGENT
C1	14.00'	21.99'	S52°08'08"W	19.80'	90°00'00"	14.00'
C2	14.00'	11.00'	N15°21'52"W	10.72'	45°00'00"	5.80'
C3	15.00'	23.56'	N37°51'52"W	21.21'	90°00'00"	15.00'
C4	14.00'	14.07'	N54°04'56"W	13.48'	57°33'52"	7.69'
C6	14.00'	14.06'	N68°21'39"E	13.48'	57°32'57"	7.69'
C7	2.00'	3.14'	N52°08'08"E	2.83'	90°00'00"	2.00'
C8	2.00'	3.14'	S37°51'52"E	2.83'	90°00'00"	2.00'
C9	50.00'	5.73'	S86°08'46"E	5.72'	6°33'47"	2.87'
C10	15.00'	23.56'	N45°34'21"E	21.21'	90°00'00"	15.00'
C12	15.00'	23.56'	S44°25'39"E	21.21'	90°00'00"	15.00'
C13	14.00'	31.15'	S25°40'49"E	25.11'	127°29'41"	28.39'
C14	14.00'	12.83'	S64°19'11"W	12.39'	52°30'19"	6.90'
C15	15.00'	17.40'	S57°19'58"W	16.44'	66°28'45"	9.83'
C16	3.00'	5.60'	S29°23'08"E	4.82'	106°57'28"	4.05'
C17	3.00'	4.71'	S52°08'08"W	4.24'	90°00'00"	3.00'
C18	146.00'	190.16'	N53°16'02"E	177.00'	74°37'33"	111.27'
C19	721.97'	240.49'	S40°40'29"W	239.38'	19°05'07"	121.37'
C20	681.97'	334.10'	S61°18'07"W	330.77'	28°04'11"	170.47'

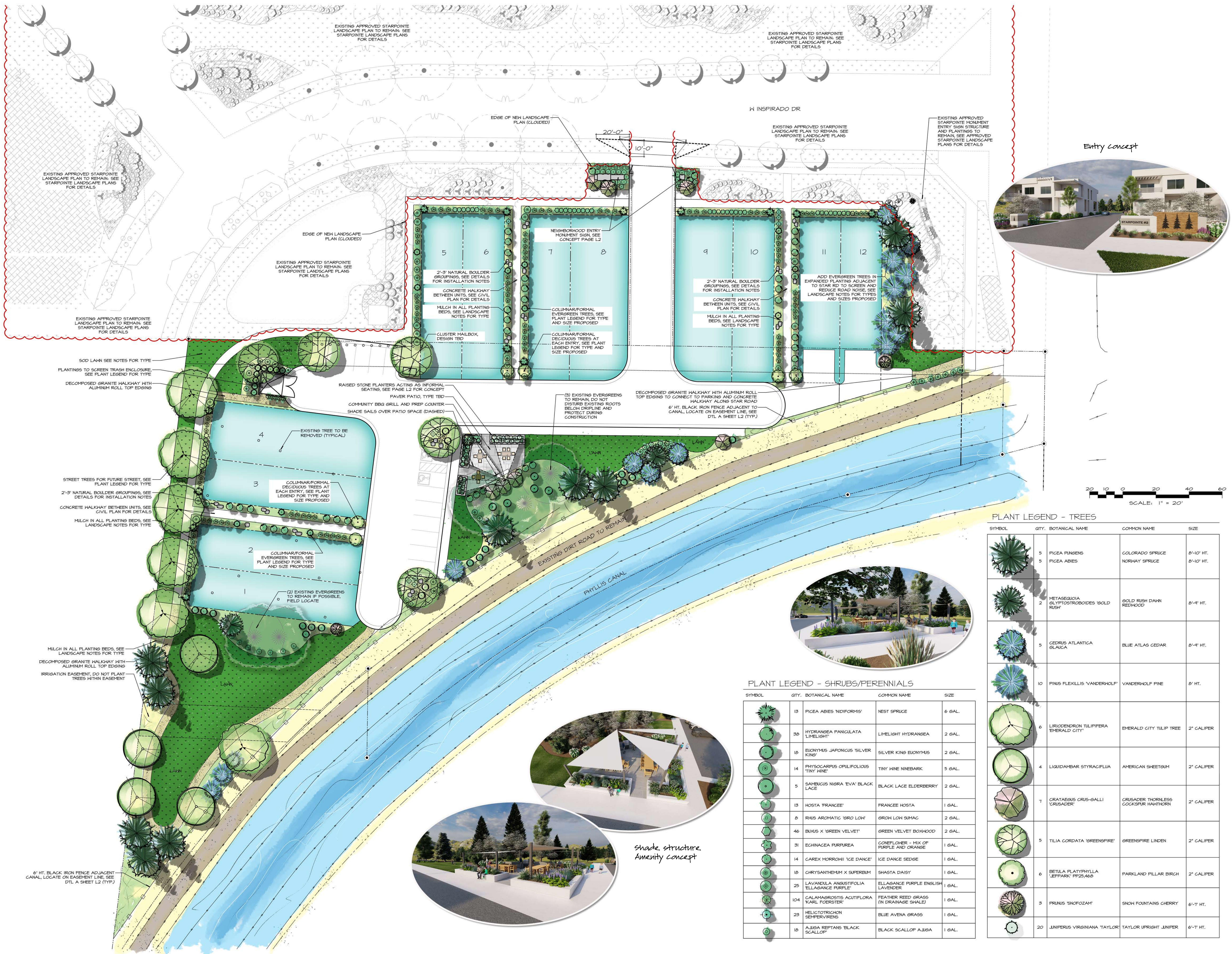
LOT AREA TABLE			
LOT NUMBER	BLOCK NUMBER	LOT AREA (SF)	LOT AREA (AC)
1	BLOCK 1	79,128	1.82
2	BLOCK 1	2,521	0.06
3	BLOCK 1	2,500	0.06
4	BLOCK 1	2,500	0.06
5	BLOCK 1	3,452	0.08
6	BLOCK 1	2,500	0.06
7	BLOCK 1	2,500	0.06
8	BLOCK 1	2,500	0.06
9	BLOCK 1	3,452	0.08
10	BLOCK 1	18,088	0.42
11	BLOCK 1	3,452	0.08
12	BLOCK 1	2,500	0.06
13	BLOCK 1	3,093	0.07
14	BLOCK 1	2,702	0.06



CAUTION: NOTICE TO CONTRACTOR

THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND, WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE LOCAL UTILITY LOCATION CENTER AT LEAST 48 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATIONS OF THE UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.

Date: 5/18/2023 2:09 PM  
 User: BARD, TELLER  
 Path: K:\PHX\_DWL\291015013 - CATHEY-HARRIGAN\CADD\PRELIMINARY PLAT\STARPOINTE HDR\5013-EP-HDR.DWG



**PLANT LEGEND - TREES**

SYMBOL	QTY.	BOTANICAL NAME	COMMON NAME	SIZE
	5	PICEA PENSILVANA	COLORADO SPRUCE	8'-10' HT.
	5	PICEA ABIES	NORWAY SPRUCE	8'-10' HT.
	2	METASEQUOIA GLYPTOSTROBILIFORMIS 'GOLD RUSH'	GOLD RUSH DAWN REDWOOD	8'-4' HT.
	5	CEDRUS ATLANTICA 'GLAUKA'	BLUE ATLAS CEDAR	8'-4' HT.
	10	PINUS FLEXILIS 'VANDERHOLZ'	VANDERHOLZ PINE	8' HT.
	6	LIRIODENDRON TULIPIFERA 'EMERALD CITY'	EMERALD CITY TULIP TREE	2" CALIFER
	4	LIQUIDAMBAR STYRACIFLUA	AMERICAN SWEETGUM	2" CALIFER
	7	CRATAEGUS CRUS-GALLI 'CRUSADER'	CRUSADER THORNLESS COCKSPUR HAWTHORN	2" CALIFER
	5	TILIA CORDATA 'GREENSPIRE'	GREENSPIRE LINDEN	2" CALIFER
	6	BETULA PLATYPHYLLA 'JEFFARK' PP25,468	PARKLAND PILLAR BIRCH	2" CALIFER
	3	PRUNUS 'SNOWFOZAN'	SNOW FOUNTAINS CHERRY	6'-7' HT.
	20	JUNIPERUS VIRGINIANA 'TAYLOR'	TAYLOR UPRIGHT JUNIPER	6'-7' HT.

**PLANT LEGEND - SHRUBS/PERENNIALS**

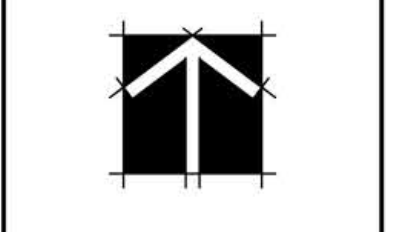
SYMBOL	QTY.	BOTANICAL NAME	COMMON NAME	SIZE
	13	PICEA ABIES NIDIFORMIS	NEST SPRUCE	6 GAL.
	38	HYDRANGEA PANICULATA 'LIMELIGHT'	LIMELIGHT HYDRANGEA	2 GAL.
	10	EVONYMUS JAPONICUS 'SILVER KING'	SILVER KING EVONYMUS	2 GAL.
	14	PHYSCOCARPUS OPULIFOLIUS 'TINY WINE'	TINY WINE NINEBARK	5 GAL.
	5	SAMBUCUS NIGRA 'EVA' BLACK LACE	BLACK LACE ELDERBERRY	2 GAL.
	13	HOSTA 'FRANCEE'	FRANCEE HOSTA	1 GAL.
	8	RHUS AROMATIC 'GRO LOW'	GROW LOW SUMAC	2 GAL.
	46	BUXUS X 'GREEN VELVET'	GREEN VELVET BOXHOOD	2 GAL.
	31	ECHINACEA PURPUREA	CONEFLOWER - MIX OF PURPLE AND ORANGE	1 GAL.
	14	CAREX MORROWII 'ICE DANCE'	ICE DANCE SEDGE	1 GAL.
	18	CHRYSANTHEMUM X SUPERBUM	SHASTA DAISY	1 GAL.
	25	LAVANDELLA ANGSTIFOLIA 'ELLASANCE PURPLE ENGLISH LAVENDER'	ELLASANCE PURPLE ENGLISH LAVENDER	1 GAL.
	104	GALAMAGROSSTIS ACUTIFLORA 'KARL FOERSTER'	FEATHER REED GRASS (IN DRAINAGE SWALE)	1 GAL.
	25	HELICTOTRICHON SEMPERVIRENS	BLUE AVENA GRASS	1 GAL.
	18	AJUGA REPTANS 'BLACK SCALLOP'	BLACK SCALLOP AJUGA	1 GAL.

**STARPOINTE NO. 2**  
INSPIRADO DRIVE  
STAR, IDAHO 83646

PRELIMINARY  
NOT FOR CONSTRUCTION  
FOR REVIEW ONLY

27 APRIL 2023

Title:  
Landscape Plan

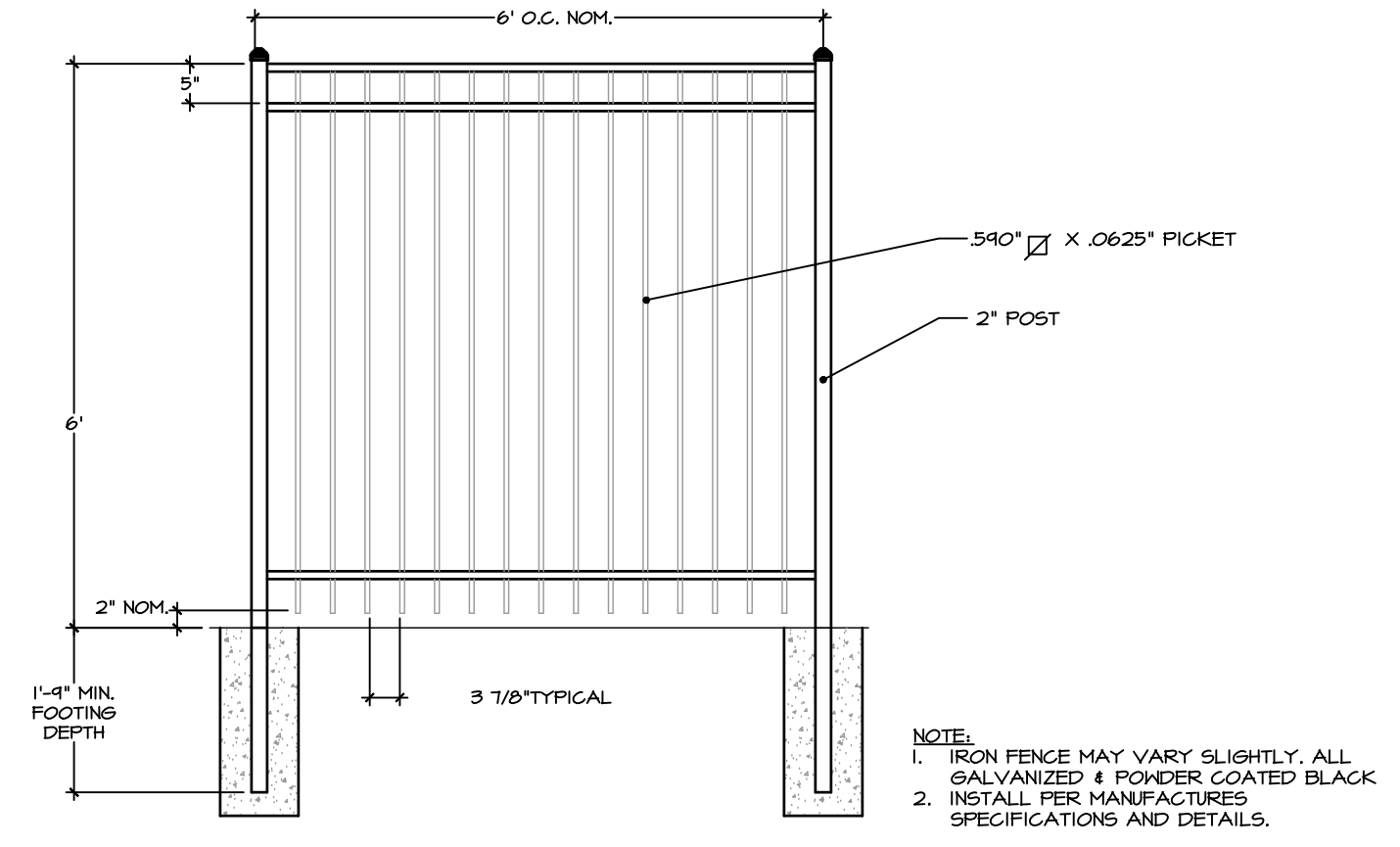


Scale:  
1" = 20'

Sheet:  
**L1**

IRRIGATION NOTES & SPECIFICATIONS:

1. AUTOMATIC DRIP IRRIGATION SHALL BE PROVIDED AT ALL NEW TREES AND SHRUBS IN PLANTING BEDS. AUTOMATIC 6" POP-UP SPRAY HEADS OR ROTORS SHALL BE PROVIDED FOR LAWN AREAS. ALL OVERHEAD IRRIGATION HEADS SHALL BE SPACED ON CENTER PER THEIR COVERAGE RADIUS TO PROVIDE EVEN AND EFFICIENT WATERING.
2. FLUSH DIRT AND DEBRIS FROM PIPING BEFORE INSTALLING SPRINKLERS AND OTHER DEVICES.
3. A LOW VOLTAGE SYSTEM MANUFACTURED EXPRESSLY FOR CONTROL OF AUTOMATIC CIRCUIT VALVES OF AN IRRIGATION SYSTEM SHALL BE INSTALLED. SYSTEM SHALL INCLUDE AN ADJUSTABLE 24 HOUR TIME CLOCK WHICH WILL ALLOW FOR AUTOMATIC, SEMI-AUTOMATIC, OR MANUAL OPERATION CIRCUIT CONTROL, WHICH ALLOWS FOR MANUAL OR AUTOMATIC OPERATION, PROGRAMMABLE CAPABILITIES THAT ALLOW FOR INDEPENDENT WATERING SCHEDULES PER ZONE, AND RAIN SENSOR. THE SYSTEM SHALL INCLUDE A PRESSURE REGULATOR AND BACKFLOW PREVENTOR DEVICE.
4. PROVIDE 4" PVC SLEEVING BELOW ALL HARDSCAPE TO ADJACENT PLANTING AREAS.
5. MAINLINE IS TO BE BURIED 12"-16" BELOW FINISHED GRADE. LATERAL PIPES SHALL BE BURIED 8"-12" BELOW FINISHED GRADE IN LANDSCAPED AREAS AND A MINIMUM OF 2" BELOW FINISHED GRADE IN NATIVELY UNDISTURBED AREAS. ALL PIPE TRENCHES SHALL BE FREE OF ROCKS AND DEBRIS PRIOR TO PIPE INSTALLATION. BACKFILL TRENCHES WITH SOIL THAT IS FREE OF ROCKS AND DEBRIS.
6. INSTALL ALL DRIP IRRIGATION LINES PER MANUFACTURER SPECIFICATIONS.
7. CONTRACTOR IS TO PROVIDE OWNER WITH AS-BUILT IRRIGATION PLANS THAT INCLUDE APPROXIMATE MAINLINE ROUTING AND VALVE BOX LOCATIONS.
8. THE FOLLOWING IRRIGATION TESTS AND INSPECTIONS SHALL BE COMPLETED BY THE CONTRACTOR:
  - a.1. LEAK TEST: AFTER INSTALLATION, CHARGE SYSTEM AND TEST FOR LEAKS, REPAIR LEAKS AND RETEST UNTIL NO LEAKS EXIST.
  - a.2. OPERATIONAL TEST: AFTER ELECTRICAL CIRCUITRY HAS BEEN ENERGIZED, OPERATE CONTROLLERS AND AUTOMATIC CONTROL VALVES TO CONFIRM PROPER SYSTEM OPERATION.
  - a.3. TEST AND ADJUST CONTROLS AND SAFETIES, REPLACE DAMAGED AND MALFUNCTIONING CONTROLS AND EQUIPMENT.
9. CONTRACTOR IS TO PROVIDE START UP AND BLOW-OUT SERVICES FOR IRRIGATION SYSTEM FOR THE FIRST SEASON IT IS INSTALLED.



A 6' HT. OPEN VIEW FENCE DETAIL  
NOT TO SCALE

FENCE PANEL EXAMPLE PHOTO

GENERAL NOTES:

1. CONTRACTOR TO VERIFY EXISTING SITE INFORMATION, INCLUDING STRUCTURES, UTILITIES, PROPERTY LINES, LIMITS OF ROADWAYS, AND CURBS AND GUTTER, THAT MAY EFFECT THE SCOPE OF WORK PRIOR TO BEGINNING SITE CONSTRUCTION.
2. EXISTING UTILITIES ARE INDICATED FOR INFORMATION ONLY AND NOT INTENDED TO SHOW EXACT LOCATION. THE LANDSCAPE DESIGNER IS NOT RESPONSIBLE FOR THE LOCATION OF UNDERGROUND UTILITIES OR STRUCTURES NOT SHOWN OR DETAILED AND INSTALLED BY ANY OTHER CONTRACTOR. THE CONTRACTOR SHALL LOCATE ALL UTILITIES AND MAINTAIN THE LOCATION DURING ALL PHASES OF THE WORK. GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO UTILITIES OR STRUCTURES AND ANY INJURIES THEREFROM. RESTORATION OF ANY UTILITIES DAMAGED BY THE CONTRACTOR SHALL BE AT THE CONTRACTORS EXPENSE TO THE SATISFACTION OF THE OWNER. ANY ADJUSTMENTS OF PROPOSED WORK WILL BE APPROVED BY LANDSCAPE DESIGNER. ADJUSTMENTS OF PLANT MATERIAL DUE TO CONFLICTS WITH UTILITIES SHALL BE APPROVED BY OWNER OR LANDSCAPE DESIGNER. CALL UNDERGROUND LOCATES 1 WEEK PRIOR TO PLANTING.
3. PROVIDE OWNER OR LANDSCAPE ARCHITECT WITH NOTIFICATION OF ALL DISCREPANCIES BETWEEN EXISTING AND PROPOSED SITE IMPROVEMENTS.
4. LANDSCAPE CONTRACTOR SHALL TAKE ALL NECESSARY STEPS AS REQUIRED TO PROPERLY PROTECT AND MAINTAIN HIS WORK FOR THE DURATION OF THE CONTRACT.
5. ALL WORK SHALL COMPLY WITH ALL APPLICABLE CODES AND ORDINANCES.
6. NOTES AND DETAILS ON SPECIFIC DRAINAGE TAKE PRECEDENCE OVER GENERAL NOTES AND TYPICAL DETAILS.
7. NO SUBSTITUTIONS FOR ANY MATERIALS SPECIFIED SHALL BE MADE WITHOUT LANDSCAPE DESIGNER'S OR OWNER'S APPROVAL.
8. IT SHALL BE THE LANDSCAPE CONTRACTOR'S RESPONSIBILITY TO CONFIRM ALL DESIGN CRITERIA AS NOTED BY THE DRAWINGS OR TECHNICAL SPECIFICATIONS. ANY DISCREPANCIES, DELETIONS, ADDITIONS OR ALTERATIONS TO THE DRAWINGS OR SPECIFICATIONS SHALL BE PRESENTED IN WRITING TO THE PROJECT LANDSCAPE DESIGNER PRIOR TO INSTALLATION.
9. CIVIL ENGINEERING IS THE RESPONSIBILITY OF THE CLIENT OR GENERAL CONTRACTOR.
10. GENERAL CONTRACTOR TO BRING ROUGH GRADE WITHIN +/- 0.25' OF FINISHED GRADE & LANDSCAPE CONTRACTOR TO FINISH GRADE.
11. ALL WORK AND PARTS SHALL BE WARRANTED FOR A MINIMUM OF ONE YEAR FROM DATE OF COMPLETION.
12. A MINIMUM OF 48 HOURS NOTICE IS REQUIRED FOR ALL MODIFICATIONS, REVIEW & APPROVAL REQUESTS TO LANDSCAPE DESIGNER.
13. AT COMPLETION OF ALL WORK OUTLINED IN THESE PLANS THE LANDSCAPE CONTRACTOR SHALL CONTACT THE OWNER AND ARRANGE A WALK THROUGH TO DETERMINE THAT ALL ASPECTS OF WORK ARE COMPLETED. WORK MUST BE FULLY COMPLETED ACCORDING TO ALL PLANS AND SPECIFICATIONS AND MUST BE COMPLETE IN GOOD WORKMANSHIP MANNER AND MUST BE ACCEPTED BY THE OWNER IN WRITING PRIOR TO THE BEGINNING OF THE MAINTENANCE PERIOD.



B ENTRY MONUMENT AT LEFT SIDE OF ENTRY ROAD  
NOT TO SCALE

ENTRY ROAD WITH MONUMENT ON EACH SIDE

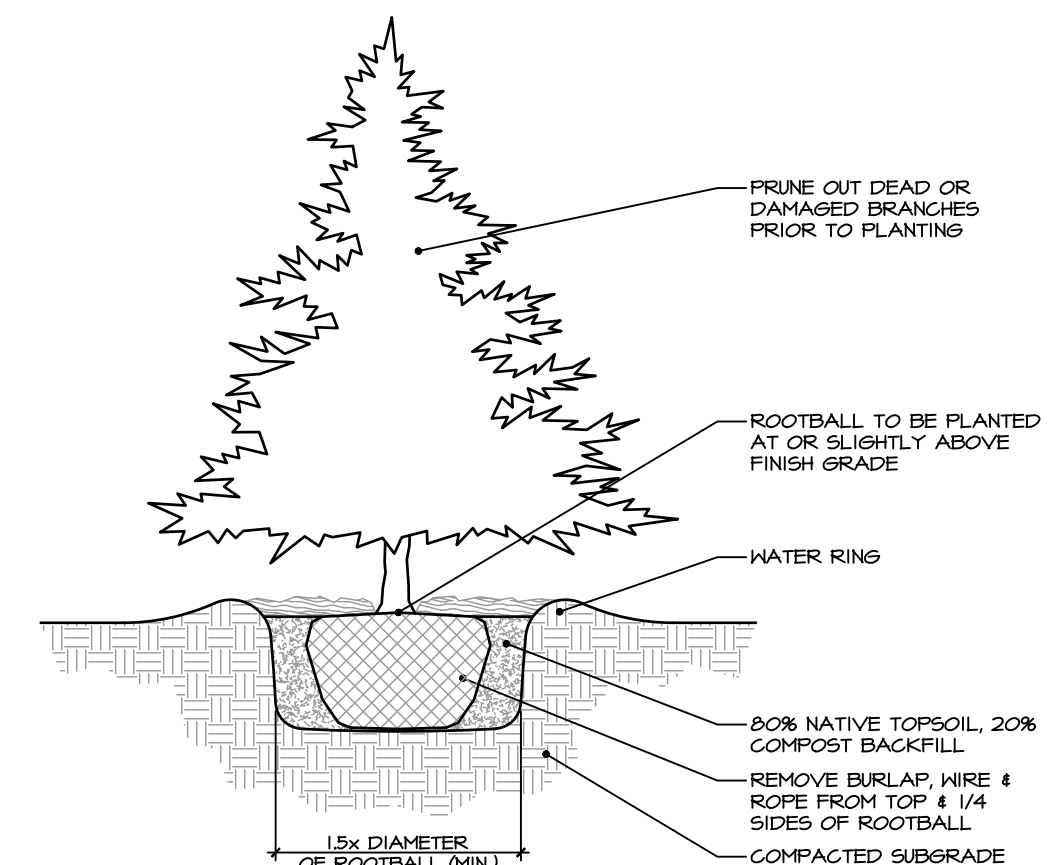
ENTRY MONUMENT AT RIGHT SIDE OF ENTRY

LANDSCAPE CALCULATIONS

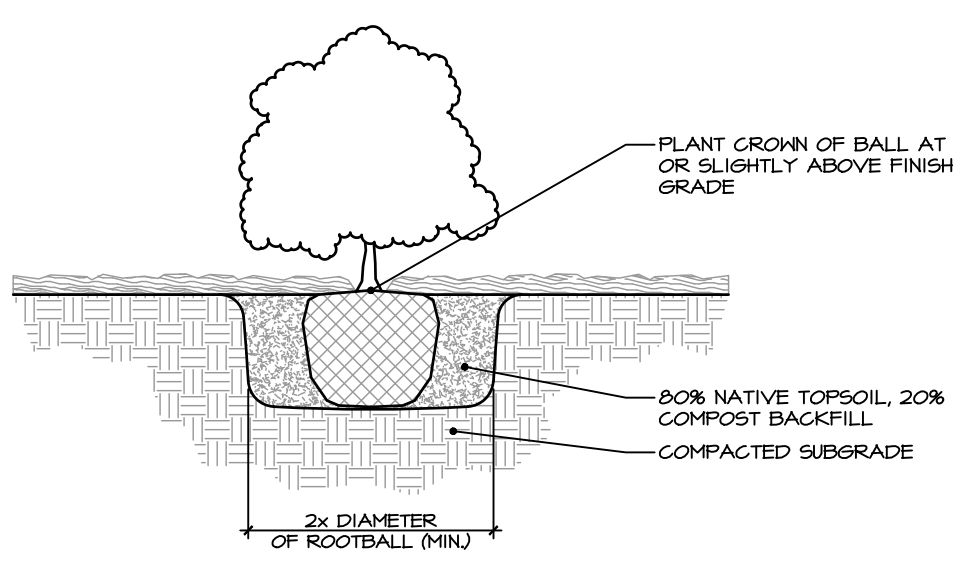
LANDSCAPE REQUIREMENTS:	
- (7) REQUIRED AMENITIES	
- (5) PROPOSED AMENITIES BELOW	
- PATHWAY	
- PICNIC TABLES	
- TRASH RECEPTACLE	
- SEATING BENCH	
- SHADE STRUCTURE	
PLANTING REQUIREMENTS PER STAR CODE:	
(1) DECIDUOUS SHADE TREE PER EVERY 4000 SF OF COMMON SPACE	
(4) SHRUBS PER TREE	
SITE SPECIFIC PLANTING REQUIREMENTS:	
- TOTAL OPEN SPACE = 10,221 SF (1.00 AC)	
TREES REQUIRED:	
- TOTAL OPEN SPACE = 10,221 SF (1.00 AC)	
= 10,221 SF / 4000 = 2.55 TREES REQUIRED	
= 21 EVERGREEN X 0.5 HEIGHT OF SHADE TREE = 10.5 COUNT	
= DECIDUOUS = 31	
= TOTAL QUALIFIED TREES PROPOSED: 44.5 / 13.5 REQUIRED	



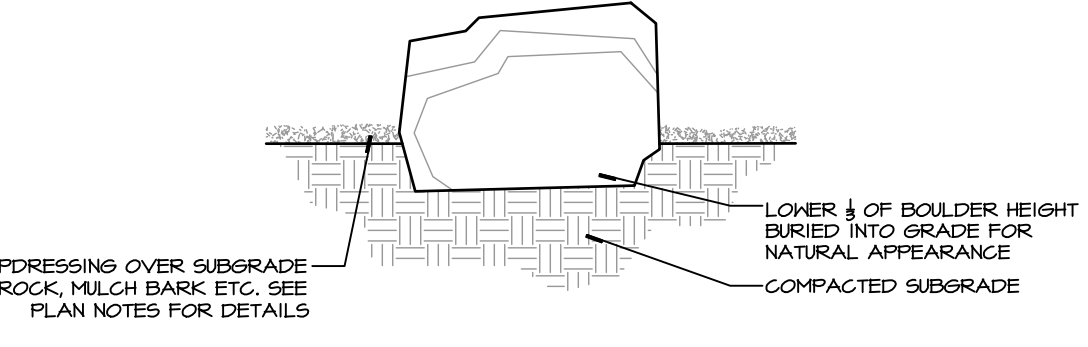
C AMENITY CONCEPT WITH SHADE SALES, RAISED PLANTER SEATING WALL AND POTENTIAL NEIGHBORHOOD BBQ SPACE  
NOT TO SCALE



1 TREE PLANTING SECTION  
NOT TO SCALE



2 SHRUB, ORNAMENTAL GRASS, GROUNDCOVER & PERENNIAL PLANTINGS  
NOT TO SCALE



3 LANDSCAPE BOULDER SECTION  
NOT TO SCALE

STARPOINTE NO. 2  
INSPIRADO DRIVE  
STAR, IDAHO 83646

PRELIMINARY  
NOT FOR CONSTRUCTION  
FOR REVIEW ONLY

27 APRIL 2023

Title:  
Landscape Details and  
Concept Images

Scale:  
AS NOTED

Sheet:  
L2

1445 N. Orchard St.  
Boise ID 83706 • (208) 373-0550



Brad Little, Governor  
Jess Byrne, Director

---

July 19, 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: Starpointe Subdivision Phase Two Annexation & Preliminary Plat

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



# 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 6, Item A.

BUILDING • COMMUNITY PLANNING • ENGINEERING & SURVEYING • PERMITTING

July 31, 2023

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

RE: AZ-23-03 / 6777 and 6825 N Star Road / Starpointe Subdivision Phase 2

Shawn,

The City of Star has requested feedback regarding the proposed annexation for 2.01 acres that will be included in the Starpointe Subdivision Phase 2, which is proposed to contain 12 residential lots on 3.08 acres, generally located north of Chinden Boulevard and west 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 1*, which is intended for residential, limited office and commercial uses. 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 12 residential 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.*
- *Goal 15.3: Encourage diverse developments that provide a mix of housing types and products and, where possible, an assortment of amenities within walking distance of residential development.*

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



**Project/File:** **Starpointe 2 / SPP23-0001 / AZ-23-03/ DA-21-09/ PR-23-02/ PP-23-02/ PP-21-10**  
 This is an annexation with rezone, a development agreement modification, private street, an amendment to the preliminary plat for Starpointe subdivision and a preliminary plat to allow for the development of a 14 lot subdivision on 3-acres.

**Lead Agency:** City of Star

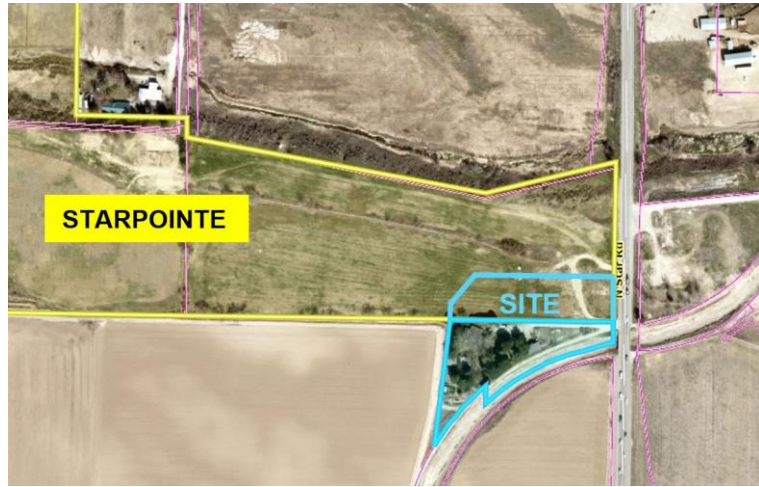
**Site address:** 6777 & 6825 N. Star Road

**Staff Approval:** January 30, 2024

**Applicant:** Kody Daffer  
 Criterion Land Management, LLC  
 1861 S. Wells Avenue, Ste. 200  
 Meridian, ID 83642

**Representative:** Teller Bard, PE  
 Kimley-Horn  
 1100 W. Idaho Street, Ste. 210  
 Boise, ID 83702

**Staff Contact:** Dawn Battles, Senior Planner  
 Phone: 387-6218  
 E-mail: [dbattles@achdidaho.org](mailto:dbattles@achdidaho.org)



## A. Findings of Fact

1. **Description of Application:** The applicant is requesting approval of an annexation with a rezone of 2-acres from RUT (Rural-Urban Transition) to R-4 (Residential), a development agreement modification, private street, an amendment to the preliminary plat for Starpointe subdivision and a preliminary plat to allow for the development of a 14 lot subdivision consisting of 12 residential buildable lots and 2 common lots on 3-acres. A portion of the site is zoned R-3-DA and the applicant’s rezone proposal is consistent with the City of Star’s comprehensive plan which designates this site as mixed-use and neighborhood residential.

2. **Description of Adjacent Surrounding Area:**

Direction	Land Use	Zoning
North	Residential & Rural-Urban Transition (Ada County)	R-4-DA & RUT
South	Rural-Urban Transition (Ada County)	RUT
East	Residential & Rural-Urban Transition (Ada County)	R-3PUD-DA & RUT
West	Residential & Rural-Urban Transition (Ada County)	R-3-DA & RUT

3. **Site History:** ACHD has staff previously reviewed a portion of this site as Starpointe Subdivision/ SPP21-0013/ AZ-21-07/ DA-21-09/PP-21-10 in January 2022. The requirements of this staff report are generally consistent with those of the prior action.

4. **Adjacent Development:** The following developments are pending or underway in the vicinity of the site:

- Inspirado, a 227 lot subdivision consisting of 195 single family lots, 2 high density residential lots, 1 commercial lot, 5 mixed-use lots and 24 common lots on 124-acres located on the east side of Star Road across from the site was approved by ACHD in January 2022.
- Starpointe, an 84 lot subdivision consisting of 71 residential lots and 13 common lots located north of the site was approved by ACHD in January 2022.
- Oaklawn Crossing, a 71 lot subdivision consisting of 65 residential lots, 1 commercial lot and 5 common lots on 26-acres located north of the site was approved by ACHD in August 2021.

5. **Transit:** Transit services are not available to serve this site.

6. **Pathway Crossings:** United States Access Board R304.5.1.2 Shared Use Paths. In shared use paths, the width of curb ramps runs and blended transitions shall be equal to the width of the shared use path.

AASHTO's Guidelines for the Development of Bicycle Facilities 5.3.5 Other Intersection Treatments: The opening of a shared use path at the roadway should be at least the same width as the shared use path itself. If a curb ramp is provided, the ramp should be the full width of the path, not including any flared sides if utilized. . . . Detectable warnings should be placed across the full width of the ramp.

FHWA's "Designing Sidewalks and Trails for Access" (1999) reflected common ADA-related concepts: Chapter 6, Page 16-6: The width of the ramp should be at least as wide as the average width of the trail to improve safety for users who will be traveling at various speeds. In addition, the overall width of the trail should be increased, so the curb ramp can be slightly offset to the side. The increased width reduces conflict at the intersection by providing more space for users at the bottom of the ramp.

7. **New Center Lane Miles:** The proposed development includes 0 centerline miles of new public road.

8. **Impact Fees:** There will be an impact fee that is assessed and due prior to issuance of any building permits. The assessed impact fee will be based on the impact fee ordinance that is in effect at that time. The impact fee assessment will not be released until the civil plans are approved by ACHD.

9. **Capital Improvements Plan (CIP)/ Integrated Five Year Work Plan (IFYWP):**

- The intersection of US 20/26 and Star Road is scheduled in the IFYWP for an intersection improvement project which includes the addition of a right-turn lane on Star Road as part of the ITD project on US 20/26 (Chinden Boulevard) in 2023.
- The intersection of Star Road/ Main Street/ SH-44 (State Street) is scheduled in the IFYWP for a community improvement consisting of the construction of enhanced pedestrian facilities on the west side of the roadway and an enhanced crossing across Star Road at Main Street with the design year in 2024 and the construction date has not been determined.
- Star Road is listed in the CIP to be widened to 5-lanes from US 20/26 (Chinden Boulevard) to SH-44 (State Street) between 2031 and 2035.
- The intersection of Star Road and US 20/26 (Chinden Boulevard) is listed in the CIP to be widened to 5- lanes on the north leg, 5-lanes on the south, 7-lanes on the east, and 7-lanes on the west, and signalized between 2031 and 2035.
- The intersection of Star Road and SH-44 (State Street) is listed in the CIP to be widened to 4-lanes on the north leg, 5-lanes on the south, 6-lanes east, and 6-lanes on the west leg, and signalized between 2026 and 2030.

**10. Roadways to Bikeways Master Plan:** ACHD’s Roadways to Bikeways Master Plan (BMP) was adopted by the ACHD Commission in May of 2009 and was update in 2018. The plan seeks to implement the Planned Bicycle Network to support bicycling as a viable transportation option for Ada County residents with a wide range of ages and abilities, maintain bicycle routes in a state of good repair in order to ensure they are consistently available for use, promote awareness of existing bicycle routes and features and support encouragement programs and to facilitate coordination and cooperation among local jurisdictions in implementing the Roadways to Bikeways Plan recommendations.

The BMP identifies Star Road as Level 3 facilities that will be constructed as part of a future ACHD project. The BMP also identifies Level 1 facilities on the new collector roadway within the Inspirado subdivision located on the east side of Star Road across from the site. The new collector will be constructed consistent with the MSM and the Roadways to Bikeways Master plan.

## **B. Traffic Findings for Consideration**

**1. Trip Generation:** This development is estimated to generate 77 additional vehicle trips per day (9 existing); 6 additional vehicle trips per hour in the PM peak hour (1 existing), based on the Institute of Transportation Engineers Trip Generation Manual, 11<sup>th</sup> edition.

**2. Condition of Area Roadways**  
Traffic Count is based on Vehicles per hour (VPH)

Roadway	Frontage	Functional Classification	PM Peak Hour Traffic Count	PM Peak Hour Level of Service
**US 20/26 Chinden Boulevard	None	Principal Arterial	1,016	N/A
Star Road	155-feet	Minor Arterial	483	Better than “E”

\* Acceptable level of service for a two-lane minor arterial is “E” (575 VPH).  
\*\* ACHD does not set level of service thresholds for State Highways.

**3. Average Daily Traffic Count (VDT)**  
*Average daily traffic counts are based on ACHD’s most current traffic counts.*

- The average daily traffic count for US 20/26 west of SH-16 was 23,866 on December 31, 2022.
- The average daily traffic count for Star Road south of SH-44 was 12,022 on October 26, 2022.

## **C. Findings for Consideration**

### **1. Star Road**

**a. Existing Conditions:** Star Road is improved with 2-travel lanes, 24 to 30-feet of pavement and no curb, gutter or sidewalk abutting the site. There is 75 to 77-feet of right-of-way for Star Road (30 to33-feet from centerline).

**b. Policy:**  
**Arterial Roadway Policy:** District Policy 7205.2.1 states that the developer is responsible for improving all street frontages adjacent to the site regardless of whether or not access is taken to all of the adjacent streets.

**Master Street Map and Typology Policy:** District Policy 7205.5 states that the design of improvements for arterials shall be in accordance with District standards, including the Master

Street Map and Livable Streets Design Guide. The developer or engineer should contact the District before starting any design.

**Street Section and Right-of-Way Width Policy:** District Policies 7205.2.1 & 7205.5.2 state that the standard 5-lane street section shall be 72-feet (back-of-curb to back-of-curb) within 96-feet of right-of-way. This width typically accommodates two travel lanes in each direction, a continuous center left-turn lane, and bike lanes on a minor arterial and a safety shoulder on a principal arterial.

**Right-of-Way Dedication:** District Policy 7205.2 states that The District will provide compensation for additional right-of-way dedicated beyond the existing right-of-way along arterials listed as impact fee eligible in the adopted Capital Improvements Plan using available impact fee revenue in the Impact Fee Service Area.

No compensation will be provided for right-of-way on an arterial that is not listed as impact fee eligible in the Capital Improvements Plan.

The District may acquire additional right-of-way beyond the site-related needs to preserve a corridor for future capacity improvements, as provided in Section 7300.

**Sidewalk Policy:** District Policy 7205.5.7 requires a concrete sidewalk at least 5-feet wide to be constructed on both sides of all arterial streets. A parkway strip at least 6-feet wide between the back-of-curb and street edge of the sidewalk is required to provide increased safety and protection of pedestrians. Consult the District’s planter width policy if trees are to be placed within the parkway strip. Sidewalks constructed next to the back-of-curb shall be a minimum of 7-feet wide.

Detached sidewalks are encouraged and should be parallel to the adjacent roadway. Meandering sidewalks are discouraged.

A permanent right-of-way easement shall be provided if public sidewalks are placed outside of the dedicated right-of-way. The easement shall encompass the entire area between the right-of-way line and 2-feet behind the back edge of the sidewalk. Sidewalks shall either be located wholly within the public right-of-way or wholly within an easement.

**Frontage Improvements Policy:** District Policy 7205.2.1 states that the developer shall widen the pavement to a minimum of 17-feet from centerline plus a 3-foot wide gravel shoulder adjacent to the entire site. Curb, gutter and additional pavement widening may be required (See Section 7205.5.5).

**Minor Improvements Policy:** District Policy 7203.3 states that minor improvements to existing streets adjacent to a proposed development may be required. These improvements are to correct deficiencies or replace deteriorated facilities. Included are sidewalk construction or replacement; curb and gutter construction or replacement; replacement of unused driveways with curb, gutter and sidewalk; installation or reconstruction of pedestrian ramps; pavement repairs; signs; traffic control devices; and other similar items.

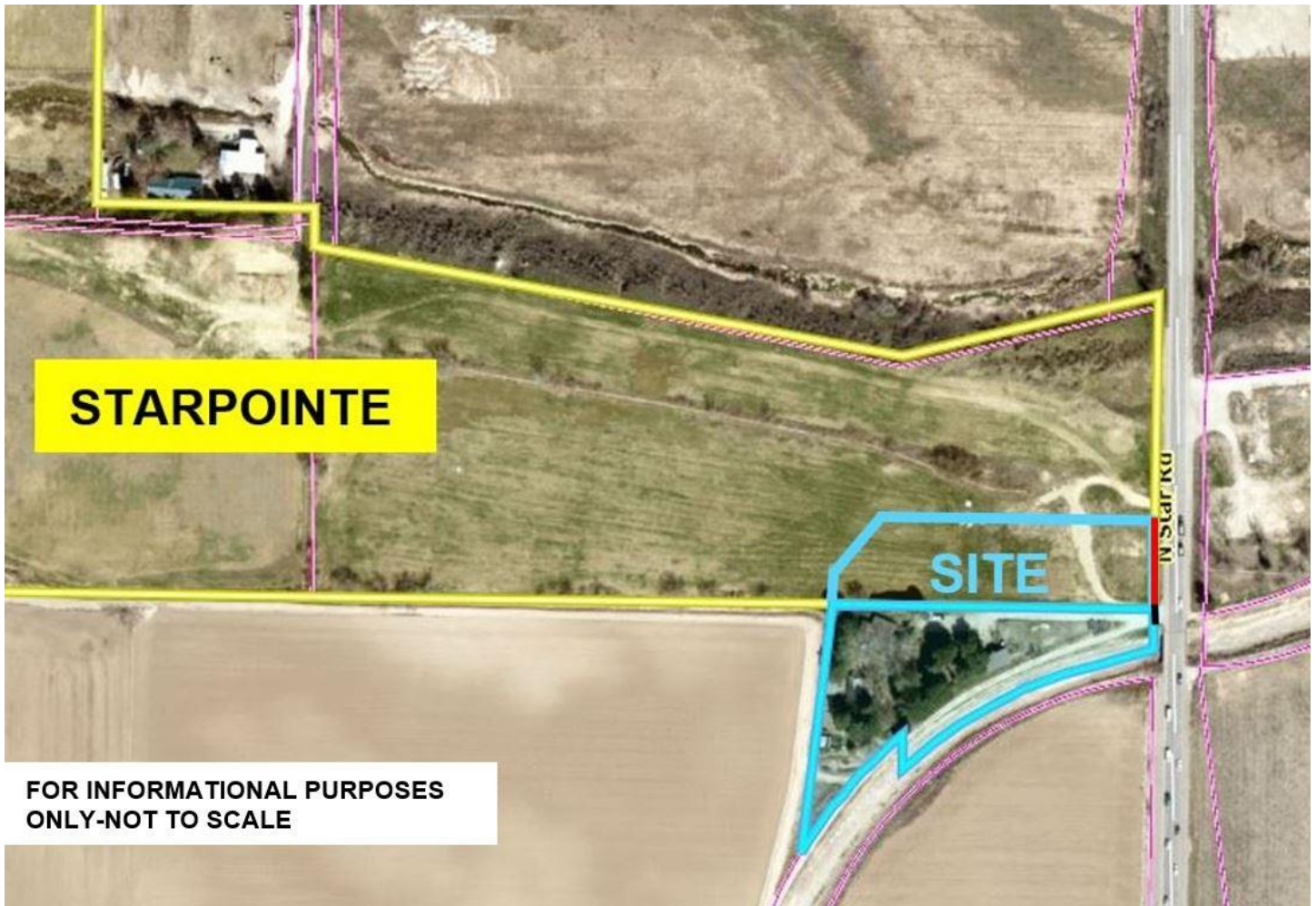
**ACHD Master Street Map:** ACHD Policy Section 3111.1 requires the Master Street Map (MSM) guide the right-of-way acquisition, arterial street requirements, and specific roadway features required through development. This segment of Star Road is designated in the MSM as a Residential Arterial with 5-lanes and on-street bike lanes, a 72-foot street section within 100-feet of right-of-way.

- c. **Applicant Proposal:** The applicant is proposing to dedicate additional right-of-way to total 50-feet from section line of Star Road abutting the southern portion of the site (shown in black).
- d. **Staff Comments/Recommendations:** The applicant’s proposal to dedicate additional right-of-way to total 50-feet from section line of Star Road abutting the southern portion of the site

meets District policy and is consistent with the requirements of Starpointe located north and northwest of the site and should be approved, as proposed. Typically, compensation should be provided for the additional dedicated right-of-way, as this segment of Star Road is listed in the CIP. However, the applicant is proposing to dedicate the additional right-of-way without compensation because ACHD has agreed upon a reduction in the road trust amount required, due to the limited size of the development and should be approved, as proposed.

Plans for Phase 1 of the Starpointe Subdivision were recently approved by ACHD and a portion of Star Road is being improved with pavement widening plus a 3-foot wide gravel shoulder and the construction of 5-foot wide detached concrete sidewalk located 43-feet from section line of Star Road (shown in red). The applicant should be required to improve Star Road abutting the southern portion of the site (shown in black) with 17-feet of pavement from section line plus a 3-foot wide gravel shoulder and the construction of 5-foot wide detached concrete sidewalk located 43-feet from section line of Star Road and tie into the sidewalk as part of the Southpointe subdivision located north of the site.

To accommodate the future widening of the bridge on Star Road over the Phyllis Canal, the applicant should be required to provide a road trust deposit to ACHD and due to the limited size of the development, the road trust deposit amount is reduced to \$50,000 and should be provided prior to ACHD's signature on the first final plat.



## 2. Inspirado Drive

- a. **Existing Conditions:** Inspirado Drive, the entrance roadway, is currently under construction abutting the site's north property line as a 46-foot wide collector street section at the intersection

with Star Road which includes an eastbound left-turn lane and transitions to a 36-foot wide collector street section with vertical curb, gutter, a 10-foot wide landscape strip and 5-foot wide detached concrete sidewalk. This roadway was approved as part of ACHD’s action on the Starpointe Subdivision located north and northwest of the site.

Additionally, this intersection is anticipated to be a signalized intersection as part of ACHD’s action on Inspirado Subdivision located on the east side of Star Road across from the site.

**b. Policy:**

**Collector Street Policy:** District policy 7206.2.1 states that the developer is responsible for improving all collector frontages adjacent to the site or internal to the development as required below, regardless of whether access is taken to all of the adjacent streets.

**Street Section and Right-of-Way Policy:** District policy 7206.5.2 states that the standard right-of-way width for collector streets shall typically be 50 to 70-feet, depending on the location and width of the sidewalk and the location and use of the roadway. The right-of-way width may be reduced, with District approval, if the sidewalk is located within an easement; in which case the District will require a minimum right-of-way width that extends 2-feet behind the back-of-curb on each side.

The standard street section shall be 46-feet (back-of-curb to back-of-curb). This width typically accommodates a single travel lane in each direction, a continuous center left-turn lane, and bike lanes.

**Residential Collector Policy:** District policy 7206.5.2 states that the standard street section for a collector in a residential area shall be 36-feet (back-of-curb to back-of-curb). The District will consider a 33-foot or 29-foot street section with written fire department approval and taking into consideration the needs of the adjacent land use, the projected volumes, the need for bicycle lanes, and on-street parking.

**Sidewalk Policy:** District policy 7206.5.6 requires a concrete sidewalk at least 5-feet wide to be constructed on both sides of all collector streets. A parkway strip at least 6-feet wide between the back-of-curb and street edge of the sidewalk is required to provide increased safety and protection of pedestrians. Consult the District’s planter width policy if trees are to be placed within the parkway strip. Sidewalks constructed next to the back-of-curb shall be a minimum of 7-feet wide.

Detached sidewalks are encouraged and should be parallel to the adjacent roadway. Meandering sidewalks are discouraged.

A permanent right-of-way easement shall be provided if public sidewalks are placed outside of the dedicated right-of-way. The easement shall encompass the entire area between the right-of-way line and 2-feet behind the back edge of the sidewalk. Sidewalks shall either be located wholly within the public right-of-way or wholly within an easement.

**Minor Improvements Policy:** District Policy 7203.3 states that minor improvements to existing streets adjacent to a proposed development may be required. These improvements are to correct deficiencies or replace deteriorated facilities. Included are sidewalk construction or replacement; curb and gutter construction or replacement; replacement of unused driveways with curb, gutter and sidewalk; installation or reconstruction of pedestrian ramps; pavement repairs; signs; traffic control devices; and other similar items.

**c. Applicant Proposal:** The applicant is not proposing to construct Inspirado Drive abutting the site.



- d. **Staff Comments/Recommendations:** Inspirado Drive is currently under construction as part of the plan approval for phase 1 of Starpointe Subdivision. No additional improvements are required.

### 3. Driveways

#### 3.1 Star Road

- a. **Existing Conditions:** There is an existing unimproved 25-foot wide driveway from the site onto Star Road located 1,302-feet north of Chinden Boulevard.

- b. **Policy:**

**Access Points Policy:** District Policy 7205.4.1 states that all access points associated with development applications shall be determined in accordance with the policies in this section and Section 7202. Access points shall be reviewed only for a development application that is being considered by the lead land use agency. Approved access points may be relocated and/or restricted in the future if the land use intensifies, changes, or the property redevelops.

**Access Policy:** District policy 7205.4.6 states that direct access to minor arterials is typically prohibited. If a property has frontage on more than one street, access shall be taken from the street having the lesser functional classification. If it is necessary to take access to the higher classified street due to a lack of frontage, the minimum allowable spacing shall be based on Table 1a under District policy 7205.4.6, unless a waiver for the access point has been approved by the District Commission.

**Driveway Location Policy:** District policy 7205.4.5 requires driveways located on minor arterial roadways from a signalized intersection with a single left turn lane shall be located a minimum of 330-feet from the nearest intersection for a right-in/right-out only driveway and a minimum of 660-feet from the intersection for a full-movement driveway.

District policy 7205.4.5 requires driveways located on minor arterial roadways from a signalized intersection with a dual left turn lane shall be located a minimum of 330-feet from the nearest intersection for a right-in/right-out only driveway and a minimum of 710-feet from the intersection for a full-movement driveway.

**Successive Driveways:** District policy 7205.4.6 Table 1a, requires driveways located on minor arterial roadways with a speed limit of 50 MPH to align or offset a minimum of 425-feet from any existing or proposed driveway.

**Driveway Width Policy:** District policy 7205.4.8 restricts high-volume driveways (100 VTD or more) to a maximum width of 36-feet and low-volume driveways (less than 100 VTD) to a maximum width of 30-feet. Curb return type driveways with 30-foot radii will be required for high-volume driveways with 100 VTD or more. Curb return type driveways with 15-foot radii will be required for low-volume driveways with less than 100 VTD.

**Driveway Paving Policy:** Graveled driveways abutting public streets create maintenance problems due to gravel being tracked onto the roadway. In accordance with District policy, 7205.4.8, the applicant should be required to pave the driveway its full width and at least 30-feet into the site beyond the edge of pavement of the roadway and install pavement tapers in accordance with Table 2 under District Policy 7205.4.8.

**Cross Access Easements/Shared Access Policy:** District Policy 7202.4.1 states that cross access utilizes a single vehicular connection that serves two or more adjoining lots or parcels so that the driver does not need to re-enter the public street system.

- c. **Applicant's Proposal:** The applicant is proposing to close the existing 25-foot wide unimproved driveway onto Star Road located 1,302-feet north of Chinden Boulevard.

- d. **Staff Comments/Recommendations:** The applicant should be required to close the existing 25-foot wide unimproved driveway onto Star Road located 1,302-feet north of Chinden Boulevard with sidewalk, landscaping and fencing.

#### 4. Private Roads

##### 4.1 Inspirado Drive

- a. **Existing Conditions:** There is an existing 28-foot wide driveway from the site onto Inspirado Drive which is currently under construction abutting the site. The driveway was approved as part of the plan approval for phase 1 of Starpointe Subdivision.

##### b. Policy:

**Private Road Policy:** District policy 7212.1 states that the lead land use agencies in Ada County establish the requirements for private streets. The District retains authority and will review the proposed intersection of a private and public street for compliance with District intersection policies and standards. The private road should have the following requirements:

- Designed to discourage through traffic between two public streets,
- Graded to drain away from the public street intersection, and
- If a private road is gated, the gate or keypad (if applicable) shall be located a minimum of 50-feet from the near edge of the intersection and a turnaround shall be provided.

**Access Policy:** District Policy 7205.4.1 states that all access points associated with development applications shall be determined in accordance with the policies in this section and Section 7202. Access points shall be reviewed only for a development application that is being considered by the lead land use agency. Approved access points may be relocated and/or restricted in the future if the land use intensifies, changes, or the property redevelops.

District Policy 7206.1 states that the primary function of a collector is to intercept traffic from the local street system and carry that traffic to the nearest arterial. A secondary function is to service adjacent property. Access will be limited or controlled. Collectors may also be designated at bicycle and bus routes.

**Driveway Location Policy (Signalized Intersection):** District policy 7206.4.3 requires driveways located on collector roadways near a signalized intersection to be located outside the area of influence; OR a minimum of 440-feet from the signalized intersection for a full-access driveway and a minimum of 220-feet from the signalized intersection for a right-in/right-out only driveway. Dimensions shall be measured from the centerline of the intersection to the centerline of the driveway.

**Successive Driveways:** District policy 7206.4.5 Table 1, requires driveways located on collector roadways with a speed limit of 25 MPH and daily traffic volumes less than 100 VTD to align or offset a minimum of 150-feet from any existing or proposed driveway.

**Driveway Width Policy:** District policy 7206.4.6 restricts high-volume driveways (100 VTD or more) to a maximum width of 36-feet and low-volume driveways (less than 100 VTD) to a maximum width of 30-feet. Curb return type driveways with 30-foot radii will be required for high-volume driveways with 100 VTD or more. Curb return type driveways with 15-foot radii will be required for low-volume driveways with less than 100 VTD.

**Driveway Paving Policy:** Graveled driveways abutting public streets create maintenance problems due to gravel being tracked onto the roadway. In accordance with District policy, 7206.4.6, the applicant should be required to pave the driveway its full width and at least 30-feet into the site beyond the edge of pavement of the roadway and install pavement tapers in accordance with Table 2 under District Policy 7206.4.6.

- c. **Applicant’s Proposal:** The applicant is proposing to use the existing 28-foot wide curb cut type driveway onto Inspirado Drive located 240-feet west of Star Road as a driveway/private road.
- d. **Staff Comments/Recommendations:** The applicant's proposal to use the existing 28-foot wide curb cut type driveway onto Inspirado Drive located 240-feet west of Star Road as a driveway/private road meets District policy as it was previously approved as part of the plan approval for phase 1 of Starpointe Subdivision.

If the City of Star approves the private road, the applicant shall be required to pave the private roadway its full width and at least 30-feet into the site beyond the edge of pavement of all public streets and install pavement tapers with 15-foot curb radii abutting the existing roadway edge. If private roads are not approved by the City of Star, the applicant will be required to revise and resubmit the preliminary plat to provide public standard local streets in these locations.

Street name and stop signs are required for the private road. The signs may be ordered through the District. Verification of the correct, approved name of the road is required.

ACHD does not make any assurances that the private road, which is a part of this application, will be accepted as a public road if such a request is made in the future. Substantial redesign and reconstruction costs may be necessary in order to qualify this road for public ownership and maintenance.

The following requirements must be met if the applicant wishes to dedicate the roadway to ACHD:

- Dedicate a minimum of 50-feet of right-of-way for the road.
- Construct the roadway to the minimum ACHD requirements.
- Construct a stub street to the surrounding parcels.

## 5. Tree Planters

**Tree Planter Policy:** Tree Planter Policy: The District’s Tree Planter Policy prohibits all trees in planters less than 8-feet in width without the installation of root barriers. Class II trees may be allowed in planters with a minimum width of 8-feet, and Class I and Class III trees may be allowed in planters with a minimum width of 10-feet.

## 6. Landscaping

**Landscaping Policy:** A license agreement is required for all landscaping proposed within ACHD right-of-way or easement areas. Trees shall be located no closer than 10-feet from all public storm drain facilities. Landscaping should be designed to eliminate site obstructions in the vision triangle at intersections. District Policy 5104.3.1 requires a 40-foot vision triangle and a 3-foot height restriction on all landscaping located at an uncontrolled intersection and a 50-foot offset from stop signs. Landscape plans are required with the submittal of civil plans and must meet all District requirements prior to signature of the final plat and/or approval of the civil plans.

## 7. Other Access

Star Road is classified as a minor arterial roadway and Inspirado Drive is classified as collector roadway. Other than the access specifically approved with this application, direct lot access is prohibited to these roadways and should be noted on the final plat.

## D. Site Specific Conditions of Approval

- 1. Dedicate additional right-of-way to total 50-feet from section line of Star Road abutting the southern portion of the site (shown in black on image on page 5). Compensation will not be provided, as proposed.

2. Improve Star Road abutting the southern portion of the site (shown in black-image on page 5) with 17-feet of pavement from section line plus a 3-foot wide gravel shoulder and the construction of 5-foot wide detached concrete sidewalk located 43-feet from section line of Star Road and tie into the sidewalk as part of the Starpointe subdivision located north of the site.
3. Provide a road trust deposit to ACHD in the amount of \$50,000 for a portion of the bridge widening on Star Road over the Phyllis Canal, prior to ACHD's signature on the first final plat.
4. Close the existing 25-foot wide unimproved driveway onto Star Road located 1,302-feet north of Chinden Boulevard with sidewalk, landscaping and fencing.
5. Use the existing 28-foot wide curb cut type driveway onto Inspirado Drive located 240-feet west of Star Road. Install street name and stop signs for the private road/drive aisle. The signs may be ordered through the District. Verification of the correct, approved name of the road is required.
6. Other than the access specifically approved with this application, direct lot access is prohibited to Star Road and Inspirado Drive and should be noted on the final plat.
7. Submit civil plans to ACHD Development Services for review and approval. The impact fee assessment will not be released until the civil plans are approved by ACHD.
8. Payment of impact fees is due prior to issuance of a building permit.
9. Comply with all Standard Conditions of Approval.

## **E. Standard Conditions of Approval**

1. All proposed irrigation facilities shall be located outside of the ACHD right-of-way (including all easements). Any existing irrigation facilities shall be relocated outside of the ACHD right-of-way (including all easements).
2. Private Utilities including sewer or water systems are prohibited from being located within the ACHD right-of-way.
3. In accordance with District policy, 7203.3, the applicant may be required to update any existing non-compliant pedestrian improvements abutting the site to meet current Americans with Disabilities Act (ADA) requirements. The applicant's engineer should provide documentation of ADA compliance to District Development Review staff for review.
4. Replace any existing damaged curb, gutter and sidewalk and any that may be damaged during the construction of the proposed development. Contact Construction Services at 387-6280 (with file number) for details.
5. A license agreement and compliance with the District's Tree Planter policy is required for all landscaping proposed within ACHD right-of-way or easement areas.
6. All utility relocation costs associated with improving street frontages abutting the site shall be borne by the developer.
7. It is the responsibility of the applicant to verify all existing utilities within the right-of-way. The applicant at no cost to ACHD shall repair existing utilities damaged by the applicant. The applicant shall be required to call DIGLINE (1-811-342-1585) at least two full business days prior to breaking ground within ACHD right-of-way. The applicant shall contact ACHD Traffic Operations 387-6190 in the event any ACHD conduits (spare or filled) are compromised during any phase of construction.
8. Utility street cuts in pavement less than five years old are not allowed unless approved in writing by the District. Contact the District's Utility Coordinator at 387-6258 (with file numbers) for details.
9. All design and construction shall be in accordance with the ACHD Policy Manual, ISPWC Standards and approved supplements, Construction Services procedures and all applicable ACHD Standards

unless specifically waived herein. An engineer registered in the State of Idaho shall prepare and certify all improvement plans.

10. Construction, use and property development shall be in conformance with all applicable requirements of ACHD prior to District approval for occupancy.
11. No change in the terms and conditions of this approval shall be valid unless they are in writing and signed by the applicant or the applicant's authorized representative and an authorized representative of ACHD. The burden shall be upon the applicant to obtain written confirmation of any change from ACHD.
12. If the site plan or use should change in the future, ACHD Planning Review will review the site plan and may require additional improvements to the transportation system at that time. Any change in the planned use of the property which is the subject of this application, shall require the applicant to comply with ACHD Policy and Standard Conditions of Approval in place at that time unless a waiver/variance of the requirements or other legal relief is granted by the ACHD Commission.

## **F. Conclusions of Law**

1. The proposed site plan is approved, if all of the Site Specific and Standard Conditions of Approval are satisfied.
2. ACHD requirements are intended to assure that the proposed use/development will not place an undue burden on the existing vehicular transportation system within the vicinity impacted by the proposed development.

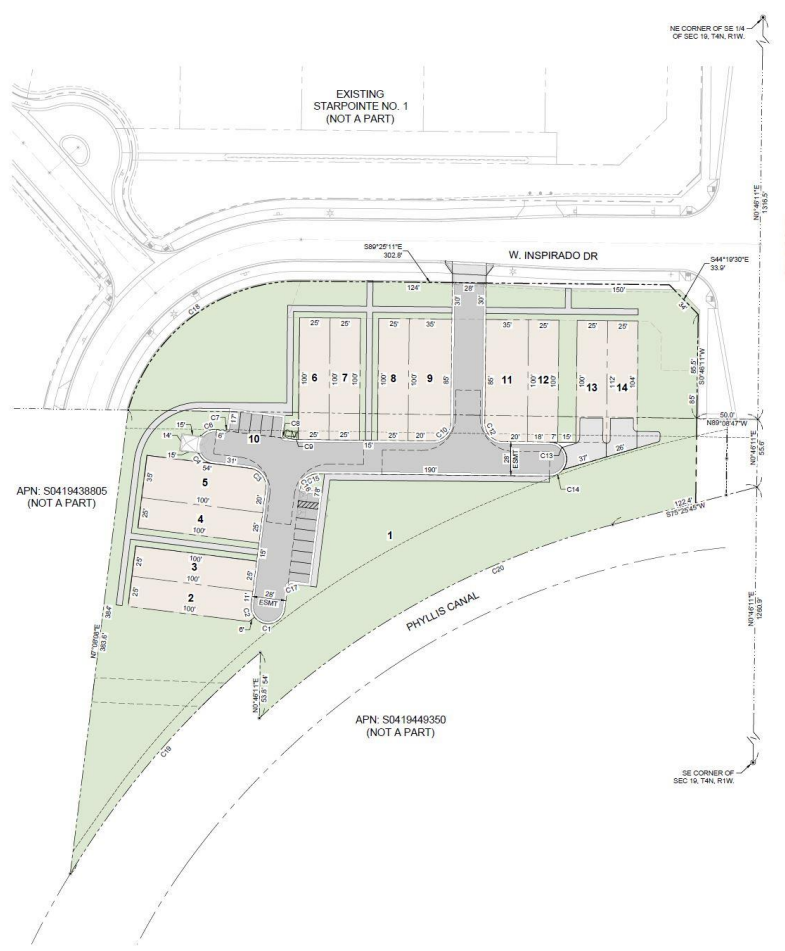
## **G. Attachments**

1. Vicinity Map
2. Site Plan
3. Utility Coordinating Council
4. Development Process Checklist
5. Appeal Guidelines

VICINITY MAP



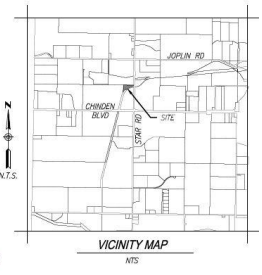
SITE PLAN



# STARPOINTE NO. 2 PRELIMINARY PLAT

A PORTION OF THE SE 1/4 OF SECTION 19, TOWNSHIP 4 NORTH, RANGE 1 WEST ADA COUNTY, IDAHO

**DEVELOPER** CIVIL ENGINEER/LAND PLANNER LAND SURVEYOR  
 GHW HOLDINGS, LLC KIMLEY-HORN AND ASSOCIATES, INC. LAND SOLUTIONS  
 1881 S. WELLS AVENUE #200 1100 W. IDAHO STREET SUITE 210 231 E 9TH ST. SUITE A  
 MERIDIAN, IDAHO 83642 BOISE, IDAHO 83702 MERIDIAN, IDAHO 83642  
 PHONE: (208) 226-3002 PHONE: (208) 408-8700 PHONE: (208) 288-2040  
 CONTACT: RANDY GUARINO CONTACT: TELLER BARD, PE CONTACT: CLYNT HANSEN  
 EMAIL: RANDY@CATERMILLAND.COM EMAIL: TELLER.BARD@KIMLEY-HORN.COM EMAIL: CHANSEN@LANDSOLUTIONS.BIZ



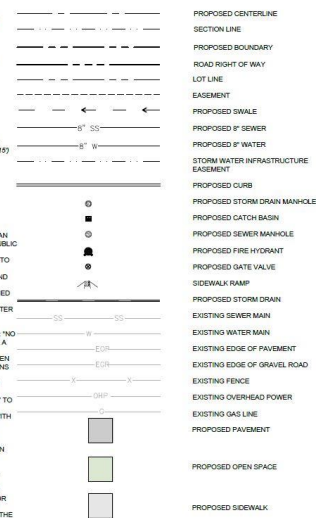
**PRELIMINARY PLAT DATA**

EXISTING ZONING: R4 (DA)  
 OFFICIAL ACRES: 3.08 AC  
 NET ACREAGE: 3.01 AC  
 NUMBER OF BUILDING LOTS: 12  
 NUMBER OF COMMON LOTS: 2  
 TOTAL NUMBER OF LOTS: 14  
 MINIMUM LOT SIZE: 200 SF  
 AVERAGE LOT SIZE: 2008 SF  
 RESIDENTIAL GROSS DENSITY (DU/AC): 3.00 DU/AC

**OPEN SPACE DATA**

COMMON LOT AREA: 20,015 SF (0.60 AC (80%))  
 NET COMMON LOT AREA: 1,800 AC (80%)  
 15% OPEN SPACE REQUIRED  
 USABLE OPEN SPACE: 30,210 SF (0.69 AC (23%))  
 10% USABLE OPEN SPACE REQUIRED

**LEGEND**



**SHEET INDEX**

SHEET NUMBER	SHEET TITLE
01	PRELIMINARY PLAT
02	ENGINEERING PLAN

**BUILDING SETBACK DATA**

R4 (DA)  
 FRONT: 10'  
 REAR: 20' TO GARAGE (10' TO LIVING AREA)  
 SIDE: 0' (MINIMUM BUILDING SEPARATION 15')  
 STREET SIDE: 5' (LOT 5 & 11)  
 25' (LOT 14 TO STAR ROAD)

**PRELIMINARY PLAT NOTES**

- CONTOUR AND SPOT ELEVATION DATA IS REFERENCE TO NAVD '88 DATUM.
- ALL STREETS PROPOSED IN THIS DEVELOPMENT ARE PRIVATE STREETS.
- BLOCK, LOT, AND LOT TO BE COMMON LOTS TO BE OWNED AND MAINTAINED BY THE STARPOINTE SUBDIVISION HOMEOWNERS ASSOCIATION. THESE LOTS SHALL BE USED FOR HOMEOWNER PEDESTRIAN ACCESS AND LANDSCAPING AND ARE SUBJECT TO A BLANKET EASEMENT ACCESS AND LOTS FOR PUBLIC UTILITIES, IRRIGATION, AND LOT DRAINAGE.
- STORMWATER RUNOFF GENERATED ON THIS SITE SHALL HAVE QUALITY CONTROL TREATMENT PRIOR TO BEING CONVEYED TO ONSITE STORAGE FACILITIES.
- PUBLIC UTILITIES SHALL INCLUDE WATER, SEWER, ELECTRICAL POWER, NATURAL GAS, TELEPHONE, AND CABLE TELEVISION.
- THIS SUBDIVISION WILL RECEIVE PRESSURE IRRIGATION FROM A PRESSURE IRRIGATION SYSTEM OWNED AND MAINTAINED BY THE HOA.
- DOMESTIC WATER SERVICE AND FIRE PROTECTION SHALL BE PROVIDED BY THE STAR SEWER AND WATER DISTRICT.
- SEWAGE TREATMENT SHALL BE PROVIDED BY THE STAR WATER AND SEWER DISTRICT.
- THIS DEVELOPMENT RECOGNIZES IDAHO CODE SECTION 22-4501, RIGHT TO FARM ACT, WHICH STATES: "NO AGRICULTURAL OPERATION, AGRICULTURAL FACILITY OR EXPANSION THEREOF SHALL BE OR BECOME A NUISANCE, PRIVATE OR PUBLIC, BY ANY CHANGED CONDITIONS IN OR ABOUT THE SURROUNDING, NON-AGRICULTURAL ACTIVITIES AFTER IT HAS BEEN IN OPERATION FOR MORE THAN ONE (1) YEAR, WHEN THE OPERATION WAS NOT A NUISANCE AT THE TIME IT BEGAN OR WAS CONSTRUCTED. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY WHENEVER A NUISANCE RESULTS FROM THE IMPROPER OR NEGLIGENT OPERATION OF ANY AGRICULTURAL OPERATION, AGRICULTURAL FACILITY OR EXPANSION THEREOF."
- THE OWNER SHALL COMPLY WITH IDAHO CODE, SECTION 31-3005 OR ITS PROVISIONS THAT MAY APPLY TO IRRIGATION RIGHTS.
- BUILDING SETBACKS AND DIMENSIONAL STANDARDS IN THIS SUBDIVISION SHALL BE IN COMPLIANCE WITH CITY OF STAR CODE UNLESS OTHERWISE MODIFIED BY CONDITIONAL USE PERMIT.
- THE BOTTOM ELEVATION OF BUILDING FOOTINGS SHALL BE SET A MINIMUM OF 12 INCHES ABOVE THE HIGHEST ESTABLISHED NORMAL GROUNDWATER ELEVATIONS.
- ANY RE-SUBDIVISION OF THIS PLAT SHALL COMPLY WITH THE MOST RECENTLY APPROVED SUBDIVISION STANDARDS OF THE CITY OF STAR AT THE TIME OF THE RE-SUBDIVISION.
- ALL LOT LINES COMMON TO PRIVATE STREETS ARE HEREBY DESIGNATED TO HAVE A TEN (10) FOOT PERMANENT EASEMENT FOR PUBLIC UTILITIES, IRRIGATION, AND LOT DRAINAGE, UNLESS OTHERWISE DIMENSIONED.
- UNLESS OTHERWISE SHOWN AND DIMENSIONED, EACH LOT WILL HAVE A PERMANENT EASEMENT FOR PUBLIC UTILITIES, IRRIGATION AND LOT DRAINAGE OVER THE FIVE (5) FEET ADJACENT TO ANY EXTERIOR SIDE LOT LINE, AND OVER THE TEN (10) FEET ADJACENT TO ANY REAR LOT LINE OR SUBDIVISION BOUNDARY. MAINTENANCE OF ANY IRRIGATION AND DRAINAGE PIPES OR DITCHES CROSSING A LOT IS THE RESPONSIBILITY OF THE LOT OWNER UNLESS SUCH RESPONSIBILITY IS ASSUMED BY AN IRRIGATION/DRAINAGE ENTITY.
- MAINTENANCE OF ANY IRRIGATION AND DRAINAGE PIPES OR DITCHES CROSSING A LOT IS THE RESPONSIBILITY OF THE LOT OWNER UNLESS SUCH RESPONSIBILITY IS ASSUMED BY AN IRRIGATION/DRAINAGE ENTITY.
- RESTRICTIVE COVENANTS WILL BE IN EFFECT FOR THE SUBDIVISION.
- SEE SHEET 02 FOR PARCEL AND CURVE DATA.



## Ada County Utility Coordinating Council

### Developer/Local Improvement District Right of Way Improvements Guideline Request

*Purpose: To develop the necessary avenue for proper notification to utilities of local highway and road improvements, to help the utilities in budgeting and to clarify the already existing process.*

- 1) **Notification:** Within five (5) working days upon notification of required right of way improvements by Highway entities, developers shall provide written notification to the affected utility owners and the Ada County Utility Coordinating Council (UCC). Notification shall include but not be limited to, project limits, scope of roadway improvements/project, anticipated construction dates, and any portions critical to the right of way improvements and coordination of utilities.
- 2) **Plan Review:** The developer shall provide the highway entities and all utility owners with preliminary project plans and schedule a plan review conference. Depending on the scale of utility improvements, a plan review conference may not be necessary, as determined by the utility owners. Conference notification shall also be sent to the UCC. During the review meeting the developer shall notify utilities of the status of right of way/easement acquisition necessary for their project. At the plan review conference each company shall have the right to appeal, adjust and/or negotiate with the developer on its own behalf. Each utility shall provide the developer with a letter of review indicating the costs and time required for relocation of its facilities. Said letter of review is to be provided within thirty calendar days after the date of the plan review conference.
- 3) **Revisions:** The developer is responsible to provide utilities with any revisions to preliminary plans. Utilities may request an updated plan review meeting if revisions are made in the preliminary plans which affect the utility relocation requirements. Utilities shall have thirty days after receiving the revisions to review and comment thereon.
- 4) **Final Notification:** The developer will provide highway entities, utility owners and the UCC with final notification of its intent to proceed with right of way improvements and include the anticipated date work will commence. This notification shall indicate that the work to be performed shall be pursuant to final approved plans by the highway entity. The developer shall schedule a preconstruction meeting prior to right of way improvements. Utility relocation activity shall be completed within the times established during the preconstruction meeting, unless otherwise agreed upon.

**Notification to the Ada County UCC can be sent to:** 50 S. Cole Rd. Boise 83707, or Visit [iducc.com](http://iducc.com) for e-mail notification information.



# Development Process Checklist

## Items Completed to Date:

- Submit a development application to a City or to Ada County
- The City or the County will transmit the development application to ACHD
- The ACHD **Planning Review Section** will receive the development application to review
- The **Planning Review Section** will do one of the following:
  - Send a **“No Review”** letter to the applicant stating that there are no site specific conditions of approval at this time.
  - Write a **Staff Level** report analyzing the impacts of the development on the transportation system and evaluating the proposal for its conformance to District Policy.
  - Write a **Commission Level** report analyzing the impacts of the development on the transportation system and evaluating the proposal for its conformance to District Policy.

## Items to be completed by Applicant:

- For **ALL** development applications, including those receiving a **“No Review”** letter:
  - The applicant should submit one set of engineered plans directly to ACHD for review by the **Development Review Section** for plan review and assessment of impact fees. (Note: if there are no site improvements required by ACHD, then architectural plans may be submitted for purposes of impact fee assessment.)
  - The applicant is required to get a permit from Construction Services (ACHD) for ANY work in the right-of-way, including, but not limited to, driveway approaches, street improvements and utility cuts.
- Pay Impact Fees prior to issuance of building permit. Impact fees cannot be paid prior to plan review approval.

### DID YOU REMEMBER:

#### *Construction (Non-Subdivisions)*

#### **Driveway or Property Approach(s)**

- Submit a “Driveway Approach Request” form to ACHD Construction (for approval by Development Services & Traffic Services). There is a one week turnaround for this approval.

#### **Working in the ACHD Right-of-Way**

- Four business days prior to starting work have a bonded contractor submit a “Temporary Highway Use Permit Application” to ACHD Construction – Permits along with:
  - a) Traffic Control Plan
  - b) An Erosion & Sediment Control Narrative & Plat, done by a Certified Plan Designer, if trench is >50’ or you are placing >600 sf of concrete or asphalt.

#### *Construction (Subdivisions)*

#### **Sediment & Erosion Submittal**

- At least one week prior to setting up a Pre-Construction Meeting an Erosion & Sediment Control Narrative & Plan, done by a Certified Plan Designer, must be turned into ACHD Construction to be reviewed and approved by the ACHD Stormwater Section.

#### **Idaho Power Company**

- Vic Steelman at Idaho Power must have his IPCO approved set of subdivision utility plans prior to Pre-Con being scheduled.

- Final Approval from Development Services is required** prior to scheduling a Pre-Con.

## Request for Appeal of Staff Decision

1. **Appeal of Staff Decision:** The Commission shall hear and decide appeals by an applicant of the final decision made by the Development Services Manager when it is alleged that the Development Services Manager did not properly apply this section 7101.6, did not consider all of the relevant facts presented, made an error of fact or law, abused discretion or acted arbitrarily and capriciously in the interpretation or enforcement of the ACHD Policy Manual.
  - a. **Filing Fee:** The Commission may, from time to time, set reasonable fees to be charged the applicant for the processing of appeals, to cover administrative costs.
  - b. **Initiation:** An appeal is initiated by the filing of a written notice of appeal with the Secretary and Clerk of the District, which must be filed within ten (10) working days from the date of the decision that is the subject of the appeal. The notice of appeal shall refer to the decision being appealed, identify the appellant by name, address and telephone number and state the grounds for the appeal. The grounds shall include a written summary of the provisions of the policy relevant to the appeal and/or the facts and law relied upon and shall include a written argument in support of the appeal. The Commission shall not consider a notice of appeal that does not comply with the provisions of this subsection.
  - c. **Time to Reply:** The Development Services Manager shall have ten (10) working days from the date of the filing of the notice of appeal to reply to the notice of the appeal, and may during such time meet with the appellant to discuss the matter, and may also consider and/or modify the decision that is being appealed. A copy of the reply and any modifications to the decision being appealed will be provided to the appellant prior to the Commission hearing on the appeal.
  - d. **Notice of Hearing:** Unless otherwise agreed to by the appellant, the hearing of the appeal will be noticed and scheduled on the Commission agenda at a regular meeting to be held within thirty (30) days following the delivery to the appellant of the Development Services Manager's reply to the notice of appeal. A copy of the decision being appealed, the notice of appeal and the reply shall be delivered to the Commission at least one (1) week prior to the hearing.
  - e. **Action by Commission:** Following the hearing, the Commission shall either affirm or reverse, in whole or part, or otherwise modify, amend or supplement the decision being appealed, as such action is adequately supported by the law and evidence presented at the hearing.

**Shawn Nickel**

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**From:** joanne.rob.ax@gmail.com  
**Sent:** Wednesday, February 7, 2024 8:04 PM  
**To:** Shawn Nickel  
**Subject:** Comments relating to Notice of Public Hearing- Application of Starpointe Subdivision Phase Two  
  
**Importance:** High

Dear Mr. Nickel and Honorable Members of Star City Council:

These comments are submitted in connection with the Starpointe Subdivision Phase Two application scheduled to be heard on February 20, 2024.

My wife and I are owners of the 11.5 acre parcel across the Phyllis Canal, directly south of the Starpointe Subdivision Phase Two application property, which our family has owned since 1941. As we watch the community change around us, we recognize that we must plan for the future and hope to see our property develop in accordance with the Star Comprehensive Plan for commercial use. However, due to ITD's continuous flow interchange at Star Rd and Chinden, our property's sole future access to Star Rd will be limited to 360 feet near the Starpointe property, subject to ACHD approval, and likely limited to a single right in-right out access for safety reasons. Our property has no access to Chinden. As such, we understand that the future access needed to develop our property for commercial use will require access to public collector roads.

In connection with the Starpointe Subdivision Phase Two application or possible future applications abutting our property, we ask the Star City Council to consider requiring a public road access to enable the future connection of our property to a public collector road.

Respectfully,

Robert and Joanne Ax Trust  
Robert and Joanne Ax Trustees

**MEMORANDUM OF UNDERSTANDING**

This Memorandum of Understanding (“MOU”) is made and entered into on the date of the last signature, by and between the **ADA COUNTY SHERIFF’S OFFICE**, the **BOISE POLICE DEPARTMENT**, and the **GARDEN CITY POLICE DEPARTMENT** (“the Parties”);

**WHEREAS**, the Boise River Greenbelt System (“Greenbelt”) runs through the jurisdictions of unincorporated Ada County and the cities of Boise, Eagle, Star and Garden City, and is owned, operated, and/or maintained by the respective jurisdictions; and

**WHEREAS**, the cities of Boise, Star, Garden City and Eagle are all Idaho municipalities and Ada County is its own government entity; and

**WHEREAS**, the Boise Police Department (“Boise Police”) and the Garden City Police Department (“Garden City Police”) have statutory authority to enforce the laws of the State of Idaho and municipal code within the territorial limits of those two cities, regardless of county boundaries; and

**WHEREAS**, the Ada County Sheriff’s Office, acting in its capacity as the City of Eagle police (“Eagle Police”) and City of Star police (“Star Police”) has statutory authority to enforce the laws of the State of Idaho and municipal code within the territorial limits of those two cities, regardless of county boundaries; and

**WHEREAS**, the Ada County Sheriff has statutory authority to enforce the laws of the State of Idaho within the territorial limits of unincorporated Ada County; and

**WHEREAS**, it is the desire of the Parties to set forth a uniform set of parameters for use of the Greenbelt to ensure safety and fair use for all users; and

**WHEREAS**, the Parties, along with other government agencies, are responsible for the control, maintenance, and safety of the Greenbelt; and

**WHEREAS**, the Parties all have the statutory duty to provide law enforcement services within their respective jurisdictions; and

**WHEREAS**, there is a need for each member of this MOU to grant authority to every other member to enter their jurisdiction outside of the boundary to provide Greenbelt oriented law enforcement services should the need arise; and

**WHEREAS**, Idaho Code § 67-2337(4) grants political subdivisions the express authority to enter into mutual assistance compacts for extraterritorial authority of peace officers; and

**WHEREAS**, the Parties have a need to establish a cooperative working relationship for the provision of law enforcement services upon the Greenbelt;

**NOW, THEREFORE**, the Parties agree to the following provisions for providing law enforcement services to and on the Greenbelt:

MEMORANDUM OF UNDERSTANDING BETWEEN the ADA COUNTY SHERIFF’S OFFICE, the BOISE POLICE DEPARTMENT, and the GARDEN CITY POLICE DEPARTMENT – Page 1 of 5

## 1. PEACE OFFICER AUTHORITY

- a) ***Grant of Authority.*** The Parties hereby recognize the authority to all other Parties to enforce the laws within the territorial limits of the Greenbelt, as defined in Attachment A. To the extent it is necessary, pursuant to Idaho Code § 67-2337(4), the Parties specifically grant each other Party authority to enter their jurisdiction and provide law enforcement services on and within the Greenbelt. Pursuant to Idaho Code § 67-2337(4), the Parties acknowledge that each Parties' officers or deputies shall remain the employees of their respective agency, and that each agency as the employing agency shall be responsible for any liability arising from the acts of its employees while on the Greenbelt. The Parties similarly acknowledge that they do not have an obligation under Idaho Code § 67-2337(5) regarding notification of enforcement actions.
- b) ***Officer Liability.*** Pursuant to Idaho Code § 67-2337(4), the original, employing agency shall be responsible for any liability arising from the acts of its employees participating in this MOU. As such, any action filed against any agency related to the services provided pursuant to this MOU shall be defended by the appropriate office.
- c) ***Deputy Complaints.*** In the event a complaint is received by any agency involving a deputy or officer employed by another agency, the agency who received the complaint shall immediately forward such complaint to the deputy's or officer's employing agency in order to allow that agency to investigate the matter as would be required by the employing agency's policy and procedures.

## 2. PROSECUTION AND INVESTIGATION COOPERATION

- a) ***Greenbelt Ordinance or Code.*** As stated above, the purpose of this MOU is to provide more unified enforcement of the Greenbelt. To aid in the ease in this enforcement, the Parties agree to have some version of the ordinance/code found in Attachment A in their municipal code or county ordinance. Further, prior to each Party's version of the ordinance/code being amended, that Party shall inform each of the other Parties to ensure the desired uniformity is met.
- b) ***Prosecution Requests.*** The Parties agree to cooperate in maintaining open and direct communication with each other. Prosecution of Greenbelt infractions and misdemeanors shall be the responsibility of the jurisdiction where the violation occurred. The Parties may specifically request that another Party handle the violation to avoid conflicts. The Parties understand that they may receive requests for reports and investigation from the jurisdiction handling prosecution of the violation and agree to promptly respond to such requests.
- c) ***NIBRS.*** The Parties shall be responsible for performing their own National Incident Based Reporting System ("NIBRS") reporting in their respective jurisdiction. In the case of cross-jurisdictional actions, the arresting officer's Party may submit a NIBRS report upon written communication of such intent to the respective jurisdiction.

- d) **Exigent Circumstances.** Although relieved of any notification obligations pursuant to Idaho Code § 67-2337(5) as described above, all Parties will strive to advise dispatch and other agencies of any law enforcement action that may extend beyond the standard limits of their jurisdiction.

**3. MISCELLANEOUS PROVISIONS**

- a) **Lawful Jurisdiction.** Nothing in this MOU shall be construed as either limiting or extending the lawful jurisdiction of any Party hereto other than as allowed by applicable law. The Parties may review this MOU and any written procedures on an as-needed basis to evaluate the sufficiency of the procedures in addressing the needs of the Parties.
- b) **Covenants.** Each Party, its officers/deputies, agents and employees, shall not be deemed to have assumed any liability for the acts of any other Parties or any officers/deputies, agents or employees thereof, and all Parties hereby covenant and agree to hold and save each Party and all of its officers/deputies, agents and employees harmless from all claims whatsoever that might arise against any Party, its officers/deputies, agents or employees, by reasons of any acts or failures to act on the part of any Party, its officers/deputies, agents or employees.
- c) **Amendment.** No amendment, alteration or modification of this MOU shall be effective unless duly signed by the Parties.
- d) **Non-Agents.** No Party shall have the authority to act for or as an agent of the other Party.
- e) **Governing Law.** This MOU and its performance shall be construed in accordance with and governed by the laws of the State of Idaho, with venue for any action brought pursuant to this MOU to be in the Fourth Judicial District, State of Idaho.
- f) **Severability.** In the event that any provision or section of this MOU conflicts with applicable law, or is otherwise held to be unenforceable, the remaining provisions shall nevertheless be enforceable and shall remain in effect.
- g) **Termination.** This MOU will continue in full force and effect unless and until terminated by the Parties. Any Party may terminate its involvement with this MOU by providing thirty (30) days prior written notice to the other Parties.
- h) **Third-Party Relationships.** Nothing contained herein shall create any relationship, contractual or otherwise, with, or any rights in favor of, any third party.
- i) **Liability.** Nothing contained herein shall extend the liability of any Party beyond that provided by governing law.
- j) **Effective Date.** This MOU is effective on the date indicated above the last party to execute and deliver this MOU's signature line.

[Signatures on Next page]

**IN WITNESS WHEREOF**, the Parties have set their hands and subscribed their names, the day, month and year in this MOU as referenced above.

DATED this \_\_\_\_ day of \_\_\_\_\_, 202\_.

DATED this \_\_\_\_ day of \_\_\_\_\_, 202\_.

\_\_\_\_\_  
Matthew Clifford  
Sheriff, Ada County Sheriff's Office

\_\_\_\_\_  
Jan Bennetts  
Ada County Prosecutor

DATED this \_\_\_\_ day of \_\_\_\_\_, 202\_.

DATED this \_\_\_\_ day of \_\_\_\_\_, 202\_.

\_\_\_\_\_  
Ron Winegar  
Chief, Boise Police Department

\_\_\_\_\_  
Jayme Sullivan  
Boise City Attorney

DATED this \_\_\_\_ day of \_\_\_\_\_, 202\_.

DATED this \_\_\_\_ day of \_\_\_\_\_, 202\_.

\_\_\_\_\_  
Travis Ruby  
Chief, Eagle Police Department

\_\_\_\_\_  
Victor Gallegos  
Eagle City Attorney

DATED this \_\_\_\_ day of \_\_\_\_\_, 202\_.

DATED this \_\_\_\_ day of \_\_\_\_\_, 202\_.

\_\_\_\_\_  
Cory Stambaugh  
Chief, Garden City Police Department

\_\_\_\_\_  
Charles I. Wadams  
Garden City Attorney

DATED this \_\_\_\_ day of \_\_\_\_\_, 202\_.

DATED this \_\_\_\_ day of \_\_\_\_\_, 202\_.

\_\_\_\_\_  
Zach Hessing  
Chief, Star Police Department

\_\_\_\_\_  
Chris Yorgason  
Star City Attorney

**ATTACHMENT A**

**Control of Speed:** No person shall travel upon the Greenbelt at a speed greater than, or in a manner that is not, reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. Violation of this provision is an infraction. However, if such travel also endangers or is likely to endanger any person or property, then violation is a misdemeanor.

**Greenbelt:** ~~An interconnected corridor of paved or improved non-motor vehicle pathways and public greenspace, largely adjacent to and following the Boise River, and so designated. For purposes of enforcement, “Greenbelt” as defined here includes the pathway and the area within 100 feet of the six thousand five hundred (6,500) cfs flow line of the Boise River; however, private property within 100 feet of the pathway is excluded.~~ Land within seventy feet (70') of the six thousand five hundred (6,500) cfs flow line of the Boise River which may be owned by the city [or county] or over which the city [or county] may have a right of possession or use and: (A) which is designated by the city council [or county commission] to be retained in perpetuity for public use for purposes compatible with aesthetic, wildlife, education and recreational values of the Boise River; (B) which will provide for unrestricted, noncommercial access to the river; and (C) which will be developed and used to minimize water pollution, provide continuity of the public parks system, and create a buffer where necessary between conflicting land uses.



**MASTER PATHWAY AGREEMENT**

THIS MASTER PATHWAY AGREEMENT (“Master Agreement”), is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2023, by and between DRAINAGE DISTRICT NO. 2, a duly organized and existing drainage district under and by virtue of the laws of the State of Idaho, (hereinafter collectively referred to as the “District”), and CITY OF STAR, a municipal corporation (hereinafter “City”).

**RECITALS**

WHEREAS, the District owns or controls numerous drains, ditches and drainage works and maintenance roads (hereinafter collectively referred to as “drains” and individually referred to as “drain”) with associated rights-of-way and drain easements (hereinafter collectively referred to as “associated property”); and,

WHEREAS, the District utilizes the aforementioned rights-of-way and drain easements to access its drains, to monitor and adjust water flows, to remove sediment and debris, to pipe, line and refurbish drains, to maintain and repair drain banks and drain roads, and to perform other inspection, operation, maintenance and repair activities with the appropriate personnel and equipment, and it is necessary that the District protect absolutely its right to control any modification or alteration of its drains and its rights-of-way along its drains; and,

WHEREAS, the City from time to time places a condition on development to construct a pathway and related landscaping and improvements within the District’s easement or right-of-way; and,

WHEREAS the City desires a license from District to permit the City, or to authorize a Landowner or Developer with the City’s approval and conditioning, to construct, install, and maintain a pathway, landscaping and/or related improvements within the District’s drain easement or right-of-way, and to make said pathway available to the public without charge for recreational activities, in the manner hereinafter appearing and under the terms and conditions hereinafter set forth; and,

WHEREAS, the activities of the City are such that the City anticipates that it will seek, and/or authorize and condition a Landowner or Developer, to construct and/or maintain pathways affecting the District’s drains and associated property on a continuing basis, and it is the intent of the parties hereto to simplify the process of negotiating separate agreements, and to confirm the understanding between the parties with respect to the District’s requirements for such construction or activity; and,

NOW, THEREFORE, for and in consideration of the covenants, agreements and conditions hereinafter set forth, the parties mutually agree as follows:

- 1. **General.** The District hereby agrees, upon its Board approval, to grant to the City and/or a Landowner or Developer authorized and conditioned by the City, subject to the terms and conditions hereinafter provided, the right to construct, install, reconstruct, operate, and

maintain pathway and associated landscaping and improvements over, across or into the District's drains and associated property where such grant will not be incompatible with the District's operation and maintenance of said drains or impair the use of said drains for the transmission and delivery of irrigation and drainage water. The City agrees that neither the City or any Landowner or Developer authorized or conditioned by the City shall construct, install, reconstruct, or alter any facilities over, across or into the District's drains and associated property except as approved and licensed by the District pursuant to this Master Agreement.

2. **Pathway Master Plan and Typical Sections.** The parties acknowledge that planning of pathways along or across the District's drains, easements and fee title lands requires consultation between the parties as early as possible in the City's pathway-planning process to identify potential pathway locations and determine project feasibility before the City submits pathway requests to the District as provided in Section 3 of this Master Agreement. They shall consult with each other in the City's planning process as follows:

a. The City shall provide the District notice and an opportunity to comment on pathway plans, maps, proposals and requirements as early as possible in the City's pathway-planning process. This shall include, but is not limited to, situations in which the City requires, requests or authorizes third parties (Developers) to construct pathways across or along the District's drains, drainage system and works, and associated real property interests.

b. The City shall prepare an initial draft Pathway Masterplan and proposed typical Sections which depicts existing pathways and the conceptual alignment for future pathways and proposed cross sections the City desires to construct or be constructed by developers along the District drains, easements and fee title lands. The City shall submit these documents for review by the District. After submittal, the City and the District representatives shall meet to review the proposed Path Masterplan and Typical Sections.

c. The District shall: (1) advise the City whether the District requires additional information in order to respond; (2) identify circumstances and options in which construction and maintenance of pathways across or along the District drains, easements and fee title lands may be compatible with the District's primary interests, operations and obligations without creating unacceptable risks to public safety; (3) identify circumstances in which space constraints, and operation, maintenance and safety issues preclude, limit, or otherwise diminish the potential for the construction of pathways along or across the District drains, easements and fee title lands under consideration. The City shall revise these documents to reflect the District comments and concerns. Following revision, the City shall submit the revised draft Path Masterplan and draft Typical Sections to the District for formal review and comment. Subsequent meetings and revisions will be held until each party are in agreement with the draft Path Master Plan and draft Typical Pathway Sections.

d. Approval of the Pathway Masterplan and Typical Sections shall be in writing by both parties. Once both parties have formally approved the draft Path Masterplan and draft Typical Sections they shall be referred to hereafter as Path Masterplan and Path Typical Sections. Future revisions of the Path Masterplan and or Typical Section shall follow the procedures outlined above for the initial approval.

e. The District approval of the Path Masterplan and Path Typical Sections does not constitute approval to construct the pathway nor does it affect the District rights to deny approval of a specific section of Pathway construction if the District finds it interferes with the District's use and management of the District's property, business and affairs, the District's delivery or drainage of water, or the District's access, use, operation, maintenance and repair of its drains and drainage works or create unacceptable risks to public safety.

f. The City shall not submit plans for approval unless it is in compliance with the Path Masterplan and Typical Section or unless, prior to submittal, the City or Landowner/Developer requested and received written approval for a variance from the approved Path Masterplan and or Typical Section.

3. **Submission, Review and Approval of Facilities.** The following procedures, terms and conditions shall apply to the submission, review, and approval of requests to construct, install, operate, and maintain facilities:

a. Prior to constructing, requiring or authorizing any pathway and associated landscaping and improvements within or affecting any District drain, easement and/or associated property, the City agrees to submit a written request to the District, and to obtain the District's written permission and approval through execution of a license agreement. The written request may also be submitted by a Landowner or Developer authorized, required or conditioned by the City. Any request submitted by the Landowner or Developer must include the authorization and condition of the City.

b. The City and/or Landowner or Developer shall submit each request far enough in advance of the proposed initiation of construction or activity to provide the District a reasonable time to evaluate and respond to the request. With respect to pathway requests only, in no event shall such a request be submitted less than three months prior to the first date of construction.

c. Each request shall describe the proposed construction or activity generally, identify the proposed dates of construction (if any), and shall identify any known local, state, or federal procedures or requirements which may affect the District's review and approval of the proposed construction or activity.

d. Each request shall include a location map; fee title legal description, easement or authorization from the servient estate owner; and construction plans which show the proposed location, design, and all physical structures, plants and landscaping proposed to be constructed, installed or planted.

e. The District shall review each request and communicate by letter to the City and the Landowner or Developer if applicable and the District's attorney whether the proposed construction or activity meets the requirements of the District. Such letter shall not constitute approval of the District. Approval may only be granted by the District's board of directors through a resolution during one of its regular meetings.

f. If the proposed construction or activity meets the requirements of the District, a license agreement shall be prepared. If the License Agreement is to be constructed

and installed by the City then there shall be one license agreement between the District and the City incorporating the terms of this Master Agreement. If the license agreement is with the Landowner/Developer that is constructing and installing the pathway then there shall be a license agreement between the District and the Landowner/Developer which shall include a condition which conditions the approval of the pathway upon the acceptance and maintenance and operation of the pathway by the City. The District's attorney shall also provide a separate license agreement between the District and the City which provides for said acceptance, maintenance and operation of the pathway by the City. In either case, the license agreement between the District and the City shall incorporate by reference all covenants, conditions, and agreements of this Master Agreement; shall identify the proposed construction or activity; shall give a legal description of the subject property; shall describe the width of the District's easement; and shall include any special conditions applicable to the particular proposed construction or activity.

g. After signing the license agreement, the City shall return the signed original of the license agreement to the District for consideration during the next meeting of the District's board of directors for review and signature.

h. Once the license agreement is approved and signed by the District's board of directors, the District shall record the license agreement and return a copy of the recorded agreement to the City.

4. **Approval Conditions for Pathways.** Each pathway and associated landscaping and improvements affecting the District's drains, easements and associated property shall be constructed, installed, operated, maintained and repaired in accordance with following conditions:

a. Each pathway shall be constructed, installed, operated, maintained and repaired at all times by the City and at the cost and expense of the City. Provided, however, the City may condition and require a Developer/Landowner to perform the initial construction and installation of the pathway so long as the City accepts the pathway and the future operation and maintenance of said pathway.

b. The City and/or Landowner/Developer shall construct, install, operate, maintain and repair each pathway and associated landscaping and improvements and conduct its activities within or affecting the District's drains, easement and associated property so as not to constitute or cause:

- i. a hazard to any person or property;
- ii. an interruption or interference with the flow of irrigation or drainage water in the drain or the delivery of water by the District;
- iii. an increase in seepage or any other increase in the loss of water from the drain;
- iv. the subsidence of soil within or adjacent to the drain and/or associated property;

v. any other damage to the District's drains and associated property.

c. To the extent permitted by law, the City shall indemnify, hold harmless, and defend the District from all claims for damages arising out of any of the City's construction or activity which constitutes or causes any of the circumstances enumerated in the preceding paragraph, 3(b)(i) through 3(b)(v), or any other damage to the District's drains, easement and/or associated property which may be caused by the construction, installation, operation, maintenance, repair, and any use or condition of any facility.

d. If caused by the City, the City shall, upon demand of the District, repair any alteration of the District's drains, easement and/or associated property which interferes with the District's operation and maintenance of its drains and associated property, or causes or contributes to any hazard or unsafe condition, impediment to the flow of water in the District's drains, increase in seepage or other water loss from the District's drains, or any subsidence of soil in the associated property, or any other damage to the drains and/or associated property of the District. The District shall give reasonable notice to the City, and shall allow the City a reasonable period of time to perform such maintenance, repair, and other work, except that in cases of emergency the District shall attempt to give such notice as is reasonable under the circumstances. The District reserves the right to perform any and all work which the City fails or refuses to perform within a reasonable period of time after demand by the District. The City agrees to pay to the District, on demand, the costs which shall be reasonably expended by the District for such purposes. Nothing in this paragraph shall create or support any claim of any kind by the City or any third party against the District for failure to exercise the options stated in this paragraph, and the City shall indemnify, hold harmless and defend the District from any claims made against the District arising out of or relating to the terms of this paragraph, except for claims arising solely out of the negligence or fault of the District.

e. The City agrees that the work performed and the materials used in installation of the pathway and associated landscaping and improvements shall at all times be subject to inspection by the District and by the engineers for the District, and that final acceptance of the construction work shall not be made until all such work and materials shall have been expressly approved by the District. Such approval by the District shall not be unreasonably withheld.

f. The City shall notify the District prior to and immediately after construction so that the District and/or the District's engineers may inspect and approve construction. If the District's engineers perform such inspection, the Developer shall pay the District's engineers any reasonable fee charged in connection therewith.

g. The uses permitted by each license agreement executed pursuant to this Master Agreement shall all times be subordinate and subservient to the District's rights and uses of the District's drains and associated property. Nothing contained herein or in any agreement executed pursuant to this Master Agreement shall be construed, implemented or enforced to impair, limit, restrict or otherwise affect the District's rights, authority, powers, and discretion with respect to the District's drains and associated property, or to grant or create any rights which interfere with the purposes and uses to which the District's drains, easement and associated property are devoted and dedicated. The District and the City agree that all of the

District's rights and discretion to access, operate, construct, maintain, repair, clean or otherwise use of any portion of the District's drains, easement and associated property are reserved.

h. The City acknowledges that the District has, and agrees that the District shall continue to have, the right to deposit sediment, plant material, debris and other material (collectively "spoil") which the District removes from its drains on the District's easement and associated property. Without limiting this right, the District agrees to exercise reasonable best efforts to avoid placing spoil on the City's facilities. The City may spread and level any spoil removed from the District's drains or, in the alternative, may transport the spoil to a sanitary landfill or some other authorized place of disposal. The District shall have no obligation to spread, level, or remove any spoil removed from the drains and place on the District's easement and associated property.

i. The City shall not excavate, place any structures, plant any trees, shrubs, or landscaping, or perform any other construction or activity within or affecting the District's drains and associated property except as authorized by agreements executed pursuant to this Master Agreement without the prior written consent of the District.

j. The City agrees that the District shall not be liable for any damages which shall occur to any facility, plant, or any other improvement of any kind or nature whatsoever which the City shall install within the District's drains and associated property in the reasonable exercise of the rights of the District in the course of performance of maintenance or repair of the District's drains and associated property. The City further agrees to suspend or modify, as necessary, its use of the District's drains and associated property when required by the District to operate, maintain, inspect, access or repair the District's drains.

k. If the pathway is being constructed and installed by a Landowner/Developer, and then is subsequently going to be operated and maintained by the City per the terms of this Master Agreement, then the Landowner/Developer shall pay attorney fees and engineering fees charged by the attorney for the District or by the engineers for the District in connection with the preparation or review of any license agreement with the Landowner/Developer and the license agreement between the District and City executed pursuant to this Master Agreement. Provided, however, if the pathway is being constructed and installed by the City, then the City agrees to pay attorney fees and engineering fees charged by the attorney for the District or by the engineers for the District in connection with the preparation or review of any license agreement executed pursuant to this Master Agreement. Any fees charged to the City shall not exceed \$600.00, plus recording fees, unless otherwise agreed in writing by the City.

l. In the event of the failure, refusal or neglect of the City to comply with any of the terms and conditions of any license agreement executed pursuant to this Master Agreement, the rights of the City under the terms of such license agreement may be terminated by the District, and any facility over, across or into the District's drains and associated property which may impede or restrict the maintenance and operation of the District's drains and associated property shall be promptly removed by the City.

m. The City shall comply fully with all federal, state or other laws, rules, regulations, directives or other governmental requirements in any form as administered by appropriate authorities, regarding environmental matters, and specifically those relating to pollution control and to materials and chemicals which may be inimical to human health or the environment, which may be applicable to its construction, installation, operation, or maintenance of any facilities pursuant to this Master Agreement and any license agreement executed hereunder.

n. The City shall have no right, power or authority to grant, allow or suffer any lien or other charge or encumbrance of any kind against the District's right, title and interest in the District's drains and associated property.

o. The covenants, conditions and agreements contained in each license agreement and this Master Agreement shall constitute covenants to run with, and running with, the servient lands and/or easements of the City, and shall be binding on each of the parties hereto and on all parties and all persons claiming under them for as long as the subject facility continues to be used for the purposes authorized by each agreement. The City shall provide the District written notice upon cessation of use of each authorized facility for the authorized purposes.

5. **Consultation in City Pathway Planning.** The parties acknowledge that planning of pathways along or across District drains associated property requires consultation between the parties as early as possible in the City's pathway-planning process to identify potential pathway locations and determine project feasibility before the City submits pathway requests to the District as provided in this Master Agreement. The parties shall consult with each other in the City's planning process as follows:

a. The City shall provide the District notice and an opportunity to comment on pathway plans, maps, proposals and requirements as early as possible in the City's pathway-planning process. This shall include, but is not limited to, situations in which the City requires, requests or authorizes third parties to construct pathways or grant the City easements for pathways across or along the District's drains and associated property.

b. In its written comments, the District shall: (1) advise the City whether the District requires additional information in order to respond; (2) identify circumstances and options in which construction and maintenance of pathways across or along District drains and associated property may be compatible with the District's primary interests, operations and obligations without creating unacceptable risks to public safety; (3) identify circumstances in which space constraints, and operation, maintenance and safety issues preclude, limit, or otherwise diminish the potential for the construction of pathways along or across District drains under consideration.

c. The City shall advise the District in writing if, prior to submitting a pathway request, the City desires a statement from the District regarding the feasibility of a specific pathway along or across a District drain and associated property based on the City's submission of preliminary plans. A statement that a proposed pathway is feasible shall not constitute District approval, nor affect the parties' rights and obligations in the submission, review and approval of pathway requests as provided in this Master Agreement.

6. **Pathway Conditions.** In addition to all other covenants, agreements and conditions herein, construction, use, maintenance and repair of each pathway by the City and members of the public within or affecting the District's drains and associated property shall be performed in accordance with the conditions listed below.

a. The City shall be permitted to make the pathways available to the public without charge for recreational uses as contemplated by Idaho Code section 36-1604. The authorized uses of the pathways are limited to walking, jogging, and riding bicycles or other human-powered vehicles or devices. Authorized uses shall not include, hunting, or any use of motorized vehicles except for necessary access by law enforcement personnel or for construction, maintenance or repair work by the City of the pathway, landscaping, and related improvements or by the District for District purposes, or for access by handicapped persons with motorized wheelchairs or comparable equipment for access by handicapped persons. The authorized uses of the pathways may be expanded in certain circumstances depending upon the space constraints and the operation, maintenance and safety issues for a specific drain and associated property. Such additional authorized uses shall be included in the license agreement executed pursuant to this Master Agreement.

b. The City shall enforce its anti-littering ordinances, provide waste receptacles, and take other reasonable actions within its authority to prevent litter, trash or other material to gather or be deposited on or along pathways authorized pursuant to this Master Agreement.

c. The City shall do the following to ensure that the permitted public uses of pathways do not interfere with the District's drains and associated property and the District's access, operation, maintenance, cleaning and repair of its drains and associated property:

i. The City shall prepare and install readily visible signs at pathway entrances or other appropriate locations along each pathway advising the public: that the pathway is located within the District's associated property by the District's consent; that the primary use of the associated property is for the District's access, operation, maintenance, repair and cleaning of the District's drain and associated property; that users of the pathway must yield to District personnel engaged in District activities; that swimming, wading, boating and any other activity in District drains or within the inside slopes of District drain banks is prohibited; that public use of motor vehicles or equipment on the pathway is prohibited; that the pathway may be closed from time to time upon request of the District; of any City ordinances which apply to public use of the pathway; the permitted hours of use of the pathway; and that persistent violations of any of these rules may result in temporary suspension of use of the pathway.

ii. The City shall take appropriate action and exercise best efforts to protect the safety of the members of the public who use the City's pathways, ensure that members of the public comply with the terms of this Master Agreement, agreements executed pursuant to this Master Agreement, and any City ordinance regarding activity on City pathways, prevent interference with the District's use, operation, and maintenance of the District's drains and associated property, and prevent members of the public using City pathways from swimming, wading, boating, or conducting any other activity within the inside slopes of the District's drain banks. This Master Agreement shall not prevent the District from enforcing any



prohibition against unauthorized use of the District's drains and associated property.

d. If requested by the District for a specific pathway, the City shall construct obstructions to unauthorized vehicles and equipment on each pathway and in a manner that will prevent access to the District's drains and associated property.

e. The City shall be allowed to use any pathway 1/2 hour before sunrise and 1/2 hour after sunset, on any day unless otherwise stated in each license agreement executed pursuant to this Master Agreement.

7. **Not a Public Dedication.** Except for the permission to construct and maintain the facilities contained in license agreements executed pursuant to this Master Agreement, nothing contained herein or in such agreements shall be deemed to constitute a gift or dedication of any portion of the District's drains and associated property to the general public or for the benefit of the general public or for any public purpose whatsoever, and nothing contained herein shall be deemed to provide that any facility shall be used for any other purpose than as stated herein and in agreements executed pursuant hereto, it being the intention of the parties that this Agreement and any further agreements will be strictly limited to and for the purposes expressed herein. The parties shall be permitted, from time to time, to take whatever reasonable action it or they deem necessary to prevent any portion of the District's drains and associated property from being dedicated or taken for public use or benefit.

8. **Relocation.** If desired by the District, any facility within or affecting the District's drains and associated property may be relocated in a functionally similar manner. Such relocation shall be with the prior written approval of the City, which approval shall not be unreasonably withheld. The costs of such relocation shall be borne by the District.

9. **Indemnification.** To the extent permitted by law, the City agrees to indemnify, hold harmless and defend the District, the District's directors, officers, employees, agents, contractors, partners and the heirs, personal representatives, successors, and assigns of each of them (hereinafter collectively referred to as "District" for purposes of the City's covenants to indemnify) from and against all liabilities, penalties, costs, losses, damages, expenses, causes of action, claims, demands, or judgments, including, without limitation, reasonable attorneys' fees, arising from: the terms and performance of this Agreement and any agreement executed hereunder; the City's construction, use, operation, or maintenance of facility and related facilities within and affecting the District's drains and associated property; or the use of such facility by any third party or member of the public. The provisions of this section establish duties between the City and the District only, and this Agreement does not intend nor does it provide that this duty is owed to any other entity and/or person, and specifically this section does not extend these duties to the public beyond the provisions of Idaho Code Section 36-1604, which are incorporated herein by this reference.

a. The District shall continue to be responsible for the operation, maintenance, repair and cleaning of its property, drains and drainage works, including, but not limited to, those duties, obligations and responsibilities provided by Idaho law. The City agrees that the District shall not be liable for any injury or damages which may occur to any pathway or facility installed by the City in the reasonable exercise of the rights of the District in the course

of the District's access, use, operation, maintenance, repair and cleaning of its property, drains and drainage works.

10. **Piping or Relocation by the City.** This Master Agreement and any license agreement executed pursuant to this Master Agreement pertain only to the City's construction and installation of facilities for the purposes and in the manner described herein. The City shall not change the location of the District's drains, bury the District's drains in pipe, or otherwise alter the District's drains in any manner not described in this Master Agreement or any license agreement executed pursuant to this Master Agreement without first obtaining the written permission of the District.

11. **Applicable Law and Jurisdiction Unaffected.** Neither the terms of this Master Agreement, nor any agreement executed hereunder, nor the parties exercise of any rights or performance of any obligations hereunder, shall be construed or asserted to extend the application of any such governmental requirements or the jurisdiction of any federal, state, or other agency or official to District's ownership, operation, and maintenance of its drains and associated property which did not apply prior to and without execution of this agreement.

a. By entering this Master Agreement the District does not create, or exercise legal or other authority, either express or implied, to regulate, control, or prohibit the discharge or contribution of pollutants or contaminants to any groundwater, waters of the State of Idaho or the United States, or any other destination. Such authority, to the extent that it exists, is possessed and exercised by governmental environmental agencies.

b. By entering this Master Agreement, the District does not assume any responsibility or liability for any impact upon or degradation of human health or safety or the environment resulting from any activity of the other party, including, but not limited to, the City's construction, operation, and maintenance of its facilities.

c. In the event District is required to comply with any governmental requirements or is subject to the jurisdiction of any governmental agency as a result of authorizing the construction and maintenance of any facility over, across or into the District's drains and associated property, the City, if it is the cause of such governmental intervention, shall: (1) immediately cease such action; and (2) indemnify, hold harmless or defend or reimburse the District for its costs and liabilities associated with the governmental requirements and intervention.

12. **Authorization From Servient Estate Owners Required.** The City acknowledges that the District has no right or power to create rights in the City affecting the holders of title to property servient to the District's easements. With respect to the District's easements, the District's commitments in this Master Agreement and the uses permitted by any agreement executed pursuant to this Master Agreement pertain only to the District's rights as the owner of easements. Rights affecting fee title must be acquired from the holders of title to such property. Should the City fail to obtain such rights from the holder of title to property servient to an easement of the District which is the subject of a license agreement executed pursuant to this Master Agreement, or should the rights obtained prove legally ineffectual, the City shall hold

harmless, and to the extent permitted by law, indemnify and defend the District from any claim by any party arising out of or related to such failure of rights.

13. **Water Rights.** The City acknowledges that the waters in the District's drains are fully appropriated for beneficial use, and that the water flows in the District's drains fluctuate based on demand, diversion and use of water. The City shall not attempt to divert or claim the right to diversion or maintenance of minimum stream flows of any water in any of the District's drains. The City shall not in any manner attempt to require the District to maintain any flow of water in any of the District's drains.

14. **No Claims Created.** Nothing in this Master Agreement or any agreement executed or permit issued pursuant to this Master Agreement shall create or support a claim of estoppel, waiver, prescription or adverse possession by either party hereto or any third party against either party hereto.

15. **Rights Nonexclusive.** This Master Agreement is entered subject to all rights previously acquired by third parties. The rights and privileges granted by this Master Agreement are nonexclusive and will not prohibit the District or the City from entering into agreements with other parties.

16. **Assignment.** Neither this Master Agreement nor any agreement entered pursuant to this Master Agreement may be assigned or transferred without the prior written approval of the Parties, which approval shall not be unreasonably withheld.

17. **Attorney's Fees.** Should either party incur costs or attorney fees in connection with efforts to enforce the provisions of this Master Agreement or any agreement executed pursuant hereto, whether by institution of suit or not, the party rightfully enforcing or rightfully resisting enforcement of such provisions, or the prevailing party in case suit is instituted, shall be entitled to reimbursement for its costs and reasonable attorney fees from the other party.

18. **Dispute Resolution.** The parties agree to engage in mediation through a mutually acceptable mediator prior to institution of legal proceedings to resolve any issues pertaining to the provisions of this Master Agreement. The parties shall each pay fifty percent (50%) of all fees and costs charged by such mediator.

19. **Construction, Binding Effect.** This Master Agreement shall be construed and enforced in accordance with the laws of the State of Idaho and shall be binding upon and inure to the benefit of the parties hereto and their respective successors. This Master Agreement is not intended for the benefit of any third party and is not enforceable by any third party. If any provision of this Master Agreement is determined by a court of competent jurisdiction to be invalid or otherwise unenforceable, all remaining provisions of this Master Agreement shall remain in full force and effect. The parties represent and warrant to each other that they each have authority to enter this Master Agreement.

20. **Headings.** The section headings herein set forth are provided only for the convenience of the parties in locating various provisions of this Master Agreement, and are not intended to be aids in interpretation of any provision of the Master Agreement with respect to

which the parties might disagree at some future time, and shall not be considered in any way in interpreting or construing any provision of the Agreement.

21. **Notices.** Any and all notices, demands, consents and approvals required pursuant to this Master Agreement shall be hand delivered, sent by mail postage prepaid, return receipt requested, or by email addressed to the parties as follows:

Drainage District No. 2  
P.O. Box 848  
Middleton, ID 83644  
E-mail: drain.dist.2@gmail.com

City of Star  
10769 W. State St.  
Star, ID 83669  
Email: staridaho@staridaho.org

With a copies to:

S. Bryce Farris  
1101 W. River Street, Suite 110  
Boise, ID 83702  
E-mail: bryce@sawtoothlaw.com

City Attorney  
Chris Yorgason  
Yorgason Law Offices, PLLC  
6200 N. Meeker Place  
Boise, ID 83713  
E-mail: chris@yorgasonlaw.com

IN WITNESS WHEREOF, the District has hereunto caused its corporate name to be subscribed by its officers first hereunto duly authorized by resolution of its Board of Directors and the City has hereunto caused its municipal name to be subscribed and its seal to be affixed by its officers first thereunto duly authorized by resolution of its City Council, all as of the day and year herein first above written.

**DRAINAGE DISTRICT NO. 2.**

By \_\_\_\_\_  
Its Chairman

STATE OF IDAHO                    )  
                                                  ) ss.  
County of \_\_\_\_\_)

On this \_\_\_\_ day of \_\_\_\_\_, 2023, before me, the undersigned notary public in and for said state, personally appeared \_\_\_\_\_, known to me to be the Chairman of DRAINAGE DISTRICT NO. 2, the District that executed the foregoing instrument and acknowledged to me that such District executed the same.

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

\_\_\_\_\_  
NOTARY PUBLIC FOR IDAHO  
Residing at \_\_\_\_\_, Idaho  
My Commission Expires \_\_\_\_\_

**THE CITY OF STAR**

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

ATTEST:

\_\_\_\_\_  
Jacob Qualls, City Clerk

STATE OF IDAHO            )  
                                          ) ss.  
County of \_\_\_\_\_)

On this \_\_\_\_ day of \_\_\_\_\_, 2023, before me, the undersigned notary public in and for said State, personally appeared Trevor A. Chadwick, known to me to be the Mayor, and Jacob Qualls, the City Clerk, respectively, of the CITY OF STAR, the political subdivision and municipality that executed the foregoing instrument and acknowledged to me that such entity executed the same.

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

\_\_\_\_\_  
NOTARY PUBLIC FOR IDAHO  
Residing at \_\_\_\_\_, Idaho  
My Commission Expires \_\_\_\_\_

# Star Sewer & Water District

P.O. Box 400 ★ 10831 W. State Street. ★ Star, ID 83669  
(208) 286-7388 • Fax (208) 286-7361

February 13, 2024

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

Star Sewer & Water District is selling the following vehicle and is offering the first right of refusal to the City of Star.

## Vehicle information:

Year: 2020  
Make: Ford  
Model: F150  
Mileage: 50,561.4  
VIN: 1FTFW1E59LKD90107  
Price: \$26,000

If you have any questions or need additional information, please contact Hank Day at 208-631-8588.

Thank you,  
Terra Estrada  
Star Sewer & Water District



**CITY OF STAR**  
**LAND USE STAFF MEMO**

**TO:** Mayor & Council

**FROM:** City of Star Planning Department *Shen T. Smith*

**MEETING DATE:** **February 20, 2024 COUNCIL AGENDA – REQUEST FOR RECONSIDERATION**

**FILE(S) #:** CU-23-06 Conditional Use Permit for **Milled Olive**

**OWNER/APPLICANT/REPRESENTATIVE**

**Applicant/Owner**

Milled Olive Oil & Vinegar Co Inc.  
12247 W. Pavo Street  
Star, Idaho

**Representative:**

Jessica Heggie  
Studio H. Architects  
306 NE 2<sup>nd</sup> Street  
Meridian, Idaho 83642

**REQUESTED RECONSIDERATION**

Staff has received a request by the applicant for Reconsideration of the Council decision on December 5, 2023 approving the application for Conditional Use Permit of the Milled Olive. A copy of the request is included as an attachment to this memo. Included in the request by the applicant is reconsideration of two conditions of approval in the approved Findings of Fact. The conditions included in the Findings are as follows:

- A. Hours of operation shall be as follows:**
  - a. Monday – Saturday 10am-6pm for Milled Olive Retail**
  - b. Monday – Saturday 10am-11pm for Wine Bar**
  - c. Friday, Saturday & Sunday 9am to 6pm for Farmers Market/Food Trucks**
  - d. Seasonal Concessions 7-days a week until 11pm**
  
- B. There shall be no music allowed outside of the buildings until immediate neighboring properties are developed into commercial.**

The applicant hereby requests the following revisions to the conditions of approval:

- A. Hours of operation revised to the following: The Milled Olive Retail hours Monday – Sunday 8am – 10pm for the purpose of hosting after hour cooking classes and event**



center uses. The farmers Market/Food Truck days and hours to be Monday – Sunday 9am – 11pm. To accommodate food trucks that may want to have a permanent location to operate their business.

- B.** Requesting the removal of no music allowed outside the buildings until immediate neighboring properties are developed into commercial. This restriction unfairly limits the property to compete with other business in the city that are allowed outside music that have similar residential neighboring properties. The intention would be to adhere to the current zoning and city laws covering noise ordinances

The requesting party has provided the following information to Staff as part of their Request for Reconsideration, as per Section 8-1A-9 of Code:

- The request was presented in writing to the Planning Department within 14 calendar days after the Council action and final decision was rendered;
- The request states the basis for the reconsideration request with a brief statement of issues and decision that the requesting party is asking to be reconsidered;
- The requesting party has provided relevant information that they believe was not previously presented and is in response to something brought up at the previous hearing, and the information was not previously available.

The Council should follow the procedures below when considering the request for reconsideration:

*Section 8-A-9A. Unified Development Code: Any applicant or affected person seeking judicial review of compliance with the provisions of this section must first seek reconsideration of the final decision within fourteen (14) days, as required by Idaho Code 67-6535.*

*To request reconsideration, an applicant or affected person must meet the following criteria:*

- 1. The requesting party must have been a party in the underlying action in one of the following: the city; the property owner of the subject property; the applicant for the project; or other affected party; and*
- 2. The request must be in writing, accompanied by the appropriate fee, and presented to the City no more than fourteen (14) calendar days after the council action and final decision have been rendered; and*
- 3. The request must state a basis for the request and a brief statement of issues and decision that the requesting party is asking to be reconsidered; and*
- 4. The request must include but is not limited to: the party requesting reconsideration has relevant information; and the relevant information was not previously presented and is in response to something brought up at the previous hearing; and the information was not previously available.*

*Section 8-A-9B. **Consideration:** The council will consider the request and provide a written decision to the requesting party within sixty (60) days of receipt of the request for reconsideration.*

*Section 8-A-9BD. **If The City Council Approves The Request:** The requesting party must pay the fee for a new public hearing within ten (10) calendar days of council's reconsideration. If the payment is not made to the city clerk within the specified time frame, the city council shall be notified at their next regularly scheduled meeting and the request for reconsideration shall be rescinded.*

Staff recommends that the Council review the documents provided as attachments to this memo when deliberating on a decision regarding this reconsideration request. Should the **Council vote to approve** the request for reconsideration, staff will work with the applicant and place the item on an upcoming City Council agenda. Should the **Council vote to deny** the request for reconsideration, the existing Findings of Fact, Conclusions of Law previously approved by Council on February 6, 2024 will apply.

**Attachments:**

1. Applicant's Letter.
2. Approved Findings of Fact, Conclusions of Law

Angela McGetrick  
The Milled Olive & Vinegar Co. Inc.  
9776 W. State St  
Star, ID 83669  
02/06/2024

Shawn Nickel  
Planning Director And Zoning Administrator  
Company Name  
10769 W State St.  
Star, ID 83669

Dear Shawn,

The Milled Olive is requesting reconsideration of the City Councils restrictions on our property at 1133 S. Main St, Star, ID 84669.

1. Hours of operation revised to the following: The Milled Olive Retail hours Monday – Sunday 8am – 10pm for the purpose of hosting after hour cooking classes and event center uses. The farmers Market/Food Truck days and hours to be Monday – Sunday 9am – 11pm. To accommodate food trucks that may want to have a permanent location to operate their business.
2. Requesting the removal of no music allowed outside the buildings until immediate neighboring properties are developed into commercial. This restriction unfairly limits the property to compete with other business in the city that are allowed outside music that have similar residential neighboring properties. The intention would be to adhere to the current zoning and city laws covering noise ordinances.

Sincerely,

Angela McGetrick  
President  
The Milled Olive Oil & Vinegar Co. Inc.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**  
**MILLED OLIVE CONDITIONAL USE PERMIT**  
**FILE NO. CU-23-06**

The above-entitled Conditional Use Permit land use applications came before the Star City Council for their action on December 5, 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. Project Summary:*

The Applicant is requesting approval of a Conditional Use Permit for a mixed-commercial use to include a retail store, wine & beer lounge, retail storage area, outdoor concessions and an event space. The property is located at 1133 S. Main Street in Star, Ada County, Idaho, and consists of 2.0 acres in a central business district (CBD) zoning designation. The subject property is generally located at the northeast corner of S. Star Road and S. Main Street. Ada County Parcel No. R1842701420.

*B. Application Submittal:*

A neighborhood meeting was held on September 14, 2023, in compliance with the application submittal requirement of the Star Unified Development Code (Section 8-1 A-6 C). The Land Use application was deemed complete on October 20, 2023.

*C. Notice of Public Hearing:*

Notice of Public Hearing on the application for the City of Star Council was published in accordance with the requirements of Title 67, Chapter 65, Idaho Code and the Star Unified Development Code on November 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 November 20, 2023. Notice was sent to agencies having jurisdiction in the City of Star on October 24, 2023. The property was posted in accordance with the Star Unified Development Code on November 20, 2023.

*D. History of Previous Actions:*

Council approved an application for Rezone and Development Agreement (RZ-20-10/DA-20-21) for the property to be rezoned Central Business District (CBD).

E. *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>	Central Business District (CBD)	Central Business District	Vacant – Pasture
<b>Proposed</b>	Central Business District (CBD)	Central Business District	Commercial, Retail
<b>North of site</b>	Residential (R-1)	Central Business District	Single Family Residential
<b>South of site</b>	Rural Transitional (RT)	Central Business District	Vacant
<b>East of site</b>	Rural Transitional (RT)	Central Business District	Single Family Residential
<b>West of site</b>	Rural Urban Transition (RUT)	Central Business District	Single Family Residential/Agricultural

F. *Development Features.*

**CONDITIONAL USE PERMIT:**

The Applicant is requesting approval of a Conditional Use Permit for a mixed-commercial use to include a retail store, wine & beer lounge, retail storage area, outdoor concessions and an event space. The property contains approximately 2-acres. The proposed main structure that includes the retail sales, beer and wine lounge, warehouse and 2<sup>nd</sup> Floor event/meeting room is approximately 17,141 total square feet in size. The proposed accessory storage building is 1,450 square feet in size, and the proposed concessions building is 367 square feet in size. The proposed food truck and farmers market booth area, located in the southeast corner of project, will include temporary spaces for food trucks and retail booths to be used throughout the year and during community events.

The site will be improved with paved driving aisles and parking spaces, perimeter landscaping and fencing. Main site access will be on S. Main Street.

The Unified Development Code Section 8-4B-2 states that all drive aisles adjacent to a building shall be a minimum of 25’0” or as required by the fire code, unless the building is 30 feet in height or greater, at which point the drive aisle shall be 26’0” or as otherwise approved by the Fire District. **It appears that all proposed drive aisles will be able to meet the 25’ and 26’ widths throughout the project, as required.**

**Section 8-4B-2 also states that parking stalls shall be 9’ wide and 20’ deep. The materials submitted with the application indicate compliance with the parking standards. The applicant is providing 2 ADA parking spaces in front of the main building. The site plan indicates a total of 51 on-site parking spaces, with an additional 17 on-street parking spaces along S. Main Street. ACHD will need to approve the allowance for parking in the public right of way. The parking calculations provided by the applicant appear to meet the**

**required parking requirements within the CBD zone. The addition of approved on-street parking of 17 additional spaces will benefit the uses proposed.**

**The Applicant is proposing fencing along all boundaries of the property, including open, metal fencing along the Star Road and S. Main Street frontages, with a security gate along the entrance drive. A 6' solid wood and metal fence is proposed adjacent to the existing residential uses to the north and east of the proposed development.**

**The Applicant has not indicated the hours of operation for the project. Council may want to consider hours of operation for the food trucks and farmers market uses of the project.**

The applicant has provided exterior elevations and color renderings of all of the structures within the development. The buildings appear to meet the intent of the architectural overlay, however, the site plan and elevations will need additional approval from the design review committee as part of the Certificate of Zoning Compliance process.

**The applicant has requested a 10' northern building setback for the main building and 5' northern and southern setback for the storage building located in the northeast corner of the property. In addition, the concessions building has indicated a 5' northern setback. Council should consider future CBD uses adjacent to this property. Staff believes the proposed setbacks are appropriate for the future build-out of the Central Business District.**

**Cross access to adjacent properties is critical for maintaining circulation between commercial uses, especially along Star Road, where access points are intended to be eliminated and combined where necessary as properties redevelop. Staff supports a requirement for a cross access easement to the north of the property in the event that the northern property were to redevelop. The easement would be located where the applicant is showing 3 parking spaces in the northeast corner of the project. Until a need for access is warranted, the applicant shall maintain the 3 parking spaces as shown.**

**The applicant has not indicated a location for restroom facilities near the concession building and food truck and farmers market area of the development. Facilities located in the main building may provide this service when open, however, bathroom facilities should be discussed by Council and the applicant.**

**A landscaping plan has been submitted with the application. Staff would like to see an additional landscaping buffer on the northern boundary of the development adjacent to the proposed parking lot and main building.**

H. *On-Site Features:*

- ☉ Areas of Critical Environmental Concern – No known areas.

- ✪ Evidence of Erosion – No known areas.
- ✪ Fish Habitat – No known areas.
- ✪ Mature Trees – Yes. Mature Trees
- ✪ Riparian Vegetation – None.
- ✪ Steep Slopes – None.
- ✪ Stream/Creek – None.
- ✪ Unique Animal Life – No unique animal life has been identified.
- ✪ Unique Plant Life – No unique plant life has been identified.
- ✪ Unstable Soils – No known issues.
- ✪ Wildlife Habitat – No wildlife habitat has been developed or will be destroyed.
- ✪ Historical Assets – No historical assets have been observed.

I. *Agencies Responding:*

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

ACHD  
ITD

December 5, 2023  
October 25, 2023

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

None

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

**Comprehensive Plan:**

8.2.3 Land Use Map Designations:

Central Business District

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

8.3 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.
- Work to create a vibrant Central Business District.
- 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.

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

A. The CBD zoning district should allow for a mix of commercial, office, institutional, and civic type uses with specific provisions for residential use in appropriate locations with compatible densities.

B. High density residential is suitable within the CBD in mixed use buildings with commercial or office type uses on the first floor and high density residential on upper floors.

C. Main Street, generally south of Tempe Lane extended, consists of several lots which are about one acre in size created by "Dixon Subdivision" almost a century ago. Many of the existing home sites on these lots are rural in nature, including farm animals. As redevelopment of this area occurs, a transition consisting of a compatible mix of lower intensity commercial and office type uses mixed with residential should be encouraged. This Main Street area needs to be studied to provide for special care guiding future development understanding that the rights consisting of the existing rural use of residential lots are not to be infringed. Furthermore, Main Street is to be studied for the provision of traffic calming measures and to provide for a connection for horseback riders to access an equestrian trail which should be planned along the Boise River.

D. The city should develop a street improvement plan for the CBD identifying drainage and street improvements with a functional grid system and use public private partnerships to assure the system is built and that "ad hoc" development of parcels within the CBD do not block good planning.

E. The city should develop a downtown grid system, in part, planning for the easterly extension of Tempe Lane and easterly extension of West First Street to help provide better downtown access and parking facilities.

F. The east west public road from the Heron River Development, south of the LDS Church on Main Street, should be extended to Star Road.



G. Implement, review, and update the 2011 Star Downtown Revitalization Plan for development strategies within the plan intended to stimulate development within the CBD.

H. As recommended in the 2011 Star Downtown Revitalization Plan, the city should create an Urban Renewal District to stimulate development within the CBD.

I. The city should encourage assemblage of the smaller properties where appropriate.

J. The “floodway” lands abutting the CBD land use designation, all as shown in the Comprehensive Plan Land Use Map, should continue to be developed as park space supporting activities integral to the economic and “Live, Work, Play” ambiance planned for the CBD.

K. Main city service facilities should be located in the CBD and should all be south of State Highway 44 clustered into a “City Services Campus”. That includes the City Hall, Library, Post Office, Emergency Services, Department of Motor Vehicles, and other related facilities.

L. Big Box commercial, generally a single-story single use building over 50,000 square feet, should not be permitted within the CBD and any single-story single use building which is large in scale, such as approaching the 50,000 square foot size, should be located to front on Highway 44 or Star Road.

8.5.9 Additional Land Use Component Policies:

- Encourage flexibility in site design and innovative land uses.
- Encourage landscaping to enhance the appearance of subdivisions, structures, and parking areas.
- Work with Ada County Highway District (ACHD), Canyon Highway District #4 (CHD4), and Idaho Department of Transportation (ITD) for better coordination of roadway and access needs.
- Support well-planned, pedestrian-friendly developments.
- Dark sky provision should be adopted within the code to assure down style lighting in all developments and Star should consider joining the International Dark Sky Association.
- The City should utilize the 2018 Treasure Valley Tree Selection Guide when requiring trees within developments.

**Unified Development Code:**

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

The following zoning districts are hereby established for the interpretation of this title, the zoning districts have been formulated to realize the general purposes as set forth in this title. In addition, the specific purpose of each zoning district shall be as follows:

(CBD) CENTRAL BUSINESS DISTRICT: To provide for commercial, retail, civic, office, and entertainment uses. High density housing is encouraged on the upper floors of mixed-use buildings and may also be allowed at the fringes of the land use designation shown on the comprehensive plan. Live/work designed development is also encouraged in this district. Developments in this district are to place an emphasis on pedestrian and bicycle access and compatibility. Special emphasis shall be placed on development in the central downtown area to encourage and create a vibrant, walkable downtown community that incorporates the Boise River as an active amenity.

**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	CBD
Events Center, public or private (indoor/outdoor)	C
Retail store/retail services	P

**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
CBD	35'	0'	0'	0' <sup>4</sup>	0'
C-2	35'	20'	5'	0' <sup>4</sup>	20'
MU	35'	For MU and <b>CBD</b> - 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 <sup>(3)</sup> .			

Notes:

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.

**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.

**8-1B-4E. 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.

**8-1B-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 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 or purpose.*

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 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 finds 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 finds that the proposed use can 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 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 not received notice from any agency having jurisdiction stating that this application will create excessive additional costs for the public facilities and services as the development will pay for all changes in services.*

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.*

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.*

**Public Hearing of the Council:**

a. A public hearing on the application was heard by the City Council on December 5, 2023, at which time testimony was heard and the public hearing was closed, and the Council made their decision at that time.

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

- Shawn L Nickel, City Planning Director gave Staff Presentation
- Jessica Heggie
- Angie McGetrick
- Heidi Prigge
- Susan Avise
- Gary Avise
- Cheryl Cronk
- Victor Islas, Star Fire District
- Aaron Williams, ACHD

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

None

**Deliberations and Conclusions of Law:**

The Council reviewed the particular facts and circumstances of this proposed conditional use permit application in accordance with the City of Star Title 8 (Unified Development Code), deliberated on the matter, resulting in review of the record, including the staff report, and discussions on the proposed land use. Review and discussion included site plan/layout, access and circulation, fencing, landscape buffering, cross-access, lighting, hours of operation and parking. The Council included Staff recommended conditions of approval and added additional conditions to address these concerns. Council concluded that the Applicant’s request, as conditioned, meets the requirements for conditional use. Council hereby incorporates the staff report dated December 5, 2023 into the official decision as part of these Findings of Fact, Conclusions of Law.

**Statement of Compliance:**

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

Council included the following additional conditions of approval as part of the approval of this application request:

- Applicant to add a pedestrian gate to the fencing at the southern curve area on Main Street.
- All lighting on the building and parking areas shall adhere to the Dark Sky requirements of the City.
- Hours of operation shall be as follows:
  - Monday – Saturday 10am-6pm for Milled Olive Retail
  - Monday – Saturday 10am-11pm for Wine Bar
  - Friday, Saturday & Sunday 9am to 6pm for Farmers Market/Food Trucks
  - Seasonal Concessions 7-days a week until 11pm
- Cross-access easements shall be provided to the north and east to provide connection to adjacent uses once properties redevelop. Staff will analyze the need for cross access once uses have been determined to the north and east and evaluate whether the access is warranted. If access is to be provided, any parking that is lost shall not count against the overall parking requirements of this application. Gates for emergency access may be required and will be reviewed by City Staff and the Fire District at that time.
- All drainage requirements of the City Engineer shall be met.
- There shall be no music allowed outside of the buildings until immediate neighboring properties are developed into commercial.
- The site plan, with proposed building square footage, as approved on December 5, 2023 is hereby adopted into this approval and shall not be altered without further approval from the City. If the property is sold and/or uses change, a new Certificate of Zoning Compliance (CZC) shall be required.
- Any lighting on the proposed water tower/sign shall meet the Dark Sky requirements of the City.

**Conditions of Approval:**

1. **All Council required conditions of approval as listed above.**
2. The approved Conditional Use shall comply with all statutory requirements of applicable agencies and districts having jurisdiction in the City of Star.
3. 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.**
4. **A Certificate of Zoning Compliance will be required prior to the start of construction. The applicant shall address detailed building finishes, landscape buffering and other site details at that time.**
5. **A revised site plan, showing the correct parking dimensions shall be submitted to and approved by City Staff, prior to issuing the building permit.**
6. **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.**

7. The property with the approved application shall be satisfactorily weed abated, preventing a public nuisance, per Star City Code.
8. Pressurized irrigation systems shall comply with the Irrigation District(s) and the City of Star Codes. Plans for pressurized irrigation systems shall be submitted to, and approved by the City of Star Engineer, prior to installation.
9. A form signed by the Star Sewer & Water District shall be submitted to the City prior to issuance of building permit stating that all conditions of the District have been met, including annexation into the District.
10. 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 the start of any construction.**
11. The applicant shall obtain all the proper building permits from the City Building Department prior to occupancy of the unit.
12. The Conditional Use Permit may be revoked or modified by the City Council for any violation of any Condition of Approval.
13. The applicant shall obtain a sign permit prior to any signage being placed on the site or building.
14. Any additional Condition of Approval as required by Staff and City Council.
15. Any Conditions of Approval as required by Star Fire Protection District.

**Council Decision:**

The Council voted 3-0 to approve the Conditional Use for Milled Olive on December 5, 2023.

Dated this 7th day of February, 2024.

Star, Idaho

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

ATTEST:

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