



CITY COUNCIL REGULAR MEETING AGENDA

City Hall - 10769 W State Street, Star, Idaho
Tuesday, April 04, 2023 at 7:00 PM

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

1. **CALL TO ORDER** – Welcome/Pledge of Allegiance
2. **INVOCATION** – Pastor Tim Nay, LifeSpring Church
3. **ROLL CALL**
4. **PRESENTATIONS**
 - A. Star Police Report - February 2023 - **Chief Zachary Hessing**
 - B. **American Legion Check Presentation** - For the Mayor's Youth Council Scholarship Fund
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: First Street Townhomes Subdivision (FILE: PP-22-16 / PR-22-07)**
 - C. **Findings of Fact / Conclusion of Law: Star River Ranch North Subdivision (FILE: RZ-22-01, DA-22-03, PP-22-05)**
6. **PUBLIC HEARINGS with ACTION ITEMS:**
 - A. **PUBLIC HEARING: Oliver Estates Subdivision (FILE: AZ-22-01, DA-22-01, PUD-22-01, PP-22-01)** - The Applicant is seeking approval of an Annexation and Zoning (R-3-DA), Development Agreement, Planned Unit Development and Preliminary Plat for a proposed residential subdivision consisting of 88 residential lots, 2 office lots (PUD) and 16 common lot. The property is located at 22491 N. Can Ada Road in Star, Idaho, and consists of 37.58 acres with a proposed density of 2.34 dwelling units per acre. **The applicant has requested this item be tabled until April 18, 2023. (ACTION ITEM)**
 - B. **PUBLIC HEARING - Naismith Commons Subdivision (FILES: AZ-22-10, DA-22-11 & PP-22-15)** (The application was tabled on March 7, 2023 to March 21, 2023 and to April 4, 2023 to allow the applicant time to redesign the preliminary plat. **This item is being postponed to April 18, 2023 at Staff Recommendation. (ACTION ITEM)**
7. **ACTION ITEMS:**
 - A. **Freedom Park Construction Agreement** - Approve / Authorize to Sign **(ACTION ITEM)**
 - B. **Temporary License Agreement - ACHD (Signal Cabinet Art Wraps)** - Approve / Authorize to Sign **(ACTION ITEM)**
 - C. **Executive Session: 74-206 (c):** To acquire an interest in real property not owned by a public agency **(ACTION ITEM)**
Action Items after Executive Session (If appropriate)
8. **ADJOURNMENT**



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

Land Use Public Hearing Process

Public signs up to speak at the public hearing

Mayor Opens the Public Hearing

Mayor asks council if there is any Ex Parte Contact

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

Council can ask the applicant questions and staff questions

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

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

Applicant rebuttal (**10 minutes**)

Council can ask the applicant and staff questions

Mayor closes the public hearing

Council deliberates

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

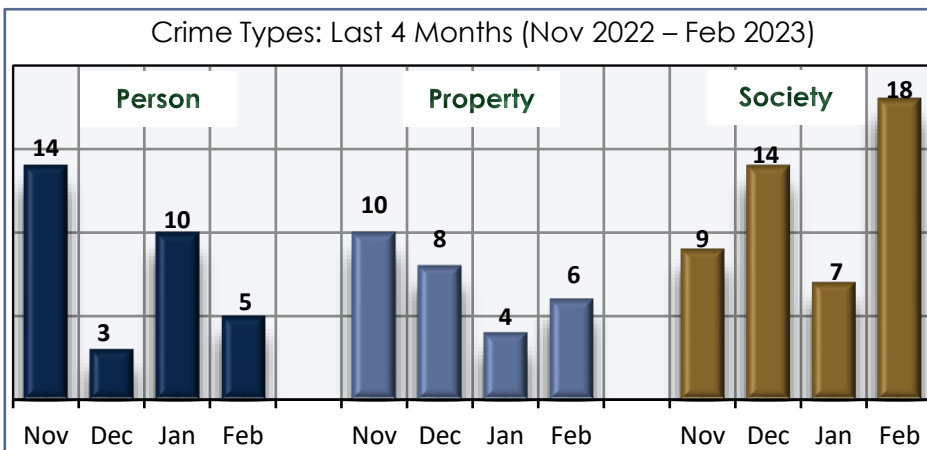
Thank you for coming to the Star City Council meeting, public involvement is fantastic and helps in shaping our city for the future. As this is a public hearing, there will be no cheering, clapping, jeering or speaking out during the hearing. Only the person at the podium has the floor to speak during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

Thank you for your participation.

Mayor Trevor Chadwick

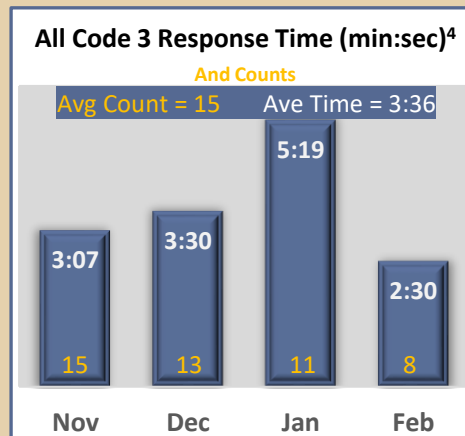
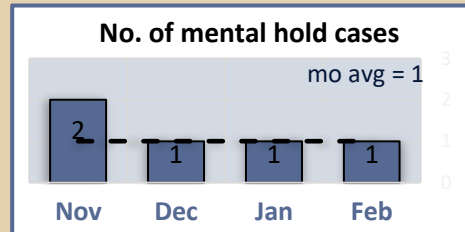
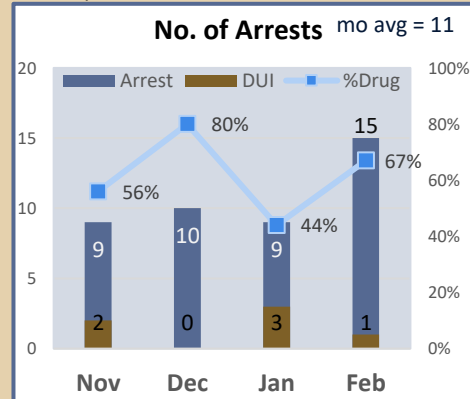
Offense Reported ¹	2023			Previous Years		
	Feb	YTD	Projected Range*	2022	2021	2020
Crimes (#)	29	50		266	185	209
Person	5	15		107	74	60
Property	6	10		92	59	99
Society	18	25		67	52	50
Crimes / Pop (#/1000 population)				17.5	13.8	18.8

*Projected 2023 Crimes Range will be based on Jan-June and year % averages from years 2020-2023.



Police Calls Activity ²	Monthly Average ³	Nov-22	Dec-22	Jan-23	Feb-23	Feb-22
Citizen Calls for Service (CFS)	257	270	273	258	227	191
Proactive Policing	1,229	1,201	1,323	1,345	1,048	699
Selected Call types						
Domestic Violence	6	6	6	10	3	4
Crisis/MentalHealth ⁵	7	9	3	7	9	3
Juvenile Activity	11	12	15	9	7	14
School Checks	54	65	57	40	53	49
Traffic Stops	311	333	322	327	261	136
Location Checks ⁶	445	408	506	525	343	262
Crash Response	29	30	41	30	14	23
Welfare Checks	19	16	23	15	21	18
Property Crime Calls ⁷	18	20	22	13	15	12

- ### 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



¹Offense Reports are compiled from NIBRS RMS. ²Police Call data reflects calls within the City of Star and all dispatched calls with a Star Deputy. ³Monthly averages are based on identified months. ⁴Code 3 calls - Represents ALL incidents that are routed at Priority 3, where Priority 3 calls require an immediate emergency response. ⁵Calls are for Crisis, Mental Health, Suicidal Subject and CIT calls. ⁶Location Checks include Construction Site, Property, and Security checks. ⁷Property Crime Calls include calls for theft, vandalism, burglary, and fraud.

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CITY OF STAR
Claim Details by Posted Date
For Claims from 03/16/23 to 03/28/23

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Section 5, Item A.

* ... Over spent expenditure

Claim/ Line #	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object	Proj	Cash Account
1698	21526S	31 A-GEM SUPPLY, INC.	3,767.00						
1	255191	01/30/23 Interview Rooms - Star Police	3,767.00			10 800 45110	741		10110
		Total for Vendor:	3,767.00						
1678	21507S	21 ADA COUNTY LANDFILL	123.83						
1	2303110315	03/11/23 Landfill Fees	38.86			10 41540	411		10110
2	2303150226	03/15/23 Landfill Fees	84.97			10 41540	411		10110
1699	21527S	21 ADA COUNTY LANDFILL	52.70						
1	2303200189	03/20/23 Landfill Fees	37.70			10 41540	411		10110
2	2303230259	03/23/23 Landfill Fees	15.00			10 41540	411		10110
		Total for Vendor:	176.53						
1700	21528S	1067 ANNIE PEW	270.77						
1	02/13/23	Reimbursement Riddleys	35.15			10 101 44022	611		10110
2	12/22/22	Reimbursement Costco	10.06			10 101 44022	611		10110
3	01/06/23	Reimbursement BiMart	22.22			10 101 44022	611		10110
4	12/28/23	Reimbursement Target	35.83			10 101 44022	611		10110
5	01/07/23	Reimbursement Hobby Lobby	31.33			10 101 44022	611		10110
6	02/25/23	Reimbursement Amazon	30.20			10 101 44022	611		10110
7	03/12/23	Reimbursement Amazon	105.98			10 101 44022	611		10110
		Total for Vendor:	270.77						
1721	21546S	1284 ARDEN YUNDT	750.00						
1	03/27/23	Feb Country Line Dancing	750.00			10 177 44022	352		10110
		Total for Vendor:	750.00						
1679	21508S	1123 BECCA HAMMAGREN	275.00						
1	03/14/23	Refund - football	275.00			10 44021	698		10110
		Total for Vendor:	275.00						
1729	21547S	145 BSN SPORTS	396.26						
1	920951984	03/15/23 Softballs	756.22			10 44021	612		10110
2	917058140	05/03/22 Credit	-359.96			10 44021	612		10110
		Total for Vendor:	396.26						

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1696	21529S	160 CANYON HIGHWAY DISTRICT # 4	160.75						
CHD4	2/1/2023 - 2/28/2023	Remittance							
1	Feb 2023	03/13/23 2/1/23 - 2/28/23 Remittance	160.75			10 41510	732		10110
		Total for Vendor:	160.75						
1728	21548S	172 CENTURY LINK	204.06						
1	*228B	03/16/23 Internet Services	138.71			10 41810	419		10110
2	*130B	03/16/23 Internet Services	65.35			10 41810	419		10110
		Total for Vendor:	204.06						
1701	21530S	207 COMPUTER CONSULTING ASSOCIATES	3,389.71						
1	4232	02/26/23 IT Consulting Services	3,389.71			10 41810	342		10110
		Total for Vendor:	3,389.71						
1680	21509S	231 DANA PARTRIDGE	2,591.03						
1	03/17/23	Services Week of March 6	1,300.50			10 41140	351		10110
2	03/17/23	Services Week of March 13	1,217.40			10 41140	351		10110
3	03/07/23	Reimbursement Donation Check	73.13			10 41810	585		10110
		Total for Vendor:	2,591.03						
1723	21549S	1288 DANIEL W LANE	800.00						
1	03/15/23	Lego/Robotics Instructor	800.00			10 44022	352		10110
		Total for Vendor:	800.00						
1727	21550S	1318 DENIELLE REDONDO	287.00						
1	03/15/23	March Barre Strength	287.00			10 44022	352		10110
		Total for Vendor:	287.00						
1722	21551S	1307 DIRT ROAD DANCING	965.25						
1	03/15/23	Daytime County Dancing	965.25			10 44022	352		10110
		Total for Vendor:	965.25						
1703	21531S	1310 EXOFIT OUTDOOR FITNESS	23,915.60						
1		ExoFlex Vert Press	2,099.50		8	10 707 45110	744		10110
2		2-Person Leg Press	1,599.50		8	10 707 45110	744		10110
3		DBL Pull-Up Bars	899.50		8	10 707 45110	744		10110

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4		2-Peson Cross Skier	1,799.50		8	10 707 45110	744		10110
5		ExoFlex Squat Mach	2,099.50		8	10 707 45110	744		10110
6		ExoPod	9,499.50		8	10 707 45110	744		10110
7		Base Covers Black	325.00		8	10 707 45110	744		10110
8		Freight	5,593.60		8	10 707 45110	745		10110
Total for Vendor:			23,915.60						
1681	21510S	325 GAMEFACE ATHLETICS	1,002.20						
1	315990	03/14/23 Sports/Rec shirts	588.70			10 44021	615		10110
2	316001	03/14/23 Sports Ref Uniforms	413.50			10 44021	615		10110
Total for Vendor:			1,002.20						
1705	21532S	331 GEM STATE PAPER & SUPPLY	3,305.27						
1	3070992	03/08/23 Cleaning Supplies	400.80			10 41540	611		10110
2	3071066	03/09/23 Scrubber	3,070.75			10 41540	742		10110
3	3071558	03/21/23 Wastebaskets	-166.28			10 41540	611		10110
Total for Vendor:			3,305.27						
1719	21552S	382 IDAHO CENTRAL CREDIT UNION	4,204.27						
1		03/21/23 Chadwick	49.13			10 41810	610		10110
2		03/21/23 Qualls	4,084.42			10 41810	610		10110
3		03/21/23 Little	70.72			10 41540	610		10110
Total for Vendor:			4,204.27						
1706	21533S	398 IDAHO POWER COMPANY	2,563.46						
1	0033022594	03/15/23 1000 S MAIN ST / PUMP	16.98			10 41540	412		10110
2	0033022589	03/15/23 10769 W STATE ST / CITY HA	509.52			10 41810	412		10110
3	0033022563	03/15/23 10775 W STATE ST / STAR OU	91.69			10 41810	412		10110
4	0033022576	03/15/23 11225 W BLAKE DR / BLAKE P	218.80			10 41540	412		10110
5	0033157130	03/15/23 11380 W HIDDEN BROOK	17.78			10 41540	412		10110
6	0033022554	03/15/23 1250 N STAR RD / HUNTERS P	31.54			10 41540	412		10110
7	0033022592	03/15/23 1300 N STAR RD / HC ENTRY	44.03			10 41540	412		10110
8	0033022572	03/15/23 1310 N LITTLE CAMAS / SHOP	163.76			10 41540	412		10110
9	0033022587	03/15/23 1500 N STAR RD	480.87			10 41540	412		10110
10	0033075641	03/15/23 HIGHBROOK / HWY 44 STRT LI	40.67			10 41810	413		10110
11	0030204591	03/15/23 HUNTER'S CREEK STRT LIGHTS	13.91			10 41810	413		10110
12	0033022596	03/15/23 BLAKE SPRINKLER ELECT	3.48			10 41540	412		10110

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13	0033022580	03/15/23 STATE/PLUMMER STRT LIGHTS	10.24			10 41810	413		10110
14	0033022584	03/15/23 STRT LIGHTS STAR	400.86			10 41810	413		10110
15	0030204606	03/15/23 STRT LIGHTS / BLAKE PARK	16.26			10 41810	413		10110
16	0032863989	03/14/23 960 S MAIN ST	470.06			10 41810	412		10110
17	0032863988	03/14/23 960 S MAIN ST	33.01			10 41810	412		10110
		Total for Vendor:	2,563.46						
1707	21534S	399 IDAHO PRESS TRIBUNE	304.50						
4	32294	03/19/23 Legal/Pub Notice PH 4/4/23	104.67			10 41510	530		10110
5	32295	03/19/23 Legal/Pub Notice Ord 378-2023	199.83			10 41510	530		10110
		Total for Vendor:	304.50						
1682	21511S	1313 JAMIE GRANDSTAFF	70.00						
1	03/14/23	Refund - Football	70.00			10 44021	698		10110
		Total for Vendor:	70.00						
1684	21512S	1298 KAMI PAHLAS	991.90						
1	03/15/23	St Patricks Day Cookie Class	991.90			10 44022	352		10110
		Total for Vendor:	991.90						
1683	21513S	502 KEELY ELECTRIC	1,440.00						
1	20-1950	03/15/23 Timer for City Hall Lighting	521.00			10 41540	741		10110
2	20-1946	03/10/23 Flagpole Lights Hunter Creek	919.00			10 41540	735		10110
		Total for Vendor:	1,440.00						
1725	21553S	524 LARRY BEARG	609.00						
1	03/15/23	Tai Chi Instruction March	609.00			10 44022	352		10110
		Total for Vendor:	609.00						
1720	21554S	583 MASTERCARD	2,630.89						
1	02/09/23	Chadwick ParkBoi	20.00			10 41810	552		10110
2	02/15/23	Qualls Skynova	15.00			10 41810	550		10110
5	02/12/23	Qualls Remarkable Oslo	2.99			10 41810	610		10110
6	02/22/23	Qualls Remarkable Oslo	2.99			10 41810	610		10110
7	02/25/23	Qualls Amazon	55.99			10 41810	611		10110
8	02/20/23	Qualls Skate Stoppers	1,859.20		6	10 701 45110	735		10110
9	02/20/23	Qualls Skate Stoppers Freight	135.00		6	10 701 45110	735		10110

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10	03/09/23	Qualls Ridley	75.00			10 41810	699		10110
11	02/08/22	Little Robertstons Supply	108.21			10 41540	611		10110
12	02/22/23	IRPA	50.00			10 41540	610		10110
13	02/22/23	Little Root Rock and Bark	149.75			10 41540	435		10110
14	02/23/23	Little 4972 CED	17.96			10 41540	610		10110
15	02/24/23	Little Home Depot	36.54			10 41540	611		10110
16	02/28/23	Little PY Tex Trail	22.00			10 41540	742		10110
17	03/02/23	Little Root Rock and Bark	25.20			10 41540	435		10110
18	03/05/23	Little Amazon	15.89			10 41540	611		10110
19	03/06/23	Little Harbor Freight	39.17			10 41540	613		10110
Total for Vendor:			2,630.89						
1685	21514S	1314 MATT LASTER	30.00						
1	03/15/23	Refund - Football	30.00			10 44021	698		10110
Total for Vendor:			30.00						
1687	21515S	1315 MICHAEL STILL	35.00						
1	03/14/23	Refund - Spring Soccer	35.00			10 44021	698		10110
Total for Vendor:			35.00						
1686	21516S	1201 MODERN PRINTERS	227.00						
Business Cards for Barbara Conly and Ryan Morgan and Inspectors									
1	29489	01/22/23 Business Cards - Morgan	69.00			10 41810	610		10110
2	29489	01/22/23 Business Cards - Conly	79.00			10 41810	610		10110
3	29672	03/27/23 Business Cards - Inspectors	79.00			10 41510	610		10110
Total for Vendor:			227.00						
1730	21555S	1269 MOSCA DESIGNS INC	13,539.53						
1	03/10/23	Panel Tree Extension	9,911.31			10 41810	699		10110
4	03/10/23	Shipping and Handling	3,628.22			10 41810	699		10110
Total for Vendor:			13,539.53						
1708	21535S	1317 MOUNTAIN VIEW EQUIPMENT COMPANY	767.25						
1	356085M	03/23/23 Mower Engine Service	767.25			10 41540	437		10110
Total for Vendor:			767.25						

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1726	21556S	649 NIKI DEAN	756.00						
1	03/15/23	Yoga Instruction March	756.00			10 44022	352		10110
		Total for Vendor:	756.00						
1688	21517S	670 PATHWAY CONCRETE & LANDSCAPING	6,500.00						
		Police and Fire Station South Parking Addition							
1	98 03/13/23	Police/Fire Parking Additions	6,500.00			10 800 45110	741		10110
1709	21536S	670 PATHWAY CONCRETE & LANDSCAPING	4,400.00						
1	96 02/25/23	River House Cobblestone Walk	4,400.00			10 45110	737		10110
		Total for Vendor:	10,900.00						
1704	21537S	1140 RCX SPORTS LLC	362.50						
1	13	nflr flag rams ys	50.00		13	10 216 44021	615		10110
2	13	nfl flag steelers yl	50.00		13	10 216 44021	615		10110
3	13	nfl 49ers al	25.00		13	10 216 44021	615		10110
4	13	nfl flag 49ers yxl	25.00		13	10 216 44021	615		10110
5	13	nfl flag broncos ys	25.00		13	10 216 44021	615		10110
6	13	nfl flag cowboys yl	25.00		13	10 216 44021	615		10110
7	13	nfl falg cowboys ym	25.00		13	10 216 44021	615		10110
8	13	nfl falg stellers yxl	25.00		13	10 216 44021	615		10110
9	13	nfl falg youth shorts gol	20.00		13	10 216 44021	615		10110
10	13	nfl flag shorts navy yl	10.00		13	10 216 44021	615		10110
11	13	nfl flag shorts navy ym	10.00		13	10 216 44021	615		10110
12	13	nfl flag shorts navy ys	10.00		13	10 216 44021	615		10110
13	13	nfl flag shorts red ys	10.00		13	10 216 44021	615		10110
14	13	nfl falg socks broncos as	7.50		13	10 216 44021	615		10110
15	13	nfl receiver gloves 49ers	15.00		13	10 216 44021	615		10110
16	13	nfl flag shorts gold as	10.00		13	10 216 44021	615		10110
17	13	nfl flag gold ys shorts	20.00		13	10 216 44021	615		10110
		Total for Vendor:	362.50						
1689	21518S	721 ROBERT P LITTLE	4,402.50						
		March 2023 Contracted Services							
1	116178 03/15/23	B&G Contracted Services	4,660.00			10 41540	351		10110
2	Life Insur 03/15/23	Life Insurance	-203.50			10 41540	215		10110

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3	Vision Ins	03/15/23 Spousal Vision Insurance	-13.00			10 41540	211		10110
4	Dental Ins	03/15/23 Spousal Dental Insurance	-41.00			10 41540	212		10110
		Total for Vendor:	4,402.50						
1724	21557S	1287 ROBIN ROBINSON	252.00						
1	03/15/23	Mar Evening Yoga	252.00			10 44022	352		10110
		Total for Vendor:	252.00						
1710	21538S	727 RON WESTON	61.20						
1	03/02/23	Reimbursement Costco	8.46			10 44021	612		10110
2	03/02/23	Reimbursement Costco	52.74			10 44021	612		10110
		Total for Vendor:	61.20						
1711	21539S	752 SBI CONTRACTING INC	1,060.00						
1	10462 03/22/23	Interior Signage Police Statio	1,060.00			10 800 45110	741		10110
		Total for Vendor:	1,060.00						
1677	21519S	772 SHERWIN WILLIAMS	68.14						
1	5589-5 03/09/23	Paint	53.99			10 41540	737		10110
2	5224-9 03/09/23	Paint	14.15			10 802 41540	741		10110
1713	21540S	772 SHERWIN WILLIAMS	297.45						
1	6158-8 03/22/23	Paint	297.45			10 41540	611		10110
		Total for Vendor:	365.59						
1690	21520S	777 SILVER CREEK SUPPLY	1,254.98						
1	*0065-001 03/08/23	Silver Creek University	75.00			10 41540	611		10110
2	*4664-001 03/09/23	B&G Supplies Blake Haven Pa	874.96			10 41540	733		10110
3	*4664-002 03/09/23	B&G Supplies Blake Haven Pa	219.32			10 41540	733		10110
4	*2360-001 03/10/23	B&G Supplies Blake Haven Pa	58.76			10 41540	733		10110
5	*6800-001 03/13/23	Hose Hunters Creek Park	144.51			10 41540	735		10110
6	*4664-003 03/09/23	Credit - Blake Haven Park	-13.13			10 41540	733		10110
7	*6841-001 03/14/23	Credit - Hunters Creek Park	-104.44			10 41540	735		10110
		Total for Vendor:	1,254.98						

03/29/23
08:38:04

CITY OF STAR
Claim Details by Posted Date
For Claims from 03/16/23 to 03/28/23

Page: 8 of 9
Report ID: AP100V

Section 5, Item A.

* ... Over spent expenditure

Claim/ Line #	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object	Proj	Cash Account
1691	21521S	780 SIMPLOT TURF & HORTICULTURE	415.80						
1	216063352	03/09/23 Links Dog Park	415.80			10 41540	738		10110
		Total for Vendor:	415.80						
1712	21541S	794 SPARKLIGHT	719.76						
1	ACCT 2476	01/01/23 City of Star	316.25			10 41810	419		10110
2	ACCT 4171	01/01/23 City of Star Suite 100	109.91			10 41810	419		10110
3	ACCT 3712	01/01/23 Hunter's Creek Park	105.93			10 41540	419		10110
4	ACCT 3481	01/01/23 City Hall	174.91			10 41810	419		10110
5	Acct 1215	01/01/23 Residential	12.76			10 41810	419		10110
		Total for Vendor:	719.76						
1731	21558S	812 STAR MERCANTILE INC	90.93						
1	02-3107647	03/21/23 Batteries	31.98			10 41810	611		10110
2	03-1494037	03/15/23 Hardware	47.98			10 44021	612		10110
3	02-3100887	03/16/23 Measuring Cup	0.99			10 41540	611		10110
4	02-3100157	03/15/23 Water Fitting CH/RH	9.98			10 41540	434		10110
		Total for Vendor:	90.93						
1718	21542S	818 STAR STORAGE LLC	249.50						
1	03/24/23	Rental Unit C08	139.50			10 44022	443		10110
2	03/24/23	Rental Unit C04	110.00			10 41810	443		10110
		Total for Vendor:	249.50						
1732	21559S	820 STAR VETERINARY CLINIC	1,400.00						
1	Contract	03/28/23 Animal Control Svcs Mar 2023	1,400.00			10 42150	364		10110
		Total for Vendor:	1,400.00						
1716	21543S	857 TATES RENTS	95.96						
1	1704220-9	03/17/23 Edger Blade (Eagle)	95.96			10 41540	433		10110
		Total for Vendor:	95.96						
1692	21522S	898 TREASURE VALLEY COFFEE	147.40						
2	08947384	03/14/23 Ciity Hall Coffee and Water	147.40			10 41810	611		10110
		Total for Vendor:	147.40						

03/29/23
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CITY OF STAR
Claim Details by Posted Date
For Claims from 03/16/23 to 03/28/23

Page: 9 of 9
Report ID: AP100V

Section 5, Item A.

* ... Over spent expenditure

Claim/ Line #	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object	Proj	Cash Account
1694	21523S	1295 VALLEY OFFICE SYSTEMS	180.92						
1	AR1156511	03/15/23 Monthly Lease - Copier	180.92			10 41810	610		10110
		Total for Vendor:	180.92						
1693	21524S	935 VERIZON WIRELESS	965.21						
Charges for 18 Phone Lines and 1 Jetpack									
1	9929073138	03/01/23 Montly Cell Phone Charge	965.21			10 41810	416		10110
1		Total for Vendor:	965.21						
1695	21525S	1316 WAYNCO, INC	15,000.00						
1	11-0169 SM	03/17/23 Bond Release	15,000.00			10 41510	811		10110
		Total for Vendor:	15,000.00						
1714	21544S	1129 WESTERN HEATING & AIR	1,806.57						
1	158587211	03/16/23 Replace Blower Motor Srver	886.21			10 41540	434		10110
2	157885676	03/10/23 Diagnostic Blower Motor	97.00			10 41540	434		10110
3	158588124	03/16/23 Replace Blower Motor Upstai	823.36			10 41540	433		10110
		Total for Vendor:	1,806.57						
1717	21545S	966 ZOOM	40.00						
1	194170173	03/22/23 Cloud Recording	40.00			10 41810	570		10110
		Total for Vendor:	40.00						
		# of Claims	53	Total:	110,196.05	# of Vendors	50		

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FIRST STREET TOWNHOMES SUBDIVISION
FILE NO. PP-22-16/PR-22-07

The above-entitled Preliminary Plat and Private Street land use applications came before the Star City Council for their action on March 7, 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:

Request: The Applicant is seeking approval of a Preliminary Plat and Private Street for a proposed residential subdivision consisting of 30 residential lots, 4 commercial lots and 3 common lots. The property is located at 10206 W. State Street in Star, Idaho and consists of 4.77 acres with a proposed density of 11 dwelling units per acre. The subject property is generally located on the north side of W. State Street, east of N. Taurus Way. Ada County Parcel No. S0408438600.

B. Application Submittal:

A neighborhood meeting was held on August 5, 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 11, 2022.

C. Notice of Public Hearing:

Notice of Public Hearing on the application for the City of Star Council was published in accordance with the requirements of Title 67, Chapter 65, Idaho Code and the Star Unified Development Code on January 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 January 17, 2023. Notice was sent to agencies having jurisdiction in the City of Star on December 13, 2022. The property was posted in accordance with the Star Unified Development Code on January 27, 2023.

D. *History of Previous Actions:*

October 16, 2007	Council approved Annexation and Zoning (AZ-07-08) of Multi Use (MU) with a Development Agreement and conceptual approval of a supermarket and retail space.
July 28, 2020	Council approved rezone (RZ-20-04) of the property from Multi Use (MU-DA) with a Development Agreement to Central Business District, Planned Unit Development (CBD-PUD-DA) with a Development Agreement (PUD-20-05). Ordinance Number 328.
September 7, 2021	Council approved a modification of the original Development Agreement (DA-20-16-MOD) to increase the residential uses and modify the timing for the commercial use.
April 19, 2022	Council approved modification of the Development Agreement (DA-20-16-MOD) including height allowance of 45 feet for front 2 commercial buildings and parking requirements.

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

	Zoning Designation	Comp Plan Designation	Land Use
Existing	CBD-PUD-DA	Central Business District	Bare Land
Proposed	CBD-PUD-DA	Central Business District	Residential
North of site	Residential (R-4)	Neighborhood Residential	Rockbridge Subdivision
South of site	Limited Office	Central Business District	Commercial
East of site	Rural Urban Transition (RUT)	Central Business District	Single Family Residential/Bare Land
West of site	Commercial (C-2)	Central Business District	Animal Clinic/Bare Ground

F. *Development Features:*

PRELIMINARY PLAT & PRIVATE STREET:

The Preliminary Plat submitted contains 30 single family residential lots, 4 Commercial lots and 3 common lots on 4.77 acres with a proposed residential density of 11 dwelling units per acre. The lots will have access and frontage from a proposed private street. Residential building lots will be either 1603 square feet or 1995 square feet in size. Each townhome will have a two (2) car garage accessed from a private street with the front doors opening to access a common area.

Three (3) of the residential lots are required to be live/work style units (Lots 10, 20 & 30) per the Planned Unit Development approval of this development. The signed Development Agreement calls for residential units adjacent to 1st Street (or W. Stella View Street) to be live/work and have office and storefront entrances facing the street. The submitted preliminary plat shows all residential units designed in the same configuration.

The private streets are proposed based on Staff's recommendations to the applicant. The north/south street entrance from W. State Street will provide the main access to the development until the east/west collector street is dedicated to ACHD and functions as intended in the adopted ECAMP, with connections east to Seneca Springs Way, and west to Taurus Way. Until this happens, the east/west street will continue as an improved private street. Access to the townhomes will be through permanent private streets. These streets need to meet all standards of the Star Fire District. To provide for additional guest parking in the residential area of the development, staff recommended that N. Baldy Lane be widened to allow parking along the west side of the street. The applicant provided a revised site plan showing 13 guest parking spaces along N. Baldy Lane. **A revised preliminary plat shall be submitted prior to final plat application detailing updated street widths.**

The Unified Development Code, Section 8-4E-2 requires a development of this size to have a minimum of 1 site amenity. The applicant is proposing a shade structure and playground equipment within a pocket park area, together with a walking paths and common open space between the residential units.

ADDITIONAL DEVELOPMENT FEATURES:

- Sidewalks
Internal sidewalks are proposed at five-foot (5') widths and will be both attached and detached throughout the development. The east-west collector street should be designed with detached sidewalks.
- Lighting
Streetlights shall reflect the "Dark Sky" criteria with all lighting. The same streetlight design shall continue throughout the entire development. The applicant has submitted a proposed streetlight plan. Staff recommends that streetlights be added at the corner of N. Baldy Lane and W. Merab Lane as well as at N. Mimi Lane and W. Merab Lane. Staff also suggests that the proposed streetlight on W. Merab Lane be moved to the south, across the street to better light the access to the common area. The light at W. Merab Lane and N. Mimi Lane should be positioned to also light the entrance to the tot lot. Staff also recommends a streetlight on W. Stellar View Street at the entrance to the common lot.
The applicant will need to provide a design/cut sheet for City approval. The proposed cobra head lights do NOT meet city requirements. Applicant will be

required to work with Staff and submit an updated cut sheet and design before signature of the final plat. Applicant will also need to submit a photometric plan for the entire site for approval prior to signature of the final plat.

- Street Names
Applicant has provided documentation from Ada County that the street names are acceptable and have been approved for this development.
- Subdivision Name
Applicant has provided a letter from Ada County that the subdivision name has been approved and reserved for this development.
- Landscaping - As required by the Unified Development Code, Chapter 8, Section 8-8C-2-M (2) Street Trees; A minimum of one street tree shall be planted for every thirty-five (35) linear feet of street frontage. The applicant shall use "Treasure Valley Tree Selection Guide", as adopted by the Unified Development Code. Section 8-8C-2, J5 states that a minimum of one deciduous shade tree per four thousand (4,000) square feet of common area shall be provided. **The submitted landscape is for the retail portion of the development. Applicant has not provided a landscape plan for the residential portion. A condition of approval will be included requiring a full landscape plan be submitted for review and approval by staff prior to submission of any final plat applications.**
- Setbacks – The Development Agreement includes the setbacks below:
 - Commercial Uses** – Current CBD Zoning Standards
 - Minimum Residential Lot Frontage:** 30 feet
 - Front Setbacks (Measured from the back of sidewalk or property line):** 20 feet for garage; 10' Living Area
 - Rear Setbacks:** 20 feet or 5' maximum for alley loaded garages;
 - Interior Setbacks:** 5' side for detached, 0' feet (for zero-lot lines)
 - Local Street Side Setbacks:** 20 feet (waiver requested adjacent to east-west Collector.)
 - Maximum Building Height:** 35 feet for residential; 45' approved by Council for Commercial.
- Mailbox Cluster – Applicant has provided documentation from the Star Postmaster depicting the approved location for the mailbox cluster within the development as a single location. Cluster will be located on the northside of W. Stellar View Street near the intersection of N. Baldy Lane.
- Phasing – The applicant has not provided a phasing plan for the development. It is assumed that the residential portion of the subdivision will be built in a single phase.

- Storm Water - Will be retained on site and utilize Drain 9 and two pervious paver sections in the private road.

G. *Existing Site Characteristics:*

Existing Site Characteristics: The property is currently vacant ground.

Irrigation/Drainage District(s): Pioneer Ditch Company
P.O. Box 70
Star, Idaho 83669

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

Special On-Site Features:

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

H. *Agencies Responding:*

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

ITD	January 6, 2023
Star Fire District	February 3, 2023
DEQ	January 5, 2023
ACHD	January 13, 2023
COMPASS	January 2023

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

Rockbridge Subdivision HOA

J. Comprehensive Plan and Unified Development Code Provisions:

Comprehensive Plan:

8.2.3 Land Use Map Designations:

Central Business District:

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

8.3 Goal:

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

8.4 Objectives:

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

8.5.3 Policies Related Mostly to the Urban Residential Planning Areas:

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

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

8.5.9 Additional Land Use Component Policies:

- Encourage flexibility in site design and innovative land uses.

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

Unified Development Code:

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.

(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.

(PUD) PLANNED UNIT DEVELOPMENT: This designation, following any zoning designation noted on the official zoning map of the city (i.e., R-4-P), indicates that the development was approved by the city as a planned unit development, with specific allowances and design approved by Council. When submitting a CUP, PUD or development agreement for a mixed-use zone, or for multiple conditional uses on one site, all uses that are contemplated for the development shall be identified with the application and shall be reviewed by the council to determine which may be permitted, which should remain as conditional uses and which should be prohibited. A development agreement may be used in lieu of a conditional use permit application or a PUD application if the council makes the findings as otherwise required.

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
Dwelling:	
Multi-Family	N
Secondary	N
Single-Family Attached (approved thru PUD)	N
Single-Family Detached	N
Two-Family Duplex	N
Live/Work Multi-Use (approved thru PUD)	C

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

Zoning District	Maximum Height	Minimum Yard Setbacks			
		Note Conditions			
		Front ⁽¹⁾	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	0' for common walls 7.5' at end of building	
CBD	35'	0'	0'	0' ⁴	
C-2	35'	20'	5'	0' ⁴	
MU	35'	For MU and CBD - Unless otherwise approved by the Council as a part of a PUD or development agreement, all residential buildings shall follow the residential setbacks shown in this table based upon the project density and all other buildings shall follow setbacks for the C-2 zone ⁽³⁾ .			

Notes:

1. Front yard setback shall be measured from the face of the garage to the face of the sidewalk, allowing for 20' of parking on the driveway without overhang onto the sidewalk.
2. Zero-Lot-Line and reduced front and rear setback waivers may be requested through the Development Agreement process. All other side yard setback requests for detached structures shall not be granted waivers, unless as part of a Planned Unit Development.
3. All setbacks in the CBD, C-1, C-2, LO, IL, PS, RC and M-U zone shall maintain a minimum 15' when adjacent to a residential use or zone.
4. As approved by the Fire District.

Note Conditions:

A. Minimum Property Size:

1. Each property shall be of sufficient size to meet the minimum setbacks as established in this section.
2. Minimum property size shall be determined exclusive of land that is used for the conveyance of irrigation water, drainage, creek or river flows unless: a) the water is conveyed through pipe or tile; and b) included as part of a utility easement that generally runs along the property lines.
3. When two (2) or more parcels of land, each of which is of inadequate area and dimension to qualify for a permitted use under the requirements of the district in which the parcels are located, are held in one ownership, they shall be used as one property for such use.

B. Minimum Street Frontage:

1. Properties with street frontages on cul-de-sacs or at approximately a ninety-degree (90°) angle shall be a minimum of twenty feet (20') measured as a chord measurement.
2. Street knuckles shall be separated from through traffic by a landscape island. Properties with frontages on such knuckles shall be a minimum of twenty feet (20') measured as a chord measurement.
3. All other properties with street frontage shall have a minimum of thirty feet (35').

C. Additional Setback Criteria:

1. Chimneys, pop out windows, direct vent gas fireplaces, entertainment centers, window seats and other projections which do not increase the usable floor area and do not exceed eight feet (8') in width may project up to two feet (2') into any required setback, provided that projections that are at finished grade, including, but not limited to, chimneys and fireplaces, do not encroach within a side yard utility easement.
2. One detached accessory building that is less than two hundred (200) square feet in area and nine feet (9') or less in height shall be allowed in the required rear yard. In no case shall an

accessory building be allowed in the street yard or the required side yard.

3. Accessory structures, such as decks and patios, which are one foot (1') or less in height, as measured from the property's finished grade, may occupy any yard area.
4. In all residential zones garages and carports opening onto a side street must have a minimum distance between the opening of such garage or carport and the side street lot line of not less than twenty feet (20').
5. Front yard setback from arterial and collector streets (as identified on the highway district functional classification map) is 30 feet in all residential zoning districts.
6. Street side setback on arterial and collector streets (as identified on the highway district functional classification map) is 20 feet in all residential zoning districts.
7. Setback areas are subject to drainage compliance or otherwise specified within this title.
8. If a Planned Unit Development is approved, waivers to setbacks may be permitted if determined by the council to be appropriate for the development and that such waivers will be compatible with the area and shall meet emergency service requirements.
9. Building eaves may project up to two feet (2') into any required setback.
10. Patio covers may project to within 10' of the rear yard setback provided that posts or foundations are not located within the required setback, and utility easements are not encroached upon.

D. Maximum Height Limit:

1. Height exceptions shall not be permitted except by discretion of the council with the submittal of a conditional use permit or development agreement application.
 2. The maximum height limitations shall not apply to the following architectural features, not intended for human occupation: spire or steeple, belfry, cupola, chimney. Such architectural features shall have a maximum height limit of twenty feet (20'), as measured from the roofline.
 3. The maximum height limitations shall not apply to the following: amateur radio antenna; bridge tower; fire and hose tower; observation tower; power line tower; smokestack; water tank or tower; ventilator; windmill; wireless communication facility, or other commercial or personal tower and/or antenna structure; or other appurtenances usually required to be placed above the level of the ground and not intended for human occupancy.
 4. No exception shall be allowed to the height limit where the height of any structures will constitute a hazard to the safe landing and takeoff of aircraft in an established airport.
- E. All new residential and accessory structures of any size within any zoning district shall comply with residential setbacks.

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

8-4D-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: COMMON OPEN SPACE AND SITE AMENITY REQUIREMENTS - STANDARDS:

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

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

2. Each development is required to have at least one site amenity.

3. One additional site amenity shall be required for each additional twenty (20) acres of development area, plus one additional amenity per 75 residential units.

4. Developments with a density of less than 1 dwelling units per acre may request a reduction in total required open space and amenities to the Council. Developments with a density of less than 2 dwelling units per acre may request a 50% reduction in total required open space to the Council.

5. For multi-family developments, see Section 8-5-20 for additional standards.

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

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

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

b. Qualified natural areas;

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

d. A plaza.

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

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

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

a. The parkway is a minimum of eight feet (8') in width from street curb to edge of sidewalk and

includes street trees as specified otherwise herein.

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

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

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

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

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

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

- (2) The system connects to existing or planned pedestrian or bicycle routes outside the development; and
 - (3) The system is designed and constructed in accord with standards set forth by the city of Star;
- D. Location: The common open space and site amenities shall be located on a common lot or an area with a common maintenance agreement.

8-6A-7: PRELIMINARY PLAT FINDINGS:

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

8-4D-4: PRIVATE STREET FINDINGS:

- A. The design of the private street meets the requirements of this article;
Council finds that the proposed private street meets the design standards in the Code.

B. Granting approval of the private street would not cause damage, hazard, or nuisance, or other detriment to persons, property, or uses in the vicinity:

Council finds that it has not been presented with any facts stating this private road will cause damage, hazard or nuisance, or other detriment to persons, property or uses in the vicinity. Conditions of approval shall be placed to insure compliance with emergency services.

C. The use and location of the private street shall not conflict with the comprehensive plan and/or the regional transportation plan.

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

Public Hearing of the Council:

a. A public hearing on the application was heard by the City Council on March 7, 2023, at which time testimony was heard and the public hearing was closed. The City Council made their decision at that time.

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

- Jeff Likes
- Brian Kirschenman

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 preliminary plat and private street 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 platting of the development. Review and discussion included development layout, emergency access/turn-around and street configuration, setbacks, open space, pathways and landscaping. The Council concluded that the Applicant’s request, as conditioned, meets the requirements for preliminary plat and private streets. Council hereby incorporates the staff report dated March 7, 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 and Private Street application the following conditions of approval to their decision to approve the applications to include the following:

- The development shall maintain downward lighting that will not be detrimental to the neighboring residential uses.
- 8' arborvitae shall be provided along the northern boundary of the residential development per the approved plans.
- Construction hours shall be limited to between 7am – 8pm.
- \$1,000 per lot ITD proportionate shares shall be collected for each building lot within the development at the time of final plat.

Conditions of Approval:

1. The approved Preliminary Plat for the First Street Townhomes Subdivision shall comply with all statutory requirements of applicable agencies and districts having jurisdiction in the City of Star.
2. **Prior to submittal of the residential phase of the final plat, the applicant shall submit a Certificate of Zoning Compliance (Design Review) application for review and approval by Staff. The application shall include Staff's list of details from the Staff Review and Recommendation section of the staff report.**
3. **The applicant has entered 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 \$30,000 (\$1,000 per residential lot). These fees will be collected by the City of Star, by phase, prior to final plat signature. The development agreement contains the details of the fees to be collected.**
4. **As per the Development Agreement, the owner shall participate in the cost of the future traffic signal located at the intersection of W. State Street and N. Seneca Springs Way. The owners share for this development shall be \$25,000.00. Payment shall be made to the City prior to occupancy of the first building on the property.**
5. **Applicant shall provide a revised Preliminary Plat and Landscape Plan that indicates that ten (10%) percent usable open space is provided as required by the Unified Development Code. In addition, street trees meeting the 35' distance requirement shall be designated for the east-west collector street and in front of all residential units. 8' Arborvitae shall be provided along the entire northern boundary.**
6. Streetlights shall comply with the Star City Code and shall be of the same design throughout the entire subdivision. Streetlights shall be continuous throughout the subdivision and shall be maintained by the Homeowners Association. **Streetlights shall be installed and energized prior to issuing of building permits.** Design shall follow Code with

requirements for light trespass and “Dark Skies” lighting. **Applicant/Owner shall work with staff and submit a streetlight design that meets city standards prior to Final Plat approval. Streetlights shall comply with the Star City Code regarding light trespass and “Dark Sky” initiative. A photometric plan shall also be submitted and approved prior to signing the final plat.**

7. The property with the approved Preliminary Plat shall be satisfactorily weed abated, preventing a public nuisance, per Star City Code.
8. 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.
9. All signed Irrigation District Agreements with the Irrigation Districts shall be provided to the City of Star with each subsequent Final Plat application.
- 10. Street trees shall be installed per Chapter 8, Section 8-8C-2-M(2) Street Trees. Applicant shall provide locations for the local street trees at the time of final plat. If driveway locations will not be determined until sale of the lot, Applicant agrees to not receive the Certificate of Occupancy until street trees are confirmed in place.**
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 plat note supporting the “Right to Farm Act” as per Idaho Code Title 22, Chapter 45, shall be shown on the Final Plat.
13. A copy of the CC&R’s shall be submitted to the City of Star at Final Plat.
14. A form signed by the Star Sewer & Water District shall be submitted to the City prior to the signature of the Final Plat stating that all conditions of the District have been met, including annexation into the District.
15. 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.
16. 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.
17. All common areas shall be owned and maintained by the Homeowners Association.
18. 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.**
19. A sign application is required for any subdivision signs.
- 20. 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 data lines. This is**

only necessary if there are not any vendors or empty conduit in the trench already.

Council Decision:

The Council voted 4-0 to approve the Preliminary Plat and Private Street for First Street Townhomes Subdivision on March 7, 2023.

Dated this 5th day of April, 2023.

Star, Idaho

By: _____
Trevor A. Chadwick, Mayor

ATTEST:

Jacob M. Qualls, City Clerk

FINDINGS OF FACT AND CONCLUSIONS OF LAW
STAR RIVER RANCH NORTH SUBDIVISION
FILE NO. PP-22-05

The above-entitled Preliminary Plat land use application came before the Star City Council for their action on March 21, 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:

Request: The Applicant is seeking approval of a Preliminary Plat for a proposed residential subdivision consisting of 71 single-family residential lots and 12 common lots. The property is located on the west side of Bent Lane in Star, Canyon County, Idaho and consists of 23.77 acres with a proposed density of 2.99 dwelling units per acre. The property is currently zoned Residential R-5. The subject property is generally located south of Hwy 44 and west of Bent Lane in Star, Idaho. Canyon County Parcel Number R3403500000.

B. Application Submittal:

A neighborhood meeting was held on January 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 May 10, 2022.

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 July 1, 2022 and February 21, 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 May 10, 2022, February 16, 2023 and March 1, 2023. Notice was sent to agencies having jurisdiction in the City of Star on May 10, 2022. The property was posted in accordance with the Star Unified Development Code on February 22, 2023 and March 6, 2023.

D. History of Previous Actions:

- **May 1, 2007** – Council approved an application for Hidden Meadows Subdivision Annexation and Zoning with Preliminary Plat to R-5. The development consisted of 108 residential lots and 24 common lots on approximately 24 acres.

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

	Zoning Designation	Comp Plan Designation	Land Use
Existing	Residential (R-5)	Estate Urban Residential	Vacant
Proposed	Residential (R-5)	Estate Urban Residential	Single Family Residential
North of site	Mixed-Use (MU) AG (Canyon Co)	Estate Urban Residential	Vacant/Agricultural Single family residential
South of site	Residential (R-2)	Estate Urban Residential	Star River Ranch Common Lot/ vacant/agricultural/Single Family Residential
East of site	AG (Canyon Co)	Estate Urban Residential	Vacant/Agricultural
West of site	Mixed Use (MU)	Estate Urban Residential	Old East Canyon Development Vacant/Agricultural

F. Development Features:

PRELIMINARY PLAT:

The Preliminary Plat submitted contains 71 single family residential lots, and 12 common area lots for a total of 83 lots. The gross density of the proposed development is 2.99 dwelling units/acre. The residential lots range in size from approximately 7,949 square feet to 14,342 square feet with the average buildable lot area of 9,280 square feet. The applicant has indicated in their Open Space Exhibit that the development will contain a total of 4.34 acres (18.3%) of overall open space, which includes 3.38 acres within the proposed plat and .96 acres located within an area in Star River Ranch No. 1. The applicants intent is to improve this .96-acre area for a future dog park that will be utilized by both subdivisions. The total usable open space proposed is 3.63 acres (15.4%) . The Unified Development Code, Section 8-4E-2 states that all developments shall have a total of 15% open space and 10% usable open space. The current preliminary plat, as submitted satisfies these requirements. Streets are proposed to be public throughout the development and will measure 36 ft from back of curb to back of curb and satisfy Section 8-4D-34B(4) of the UDC.

The development will be primarily accessed off Bent Lane via Balto Street. There will also be access via Silverthorne Avenue from Bent Lane along the south. Silverthorne Avenue will connect to the future northern collector road when that property is developed.

The current Unified Development Code, Section 8-4E-2 requires a development of this size to have 2 site amenities. The preliminary plat shows a total of 3 amenities. The applicant is proposing a large, central open area that will house 2 soccer fields. The applicant is also proposing connected walking paths within the development and a future dog park.

ADDITIONAL DEVELOPMENT FEATURES:

- **Sidewalks:** - Sidewalks are proposed at five-foot (5') widths and will be attached throughout the overall subdivision. **At the time of submittal, detached sidewalks were not required under the UDC that was in affect at the time of submittal of the application. Staff recommends that the Council consider requiring detached sidewalks that meet the current intent of the City for streetscapes.**
- **Lighting:** - Streetlights shall reflect the "Dark Sky" criteria with all lighting. The same streetlight design shall continue throughout the entire development. The applicant has not submitted a streetlight plan, indicating location of lights or a street light design. A condition of approval will be required to receive staff approval of streetlights prior to final plat approval.
- **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. The landscape plan submitted with the Preliminary Plat shows street trees throughout the large common area and dog park as required per code. Not all street trees are on the landscape plan and appear to be located by the builder. A condition of approval will be to hold certificates of occupancy until trees are planted per code. Common areas along the roads do not contain the necessary number of trees called for by code. A condition of approval will be to submit a new plan showing the correct number of street trees in all the common areas.
- **Setbacks:** - The Applicant is requesting 5-foot side yard setbacks that were allowed in the R-5 zoning district at the time of submittal of the application and prior to the June 7, 2022 Code revision. All other setbacks of the current R-5 zone are consistent with the new R-3 setbacks established by the June 7, 2022 UDC rewrite.

- **Block Length:** - Blocks 2 and 3 are over 750' in length. Therefore, Council must approve the waiver to the block length for these areas.
- **Mailbox Cluster:** - Applicant has provided communication to the Star Postmaster and they are awaiting his response on cluster location.
- **Subdivision Name:** - Applicant has provided documentation showing approval for the subdivision name.
- **Street Names:** - Applicant has provided documentation showing approval for the street names and they are showing accurately on the submitted preliminary plat.
- **Phasing:** - Applicant is proposing the development will be built out in two phases, which could change, based on market conditions.

G. Existing Site Characteristics:

Existing Site Characteristics: The property is now currently vacant land/pasture.

Irrigation/Drainage District(s): - Canyon County Water Company, LTD.
P.O. Box 11
Star, ID 836669

Flood Zone: This property is located in flood hazard Zone AE.
FEMA FIRM Panel: 16027C0259G
FIRM Effective Date: 6/07/2019
Base Flood Elevation: AE 2541.0 feet

Special On-Site Features:

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

H. *Agencies Responding:*

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

Star City Engineer	March 9, 2023
CHD4	January 10, 2023
Star Fire District	March 1, 2023
COMPASS	June 6, 2022

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

Kawika Freitas Email	March 1, 2023
Kelsey Erickson Email	March 1, 2023
Shane Howey	February 27, 2023
Barb Aalund-Lowery	March 21, 2023
Star River Ranch Citizen	March 21, 2023
Stephanie Chang	March 19, 2023

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

COMPREHENSIVE PLAN (As of Submittal of Application – Under Old Plan):

8.2.3 Land Use Map Designations:

Neighborhood Residential:

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

8.3 Goal:

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

8.4 Objectives:

- Manage urban sprawl in order to minimize costs of urban services and to protect rural areas.
- Retain and encourage rural areas where it will not result in increased costs for urban service.
- Encourage land uses that are in harmony with existing resources, scenic areas, natural wildlife areas, and surrounding land uses.

8.5.3 Policies Related Mostly to the Urban Residential Planning Areas:

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

B. Low densities within the Neighborhood Residential Land Use are to be designed within the floodplain, ridgeline developable areas, hillside developable areas and where new residential lots are proposed adjacent to existing residential lots of one acre and larger where 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.
- 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 (As of Submittal of Application – Prior to UDC Update):

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.

8-3A-3: USES WITHIN ZONING DISTRICTS

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

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

8-3A-4: ZONING DISTRICT DIMENSIONAL STANDARDS (As of Submittal of Application – Prior to UDC Update):

Zoning District	Maximum Height	Minimum Yard Setbacks Note Conditions			
	Note Conditions	Front (1)	Rear	Interior Side	Street Side
R-5	35'	15' to living area/side load garage 20' to garage face	15'	5'	20'

8-3A-4: ZONING DISTRICT DIMENSIONAL STANDARDS (Current UDC Standards as of 6-7-22):

Zoning District	Maximum Height	Minimum Yard Setbacks Note Conditions			
	Note Conditions	Front ⁽¹⁾	Rear	Interior Side	Street Side
R-3	35'	15' to living area/side load garage	15'	7.5' ⁽²⁾	20'
R-5		20' to garage face			

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.

5. For multi-family developments, see Section 8-5-20 for additional standards.

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

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

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

b. Qualified natural areas;

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

d. A plaza.

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

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

4. 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.

E. Maintenance:

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

8-6A-7: PRELIMINARY PLAT FINDINGS:

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

Public Hearing of the Council:

- a. A public hearing on the application was heard by the City Council on March 21, 2023, at which time testimony was heard and the public hearing was closed. The City Council made their decision at that time. The application was originally scheduled for July, 19, 2022, and then tabled to September 6, 2022 and March 7, 2023.
- b. Oral testimony regarding the application was presented to the City Council by:
 - Stephanie Hopkins
 - Jeff Bower

- Scott Hedrick
- Erica Endozain
- Pete Bilkki
- Eddie Sugden
- Tom Moore
- May Andrade
- Adam Andrade

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 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 platting of the development. Review and discussion included development layout, street configuration, setbacks, open space, pathways and landscaping. The Council concluded that the Applicant's request, as conditioned, meets the requirements for preliminary plat. Council hereby incorporates the staff report dated March 21, 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 required Development Agreement the following conditions of approval to their decision to approve the application to include the following:

- The applicant shall enter into a Development Agreement with the City to address specific development conditions.
- The subdivision is approved for a maximum of 71 residential lots.
- The site amenities shall be installed in Phase 1. The applicant shall remove the dog park area from the development and remove the soccer field from the common area plan. 2 new amenities shall be added to the development with details provided to Staff prior to final plat application.
- The large open space area shall not be constructed using bentonite or other materials that may prevent the area from properly draining. Additional usable open space may be required if the common area is not usable. The City Engineer shall approve the drainage plan specific to the usable open space area.

- The Council approves waivers to the block lengths in the development. The applicant shall work with the Highway District on traffic calming measures for those blocks.
- The development shall be required to provide detached sidewalks along all roadways.
- All pathways shall be paved.
- The Development shall have a separate Homeowners Association and CC&R's independent from Star River Ranch Subdivision.
- The development shall have conduit installed for future fiber-optic cables.

Conditions of Approval:

1. The approved Preliminary Plat for the Star River Ranch North Subdivision shall comply with all statutory requirements of applicable agencies and districts having jurisdiction in the City of Star.
2. All public streets shall have a minimum street width of 36' and shall be constructed to CHD4/ACHD standards. **Detached sidewalks shall be required throughout the development.**
3. **Applicant shall meet all the setback requirements in the Unified Development Code Section 8-3A-4, unless a waiver is applied for and approved by the council. 5-foot side yard setbacks have been approved by Council.**
4. 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 within the City of Star and/or City of Star Area of City Impact. **The Developer will pay the \$71,000.00 traffic mitigation fee determined by the Idaho Transportation Department as follows: the Developer will pay the city \$1,000.00 per buildable lot within each phase prior to signature on the final plat for the applicable phase.** The City will allocate the funds to roadway improvements in the vicinity of the project. The Developer shall pay this amount (unless otherwise revised by ITD) directly to the City of Star. The City will maintain this contribution in a specific Development Contributions account, to be distributed to ITD when requested for use with a specific Idaho Transportation Improvement Plan (ITIP) project within the City of Star Area of City Impact or City Limits in accordance with the terms of the Intergovernmental Agreement between the Idaho Transportation Department and the City of Star dated April 22, 2020. These fees will be collected by the City of Star, by phase, prior to final plat signature.
5. Streetlights shall comply with the Star City Code and shall be of the same design throughout the entire subdivision and shall be maintained by the Homeowners Association. Streetlights shall be installed prior to any building occupancy. Design shall follow Code with requirements for light trespass and "Dark Skies" lighting. **Applicant/Owner shall submit a streetlight plan and design prior to Final Plat approval. Streetlights shall comply with the Star City Code regarding light trespass and "Dark Sky" initiative.**
6. Street trees shall be installed per Chapter 8, including Section 8-8C-2-M(2) Street Trees including one (1) tree per thirty-five (35) linear feet. **A new landscape plan shall be submitted prior to signing the final plat, depicting the correct number of street trees**

and site amenities in the common lots. For all trees to be located by the builder, the certificate of occupancy will be held until the required street trees are installed.

7. The property with the approved Preliminary Plat shall be satisfactorily weed abated, preventing a public nuisance, per Star City Code.
8. The property associated with this approved Preliminary 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, or as often as necessary 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.
9. All signed Irrigation District Agreements with the Irrigation Districts shall be provided to the City of Star with each subsequent Final Plat application.
10. Pressurized irrigation systems shall comply with the Irrigation District(s) and the City of Star Codes. Plans for pressurized irrigation systems shall be submitted to, and approved by the City of Star Engineer, prior to installation.
11. A plat note supporting the "Right to Farm Act" as per Idaho Code Title 22, Chapter 45, shall be shown on the Final Plat.
12. A copy of the CC&R's shall be submitted to the City of Star at Final Plat.
- 13. A letter from the US Postal Service shall be given to the City at Final Plat stating the subdivision is in compliance with the Postal Service and indicating the location of the mailbox cluster(s).**
14. A form signed by the Star Sewer & Water District shall be submitted to the City prior to the signature of the Final Plat stating that all conditions of the District have been met, including annexation into the District.
15. 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.
16. 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.
17. All common areas shall be owned and maintained by the Homeowners Association.
18. 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.**
19. A sign application is required for any subdivision signs.
- 20. 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 data lines. This is only necessary if there are not any vendors or empty conduit in the trench already.**

Council Decision:

The Council voted 4-0 to approve the Preliminary Plat for Star River Ranch North Subdivision on March 21, 2023.

Dated this 5th day of April, 2023.

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 **April 4, 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: Oliver Estates Subdivision
Files #'s AZ-22-01 Annexation & Zoning
DA-22-01 Development Agreement
PUD-22-01 Planned Unit Development
PP-22-01 Preliminary Plat

Owner: Oliver Dean Storkan Testamentary Trust

Representative: Dan Lardie, Leavitt & Associates Engineers, Inc.

Action: The Applicant is seeking approval of an Annexation and Zoning (R-3-DA), Development Agreement, Planned Unit Development and Preliminary Plat for a proposed residential subdivision consisting of 88 residential lots, 2 office lots (PUD) and 16 common lot. The property is located at 22491 N. Can Ada Road in Star, Idaho, and consists of 37.58 acres with a proposed density of 2.34 dwelling units per acre.

Property Location: The subject property is generally located on the west side of N. Can Ada Road, north of State Street (Hwy 44). Canyon County Parcel No. R340000000 & R34000010A1.

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

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

Shawn L. Nickel
Planning Director and Zoning Administrator
snickel@staridaho.org



CITY OF STAR

LAND USE STAFF REPORT

MEMO

TO: Mayor & Council

FROM: City of Star – Planning & Zoning *Shen T. Muth*

MEETING DATE: April 4, 2023 – PUBLIC HEARING

FILE(S) #: AZ-22-01 Annexation and Zoning
DA-22-01 Development Agreement
PUD-22-01 Planned Unit Development
PP-22-01 Preliminary Plat for Oliver Estates Subdivision

OWNER/APPLICANT/REPRESENTATIVE

<u>Owner:</u> Oliver Dean Storkan Testamentary Trust 22491 N. Can Ada Road Star, Idaho 83669	<u>Representative:</u> Dan Lardie Leavitt & Associates Engineers Inc. 1324 1 st Street South Nampa, Idaho 83661	<u>Applicant:</u> Ronald Peterson Altecca Construction 503 S. Thornwood Way Meridian, Idaho 83642
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REQUEST

Request: The Applicant is seeking approval of an Annexation and Zoning (R-3-PUD-DA), a Development Agreement, Planned Unit Development and Preliminary Plat for a proposed residential development consisting of 88 residential lots, 2 office lots (PUD) and 16 common lots. The property is located at 22491 N. Can Ada Road in Star, Idaho and consists of 37.58 acres with a proposed density of 2.34 dwelling units per acre.

SUMMARY

The applicant has requested that this application be tabled to April 18, 2023.

LEGAL NOTICE PUBLIC HEARING

Notice is hereby given that the Star City Council will hold a Public Hearing on **March 7, 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: Naismith Commons Subdivision
Files #'s AZ-22-10 Annexation/Zoning
DA-22-11 Development Agreement
PP-22-15 Preliminary Plat

Representative: Wendy Shrief, J-U-B Engineers

Owner: Beacon Crossing, LLC

Action: The Applicant is seeking approval of an Annexation and Zoning (R-4), a Development Agreement, and Preliminary Plat for a proposed residential subdivision consisting of 207 residential lots and 27 common lots. The property is located at 8895 W. Joplin Road in Star, Idaho, and consists of 52.54 acres with a proposed density of 3.96 dwelling units per acre.

Property Location: The subject property is generally located near the southeast corner of W. Joplin Road and N. Can Ada Road. Ada County Parcel No's. S0419314950 & S0419325800.

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

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

Shawn L. Nickel
Planning Director and Zoning Administrator
snickel@staridaho.org



CITY OF STAR

LAND USE STAFF REPORT

MEMO

TO: Mayor & Council

FROM: City of Star – Planning & Zoning *Shen T. Muth*

MEETING DATE: **April 4, 2023 – PUBLIC HEARING (tabled from 3/7/23 & 3/21/23)**

FILE(S) #: AZ-22-10 Annexation and Zoning
DA-22-11 Development Agreement
PP-22-15 Preliminary Plat for Naismith Commons Subdivision

OWNER/APPLICANT/REPRESENTATIVE

Applicant/Representative:
Wendy Shrief
J-U-B Engineers
2760 W. Excursion Lane, Ste. 400
Meridian, Idaho 83642

Property Owner:
Beacon Crossing, LLC
839 S. Bridgeway Place
Eagle, Idaho 83616

REQUEST

Request: The Applicant is seeking approval of an Annexation and Zoning (R-4), a Development Agreement, and Preliminary Plat for a proposed residential subdivision consisting of 208 residential lots and 26 common lots. The property is located at 8895 W. Joplin Road in Star, Idaho, and consists of 52.54 acres with a proposed density of 3.96 dwelling units per acre.

SUMMARY

This application was tabled by Council from March 7, 2023 to March 21, 2023 and April 4, 2023 to allow the applicant time to redesign the preliminary plat. Staff is requesting additional tabling of the application to April 18, 2023 to provide additional time to submit revisions.



Exhibit A

Description and/or Depiction of Right-of-Way/Traffic Signal Cabinets

1. State St/Star Road



Facing East



Facing South



Facing North

Exhibit A

Description and/or Depiction of Right-of-Way/Traffic Signal Cabinets

2. Star Elementary (700 N. Star Road)



Facing East



Facing West



Facing Northeast

Exhibit A

Description and/or Depiction of Right-of-Way/Traffic Signal Cabinets

3. State St/Highbrook Way



Facing West



Facing South



Facing North

TEMPORARY LICENSE AGREEMENT

THIS TEMPORARY LICENSE AGREEMENT (the "Agreement") is made and entered into this ____ day of _____, 2023 ("Effective Date"), by and between the ADA COUNTY HIGHWAY DISTRICT, a body politic and corporate of the state of Idaho ("ACHD"), and the CITY OF STAR, a municipal corporation of the state of Idaho ("STAR").

WITNESSETH:

For good and valuable consideration, the receipt and sufficiency of which is acknowledged by the parties:

SECTION 1. RECITALS.

1.1 ACHD owns and has exclusive jurisdiction over the public right-of-way located in the City of Star, Idaho, and related traffic signal cabinets particularly described and/or depicted on Exhibit "A" attached hereto (collectively, the "Cabinets").

1.2 STAR desires a license to place artwork wraps on certain ACHD owned Cabinets as part of its Communication Box Wrap Project and for limited purposes hereinafter set forth, and, for the consideration and on the terms and conditions hereinafter set forth, ACHD is willing to extend such license to STAR.

SECTION 2. LICENSE; LICENSE NOT EXCLUSIVE.

2.1 On the terms and conditions hereinafter set forth, ACHD hereby extends to STAR a license on, over, across and under the Right-of-Way for the following uses and purposes ("Authorized Use") and no others:

Installation, maintenance, repair and replacement of artwork wraps on Cabinets in the locations identified on Exhibit "A" attached hereto, subject to the following conditions:

- 1. STAR shall clean the Cabinets prior to installation or replacement of artwork wraps.***
- 2. All vents, locks, doors, etc. must not be impeded by the artwork wraps.***
- 3. The Cabinets must function as they do without any artwork wraps.***
- 4. STAR must contact ACHD immediately after installation or any maintenance, repair or replacement of artwork wraps is complete so that ACHD can confirm proper installation and functioning of the Cabinet.***
- 5. STAR must remove the artwork wrap immediately upon the request of ACHD which may be made in its sole discretion.***

2.2 This Agreement does not extend to STAR the right to use the Right-of-Way or the Cabinets (collectively referred to hereafter as "Right-of-Way") to the exclusion of

ACHD for any use within its jurisdiction, authority and discretion or of others to the extent authorized by law to use public right-of-way. If the Right-of-Way has been opened as a public Highway (as used in the Agreement, the term "Highway" is as defined in *Idaho Code* § 40-109(5)), STAR's Authorized Use is subject to the rights of the public to use the Right-of-Way for Highway

purposes. STAR's Authorized Use is also subject to the rights of holders of easements of record or obvious on inspection of the Right-of-Way and statutory rights

of utilities to use the public right-of-way. This Agreement is not intended to, and shall not, preclude or impede the ability of ACHD to enter into other similar agreements in the future allowing third parties to also use its public rights-of-way, or the ability of ACHD to redesign, reconstruct, relocate, maintain and improve its public rights-of-way and Highways as authorized by law and as it determines, in its sole discretion, is appropriate.

SECTION 3. CONSTRUCTION, OR INSTALLATION OF IMPROVEMENTS. Any installation maintenance, repair or replacement of artwork wraps by STAR in the Right-of-Way as permitted by the Authorized Use (the "Improvements") shall be accomplished in accordance with designs, plans and specifications approved in advance and in writing by ACHD as required to satisfy applicable laws, its policies and good engineering practices. In approving such plans and specifications, ACHD assumes no responsibility for any deficiencies or inadequacies in the design or construction of the Improvements, and the responsibility therefor shall be and remain in STAR.

SECTION 4. WAIVER AND ESTOPPEL STATEMENT BY STAR. STAR acknowledges and agrees that the license granted herein is temporary, non-transferable and merely a permissive use of the Right-of-Way pursuant to this Agreement. STAR further acknowledges and agrees that it specifically assumes the risk that the license pursuant to this Agreement may be terminated before STAR has realized the economic benefit of the cost of installing, constructing, repairing or maintaining the Improvements, and STAR hereby waives and estops itself from asserting any claim that the license is in any way irrevocable because STAR has expended funds on the Improvements and the Agreement has not been in effect for a period sufficient for STAR to realize the economic benefit from such expenditures.

SECTION 5. TERM.

5.1 The term of this Agreement shall commence on the Effective Date, and shall continue until terminated by either party, with or without cause, which termination shall be effective following thirty (30) days' advance written notice of termination given to the other party.

5.2 If STAR defaults in the performance of any obligations incumbent upon it to perform hereunder, ACHD may terminate this Agreement and the rights extended to STAR hereunder at any time, effective at the end of thirty (30) days following the date ACHD shall provide written notice of termination to STAR, which notice shall specify such default(s). STAR shall have such thirty (30) day period to correct and cure the specified defaults, and if so corrected and cured, to the satisfaction of ACHD, this Agreement shall not be terminated but shall continue in full force and effect.

SECTION 6. FEE. There is no fee for STAR's Authorized Use of the Right-of-Way under this Agreement.

SECTION 7. MAINTENANCE; FAILURE TO MAINTAIN; RELOCATION OF UTILITIES.

7.1 At its sole cost and expense, STAR shall maintain the Improvements in good condition and repair and as required to satisfy applicable laws, the policies of ACHD and sound engineering practices. STAR shall have access over, across and under the Right-of-Way for the purposes of accomplishing such repair and maintenance.

7.2 If the Highway on and/or adjacent to the Right-of-Way is damaged as a result of:

- (i) the performance by STAR of the maintenance required by section 7.1, or the failure or neglect to perform such maintenance; and/or
- (ii) STAR's design, installation or use of the Improvements, regardless of cause;

at its sole cost and expense STAR shall forthwith correct such deficiency and restore the Highway and the surface of the Right-of-Way to the same condition it was in prior thereto, and if STAR shall fail or neglect to commence such correction and restoration within twenty-four (24) hours of notification thereof, ACHD may proceed to do so, in which event STAR agrees to reimburse ACHD for the costs and expenses thereof, including, without limitation, reasonable compensation for the use of staff and equipment of ACHD.

7.3 Notwithstanding the provisions of section 7.2, should an emergency exist related to STAR's use of this license which threatens the stability or function of the Cabinets, or the Highway on or adjacent to the Right-of-Way or the safety of the public use thereof, ACHD shall have the right to immediately perform, on behalf of and at the cost of STAR, necessary emergency repairs.

7.4 STAR shall be responsible for the relocation of any existing utilities located on the Right-of-Way as may be required in connection with any construction or installation of Improvements by STAR in the Right-of-Way.

SECTION 8. RELOCATION OF IMPROVEMENTS. If during the term of this Agreement ACHD requires, in its sole discretion, at any time, and from time to time, that the Highway on and/or adjacent to the Right-of-Way be widened and/or realigned, redesigned, improved and/or reconstructed, STAR hereby accepts responsibility for all costs for relocating, modifying or otherwise adapting the Improvements to such realignment and/or relocation and/or reconstruction if required by ACHD, which shall be accomplished by STAR according to designs, plans and specifications approved in advance by ACHD in writing; provided, STAR may elect to terminate this Agreement in lieu of complying with this responsibility, and further provided ACHD gives STAR adequate written notice as necessary to allow STAR to redesign, relocate, modify or adapt the Improvements to the

realignment and/or relocation and/or reconstruction of the Highway and also licenses STAR such additional area of its right-of-way, if any, as may be necessary for the proper operation of the Improvements.

SECTION 9. PERMIT. If the proposed construction and installation of the Improvements, or any reconstruction, relocation or maintenance thereof, requires STAR to obtain a permit under ACHD policies, STAR shall first obtain such permit from ACHD (Construction Services Division) before commencing such work, pay the required fees and otherwise comply with the conditions set forth therein.

SECTION 10. NO TITLE IN STAR. STAR shall have no right, title or interest in or to the Right-of-Way other than the right to temporarily use the same pursuant to the terms of this Agreement.

SECTION 11. NO COSTS TO ACHD. Any and all costs and expenses associated with STAR's Authorized Use of the Right-of-Way, or any construction or installation of Improvements thereon, or the repair and maintenance thereof, or the relocation of Improvements or utilities thereon, or the restoration thereof at the termination of this Agreement, shall be at the sole cost and expense of STAR.

SECTION 12. TAXES AND ASSESSMENTS. STAR agrees to pay all special assessments and personal property taxes that may be levied and assessed on the Improvements during the term of this Agreement.

SECTION 13. RESTORATION ON TERMINATION. Upon termination of this Agreement, STAR shall promptly remove all Improvements and restore the Right-of-Way and Cabinets to at least its present condition, less ordinary wear and tear. Should STAR fail or neglect to promptly remove the Improvements and restore the Right-of-Way and Cabinets, ACHD may do so and assess STAR for the costs thereof. Provided, ACHD and STAR may agree in writing that some or all of such Improvements are to remain on the Right-of-Way following termination, and by entering into such an agreement STAR thereby disclaims all right, title and interest in and to the same, and hereby grants such Improvements to ACHD, at no cost. Further provided, if the Authorized Use of the Right-of-Way under this Agreement is for landscaping in ACHD right-of-way and the irrigation and maintenance thereof, and the general purpose government with jurisdiction has adopted ordinances, rules and regulations governing the landscaping and maintenance of such right-of-way by owners of the adjacent property, to the extent such owners are obligated to maintain and irrigate the landscaping STAR need not remove the same from the Right-of-Way.

SECTION 14. INDEMNIFICATION. STAR hereby indemnifies and holds ACHD harmless from and against any and all claims or actions for loss, injury, death, damages, mechanics and other liens arising out of the failure or neglect of STAR, STAR's employees, contractors and agents to properly and reasonably make Authorized Use of the Right-of-Way or properly construct, install, plant, repair or maintain the Improvements thereon, or that otherwise result from the use and occupation of the Right-of-Way by STAR, including, without limitation, any attorneys' fees and costs that may be incurred by

ACHD in defense of such claims or actions indemnified against by STAR hereunder. For claims or actions arising out of failures or neglects occurring during the term of this Agreement, STAR's obligations pursuant to this section shall survive the termination of this Agreement.

SECTION 15. COMPLIANCE WITH LAW; WASTE AND NUISANCES PROHIBITED. In connection with STAR's use of the Right-of-Way, throughout the term of this Agreement STAR covenants and agrees to: (i) comply with and observe in all respects any and all federal, state and local statutes, ordinances, policies, rules and regulations, including, without limitation, those relating to traffic and pedestrian safety, the Clean Water Act and/or to the presence, use, generation, release, discharge, storage or disposal in, on or under the Right-of-Way of any Hazardous Materials (defined as any substance or material defined or designated as hazardous or toxic waste, material or substance, or other similar term, by any federal, state or local environmental statute, regulation or ordinance presently in effect or that may be promulgated in the future); (ii) obtain any and all permits and approvals required by ACHD or any other unit of government; and (iii) commit no waste nor allow any nuisance on the Right-of-Way. To the extent permitted by law, STAR covenants and agrees to indemnify and hold ACHD harmless from and against any and all claims, demands, damages, liens, liabilities and expenses (including, without limitation, reasonable attorneys' fees), arising directly or indirectly from or in any way connected with the breach of the foregoing covenant. These covenants shall survive the termination of this Agreement.

SECTION 16. ASSIGNMENT. STAR cannot sell, assign or otherwise transfer this Agreement, the license herein extended or any of its rights hereunder except with the prior written consent of ACHD, which consent shall not be granted unless the assignee assumes all obligations, warranties, covenants and agreements of STAR herein contained.

SECTION 17. ATTORNEYS' FEES. In any suit, action or appeal therefrom to enforce or interpret this Agreement, the prevailing party shall be entitled to recover its costs incurred therein, including reasonable attorneys' fees.

SECTION 18. NOTICE. Any notice under this Agreement shall be in writing and be delivered in person, or by United States Mails, postage prepaid, or by public or private 24-hour overnight courier service (so long as such service provides written confirmation of delivery), or by facsimile verified by electronic confirmation. All notices shall be addressed to the party at the address set forth below or at such other addresses as the parties may from time to time direct in writing by notice given the other. Any notice shall be deemed to have been given on (a) actual delivery or refusal, (b) three (3) days following the day of deposit in the United States Mail, (c) the day of delivery to the overnight courier or (d) the day facsimile delivery is electronically confirmed.

If to ACHD: Ada County Highway District
3775 Adams Street
Garden City, Idaho 83714
Attn: Traffic Department

If to STAR: City of Star
P.O. Box 130
Star, Idaho 83669

SECTION 19. SUCCESSORS AND ASSIGNS. This Agreement, the license herein extended and the covenants and agreements herein contained shall inure to the benefit of and be binding upon the parties hereto and their successors and, if consented to by ACHD under section 16, STAR's assigns.

SECTION 20. EXHIBITS; RECITALS. All exhibits attached hereto and the recitals contained herein are incorporated herein as if set forth in full herein.

SECTION 21. NO RECORDATION. This Agreement shall not be recorded in the Official Real Property Records of Ada County, Idaho.

SECTION 22. WARRANTY OF AUTHORITY TO EXECUTE.

22.1 The person executing this Agreement on behalf of ACHD represents and warrants due authorization to do so on behalf of ACHD, and that upon execution of this Agreement on behalf of ACHD, the same is binding upon, and shall inure to the benefit of, ACHD.

22.2 The person executing the Agreement on behalf of STAR represents and warrants due authorization to do so on behalf of STAR, and that upon execution of this Agreement on behalf of STAR, the same is binding upon, and shall inure to the benefit of, STAR.

IN WITNESS WHEREOF, the undersigned have caused this Agreement to be executed the day, month and year first set forth above.

Signature Pages Follow:

CITY OF STAR

By: **Trevor A. Chadwick**
Its: **Mayor**

ATTEST:

By: **Jacob Qualls**
Its: **City Clerk**

STATE OF IDAHO)
) ss.
County of Ada)

On this _____ day of _____, 2023, before me,
_____, a Notary Public in and for the State of Idaho, personally
appeared, **Trevor A. Chadwick**, known or identified to me to be the Mayor of the City of
Star, and **Jacob Qualls**, known or identified to me to be the City Clerk of the City of Star,
the persons who executed this instrument on behalf of said City, and acknowledged to
me that the City of Star executed the same.

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

Notary Public for Idaho
Residing at: _____
My Commission Expires: _____

ADA COUNTY HIGHWAY DISTRICT

By: **Alexis Pickering**
Its: **President**

ATTEST:

By: **Bruce S. Wong**
Its: **Director**

STATE OF IDAHO)
) ss.
County of Ada)

On this _____ day of _____, 2023, before me, _____, a Notary Public in and for the State of Idaho, personally appeared, **Kent Goldthorpe**, known or identified to me to be the President of the Ada County Highway District Commission, and **Bruce S. Wong**, known or identified to me to be the Director of the Ada County Highway District, the persons who executed this instrument on behalf of said District, and acknowledged to me that the Ada County Highway District executed the same.

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

Notary Public for Idaho
Residing at: _____
My Commission Expires: _____

EXHIBITS

Exhibit A – Description and/or Depiction of Right-of-Way/Traffic Signal Cabinets

1. State/Star
2. Star Elementary (700 N. Star Road)
3. State/Highbrook

The Ada County Highway District (ACHD) is committed to compliance with Title VI of the Civil Rights Act of 1964 and related regulations and directives. ACHD assures that no person shall on the grounds of race, color, national origin, gender, disability or age, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any ACHD service, program or activity.