



STAR CITY COUNCIL REGULAR MEETING AGENDA

City Hall - 10769 W State Street, Star, Idaho

Tuesday, August 3, 2021

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 RECORD RETENTION POLICY.

1. **CALL TO ORDER** – Welcome/Pledge of Allegiance
2. **INVOCATION** – Joe Carson –Interfaith Group
3. **ROLL CALL**
4. **CONSENT AGENDA (ACTION ITEM)** **All matters listed within the Consent Agenda have been distributed to each member of the Star City Council for reading and study, they are considered to be routine and will be enacted by one motion of the Consent Agenda or placed on the Regular Agenda by request.*
 - A. Approval of Claims Provided & Previously Approved: July 16 – July 26, 2021
 - B. July 20, 2021 – City Council Meeting Minutes
 - C. May 4, 2021 – City Council Meeting Minutes
 - D. Findings : Rivermoor Subdivision
5. **PUBLIC HEARINGS & ACTION ITEMS**

POSTPONED!!!! (Tentative August 17, 2021) PUBLIC HEARING – Canyon Highway District #4 Impact Ordinance: The City of Star shall hold a public hearing on August 3 at 7:00pm at Star City Hall, City Council Chambers at 10769 West State Street in Star Idaho to hear testimony regarding the adoption of an impact fee ordinance for development within the corporate limits of the city of Star within Canyon County. The City of Star shall make available to any member of the public, upon request, the following: proposed land use assumptions, a copy of the proposed capital improvements plan or amendments thereto. Any member of the public affected by the capital improvements plan or amendments shall have the right to appear at the public hearing and present evidence regarding the proposed capital improvements plan or amendments.

BUDGET PRESENTATION FY 2021 / 2022

PUBLIC HEARING - A Public hearing pursuant to Idaho Code 50-1002 will be held for consideration of the proposed budget for the fiscal year from October 1, 2021, to September 30, 2021. The hearing will be held at Star City Hall 10769 West State Street, Star Idaho at 7:00pm on August 3 & August 17, 2021. All interested persons are invited to appear and show cause, if any, why such budget should or should not be adopted. Copies of the proposed Star City Budget in detail are available at City Hall during regular office hours, City Hall is accessible to persons with disabilities. Anyone desiring accommodations for disabilities related to the budget documents or to the hearing, contact City Hall

	FY19/20 – Actual	FY20/21 – Current Budget	FY21/22 - Proposed
General Government - Expense	\$5,710,100.32	\$6,092,675.00	\$12,627,273.04
Property Taxes - REVENUE	\$1,415,553.66	\$1,483,413.00	\$1,602,086.04
State Sources – REVENUE	\$890,718.72	\$749,712.00	\$1,125,261.00
Franchise Fees – REVENUE	\$202,253.68	\$226,600.00	\$244,728.00
General Licenses – REVENUE	\$8,269.75	\$13,755.00	\$33,038.00
Scholarship Donations - REVENUE	\$1,600.00	\$2,500.00	\$6,000.00
Hometown Donations – REVENUE	\$3,000.00	\$12,000.00	\$45,000.00
Grants – REVENUE		\$10,000.00	\$90,000.00
ARPA – REVENUE		0	\$1,132,696.00
COVID – REVENUE	\$13,240.41		
Court Fines – REVENUE	\$6,243.53	\$7,500.00	\$7,000.00
Building Fees – REVENUE	\$1,761,913.17	\$995,000.00	\$1,680,319.00
Impact Fee / Prop Share – REVENUE	\$3,014,717.36	\$1,716,450.00	\$3,296,000.00
Land Use Fees – REVENUE	\$154,303.00	\$65,000.00	\$120,000.00
Bonding – REVENUE	\$1,080.00	\$1,000.00	\$200,000.00
Recreation Fees – REVENUE	\$78,403.81	\$94,495.00	\$97,145.00
Interest & Misc – REVENUE	\$82,049.22	\$4,000.00	\$23,000.00
ITD Capital Funds – TRANSFER			\$900,000.00
Fire District Loan – REVENUE			
General Funds – TRANSFER		\$400,000.00	\$400,000.00
Park Capital Funds – TRANSFER		\$311,250.00	\$1,625,000.00
TOTAL REVENUES	\$7,633,346.31	\$6,092,675.00	\$12,627,273.04
Total EXPENSES	\$5,710,100.32		\$12,627,273.04
Difference	\$1,923,245.99		\$0

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



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(ACTION ITEM) Reconsideration of Cranefield Subdivision

- 6. DISCUSSION ITEMS:
- 7. ADJOURNMENT

FUTURE MEETING TOPICS		
Subject	Proposed Action	Tentative Date
Fiscal Year 2021/2022 Budget Hearing Close	Review written comments received on FY 2021/2022	August 17, 2021
Fiscal Year 2021 / 2022 Budget Ordinance	Ordinance to adopt	August 17, 2021
Elected Official Salary Modification	Ordinance to adopt	August 17, 2021
Comprehensive Plan Amendment – Transportation Impact Fees	Resolution to adopt	August 17, 2021
Canyon Highway District 4 Transportation Impact Fee	Ordinance to Adopt	August 17, 2021
Canyon Highway District 4 Transportatation Impact Fee	Agreement to Collect	September 2021
Fiscal Year 2020/2021 Audit Presentation	Presentation & Acceptance	September 7, 2021
South of the River Plan Comprehensive Plan Proposal	Presentation & Public Hearing – Resolution to Adopt	September 2021
Stargazer Subdivision	Public Hearing – Annexation, Zoning Change, Development Agreement	August 17, 2021
Landyn Village Subdivision	Public Hearing -	Tabled from Jun 15, 2021 – Awaiting ????
East Star River Ranch Subdivision	Public Hearing – Zoning Change, Development Agreement, Preliminary Plat, Conditional Use Permit & Private Street	Tabled from Jun 15, 2021 – Awaiting?????
Rivermoor Subdivision	Public Hearing – Annexation, Zoning Change, Development Agreement, Preliminary Plat & Private Street	Tabled from June 15, 2021 – Awaiting?????
Rivercreek Subdivsion	Development Agreement Modification	Tabled from XXXXX – Awaiting ?????
Wildrye Subdivision	Development Agreement	Tabled from XXXX – Awaiting ????
Inspirado Subdivision	Public Hearing – Annexation, Preliminary Plat, Planned Unit Development & Development Agreement	Awaiting??????
Starpointe Subdivision	Public Hearing – Annexation, Preliminary Plat & Development Agreement	Awaiting?????
Oaklawn Crossing Subdivision	Public Hearing – Annexation, Preliminary Plat & Development Agreement	Awaiting?????
Moon Valley Townhomes	Public Hearing – Zone Change, Preliminary Plat & Development Agreement	Awaiting????
Fountain Park Subdivision	Public Hearing – Annexation, Preliminary Plat & Development Agreement	Awaiting????
Milestone Ranch Subdivision	?????	Awaiting???
Rooster Hollow Subdivision	?????	Awaiting????
Langtree Bungalows Subdivision	?????	Awaiting????
Stardust Place Annexation & Rezone	?????	Awaiting????

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Piedmont Place Annexation & Rezone	??????	Awaiting????
Willowbrook Annexation & Rezone	??????	Awaiting
Venue Use Ordinance	Ordinance	Under Development
Consolidated Fee Schedule	Resolution	Under Development
Personnel Policy Manual	Resolution	Under Development
Social Media Policy	Resolution	Under Development
Ethics Manual	Resolution	Under Development
Surplus Property Designation	Resolution	Under Development

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

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City of Star

Transaction List by Vendor

July 16 - 26, 2021

Date	Vendor Name		Amount
07/26/2021	Ada County Highway District	Impact Fees 6/25/21 - 7/24/21	-89,258.00
07/26/2021	Century Link	Telephone Services	-195.80
07/26/2021	Cintas	Rug Cleaning Services	-281.96
07/26/2021	Cloverdale Nursery	Top Soil for Hunter's Creek Park	-400.00
07/26/2021	Computer Consulting Associates	Information Technology Services	-2,403.49
07/26/2021	Dana Partridge	Media Services	-3,548.50
07/26/2021	DMH, Enterprises	Plumbing Inspections 6/25/21 - 7/24/21	-7,326.00
07/26/2021	ECI Contractors	Electrical Inspections 6/25/21 - 7/24/21	-8,622.00
07/26/2021	FatBeam, LLC	Fiber Optics	-1,640.50
07/23/2021	Gameface Athletics	Hometown Celebrations Sweatshirt	-32.65
07/26/2021	Gem State Paper & Supply	Paper Towel for River House	-169.29
07/23/2021	Hope Blooms Flowers & Things	Hometown Celebration Prize	-1,000.00
07/26/2021	Idaho Central Credit Union	Credit Cards - Chadwick, Little, Qualls	-3,704.64
07/26/2021	Idaho Inflatables	Rec Dept - Water Camp	-235.00
07/26/2021	Idaho Power - IDACORP	Electricity	-4,127.14
07/23/2021	Jean Wolford	City of Star Staff Headshots	-325.42
07/26/2021	Jokela Power Equipment	Bldg and Grounds - Sweeper/Thatcher	-12,918.08
07/23/2021	Julee Elliott	Hometown Celebration Banner	-50.00
07/26/2021	Logan Simpson Design, Inc	Land Use Planning South of the River	-25,040.00
07/26/2021	Mastercard	Credit Cards - Qualls	-118.26
07/26/2021	Melissa Hartley	Refund for canceled park reservation	-78.00
07/26/2021	Office Savers Online	Office supplies	-286.64
07/26/2021	Phantom Administrative LLC	Bond Return	-2,000.00
07/16/2021	PortaPros	Portable Restrooms	-128.40
07/26/2021	Republic Storage of Star	Overpayment for Planning & Zoning Apps	-100.00
07/26/2021	RIMI Inc.	Mechanical Inspections 6/25/21 - 7/24/21	-9,150.66
07/26/2021	Silver Creek	Bldg and Grounds - Tools and Parts	-7,832.83
07/16/2021	Smith Built Homes, LLC	BPR2021-419 Partial refund	-50.00
07/26/2021	Sparklight	Internet Services	-667.19
07/23/2021	Special Olympics Idaho	Hometown Celebration Prize	-100.00
07/26/2021	Star Fire Department	Fire Impact Fees 06/25/21 - 07/24/21	-21,843.00
07/26/2021	Star Merc	Bldg and Grounds - Fuel	-149.78
07/26/2021	Star Storage	Unit Rental	-80.00
07/26/2021	Star Vet Clinic	Animal Control Services	-1,400.00
07/23/2021	Stephanie Paulson	Hometown Celebration Prize	-300.00
07/26/2021	Tates Rents	Bldg and Grounds - Tools	-109.92
07/26/2021	Treasure Valley Coffee	Coffee Services and Supplies	-169.51
07/26/2021	Trojan Plumbing	Refund - double payment PP2021-424	-325.00
07/26/2021	Uline	Bldg and Grounds - Equipment	-703.25
07/26/2021	United Heritage	Vision Insurance	-144.57
07/26/2021	Vanguard Cleaning	Monthly Cleaning Services	-610.00
07/26/2021	Whitman & Assoc. Inc.	Building Inspections 6/25/21 - 7/24/21	-18,517.31
07/26/2021	Yorgason Law Offices, PLLC	Monthly Attorney Services	-3,000.00
		TOTAL EXPENSES	-229,142.79



Patrick J. Galloway
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(Licensed in Idaho, Oregon & Washington)
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June 28, 2021

City of Star
c/o City Clerk Jacob Qualls *and via email:* jqualls@staridaho.org
10769 W. State Street Star
Idaho, 83669

Re: *Request for Reconsideration - CRANEFIELD SUBDIVISION*
FILE NO. RZ-21-02/DA-21-04/PP-21-05/PR-21-04

To the City Council:

This law firm has been retained by Pinewood Lakes Community Association, Inc. ("Association") to file a request for reconsideration in the above referenced land use decision pursuant to Idaho Code § 67-6535(2)(b) and Star City Code § 8-A1-9. Star City Code is hereafter cited as "SCC".

If there is a filing fee please notify me and it will be paid promptly.

I. SUMMARY

On June 15, 2021 the City Council issued Findings of Fact and Conclusions of Law conditionally approving the Preliminary Plat for Cranefield Subdivision ("Subdivision"). The Association challenges the decision to rezone the property from R-3 to R-4, the failure to require proper ingress and egress to and from the Subdivision, the failure to make adequate plans for traffic impacts, and the failure to require an easement area as a buffer between the Subdivision and the Pinewood Lakes Community. The Association's and its Members' fundamental right to due process has been violated.

II. LEGAL AUTHORITY

Idaho Code § 67-6535(3) provides:

It is the intent of the legislature that decisions made pursuant to this chapter should be founded upon sound reason and practical application of recognized principles of law. In reviewing such decisions, the courts of the state are directed to consider the proceedings as a whole and to evaluate the adequacy of procedures and resultant decisions in light of practical considerations with an emphasis on fundamental fairness and the essentials of reasoned decision making. Only

those whose challenge to a decision demonstrates actual harm or violation of fundamental rights, not the mere possibility thereof, shall be entitled to a remedy or reversal of a decision....

The Supreme Court of Idaho further established the requirements of due process in *Jasso v. Camas County*, 151 Idaho 790, 264 P.3d 897 (Idaho 2011):

In order to satisfy I.C. § 67-6535, a local decision-maker must articulate in writing both (1) the facts found and conclusions reached and (2) the rationale underlying those findings and conclusions...

We have repeatedly held local decision-makers to the standard set forth by I.C. § 67-6535. In *Crown Point Development, Inc. v. City of Sun Valley*, the purported findings of the city council were merely recitations of portions of the record, rather than determinations of the facts disputed by the parties. 144 Idaho 72, 77-78, 156 P.3d 573, 578-79 (2007). This Court found the “findings” to be inadequate. *Id.* In *Workman Family Partnership v. City of Twin Falls*, the city council’s factual findings explained that a rezone application was denied because the rezone imposed “[t]oo great a change,” would devalue nearby residential properties, and “would violate the integrity of existing residential zoning districts.” 104 Idaho 32, 37, 655 P.2d 926, 931 (1982). We held that “[t]he reasons listed for the denial of the application ... are basically conclusions. Nothing ... reveals the underlying facts or policies that were considered by the Council. The reasons listed ... provide very little insight into the Council’s decision.” 104 Idaho at 38, 655 P.2d at 932. In *Cooper v. Board of County Commissioners of Ada County*, the Court held that a board of county commissioners’ findings and conclusions, supplemented by a staff report that stated some of the shortcomings for which the application was denied, were inadequate where the board denied the application “because of items 1, 2, 3 and 4 and Agricultural Policies No. 4 and No. 5 and also because of the school district.” 101 Idaho 407, 408-09, 614 P.2d 947, 948-49 (1980). These cases demonstrate that the reasoned statement must plainly state the resolution of factual disputes, identify the evidence supporting that factual determination, and explain the basis for legal conclusions, including identification of the pertinent laws and/or regulations upon which the legal conclusions rest.

III. DEFICIENCIES

- a. Failure to require an independent traffic study or cite to the City’s Comprehensive Plan – Traffic Analysis revised April 30, 2019 and explain the impacts of increased traffic volume and how it will be dealt with.
- b. Reliance on the vague indication that Applicant should work with the Highway District on ‘traffic calming techniques.’
- c. Failure to show any efforts taken, findings of fact, or to require conditions consistent with the Comprehensive Plan 12.5.4.E.:

When reviewing comprehensive plan amendments, zone changes, master plans, conditional uses, and other significant entitlement requests, coordinate with ACHD, CHD4, and ITD to evaluate the impact of the project on street levels of service. Service level impacts should be minimized through project modifications, traffic management plans, street improvement plans, or other means.
- d. Allowing a deviation from the 750’ block length limitation without proper findings of fact and an approved remedy pursuant to SCC 8-6B-2.F.
- e. Failure to require the Applicant to submit all mandatory application materials pursuant to SCC 8-6A-3.D.4.

- f. Failure to provide adequate findings of fact and conclusions of law explaining how the rezoning map amendment complies with the applicable provisions of the comprehensive plan. SCC 8-1B-1.C.1.
- g. Failure to provide adequate findings of fact and conclusions of law explaining how the rezoning map amendment complies with the regulations outlined for the proposed district. SCC 8-1B-1.C.2.
- h. Failure to provide any findings of fact and conclusions of law explaining how the rezoning map amendment is not detrimental to the public health, safety, and welfare. SCC 8-1B-1.C.3.
- i. Failure to provide adequate findings of fact and conclusions of law explaining how the rezoning map amendment shall not have an adverse impact on services. SCC 8-1B-1.C.4.
- j. Failure to provide any detail of the terms of the proposed Development Agreement and how it will alleviate the impacts of waiving the detached housing requirement in the R-4 zone.
- k. Failure to provide adequate findings of fact and conclusions of law explaining how the preliminary plat complies with the comprehensive plan. SCC 8.6A.7.A.
- l. Failure to provide adequate findings of fact and conclusions of law explaining how public services are or can be made available. SCC 8.6A.7.B.
- m. Failure to provide any findings of fact and conclusions of law explaining how there is public financial capability of supporting services for the proposed development. SCC 8.6A.7.C.
- n. Failure to provide any findings of fact and conclusions of law explaining how the development is not detrimental to the public health, safety, and welfare. SCC 8.6A.7.D.
- o. Failure to provide any findings of fact and conclusions of law explaining how the development preserves significant natural, scenic, or historic features. SCC 8.6A.7.E.

IV. CONCLUSION

The Association looks forward to working with the City and the Applicant to address key concerns regarding Cranefield Subdivision.

Sincerely,

SMITH KNOWLES, P.C.

/s/ Patrick J. Galloway

Patrick J. Galloway

FINDINGS OF FACT AND CONCLUSIONS OF LAW
RIVERMOOR SUBDIVISION
FILE NO. AZ-21-06/DA-21-08/PP-21-09/PR-21-08

The above-entitled Annexation and Zoning, Development Agreement, Preliminary Plat, and Private Street land use application came before the Star City Council for their action on July 20, 2021, at which time public testimony was taken and the public hearing was closed. The Star City Council, having requested and taken oral and written testimony, and having duly considered the matter, does hereby make the following Findings of Fact and Conclusions of Law.

Procedural History:

A. Project Summary:

The Applicant is seeking approval of an Annexation and Zoning (R-2), a Development Agreement, Preliminary Plat for a proposed residential subdivision consisting of 252 residential lots and 22 common lots, and Private Streets. The property is located at 7290 N. Stonebriar Lane in Star, Idaho and consists of 130.51 acres with a proposed density of 1.93 dwelling units per acre. The subject property is generally located on the north side at the east end of W. Joplin Road. Ada County Parcel No's. S0416347100, S0421212600 & S0421234110.

B. Application Submittal:

A neighborhood meeting was held on February 3, 2021, in compliance with the application submittal requirement of the Star Unified Development Code (Section 8-1 A-6 C). The Land Use application was deemed complete on April 20, 2021.

C. Notice of Public Hearing:

Notice of Public Hearing on the application for the City of Star Council was published in accordance with the requirements of Title 67, Chapter 65, Idaho Code and the Star Unified Development Code on April 28, 2021. Notice of this public hearing was mailed to property owners within three-hundred feet (300') of the subject property in accordance with the requirements of Title 67, Chapter 65, Idaho Code and Star Unified Development Code on April 26, 2021. Notice was sent to agencies having jurisdiction in the City of Star on April 22, 2021. The property was posted in accordance with the Star Unified Development Code on June 3, 2021.

D. History of Previous Actions:

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

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

	Zoning Designation	Comp Plan Designation	Land Use
Existing	RUT (County)	Estate Residential	Agriculture/Pasture
Proposed	R-2-DA	Estate Residential	Single Family Residential
North of site	RUT (County)	Estate Residential/Open Space	Agriculture/Pasture/State of Idaho Land
South of site	RUT (County)	Estate Residential	Agriculture/Irrigation District Use
East of site	RUT (County)	Estate Residential	Highway 16 Agriculture/Pasture
West of site	RR/RUT (County)	Estate Residential/Rural Residential	Stonebriar Subdivision/Agriculture Pasture

F. *Development Features.*

ANNEXATION & REZONE:

The applicant is requesting approval of an annexation and rezone application to change the zoning designation on 144.25 acres from Rural Urban Transitional (RUT) to Estate Residential (R-2). This zoning district would allow for a maximum residential density of 2 dwelling unit per acre. The property is located in an area that will be serviceable with central sewer and water provided by Star Sewer and Water District in the near future. Star Sewer and Water will be extending services along Joplin Road from the new sewer lift station completing construction on the west side of Star Road. The property will be accessed by a private road and currently has frontage onto W. Joplin Court. All roads in the development will be private. The rezone request includes a development agreement that will address future density and development standards along with private road requirements.

PRELIMINARY PLAT & PRIVATE STREET:

The Preliminary Plat submitted contains 252 single family residential lots and 22 common area lots on 130.51 acres. This equates to 1.93 dwelling units per acre. The lots will have access and frontage from private streets. The residential lots range in size from 22,082 square feet to 6,093 square feet with the average buildable lot being 7,300 square feet. The private street will be built to ACHD, City of Star and Star Fire District standards. The submitted preliminary plat is showing a 50 ft wide right of way with paved streets measuring 36 feet from back of curb to back of curb. Sidewalks are proposed to be detached with an 8-foot-wide landscape strip and a 4-foot concrete sidewalk. A private street maintenance plan, including proposed funding, shall also be required by Staff prior to final plat signature. Street names must be obtained by the Ada County Street Naming Committee prior to signature of the final plat. The applicant is proposing 22 acres (41%) of open space, including 3.99 acres that are in the AE flood zone and will not be developed.

The current Unified Development Code, Section 8-4E-2 requires a development of this size to have a minimum of 10 site amenities. The applicant is proposing a Clubhouse; pool with changing rooms and three large ponds with wooden docks; overall connecting pathways and two gazebos in addition to large open space areas and natural areas. These amenities satisfy the code requirement for development amenities.

Discussions with ACHD indicate that the applicant make street improvements to Joplin Court and a northbound right turn lane and a southbound left turn lane be constructed on Star Road at Joplin Road.

ADDITIONAL DEVELOPMENT FEATURES:

- Gravel Extraction of Ponds
The development will include the excavation of two new ponds and possible enhancement of the existing water feature on the property. This will be handled through gravel extraction that will include removal of aggregate from the property and onto the public street network. Details including but not limited to noise, haul routes, operation hours, length of time, dust control and other issues shall be discussed with Council and conditioned appropriately with the approval of the application.
- Ponds
The future water features within the development shall be designed and maintained in a manner that protects the public safety. This will include aerators to prevent algae and mosquito issues, safety ring stations throughout the water feature locations, safety shelves and erosion consideration.
- Sidewalks
Internal sidewalks are proposed at four-foot (4') widths and will be detached throughout overall subdivision with an eight (8') foot landscape strip. **Unified Development Code 8-4A-17 states that sidewalks in all residential zones shall be five-foot (5') wide. Applicant will need to adjust the plat to accommodate the wider sidewalk.**
- Lighting
Streetlights shall reflect the "Dark Sky" criteria with all lighting. The same streetlight design shall continue throughout the entire development. The applicant has submitted a streetlight plan. All other proposed light locations satisfy City code. **Applicant has not provided a streetlight design/cut sheet for City approval. This will be required at submittal of the final plat.**

- Street Names
Applicant has not provided documentation from Ada County that the street names are acceptable and have been approved. This will be required at final plat. Current names on the preliminary plat do not conform to the private road naming standards.
- Subdivision Name
Applicant has provided a letter from Ada County that the subdivision name has been approved and reserved for this development.
- Landscaping - As required by the Unified Development Code, Chapter 8, Section 8-8C-2-M (2) Street Trees; A minimum of one street tree shall be planted for every thirty-five (35) linear feet of street frontage. The applicant shall use "Treasure Valley Tree Selection Guide", as adopted by the Unified Development Code. Section 8-8C-2, J5 states that a minimum of one deciduous shade tree per four thousand (4,000) square feet of common area shall be provided. The submitted landscape plan appears to satisfy these requirements.
- Setbacks – The applicant requested specific set back waivers on all lots within the development to allow R-3 standards except as further approved herein.
- Block lengths – All blocks meet the 750' block length requirement.
- Mailbox Cluster – **Applicant has not provided documentation from a Postmaster depicting the approved location for the mailbox cluster for the development. This will be required prior to signing the final plat.**
- Phasing – The development is proposing to be built out in five (5) phases.
- Special Transitional Overlay Area – The neighborhood to the immediate west of the proposed development is Stonebriar Subdivision, a recently annexed, County approved subdivision consisting of over a dozen 10-plus acre residential lots and a private road. The developer and the Stonebriar Subdivision residents have apparently been working together regarding transition and issues including landscape buffers, fencing and emergency access in addition to sewer and water extension. The proposed Development Agreement shall provide conditions of approval insuring that items agreed upon by the two parties along with additional requirements by Council become part of the approval of the Rivermoor Subdivision.

DEVELOPMENT AGREEMENT

Through the Development Agreement process, the applicant is proposing to work with the City and neighboring property owners to provide further insurances that the development will be

built as presented and/or modified by the Council through the review process. Items that should be considered by the applicant and Council include the following:

- Density;
- ITD Proportionate Share Fees;
- Private Road Maintenance;
- Private Road Study Every Three (3) Years;
- Fencing and Berming Adjacent to Existing Neighborhoods
- Emergency Access
- Gravel Extraction Operation
- Pond Operation and Maintenance

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

G. Existing Site Characteristics:

Existing Site Characteristics: The property currently is vacant, used as pasture.

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

Flood Zone: This property is currently located in Zones X and AE

H. On-Site Features:

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

I. Agencies Responding:

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

ITD	June 3, 2021/June 4, 2021
Star Fire District	July 9, 2021
DEQ	April 30, 2021
Ada County Development Services	April 26, 2021
ACHD	July 19, 2021
West Ada School District	June 7, 2021
COMPASS	January 26, 2021
Keller and Associates	June 7, 2021

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

Larry & Shelly Taylor	June 10, 2021
Stonebriar HOA, Inc.	July 20, 2021
Michael & Lorena Groves	July 17, 2021

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

Comprehensive Plan:

8.2.3 Land Use Map Designations:

Estate Residential

Suitable primarily for single family residential use. Densities in this land use area are to range from 1 unit per acre to 3 units per acre. Densities not exceeding 1 to 2 units per acre are to be encouraged in areas of the floodplain, ridgeline developable areas, hillside developable areas, and where new residential lots are proposed adjacent to existing residential lots of one acre and larger where those existing larger lots are not likely to be subdivided in the future. Clustering is encouraged to preserve open space. A density bonus may be considered if open space is preserved, and land of at least 40% of additional preserved open space is developable.

Special Transition Overlay Area

Development adjacent to, and potentially within, this area is to provide for an appropriate transition between existing and new home sites where new urban development is being planned adjacent to previously approved and constructed rural county developments of years past. Site layout is to provide for a transition in density and lot sizing.

8.3 Goal:

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

8.4 Objectives:

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

8.5.3 Policies Related Mostly to the Urban Residential Planning Areas:

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

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

8.5.4 Polices Related to the Special Transition Overlay Areas:

A. Development adjacent to and within the Special Transition Overlay Area is to provide for an appropriate transition between existing and new home sites where new urban development is being planned adjacent to previously approved and constructed rural county developments of years past.

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

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

When an urban density residential development is planned with lots that directly abut lots within a Special Transition Overlay Area an appropriate transition is to be provided for the two abutting residential lot types. A transition must take into

consideration site constraints that provide transitional lots and/or open space area avoiding urban lots directly abutting Special Transition Overlay Area lots.

Larger setbacks should be required for new lots planned to abut existing Special Transition Overlay Area lots.

8.5.9 Additional Land Use Component Policies:

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

18.4 Implementation Policies:

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

Unified Development Code:

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

B. Standards:

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

original zoning or, if the original designation no longer exists, to the closest current equivalent zoning as determined by the current Comprehensive Plan Land Use Map designation.

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

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

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

1. The map amendment complies with the applicable provisions of the comprehensive plan;

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

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

4. The map amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city.

5. The annexation (as applicable) is in the best interest of city.

8-1E-1: DEFINITIONS - TERMS DEFINED

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

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

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

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

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

8-3A-3: USES WITHIN ZONING DISTRICTS

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

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

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

Zoning District	Maximum Height Note Conditions	Minimum Yard Setbacks Note Conditions			
		Front(1)	Rear	Interior Side	Street Side
A	50'	30'	30'	30'	20'
R-R	35'	30'	30'	20'	20'
R-1	35'	30'	30'	10'	20'
R-2	35'	20'	20'	10'	20'

Notes:

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

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

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

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

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

A. Design Standards:

1. Easement: The private street shall be constructed on a perpetual ingress/egress easement or a single platted lot (with access easement) that provides access to all applicable properties.
2. Connection Point: Where the point of connection of the private street is to a public street, the private street shall be approved by the transportation authority.

3. Emergency Vehicle: The private street shall provide sufficient maneuvering area for emergency vehicles as determined and approved by the Star Fire District.

4. Gates: Gates or other obstacles shall not be allowed, unless approved by Council through a Planned Unit Development or Development Agreement.

B. Construction Standards:

1. Obtain approval from the county street naming committee for a private street name(s);

2. Contact the transportation authority to install an approved street name sign that complies with the regulations of the county street naming ordinance;

3. Roadway and Storm Drainage: The private street shall be constructed in accord with the roadway and storm drainage standards of the transportation authority or as approved by the city of Star based on plans submitted by a certified engineer.

4. Street Width: The private street shall be constructed within the easement and shall have a travel lane that meets ACHD width standards for the City of Star, or as determined by the Council and Star Fire District.

5. Sidewalks: A five foot (5') attached or detached sidewalk shall be provided on one side of the street in commercial districts. This requirement may be waived if the applicant can demonstrate that an alternative pedestrian path exists.

6. Fire Lanes: All drive aisles as determined by the Star Fire District to be fire lanes, shall be posted as fire lanes with no parking allowed. In addition, if a curb exists next to the drive aisle, it shall be painted red.

7. No building permit shall be issued for any structure using a private street for access to a public street until the private street has been approved.

C. The applicant or owner shall establish an on-going maintenance fund through the Owner's association with annual maintenance dues to ensure that funds are available for future repair and maintenance of all private streets. This shall be a requirement in a development agreement and/or as part of a planned unit development. A reserve account condition shall be included in the recorded CC&R's and shall be provided to the City for review. The condition of approval shall include the following:

1. Private Road Reserve Study Requirements.

- a. At least once every three years, the board shall cause to be conducted a reasonably competent and diligent visual inspection of the private road components that the association is obligated to repair, replace, restore, or maintain as part of a study of the reserve account requirements of the common interest development, if the current replacement value of the major components is equal to or greater than one-half of the gross budget of the

association, excluding the association's reserve account for that period. The board shall review this study, or cause it to be reviewed, annually and shall consider and implement necessary adjustments to the board's analysis of the reserve account requirements as a result of that review.

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

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

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

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

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

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

- 1. The total land area of all common open space shall equal or exceed fifteen percent (15%) of the gross land area of the development. Ten percent (10%) of that area shall be usable open space.
- 2. Each development is required to have at least one site amenity.
- 3. One additional site amenity shall be required for each additional twenty (20) acres of

development area, plus one additional amenity per 75 residential units.

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

8-4E-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.

8-5-19: MINING, PIT OR QUARRY AND ACCESSORY PITS:

A mine, pit or quarry that meets the standards of subsection C of this section shall be considered an accessory pit and shall be reviewed as **a temporary use**. Any other pit, mine, or quarry shall be reviewed as a conditional use.

A. General Use Standards:

1. All operations shall be subject to accepted safety conditions for the type of excavation being performed.

2. Asphalt mixing and concrete batching may only be allowed as accessory uses to a mine, pit, or quarry in an industrial area.

3. Extraction, movement, or stockpiling within the required yards shall be prohibited. The tops and toes of cut and fill slopes shall remain outside the required yards.

4. Areas where equipment is stored shall be deemed outdoor storage areas and shall meet all standards of this title. Such storage areas shall be constructed and maintained to prevent chemicals from discharging into surface or ground waters. Such chemicals shall include, but not be limited to, petroleum products, antifreeze, and lubricants.

5. The extraction area shall be watered daily to reduce dust impacts to surrounding properties. Haul roads shall have a durable and dust free surface and shall be graded to drain all surface water from the haul roads.
6. The mine, pit, or quarry shall comply with the regulations of flood hazards of this title, if applicable.
7. For any mine, pit, or quarry requiring a conditional use approval, the applicant shall provide addresses for all property owners within one thousand feet (1,000') of any property boundary of the proposed site and any additional area that may be substantially impacted by the use, as determined by the administrator.
8. The storage and/or disposal of solid waste on the proposed site shall be prohibited.
9. Upon reclamation of the final phase, all temporary structures shall be removed from the property, except for property line fences or walls. Any contaminated soils shall be properly recycled or disposed.
10. Truck routes and hauling times may be limited by Council to accommodate bus routes and school hours.

B. General Design and Reclamation Standards:

1. The applicant shall provide documentation (from the appropriate agency) that the proposed mine, pit, or quarry operation and reclamation plans comply with federal and state regulations in regard to air and water quality and site reclamation.
2. For a mine, pit, or quarry where the excavation area results in a pond, the following standards shall apply:
 - a. The extraction areas shall be designed to create a meandering edge.
 - b. The applicant shall provide written documentation from Idaho fish and game that the proposed pond is designed to create viable fish and/or wildlife habitat.
 - c. The applicant shall provide documentation from Central District Health department that the proposed pond shall not cause septic leach fields on abutting properties to fail.
 - d. For the purposes of this section, a "pond" shall be defined as any mine, pit, or quarry area where the rehabilitation plan results in an area that contains water to within six feet (6') of the surface year-round, based on the base elevation.
3. Any riparian vegetation disturbed as part of the operation shall be replaced at a ratio of two to one (2:1). Replacement vegetation shall be native plant materials and shall meet all appropriate requirements of this title.
4. The applicant or owner shall comply with all requirements of "Best Management Practices For

Mining In Idaho", published by the Idaho department of lands.

5. The pond shall be aeriated.

C. Standards For Accessory Pit Approval: The purpose of this use is to allow for gravel extraction and removal on a limited basis for the sole purpose of creating a water feature: 1) during the construction of an approved subdivision or development, or 2) a onetime creation of water feature(s) on certain, larger acreage parcels. The use shall be processed as a temporary use and shall meet the following:

1. The property has not received previous approval for a mine, pit, or quarry as a temporary use.

2. The maximum area of the extraction site for a water feature in a new subdivision or development shall be determined during the approval process for the development after taking into consideration issues including, but not limited to, no net loss mitigation. All other parcels shall have a maximum pond area no greater than ten percent (10%) for parcels ten (10) acres or less, and no greater than twenty percent (20%) for parcels over ten (10) acres of the gross area of the property.

3. The minimum parcel size for all properties other than new subdivisions and developments, shall be one (1) acres.

4. The proposed extraction activities for a subdivision or development shall be completed within two (2) years from commencement, unless additional time is granted by council. All other proposed extraction activities shall be completed within two (2) years from commencement.

5. The mine, pit, or quarry shall meet the standards in subsections A and B of this section.

6. Stockpiles shall be a maximum of fifteen feet (15') in height.

7. All operations shall take place between seven o'clock (7:00) A.M. and dusk or six o'clock (6:00) P.M. (whichever is earlier) Monday through Friday.

8. Asphalt and/or cement plants shall be prohibited on site, unless approved by Council as a conditional use permit.

9. Rock crushing shall be allowed as part of an accessory pit only as a separate conditional use permit approved by Council.

10. The pond shall be aerated.

D. Additional Standards for Conditional Use Approval:

1. The pit, mine, or quarry shall meet the standards in subsections A and B of this section.

2. The approved site plan shall include adequate parking and loading areas to accommodate the peak number of vehicles. Such areas shall not be within the required yards.

3. Rock crushing and/or asphalt mixing, and concrete batching may be allowed as an accessory use only through this conditional use approval process.
4. The applicant shall show the extraction and reclamation phasing plan on the approved site plan.
5. The reclamation plan for each phase shall be implemented as soon as the subject area is depleted of resources or when the allowed time has ended (whichever occurs first).
6. The conditional use approval shall consider and/or establish a time frame for the extraction of material. For any proposal where the applicant requests an extraction period greater than two (2) years, the council shall review the status of the mine, pit, or quarry after 1.5 years and consider amendments or additions to the approval.

Public Hearing of the Council:

- a. A public hearing on the application was heard by the City Council, 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:
 - Kevin Amar, Biltmore Homes, 1580 W. Cayuse Creek Drive, Meridian, Idaho
 - John Garrett, 6235 W. Syringa Ridge, Star, Idaho
 - Gail Garrett, 6235 W. Syringa Ridge, Star, Idaho
 - J. Kevin Brunk, 7795 N. Stonebriar Lane, Star, Idaho
- c. Written testimony in favor of or opposing the application was presented to the City Council at the hearing by:
None

Deliberations and Conclusions of Law:

The Council reviewed the particular facts and circumstances of this proposed annexation and zoning application in accordance with the City of Star Title 8 (Unified Development Code), deliberated on the matter, resulting in discussions on the platting of the development. Discussion included development layout, access and street configuration, density, setbacks, one-story homes, open space, floodplain issues, pathways and landscaping, gravel extraction, fencing, emergency access, liability insurance and transitional issues including berming. The Council concluded that the Applicant's request meets the requirements for annexation, preliminary plat and private streets.

Statement of Compliance:

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

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

- Side Yard Setbacks within the development to be 5 feet per story, except for Lots 19-31, Block 1, which will have 10-foot setbacks.
- Front Yard Setbacks to be 15' to the living area, 20' to the garage measured from the edge of the driveway.
- Rear Yard Setbacks on Lots 19-31 to be 50 feet.
- Subdivision approved for Private Streets with a Privacy Gate.
- Single-Story Homes only on Lots 19-28, Block 1.
- Community to comply with Dark Sky Ordinance for all lighting.
- All ponds in the subdivision shall be prohibited from any motorized vehicles.
- Gravel extraction to create the ponds shall be limited to a maximum of 2 years.
- Lot 1, Block 1 will have a new, undulating berm installed at 6'-8' in height and will be incorporated into and matching the existing Stonebriar berms and landscaping located on the western boundary of the subdivision. Applicant shall coordinate with Staff regarding locations and heights of berms. All landscaping maintenance shall be the responsibility of the Rivermoor HOA. Stonebriar HOA to provide access for maintenance.
- Fencing shall include open rail fencing adjacent to internal open space, solid fencing between shared residential lots within Rivermoor, a six (6) foot high solid fence adjacent to Stonebriar Subdivision Lots 22-31, and a six (6) foot high wrought iron/open style fence located at the eastern toe of the berm along Lot 1, Block 1. Fencing shall be coordinate with Staff for location and style.
- Access to Stonebriar Subdivision from Rivermoor will be limited to one (1) emergency access with no other vehicle, pedestrian or animal access. Developer shall install an emergency gate that limits non-emergency vehicle, pedestrian and animal access and shall coordinate type with Staff and the Fire District.
- Other than the new emergency only access, the Developer shall abandon all existing pedestrian and vehicular easements and adjust eastern property line along Stonebriar Lane.
- Provide streetlight at the entrance to the subdivision off Joplin Road.
- Meet ACHD final report requirements as approved by the District.
- Add Condition for Fiber conduit to Development Agreement.

Conditions of Approval:

1. The approved Preliminary Plat for the Rivermoor Subdivision shall comply with all statutory requirements of applicable agencies and districts having jurisdiction in the City of Star.
2. **The applicant shall receive approval of all Floodplain applications and meet all FEMA requirements, if applicable, prior to approval of the final plat. The applicant shall also**

- submit a Permit to Develop in an Area of Special Flood Hazard to the Floodplain Manager for review and approval prior to any development work on the property.
3. **The applicant shall enter into a Development Agreement with the City, agreeing to proportionate share assessment by ITD regarding impacts to the State Highway System. ITD has calculated the fees to be \$294,168. These fees will be collected by the City of Star, by phase, prior to final plat signature. The development agreement shall be signed and recorded as part of the ordinance for annexation and zoning and shall contain the details of the fees to be collected.**
 4. **The applicant shall submit a Temporary Use application to the City for approval prior to the start of excavation of any pond. The excavation shall comply with all requirements set forth in Section 8-5-19C of the Star Unified Development Code pertaining to Accessory Pits.**
 5. The private streets shall have a minimum street width of 36' and shall otherwise be constructed to ACHD standards. The private street shall meet all requirements of the Star Fire District.
 6. **ACHD is requiring that the applicant make specific street improvements to Joplin Court and a northbound right turn lane, and a southbound left turn lane be constructed on Star Road at Joplin Road. The applicant shall meet all ACHD requirements.**
 7. **All sidewalks shall be built to code and be a minimum of five feet (5') wide.**
 8. **The Applicant/Owner shall submit a private street maintenance plan, including future funding, in compliance with Section 8-4D-3C of the UDC, with the submittal of the final plat application.**
 9. **A revised landscape plan showing all berm and fencing locations including types shall be submitted to the City with the final plat application.**
 10. Streetlights shall comply with the Star City Code and shall be of the same design throughout the entire subdivision. Streetlights shall be continuous throughout the subdivision and shall be maintained by the Homeowners Association. **Streetlights shall be installed and energized prior to issuing of building permits.** Design shall follow Code with requirements for light trespass and "Dark Skies" lighting. **Applicant/Owner shall submit a streetlight design prior to Final Plat approval. Streetlights shall comply with the Star City Code regarding light trespass and "Dark Sky" initiative. A streetlight shall be installed at the entrance to the subdivision on Joplin Road.**
 11. Street trees along the private street and landscaping along Joplin Road shall be installed per Chapter 8, including Section 8-8C-2-M(2) Street Trees.
 12. The property with the approved Preliminary Plat shall be satisfactorily weed abated, preventing a public nuisance, per Star City Code.
 13. All signed Irrigation District Agreements with the Irrigation Districts shall be provided to the City of Star with each subsequent Final Plat application.
 14. 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.

15. A plat note supporting the "Right to Farm Act" as per Idaho Code Title 22, Chapter 45, shall be shown on the Final Plat.
16. A copy of the CC&R's shall be submitted to the City of Star at Final Plat.
- 17. A 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.**
18. 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.
19. 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.
20. 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.
21. All common areas shall be owned and maintained by the Homeowners Association.
22. 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.**
23. A sign application is required for any subdivision signs.
- 24. Owner/Developer will agree to install a 2" (High Density Polyethylene) HDPE SDR-11 roll pipe in the shared utility trench to be used for future fiber optic and/or copper telecommunication cables.**
- 25. All ponds within the development shall be provided with aerators and Safety Ring Stations.**

Council Decision:

The Council voted 4-0 to approve the Annexation and Zoning, Preliminary Plat, Private Street and Development Agreement for Rivermoor Subdivision on July 20, 2021.

Dated this 4th day of August 2021.

Star, Idaho

By: _____
Trevor A. Chadwick, Mayor

ATTEST:

Jacob M. Qualls, City Clerk

4:21 PM

07/27/21

Accrual Basis

City of Star
Profit & Loss
October 2019 through September 2020

	<u>Oct '19 - Sep 20</u>
Income	
311.10d · Tax Revenue	1,409,749.97
316.00 · Franchises	202,253.68
317.00 · Rental Agreements	7,614.66
317.01 · Meeting Room Rentals	1,100.00
319.10 · Penalty and Interest	3,984.01
321.10 · Alcoholic Bev Licenses	5,193.75
321.11 · Licenses (Other)	1,397.50
322.11 · Building Inspection Fees	1,254,126.74
322.12 · ACHD Processing Fee	1,585,056.00
322.13 · Electrical Inspection Fees	180,990.22
322.14 · Plumbing Inspection Fees	154,605.18
322.15 · Mechanical Inspection Fees	172,191.03
322.16 · Development Impact Fees	975,800.00
322.17 · Fire Dept. Impact Fees	440,921.36
322.18 · SFD Process Fees	9,940.00
332.00 · Scholarships - 2019	1,600.00
335.10d · Liquor Revenue	99,727.00
335.50 · Sales Tax	42,245.90
335.60d · Revenue Sharing	748,745.82
335.70 · PP Tax Reimbursement	1,819.68
338.40d · Court Fines -2019	6,243.53
341.10 · Annexation/Zoning	154,303.00
341.11 · Land Use Bonding	1,080.00
342.00 · Animal Licensing Fees	1,678.50
343 · Impact Fee/Prop. Share	
343.40 · ID Trans. Dept Prop. Share	3,000.00
Total 343 · Impact Fee/Prop. Share	3,000.00
350.10d · Park Reservation Fees	975.00
350.11 · Recreation Program Fees	78,403.81
350.50 · Rentals	66.60
361 · General Fees	
361.10 · Interest	64,786.36
Total 361 · General Fees	64,786.36
371.11 · Checking Acct. Interest	1,600.29
379.10d · Miscellaneous Revenue - 2019	30,015.16

City of Star
Profit & Loss
October 2019 through September 2020

	<u>Oct '19 - Sep 20</u>
384 · Miscellaneous	
384.20 · COVID	13,240.41
384 · Miscellaneous - Other	-24,108.85
	<hr/>
Total 384 · Miscellaneous	-10,868.44
390d · Donations- 2019	3,000.00
	<hr/>
Total Income	7,633,346.31
	<hr/>
Gross Profit	7,633,346.31
Expense	
250 · Unemployment Compensation	1,320.00
4000 · Reconciliation Discrepancies	-0.01
411 · Executive	
411.20 · Council	1,200.00
	<hr/>
Total 411 · Executive	1,200.00
411.10d · Salaries-Council -2019	59,791.46
412 · Clerks	
412.10 · City Clerk-Treasurer	6,915.00
	<hr/>
Total 412 · Clerks	6,915.00
413 · Planning & Zoning	
413.30 · Building Clerk I	3,537.00
	<hr/>
Total 413 · Planning & Zoning	3,537.00
413.00 · Executive-Mayor	39,999.96
414 · Recreation	
414.20 · Sports - Seasonal Help	801.00
	<hr/>
Total 414 · Recreation	801.00
415 · Buildings & Grounds	
415.20 · Bldg & Grounds I	3,099.36
	<hr/>
Total 415 · Buildings & Grounds	3,099.36

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Accrual Basis

City of Star
Profit & Loss
 October 2019 through September 2020

	Oct '19 - Sep 20
415.10d · Salary-City Clerk -2019	76,065.00
415.11 · Hourly- Staff I	94,897.65
415.12 · City Planner	75,399.96
415.14 · Hourly - Temp	48,407.00
415.15 · Recreation Coordinator	52,938.96
415.16 · Sports Coordinator	46,024.31
415.17 · Pub Info-PR-Events Coordinator	32,287.00
415.18 · Maintenance Supervisor	54,287.28
415.18a · Maintenance II	31,557.12
415.18b · Maintenance Worker	32,269.14
415.20d · Mtnce - Vacation 2019	1,706.28
415.21 · FICA/Medicare	53,297.13
415.22 · Public Retirement	66,048.41
415.24 · Workmans Comp	8,862.00
415.25 · Health Ins	123,962.95
415.69 · Bank Service Chg	117.51
416 · Personnel Costs	
416.40 · Health Insurance	
416.41 · Vision Ins Company Porti...	406.82
Total 416.40 · Health Insurance	406.82
Total 416 · Personnel Costs	406.82
416.00d · Legal	77,500.00
417.00d · Student Scholarships 2019	8,910.00
418.20d · Civic Promotion & Dev-fund r...	5,535.57
418.21 · Hometown Expense	20,419.50
419.31d · Supplies 2019	20,011.89
419.32 · Resource Material	3,090.29
419.33 · Postal Services/supplies	1,922.36
419.40d · Insurance - 2019	-5,404.50
419.42 · Professional Services	105,063.82
419.44d · Subscriptions & Fees2019	12,846.90
419.46 · Advertisement & Publ	7,423.20
419.47 · Travel and Per Diem	275.00
419.48d · Professional Dues 2018	36,109.79
419.49 · Training	2,332.67
419.50d · Committees 2019	73.95
419.51 · Telephone	37,901.40
419.52d · Utilities - 2019	37,097.58
419.53d · Signs 2019	2,427.85

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Accrual Basis

City of Star
Profit & Loss
 October 2019 through September 2020

	Oct '19 - Sep 20
419.54 · ACHD Impact Fee	1,567,046.00
419.56 · Star Fire Impact Fees	437,311.10
419.60 · Maintenance & Rep	82,700.09
419.61 · Maintenance & Repair - Building	47,067.29
419.69d · Miscellaneous - 2019	5,422.01
424.20d · Building Inspector 2019	367,667.27
424.40 · Electrical Inspector	108,197.72
424.50d · Plumbing Inspector2019	93,797.11
424.60 · Mechanical Inspector	105,831.52
430 · Utilities	
430.10 · Telephone	304.38
Total 430 · Utilities	304.38
431.81 · Street Lights-Mtn & Repair	4,277.00
432.00d · Recreation Program2019	
432.10s · Instructors 2019	13,442.20
432.12s · Uniforms 2019	21,265.10
432.14 · Equipment	6,422.62
432.16 · Referees	10,420.85
432.18 · Fields-Restrooms	3,140.79
432.20d · Refunds 2019	4,648.75
432.22 · Promotional Materials	982.99
432.40d · Sales & Use Tax2019	5,087.76
Total 432.00d · Recreation Program2019	65,411.06
438.20 · Parks-dev/mtnc	0.00
438.21d · Plans 2019	370,735.70
440.00d · Animal Control 2019	16,800.00
450.50 · Police	1,026,292.03
470.72 · Capital Expenditure-buildings	23,120.07
470.73 · Capital Exp-Community	8,015.67
470.74 · Capital Expenditure-equip	82,661.00
700 · Bad Debt Expense	8,707.74
Total Expense	5,710,100.32
Net Income	1,923,245.99



CITY OF STAR

LAND USE STAFF REPORT

TO: Mayor & Council

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

MEETING DATE: August 3, 2021 Reconsideration Request

FILE(S) #: **RZ-21-02 Rezone**
DA-21-04 Development Agreement
PP-21-05 Preliminary Plat for Cranefield Subdivision
PR-21-04 Private Streets

OWNER/APPLICANT/REPRESENTATIVE

Property Owner:

Star Springs L.P.
Michael Marks
512 Via De La Valle #300
Solana Beach, CA 92075

Applicant

Williams Homes
Mike Badner
21080 Centre Pointe Pkwy
Santa Clara, CA 91350

Representative:

Dave Yorgason
Tall Timber Consulting
14254 W. Battenberg Drive
Boise, ID 83713

REQUEST SUMMARY

Request: The City of Star has received a request for reconsideration of the Council decision approving the Cranefield Subdivision from Patrick J. Galloway (Petitioner), representing the Pinewood Lakes Community Association, Inc. (Association). A copy of the request is included as an attachment to this memo. Included in the request by the Association is a challenge to the approval decision, citing the failure to require proper ingress and egress to and from the Subdivision, the failure to make adequate plans for traffic impacts, and the failure to require an easement area as a buffer between the Subdivision and the Pinewood Lakes Community. The Petitioner has also indicated specific deficiencies in the adopted Findings of Fact, Conclusions of Law

STAFF COMMENTS AND RECOMMENDATION

City Planning Staff has worked with Special Legal Counsel for the City in reviewing the request for reconsideration. Regarding the traffic related issues brought up by the petitioner, it is Staff's conclusion that the ACHD report for this development was included as part of the Staff Report and is part of the administrative record. Included within the ACHD report is the traffic impact study submitted by the applicant and accepted by ACHD. ACHD included Site Specific Conditions of Approval that address the traffic impacts and mitigation required. Regarding failure to require an easement area as a buffer between the two subdivisions, Council considered this issue during the public hearing and rendered its decision, including specific conditions of approval addressing transitional mitigation required by the developer.

Staff does believe that the Petitioner has raised a valid argument regarding deficiencies in the content within the Findings of Fact as they specifically relate to Section 8-1B-1C and 8-6A-7 of the Unified Development Code for Annexations & Rezones and Preliminary Plats. Specific Findings and Conclusions to each Section referenced above should have been included as part of the adopted Findings.

Therefore, it is the recommendation from Staff that the Council **grant the request for reconsideration** and make additions to the Findings of Fact that address the specific claims made by the petitioner regarding Sections 8-1B-1C and 8-6A-7, including but not limited to incorporating the staff report into the official decision and the Findings of Fact, Conclusions of Law. Staff recommends that these Findings be brought back to Council on August 17, 2021 for approval.

If Council is concerned with this recommendation, the other alternatives recommended by Staff would be to:



- Deny outright the request for reconsideration;
- Postpone the decision on request for reconsideration and consult further with the Special Legal Counsel in Executive Session on August 17, 2021.

July 28, 2021

To: Mayor Chadwick and Star City Council Members

From: The City of Star Mid-Star CIP Impact Fee Committee

RECEIVED
JUL 28 2021
BY: 

- Michael Keyes 
- Shawn Nickel 
- John Tensen 
- Jon Turnipseed 
- Chris Todd 

Dear Mayor and Members of the Star City Council,

On July 27, 2021, the Mid-Star CIP Impact Fee Committee met and reviewed the Canyon Highway District No. 4 Mid-Star Service Area Capital Improvements Plan dated May 7, 2021 and the Canyon Highway District No. 4 Traffic Impact Fee Program dated May 7, 2021. Having reviewed and discussed these documents, the Committee makes the following comments according to the duties described in Idaho Code.

General Comments:

1. The formulas used for calculating the development impact fees appear to meet the requirements of Idaho Code.
2. The development impact fees appear to be calculated on the basis of existing levels of service and do not appear to exceed a proportionate share of the cost of system improvements.
3. The need for expansion and improvement of the City of Star transportation system in Canyon County is necessary to maintain existing levels of service and it is fair for new development to pay its share of fees necessary to maintain existing levels of service.
4. The committee believes for the orderly development of the City of Star, it is appropriate to adopt the impact fees as recommended in the study and to adopt the Capital Improvement Plan in its Comprehensive Plan.

Capital Improvement Plan Comments:

1. Kingsbury Road Extension- The committee strongly recommends that future updates to this plan include the southerly extension of Kingsbury Road from Hwy 44 across the Boise River to Hwy 20/26 and Franklin Road. In the meantime, the committee strongly recommends the Canyon Highway District No. 4 (CHH4) pursue having this extension included in regional transportation plans and to coordinate with ITD to facilitate this improvement being funded. As stated in the report, Hwy 44 is highly congested especially thru the City of Star. The committee believes a majority of this traffic is generated from within the boundaries of CDH4. There are few options to mitigate Hwy 44 traffic thru Star however the committee believes this extension will help mitigate Hwy 44 traffic by providing an alternative route around Star and an easier connection to I-84 at the Franklin Road interchange without going thru Star. In addition, this extension will drastically reduce emergency services response times for residents on both sides of the river as there currently there is a 6 mile gap between bridges. The committee strongly believes new residents should share in this cost as soon as possible.

2. The City of Star is on the edge of both CDH4 and the Ada County Highway District (ACHD) with the main east west route being Hwy 44 under the jurisdiction of ITD. East west traffic flow thru Star is highly congested and will only get worse with growth. The committee strongly recommends CDH4, ACHD, and ITD work together with COMPASS to develop a regional coordinated plan to mitigate the traffic congestion thru Star and to include these projects in the Impact Fee CIP Plan.

Impact Fee Comments:

1. The City of Star is within both the ACHD and the CDH4. The CDH4 impact fees are significantly higher than ACHD. The committee understands it is difficult to fully compare the fees between the two agencies as the traffic needs, population, land use and densities are significantly different. The committee does however recommend continually reviewing and comparing the two agency fees to make sure the differences are justified and defensible.
2. The committee is concerned with how the impact fees will affect affordable housing and recommends the City and CDH4 evaluate whether any fees could be adjusted to help with affordable housing.
3. The committee recommends the City continually monitor the program to make sure fees collected within the City of Star jurisdiction are being used for the benefit of the City of Star transportation needs.