



STAR CITY COUNCIL REGULAR MEETING AGENDA

City Hall - 10769 W State Street, Star, Idaho

Tuesday, March 2, 2021

7:00 pm

1. CALL TO ORDER – Welcome/Pledge of Allegiance

2. INVOCATION – Joe Carson, Interfaith Group

3. ROLL CALL

4. APPROVAL OF AGENDA – Approval of Agenda as it stands/Amend Agenda Action Item

5. CONSENT AGENDA Action Items

**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. Regular Meeting Minutes of February 16, 2021

B. Claims Against the City for February 2021

6. INTRODUCTION AND APPOINTMENT OF CITY CLERK/TREASURER Action Item

Per Idaho Code 50-204

7. PRESENTATION – Parks, Art, and Beautification

2021 1st Quarter Service Award

8. OLD/NEW BUSINESS Action Items

A. Public Hearing: Paint Point Subdivision (RZ-20-11/DA-20-26/PP-20-16/PR-20-06) Continued from February 2, 2021.

B. Public Hearing: Welton Estates Subdivision Preliminary Plat & Private Street (PP-21-01/PR-21-01)

C. Ordinance No. 327 Norterra Subdivision Annexation

9. REPORTS

10. ADJOURNMENT Action Item

Limited seating is available at the City Council Meeting at City Hall due to COVID-19. The meeting can be viewed via a link posted to the City of Star website at staridaho.org. This link will be posted by Tuesday, March 2, 2021. Information on how to participate in a public hearing remotely will be posted to staridaho.org under the March 2nd meeting information. The public is always welcomed to submit comments in writing.



CITY OF STAR

LAND USE STAFF REPORT MEMO

TO: Mayor & Council

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

MEETING DATE: **March 2, 2021** – PUBLIC HEARING

FILE(S) #: **RZ-20-11 Rezone**
DA-20-26 Development Agreement
PP-20-16 Preliminary Plat for Paint Point Subdivision
PR-20-06 Private Street

OWNER/APPLICANT/REPRESENTATIVE

Property Owner:

Plantation Construction & Management LLC
Richard Williams
53 Teressa Ave
Foothill Ranch, CA 92610

Applicant/ Representative:

Derritt Kerner
Rock Solid Civil
270 N. 27th Street, Suite 100
Boise, Idaho 83702

UPDATE

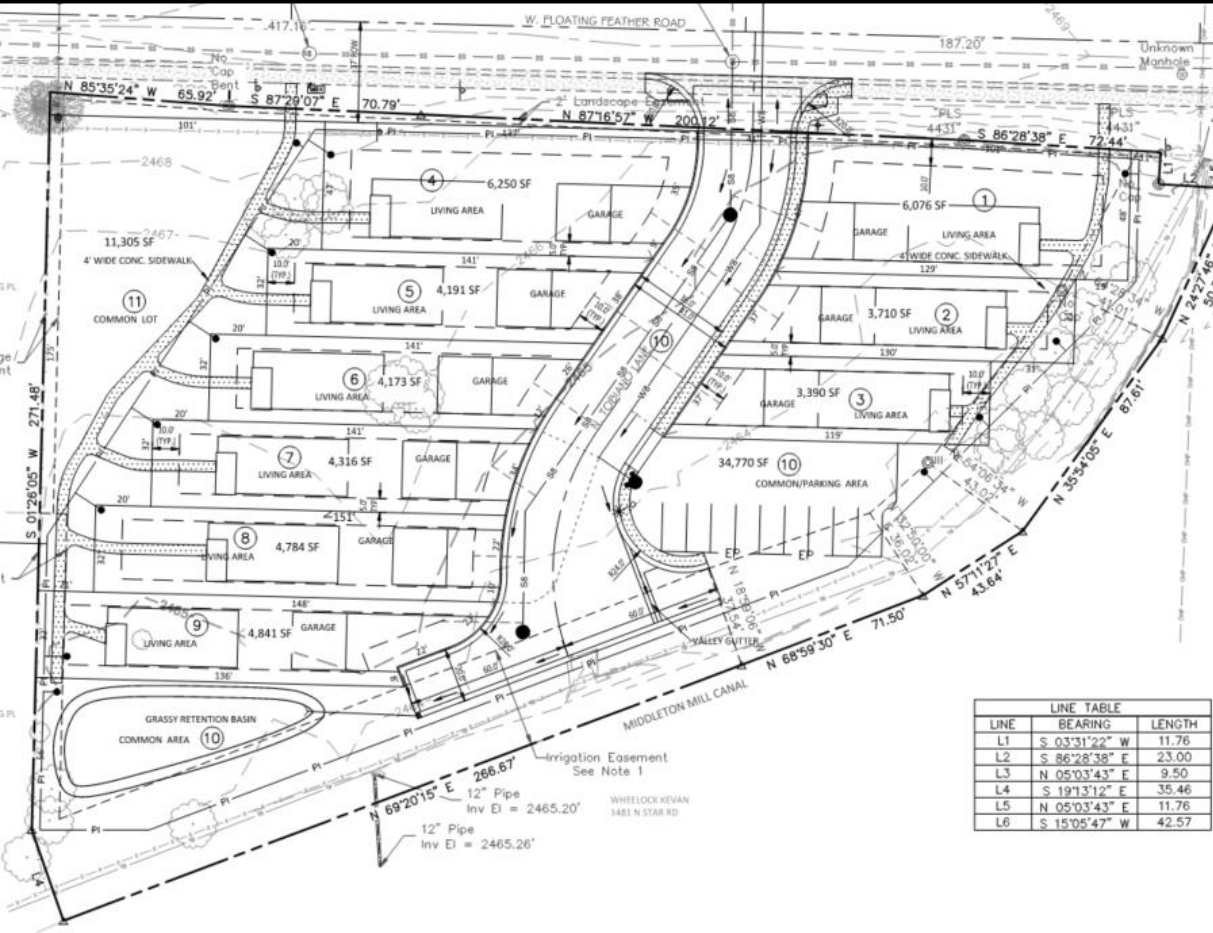
This application was originally heard by Council on January 5, 2021. At the first meeting, Council tabled the application and directed the applicant to address density, zoning, walkways, private street width, parking and questions on the CC&R's. The applicant met with neighbors and the applicant submitted a revised preliminary plat for the February 2, 2021 hearing. The changes included widening the private street to 36' width, adding additional parking area, and extending portions of pathways. The applicant also provided Staff with a copy of the recorded CC&R's for the Fenix Ranchettes Estates Subdivision. **After considering the additional information provided by the applicant at the February 2, 2021 hearing, the Council again tabled the application and advised the applicant to again look at the density and address the**

compatibility of the proposed development to the neighboring properties. The applicant has once again revised the preliminary plat, removing 2 lots and providing for a density of 3.43 dwelling units per acre (the original preliminary plat had 4.41 du/acre). Staff has again reviewed the updated plat for compliance with the Comprehensive Plan and Unified Development Code and finds that it meets the requirements and is therefore in support of the submitted revisions.

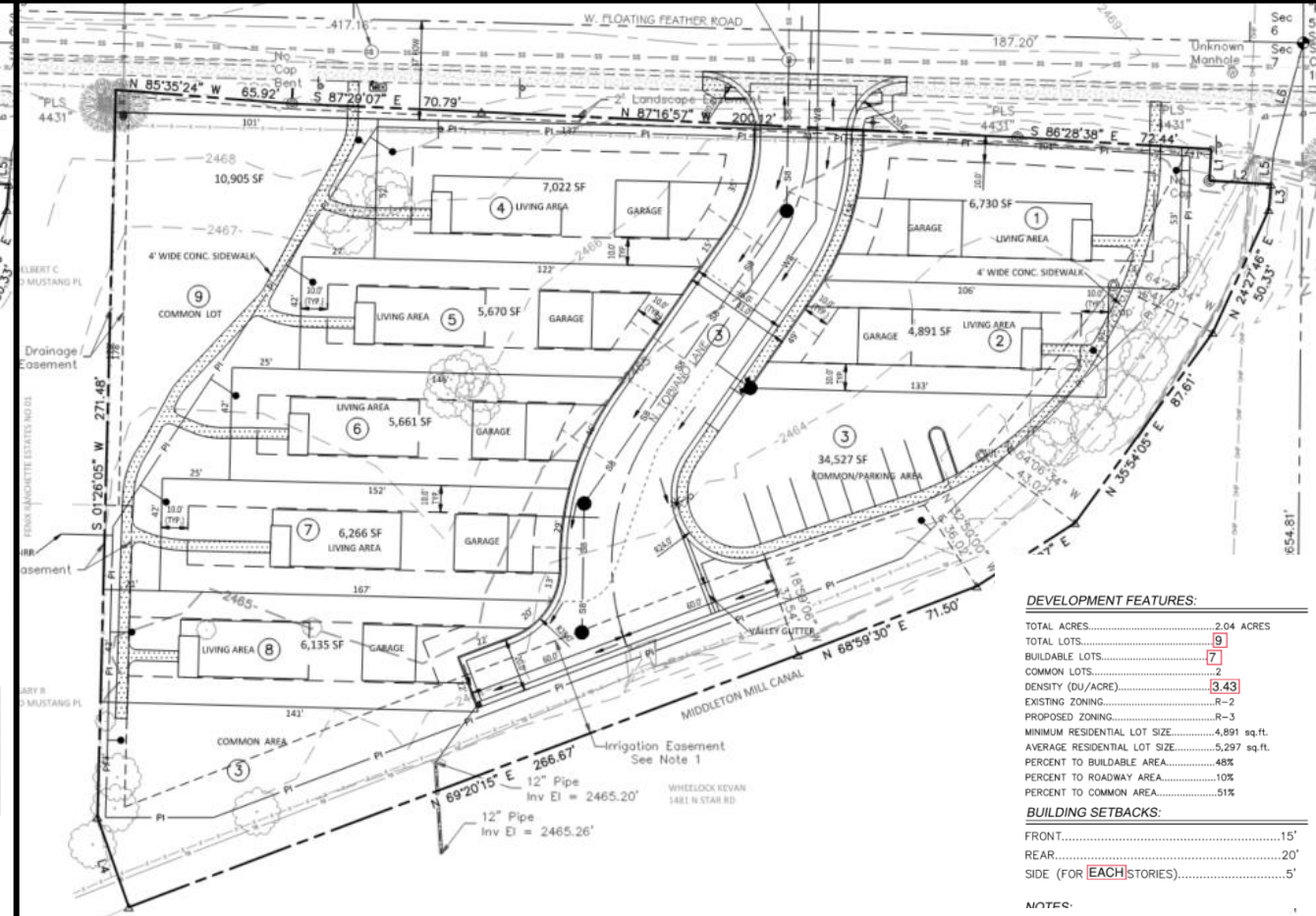
This updated report includes:

1. Revised Preliminary Plat with Original Plat Comparison

PREVIOUS PRELIMINARY PLAT 2-2-21



REVISED PRELIMINARY PLAT 3-2-21

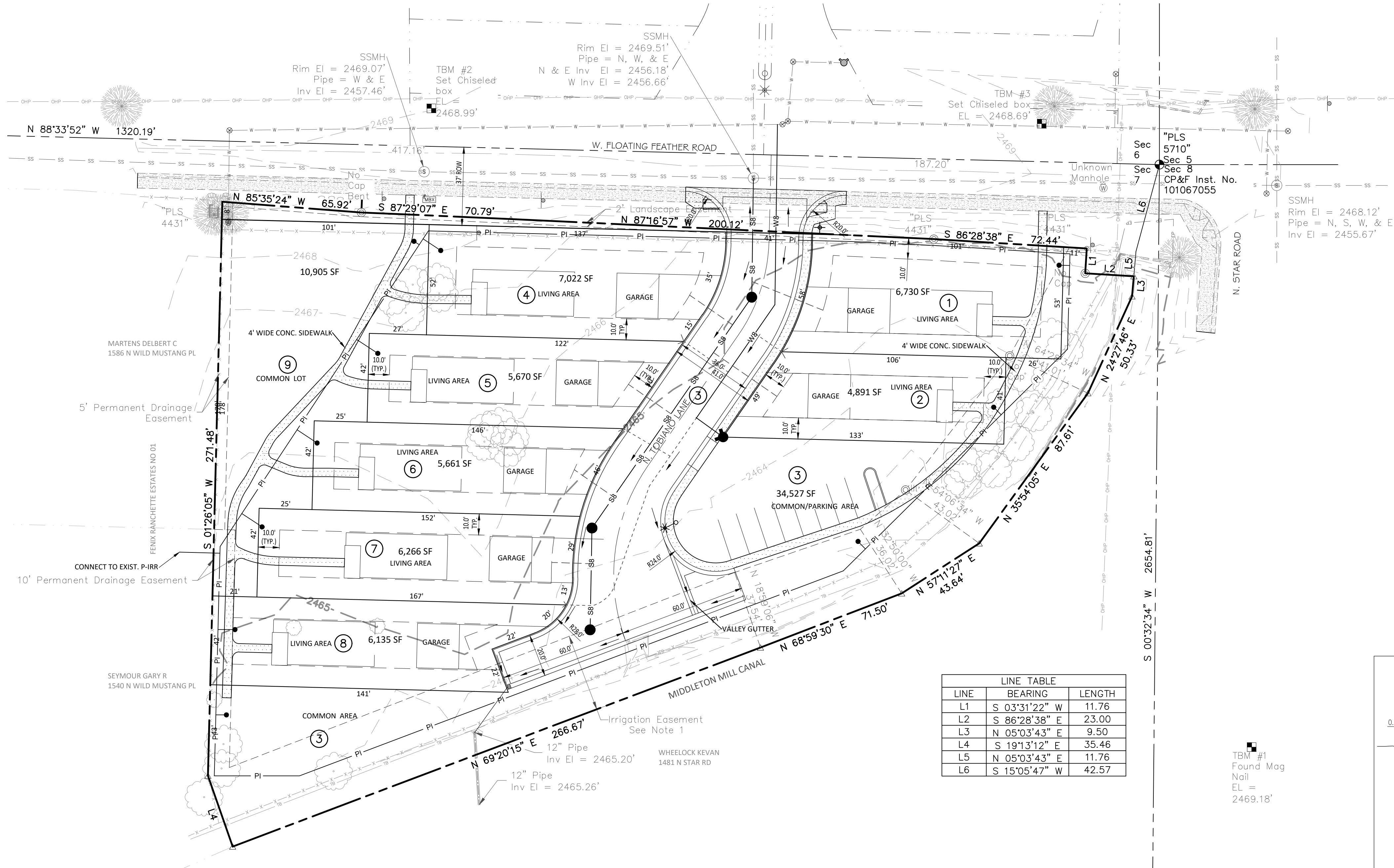


PRELIMINARY PLAT FOR
PAIN *POINT* SUBDIVISION

A PORTION OF THE NE 1/4, OF THE NE 1/4 OF SECTION 7,
T.4N., R.1W., B.M., CITY OF STAR, ADA COUNTY, IDAHO
2021

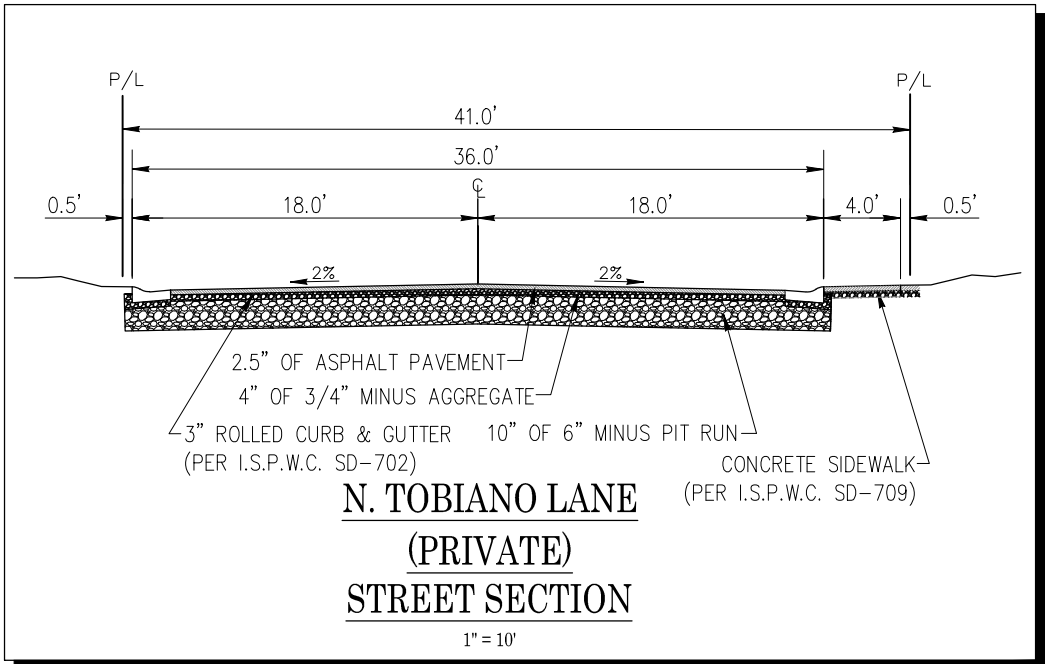


VICINITY MAP
1"= 600'

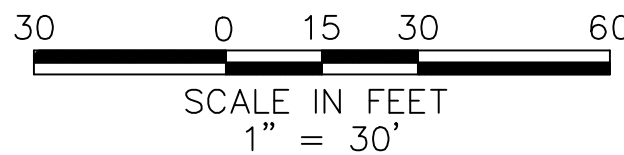


GENERAL LEGEND	
[Symbol]	BOUNDARY LINE
[Symbol]	LOT LINE
[Symbol]	CENTERLINE
[Symbol]	EASEMENT LINE
[Symbol]	8" SANITARY SEWER
[Symbol]	4" WATER MAIN
[Symbol]	PRESSURE IRRIGATION
[Symbol]	WATER SERVICE
[Symbol]	SEWER SERVICE
[Symbol]	ROLLED CURB & GUTTER
[Symbol]	LOT NUMBER
[Symbol]	SEWER MANHOLE
[Symbol]	P-IRR SERVICE
[Symbol]	STREET LIGHT
[Symbol]	STREET SIGN
[Symbol]	SECTION LINE
[Symbol]	EXISTING PROPERTY LINE
[Symbol]	EXISTING EASEMENT LINE
[Symbol]	EXISTING SEWER LINE
[Symbol]	EXISTING WATER LINE
[Symbol]	EXISTING OVERHEAD POWER
[Symbol]	EXISTING FENCE
[Symbol]	EXISTING TOP BANK OF DITCH
[Symbol]	EXISTING TOP BANK OF DITCH
[Symbol]	EXISTING GROUND CONTOUR
[Symbol]	EXISTING FIRE HYDRANT
[Symbol]	STREET SIGN
[Symbol]	EXISTING STREET LIGHT
[Symbol]	PROPERTY CORNER PIN
[Symbol]	TEMPORARY BENCH MARK
[Symbol]	EXISTING TREE

LINE TABLE		
LINE	BEARING	LENGTH
L1	S 03°31'22" W	11.76
L2	S 86°28'38" E	23.00
L3	N 05°03'43" E	9.50
L4	S 19°13'12" E	35.46
L5	N 05°03'43" E	11.76
L6	S 15°05'47" W	42.57



UTILITY REPRESENTATIVES		
UTILITY	REPRESENTATIVE	PHONE
GAS	INTERMOUNTAIN GAS	(208) 377-6839
ELECTRICITY	IDAHO POWER	(208) 388-6320
TELEPHONE	CENTURY LINK	(208) 385-2144
CABLE	SPARKLIGHT	(208) 375-8288
SEWER	STAR SEWER & WATER DISTRICT	(208) 286-7388
WATER	STAR SEWER & WATER DISTRICT	(208) 286-7388
ROADS	ADA COUNTY HIGHWAY DISTRICT	(208) 454-8135
IRRIGATION	MIDDLETON MILL DITCH COMPANY	(208) 571-3804
FIRE	STAR FIRE DISTRICT	(208) 286-7772



811 CALL BEFORE YOU DIG!
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CALL DIGLINE INC.
PRIOR TO COMMENCING
UNDERGROUND WORK
208-342-1585

LAND DEVELOPER
RICK WILLIAMS
PLANTATION CONSTRUCTION & MANAGEMENT LLC
53 TESSERA AVE.
FOOTHILLS RANCH, CA 92610
(208) 514-8246

CIVIL ENGINEER
JIM E. COSLETT, P.E.
ROCK SOLID CIVIL LLC
4270 E. AMITY AVE.
BOISE, ID 83702
(208) 342-3277

LAND SURVEYOR
RICHARD GRAY, P.L.S.
COMPASS LAND SURVEYING LLC
270 N. 27th ST. SUITE 100
NAMPA, ID 83687
(208) 442-0115

DEVELOPMENT FEATURES:	
TOTAL ACRES.....	2.04 ACRES
TOTAL LOTS.....	9
BUILDABLE LOTS.....	7
COMMON LOTS.....	2
DENSITY (DU/ACRE).....	3.43
EXISTING ZONING.....	R-2
PROPOSED ZONING.....	R-3
MINIMUM RESIDENTIAL LOT SIZE.....	4,891 sq.ft.
AVERAGE RESIDENTIAL LOT SIZE.....	5,297 sq.ft.
PERCENT TO BUILDABLE AREA.....	48%
PERCENT TO ROADWAY AREA.....	10%
PERCENT TO COMMON AREA.....	51%
BUILDING SETBACKS:	
FRONT.....	15'
REAR.....	20'
SIDE (FOR EACH STORY).....	5'

- NOTES:**
- THIS SUBDIVISION IS SUBJECT TO COMPLIANCE WITH THE IDAHO CODE SECTION 31-3805 CONCERNING IRRIGATION WATER.
 - PROJECT SITE IS NOT LOCATED INSIDE THE 100 YEAR FLOODPLAIN PER ANNOTATED FIRM 16001C0130H.
 - ALL LOTS ARE TO BE DESIGNATED SINGLE FAMILY RESIDENTIAL EXCEPT LOT 3 & 9 OF BLOCK 1 WHICH ARE COMMON LOTS TO BE MAINTAINED BY THE HOA. LOT 3 CONTAINS A BLANKET CROSS EASEMENT, PUBLIC UTILITY, IRRIGATION, & DRAINAGE EASEMENT.
 - LOTS 1-3, BLOCK 1 ARE ENCUMBERED BY IRRIGATION EASEMENTS IN FAVOR OF THE IN FAVOR OF THE MIDDLETON MILL DITCH COMPANY/MIDDLETON IRRIGATION ASSOCIATION, INC.
 - A PUBLIC UTILITY, IRRIGATION & DRAINAGE EASEMENT SHALL BE PROVIDED AS FOLLOWS:
 - 10' FRONT, REAR & SIDE LOTS 1-2 & 4-8
 - 10' SUBDIVISION BOUNDARY
 - CONSTRUCTION PLANS FOR A SUBDIVISION-WIDE PRESSURE IRRIGATION SYSTEM WILL BE REQUIRED FOR EACH FINAL PLAT. PLAN APPROVALS AND LICENSE AGREEMENTS FROM THE AFFECTED IRRIGATION AND/OR CANAL COMPANIES WILL BE REQUIRED.
 - HISTORIC IRRIGATION LATERAL, DRAIN, AND DITCH FLOW PATTERNS SHALL BE MAINTAINED UNLESS APPROVED IN WRITING BY THE LOCAL IRRIGATION DISTRICT OR DITCH COMPANY.
 - FINISH GRADES AT SUBDIVISION BOUNDARY SHALL MATCH EXISTING FINISH GRADES. RUNOFF SHALL BE MAINTAINED ON SUBDIVISION PROPERTY UNLESS OTHERWISE APPROVED.
 - LANDSCAPE PLANS INCLUDING FENCING, BUFFER AREAS, AND STREET TREES WILL HAVE TO CONFORM TO THE CITY SUBDIVISION ORDINANCE.

Revisions	
Date	Description
1	
2	
3	
4	

ROCK SOLID CIVIL
Civil Engineering and Land Development Consulting
270 North 27th Street, Suite 100
Boise, ID 83702
www.rocksolidcivil.com

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PAINT POINT SUBDIVISION
11275 W. FLOATING FEATHER ROAD
PRELIMINARY PLAT/CONCEPT ENGINEERING PLAN

Stamp: PROFESSIONAL ENGINEER, REGISTERED, 10692, JIM E. COSLETT

Project No. RSC 20-79
Drawn By: RLC
Date: 19 February 2021
Sheet No. PP1
1 of 2

Attention: City Council Members

2/21/2021

C/O Shawn Nickel, Planning Director

RE: Paint Point Subdivision (RZ-20-11/DA-20-26/PP-20-16/PR-20-06)

I am writing in opposition to the above referenced proposed project for the following reasons:

1. It is doubtful that the statutory sign posting requirements were met. The sign is currently propped up sideways facing the rear of the property behind a briar patch after having presumably been blown down in strong winds who knows when. In order to assure that the public has been properly noticed for the project the applicant should be required to repost the project.
2. The Star Municipal Code specifically discourages private roads in Star. Article D, 8-4D-1:

“It is not the intent to approve private streets for single family, duplex and/or townhouse developments in higher density residential developments (R-2 or higher, M-U) unless they are part of a planned unit development or development agreement, where creative design elements including, but not limited to, mixed uses, common area news, live/work concepts and/or distinctive open spaces are designed within the development. “

In addition, the proposed project does not meet the minimum ACHD chapter 7207.5 code requirements for intersection spacing and road width. The City should not make exceptions for sub standard road proposals. At this location a variance from City standards will be a safety liability and is inconsistent with the comprehensive plan and Zoning Code. This project does not meet the statutory requirements for an exception. Comprehensive plan section 12.5.1(E):

“Encourage roadway design standards and roadway classifications that are consistent with ACHD and other agencies that may be responsible for roadway planning and design”.

The required findings for private streets, Star Code 8-4D-4 include:

“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 the use and location of the private street shall not conflict with the comprehensive plans and/or the regional transportation plan.”

Additionally, the requirement for granting an exception to the ACHD design standards (7205.4.7) includes finding that:

“A parcel of real property proposed for development that is so unusual in size, shape, location and/or physical condition that strict enforcement of one or more of the access standards contained in sections 7100 and 7200 of this policy manual would result in extraordinary economic and design hardships and practical difficulties, *as distinguished from a mere inconvenience*” (emphasis added)

3. The photos the applicant provided of “similar” projects is misleading. The photos show images of the front of homes taken from a public street. The proposed project shows the front of the homes on walkways with only the garage doors facing the street. A wall of garage doors from the street is not aesthetically appropriate for Star and is inconsistent with the comprehensive plan. Comprehensive plan objectives, 16.4 and 16.5:

“The city should set forth criteria for building design, landscaping, signage and other aesthetic standards”

“Encourage the development of an aesthetically pleasing community”

“Develop buffer areas to separate incompatible land uses”

“Develop guidelines for development adjacent to larger lots”

“New residential developments are required to meet minimum design standards as specified by city ordinances”

“Development should satisfy community design standards”

Comprehensive Plan 8.4(G):

“Encourage land uses that are in harmony with existing resources, scenic areas, natural wildlife areas, *and surrounding land uses.*” (Emphasis added)

4. An increase in density will create an undue burden on the existing road infrastructure. The Star comprehensive plan projects future level of service for Star Road and Plummer Road to be “F” (Star comp plan traffic analysis attachment page 15) which is described as “very low speeds, long delays, volumes exceed capacity with stop and go traffic”. And that was using neighborhood residential densities of just 3 units/acre. (Star comp plan traffic analysis page 3).

It does not make public policy sense to increase density where a few blocks away residential density was reduced as an effort to mitigate future road congestion (as shown on the 3/22/2019 land use maps, Comp plan traffic analysis page 7)

5. The density of this project is out of scale for the surrounding community (see attached map). Just because the property is designated R5 on the comp plan doesn't mean squeezing in the maximum density is practical. Creating an island of R5 zoning surrounded by R2 could be considered "spot zoning" which has long been held to be illegal in Idaho. If approved, this project may be the poster child for establishing minimum lot dimensions for each zoning designation. The proposed product will have a negative effect on property values. They are substandard size homes on substandard lots on a substandard road. Approving this project will set a precedent that will be difficult to reverse, inviting a flood of high density infill in inappropriate locations.

A rezone application is discretionary. Per the City comprehensive plan page 42, 8.2:

"It is important to remember that the comprehensive plan is just that, a plan. Unlike ordinances, which it subservient to, it is intended to be flexible and responsive to the communities' changing conditions."

In addition,

"It has long been held in Idaho that a Comprehensive Plan is a "guide". It has also been litigated in Idaho that the Land Use Map is only one considered when rendering a decision, not just the Land Use Map. The Land Use Map is not required to "mirror "zoning designations... It is the sole discretion of the City Council to determine the best zoning using the Comprehensive Plan as a guide"

We request the City Council deny the rezone request. **R5 zoning is incompatible with the surrounding area and would be materially detrimental to the public health, safety and welfare.** We would encourage the Council to consider a lower density project on this site.

Respectfully

Deanna Johnson

1345 N. Glen Aspen Ave.

Star, Idaho



Map Scale: 3,535.78

0.06 Miles



CITY OF STAR

LAND USE STAFF REPORT

TO: Mayor & Council

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

MEETING DATE: March 2, 2021 – PUBLIC HEARING

FILE(S) #: PP-21-01 Preliminary Plat for Welton Estates Subdivision
PR-21-01 Private Street

OWNER/APPLICANT/REPRESENTATIVE

Property Owner/Applicant:

Stuart and Raeleen Welton
P.O. Box 689
Star, Idaho 83669

Representative:

Jim Coslett & Keith Bowhan
Rock Solid Civil
270 N. 27th Street, Suite 100
Boise, Idaho 83702

REQUEST

Request: The Applicant is seeking approval of a Preliminary Plat for a proposed residential subdivision consisting of 9 residential lots and 4 common lots, and a Private Street. The property consists of 9.26 acres with a proposed density of .97 dwelling units per acre.

PROPERTY INFORMATION

Property Location: The subject property is generally located west of the intersection of W. Floating Feather Road and N. Pollard Lane. Ada County Parcel No. S0404336100.

Surrounding Land Use/Designations:

	Zoning Designation	Comp Plan Designation	Land Use
Existing	R-3	Neighborhood Residential	Single Family Dwelling/Pasture
Proposed	R-3	Neighborhood Residential	Residential Subdivision
North of site	R-3	Existing Public Use/Neighborhood Residential	Star Middle School; Single Family Residential Subdivision (Iron Mountain Ridge)
South of site	R-3	Proposed Public Use	Vacant-Future Star Cemetery
East of site	RUT – Ada County	Existing Public Use	Existing Star Cemetery
West of site	RUT – Ada County	Neighborhood Residential	Single Family Dwelling-Agricultural/Vacant

Existing Site Characteristics: The property currently has one (1) single family dwelling with several out-parcels and a riding arena, with the remaining property used as pasture.

Irrigation/Drainage District(s): Foothill Ditch Company; Middleton Mill Ditch Co-Middleton Irrigation Association Inc

Flood Zone: This portion of the property is in Flood Zone X, area of minimal flood hazard (there is floodplain located on the out parcel in the southwest corner of the overall property that is not within this current preliminary plat)

Special On-Site Features:

- ✧ Areas of Critical Environmental Concern – No known areas.
- ✧ Evidence of Erosion – No evidence.
- ✧ Fish Habitat – No known areas.
- ✧ Floodplain – Property is not in a Special Flood Hazard area.
- ✧ Mature Trees – Along existing private street and near existing dwelling.
- ✧ Riparian Vegetation – None.
- ✧ Steep Slopes – None.
- ✧ Stream/Creek – None. Existing irrigation ditches on south boundary of property.
- ✧ Unique Animal Life – No unique animal life has been identified.
- ✧ Unique Plant Life – No unique plant life has been identified.
- ✧ Unstable Soils – No known issues.
- ✧ Historical Assets – No historical assets have been observed.
- ✧ Wildlife Habitat – No known sensitive wildlife habitat will be destroyed.

APPLICATION REQUIREMENTS

Pre-Application Meeting Held	June 9, 2020 & December 9, 2020
Neighborhood Meeting Held	November 5, 2020
Application Submitted & Fees Paid	January 21, 2021
Application Accepted	January 21, 2021
Residents within 300' Notified	January 21, 2021
Agencies Notified	January 21, 2021
Legal Notice Published	January 25, 2021
Property Posted	February 17, 2021

HISTORY

May 7, 2019	Council voted 3-1 to uphold the previous decision and deny a request for reconsideration of the April 16, 2019 decision to deny the application.
April 16, 2019	An application for Rezone (RZ-19-02), Development Agreement (DA-19-01) & Conditional Use Permit (CU-19-03) for an RV Resort was heard by City Council. The Council voted 3-1 to deny the applicants request.
November 20, 2018	An application for Comprehensive Plan Amendment (CPA-18-07) to Mixed Use, Rezone to Mixed Use (RZ-18-05) and Conditional Use Permit (CU-18-04) for the RV Resort was heard by City Council. After a 1-1 tie vote, the application received no action.
May 15, 2007	The property was annexed and zoned Residential (R3) as part of the Alamo Creek Subdivision by the Mac Land Company.
February 20, 2007	An application for Annexation, Zoning of Residential (R4) with a Comprehensive Plan Map Amendment was denied by Council.

CODE DEFINITIONS / COMPREHENSIVE PLAN

UNIFIED DEVELOPMENT CODE (UDC):

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

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

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

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

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

Notes:

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

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.

COMPREHENSIVE PLAN:

8.2.3 Land Use Map Designations:

Neighborhood Residential

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

8.3 Goal:

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

8.4 Objectives:

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

8.5.3 Policies Related Mostly to the Urban Residential Planning Areas:

- A. The Neighborhood Residential Land Use is to encourage urban style development densities to limit urban sprawl.
- B. Low densities within the Neighborhood Residential Land Use are to be designed within the floodplain, ridgeline developable areas, hillside developable areas and where new residential lots are proposed adjacent to existing residential lots of one acre and larger where those existing larger lots are not likely to be subdivided in the future.

8.5.9 Additional Land Use Component Policies:

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

PROJECT OVERVIEW

PRELIMINARY PLAT & PRIVATE STREET:

The Preliminary Plat, as revised from the original submittal contains 9 single family residential lots and 4 common area lots. The lots will have access and frontage from a private street. The private street (W. Broken Arrow Lane) is an existing, approved private street that will be extended to access all lots within the proposed subdivision. The residential lots will average to about .84 acres each in size. The overall density of the development will be .97 dwelling units per acre. Section 8-4E-2 of the UDC allows developments with densities of less than 1 dwelling unit per acre to request reduction in the total required open space and amenities to the Council. The applicant has requested a waiver of all open space and amenity requirements for the subdivision. The applicant will be required to meet the street tree requirements along the private street. A 6 ft. common lot is proposed along the western boundary of the subdivision that will be dedicated to the City for a future public pathway that will eventually connect

Floating Feather Road with the Middle School for student access. The subdivision will provide a pathway connection on the south side of Lot 6 to provide connection to this future pathway.

The private street will be built to ACHD, City of Star and Star Fire District standards. The submitted preliminary plat is showing a 24 ft street width along the eastern segment of the property adjacent to the Star Cemetery where the property width is narrow, widening to a 26 ft street width through the remainder of the development. The Fire District has reviewed the development and approves this width below the 36 ft width requirement in Section 8-6B-2 of the UDC. Fire lane signage shall be required by the District to maintain property emergency access. As allowed for in Section 8-4D-3B(5) of the UDC, the applicant is requesting a waiver of sidewalks within the development. A private street maintenance plan, including proposed funding, shall also be required by Staff prior to final plat signature. Street name approval must be obtained by the Ada County Street Naming Committee prior to signature of the final plat. Staff suggests a streetlight be placed at the intersection of the Private Road and Pollard Road and also at the end of the cul-de-sac to provide safety and emergency personnel navigation and security lighting to the pathway connection to the future school pathway.

The outparcel in the southwest corner of the applicant's property has been left out of the initial preliminary plat application in order for the owners to complete their flood study of the portion of the property that is within a special flood hazard area (undetermined Zone A). To remove this corner of the property, a condition will be placed on the approval of this preliminary plat requiring the applicant to receive approval of a Property Division application from the City. Once the flood hazard area study is completed, the applicant intends to submit a revised preliminary plat application to bring the remaining property into the overall subdivision. Staff will include additional conditions of approval into this development application to address this process. Staff recommends that the Council include a condition of approval requiring a 6 ft. easement along the western boundary of this outparcel be dedicated to the City as part of this initial preliminary plat in order to preserve the future school pathway in the event that the applicant does not move forward with the revision to the approved preliminary plat.

AGENCY RESPONSES

Central District Health	January 28, 2021
DEQ	January 29, 2021
ACHD	February 10, 2021
Keller Associates	Pending
Middleton Mill/Middleton Irrigation Assoc	January 22, 2021
ITD	Pending
Star Fire District	February 23, 2021

PUBLIC RESPONSES

No public responses received as of the date of this Staff Report.

STAFF RECOMMENDATION

Based upon the information provided to staff in the applications and agency comments received to date, the proposed preliminary plat and private street, as conditioned, meets the requirements, standards and intent for development as they relate to the Comprehensive Plan and Unified Development Code. The proposed density of less than 1 dwelling unit per acre, while less dense than the range of 3-5 dwelling units per acre allowed in the Neighborhood Residential Comprehensive Plan Land Use Map, is still supported by other sections of the Comprehensive Plan that envisions diversity in housing types.

The Council should consider the entire record and testimony presented at their scheduled public hearing prior to rendering its decision on the matter. Should the Council vote to approve the applications, either as presented or with added or revised conditions of approval, Council shall direct staff to draft findings of fact and conclusions of law for the Council to consider at a future date.

FINDINGS

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

PRELIMINARY PLAT FINDINGS:

1. The plat is in compliance with the Comprehensive Plan.
The City must find that this Plat follows designations, spirit and intent of the Comprehensive Plan regarding residential development and meets several of the objectives of the Comprehensive Plan such as:
 1. *Designing development projects that minimize impacts on existing adjacent properties, and*
 2. *Managing urban sprawl to protect outlying rural areas.*
2. Public Services are available or can be made available and are adequate to accommodate the proposed development.
The City must find that Agencies having jurisdiction on this parcel were notified of this action, and that it has not received notice that public services are not available or cannot be made available for this development.
3. There is public financial capability of supporting services for the proposed development;
The City must find that they have not been notified of any deficiencies in public financial capabilities to support this development.
4. The development will not be detrimental to the public health, safety or general welfare;

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

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

PRIVATE STREET FINDINGS:

- A. The design of the private street meets the requirements of this article;
The City must find that the proposed private streets 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:

The City must find that it has not been presented with any facts stating this private road will cause damage, hazard or nuisance, or other detriment to persons, property or uses in the vicinity.

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

The City must find that the use is not in conflict with the comprehensive plan and/or regional transportation plan.

Upon granting approval or denial of the application, the Council shall specify:

1. The Ordinance and standards used in evaluating the application;
2. The reasons for recommending approval or denial; and
3. The actions, if any, that the applicant could take to obtain approval.

CONDITIONS OF APPROVAL

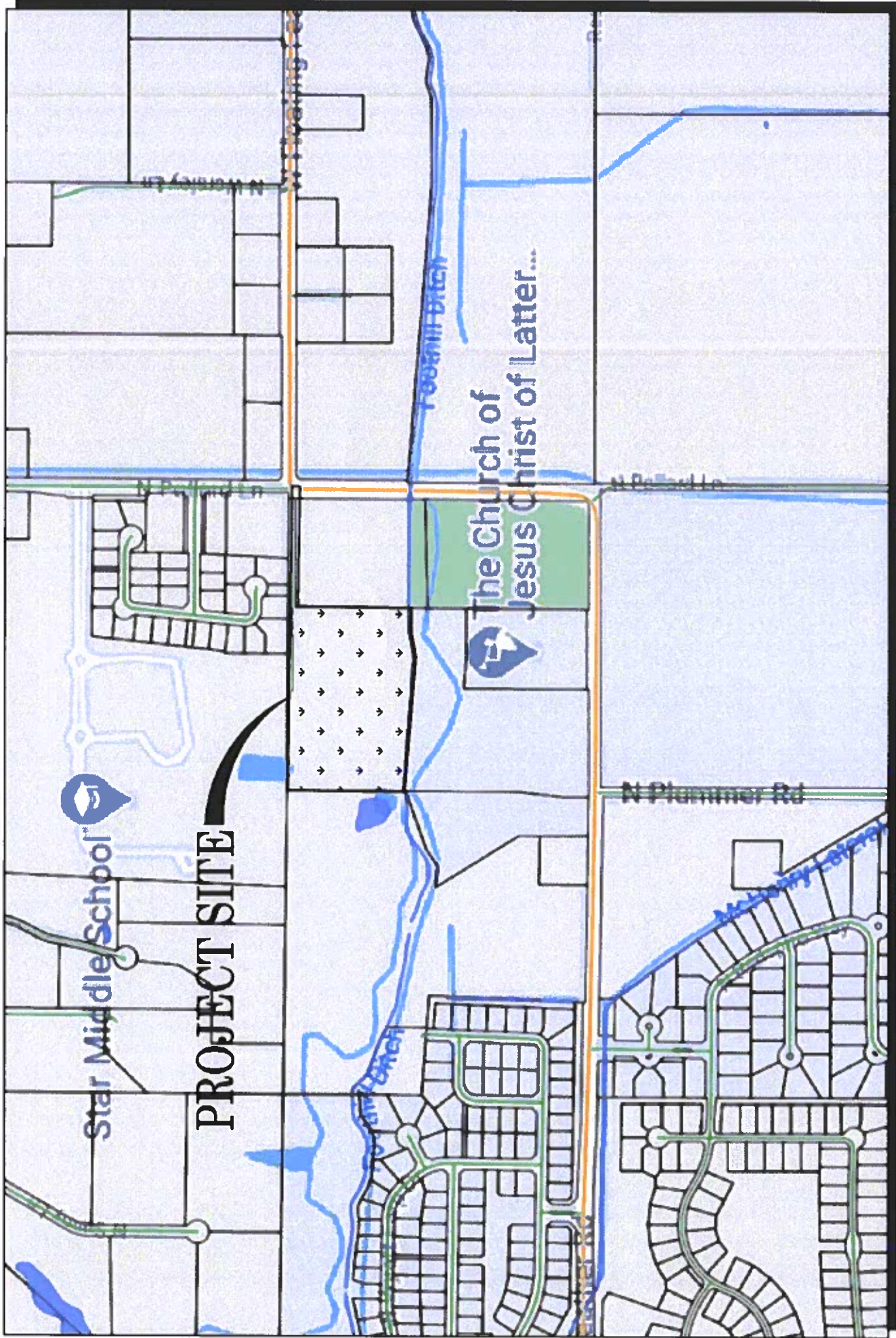
1. The approved Preliminary Plat for the Welton Estates Subdivision shall comply with all statutory requirements of applicable agencies and districts having jurisdiction in the City of Star.
2. **The applicant shall submit, and have approved, a Property Division application with the City to separate the southwest corner of the property from the boundary of the preliminary plat, prior to submittal of the final plat application.**

3. **The applicant shall provide the City of Star with a 6 ft. pathway easement along the western boundary of the future outparcel located in the southwest corner of the applicants property.**
4. **Lot 7, Block 1 of the approved preliminary plat shall be dedicated to the City of Star during final platting to establish a future public pathway to the Star Middle School.**
5. **The private street shall meet all requirements of the Star Fire District, including width, signage and turn-around.**
6. **The Applicant/Owner shall submit a private street maintenance plan, including future funding, in compliance with Section 8-4D-3C of the UDC.**
7. 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 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/design prior to Final Plat approval. Streetlights shall comply with the Star City Code regarding light trespass and "Dark Sky" initiative.**
8. Street trees along the private street and landscaping along Floating Feather Road shall be installed per Chapter 8, including Section 8-8C-2-M(2) Street Trees. **The applicant shall submit a landscape plan to the City prior to submittal of the final plat showing one (1) tree per thirty-five (35) linear feet and landscaping along the private street.**
9. The property with the approved Preliminary Plat shall be satisfactorily weed abated, preventing a public nuisance, per Star City Code.
10. All signed Irrigation District Agreements with the Irrigation Districts shall be provided to the City of Star with each subsequent Final Plat application.
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. The applicant shall follow the letter and/or meet the US Postal Service requirements regarding mailbox location and Postal Services.
15. The applicant shall comply with the Star Sewer & Water District including all conditions of the District, including annexation into the District.
16. A plat note shall state that development standards for residential development shall comply with the effective building and zoning requirements at time of building permit issuance, unless amended in the Development Agreement or CUP conditions.
17. Development standards for single family residential units shall comply with effective building and zoning requirements at time of building permit issuance, or as approved through the Development Agreement or as stated herein.
18. All common areas shall be maintained by the Homeowners Association unless otherwise stated.

19. The applicant shall provide a sign, to be located at all construction entrances, indicating the rules for all contractors that will be working on the property starting at grading and running through home sales that addresses items including but not limited to dust, music, dogs, starting/stopping hours for contractors (7a.m. start time). **Sign shall be approved by the City prior to start of construction.**
20. A sign application is required for any subdivision signs.
21. Any additional Condition of Approval as required by Staff and City Council.

COUNCIL DECISION

The Star City Council _____ File #PP-21-01/PR-21-01 for Welton Estates Subdivision on _____, 2021.



VICINITY MAP

1"= 800'

Via Hand Delivery

January 13, 2021

Shawn Nickel
Planning Director & Zoning Administrator
City of Star
PO Box 130
Star, ID 83669

RE: Welton Estates Subdivision / Preliminary Plat and Private Road Applications

Dear Shawn,

Stuart and Raeleen Welton are pleased to submit the enclosed Preliminary Plat and Private Road Application (collectively, the "Applications") for the proposed project named Welton Estates Subdivision.

The subject property parcel # S0404336100 zoned R-3 is approximately 10.15 acres in size located at 9500 West Broken Arrow Lane within the City of Star.

Preliminary Plat

Subdivision Design - The proposed preliminary plat for the Welton Estates subdivision includes ⁹~~10~~ residential lots and 4 common lots on approximately ^{9.26}~~10.15~~ acres of land. The 10 residential lots all exceed the minimum lot size required for the existing R-3 Zone. The majority of the lots within the subdivision are 150 feet wide and the average lot size is approximately 37,026 square feet.

Common Lots & Amenities - The 4 common lots are comprised of 3 open space lots that include a 6' pedestrian path on the west boundary to be used by Star Middle School. A 6' common path for entry to the school path and a landscaped area along the east boundary. The total common area percent is 1.6%. The common lot roadway area percentage is 14%.

All residents within this subdivision will be members of the Welton Estates Homeowners Association that will provide maintenance for common areas including a separate fund account designated and maintained specifically for the private roadway that includes a private gate approved per Star Fire Department and in compliance with City of Star. Due to the size of each lot landscaping will be required and maintained by each member based on Welton Estates Subdivision Agricultural Design and CC and R guidelines, including lighting requirement, that will meet or exceed City of Star requirements. Due to the development density of one dwelling unit per acre we are requesting a waiver, as afforded in **8-4E-2**, for the reduction in required open space and amenities.

Sewer Service - - The subdivision will be serviced by Star Sewer and Water by the existing sewer main tap previously installed specifically for Welton Estates Subdivision. The connection will occur at the east boundary of the Welton Estates Subdivision.

Water Service - The subdivision will be serviced by Star Sewer and Water by the existing water main tap previously installed specifically for Welton Estates Subdivision. The connection will occur at the east boundary of the Welton Estates Subdivision.

Pressure Irrigation – The pressurized irrigation within Welton Estates Subdivision shall be owned and maintained by the Welton Estates Subdivision Homeowners Association and will be in compliance with Middleton Irrigation Association, Inc. and Middleton Mill Ditch Co.

Storm Drainage - Storm drainage will be mitigated by underground seepage bed disposal as designed by our engineers and in accordance with required criteria of City of Star.

Roadways - Vehicular access is provided to the subdivision via West Broken Arrow Lane (existing private road) connection from Pollard Road located directly to the east. ACHD does not require a TIS for this 10-lot application. Due to the development density of one dwelling unit per acre we are requesting a waiver of sidewalks as afforded in **8-4D-3**, except for the common lot pathways.

Mailboxes – We are authorized to place Cluster Box Units and additional Parcel Locker Units at point A on the attached map to provide enough CBUs for the entirety of the development. The location will be placed in front/east of the privacy fence on the North side of West Broken Arrow Ln and face south.

Gate – 26' - 30' width (to be provided on final plat). East to west traffic on private West Broken Arrow Lane, located 45' west of ROW from Pollard Road. Gate will meet Star Fire Department requirements.

Electric gate shall be equipped with a Knox Key Switch as required as means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the fire code official. Electric gate operator will be listed in accordance with UL 325. Automatic gate operation shall be designed, constructed, and installed to comply with ASTM F 2200 requirements.

Neighborhood Meeting

The required neighborhood meeting was held on November 5th, 2020, at a location located within the proposed Welton Estates Subdivision. The preliminary plat exhibit was presented.

Conclusion

The proposed Preliminary Plat and Private Road applications for the Welton Estates Subdivision were created after carefully considering the Star Unified Development Code, Comprehensive Plan, site location, and surrounding neighborhoods. We look forward to discussing the Applications with you in greater detail.

Sincerely,

The image shows two handwritten signatures in black ink. The first signature is 'Stuart Welton' and the second is 'Raeleen Welton'. They are written in a cursive, flowing style.

Stuart and Raeleen Welton



City of Star
P.O. Box 130
Star, Idaho 83669
P: 208-286-7247

PRELIMINARY PLAT APPLICATION

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

FILE NO.: _____
Date Application Received: _____ Fee Paid: _____
Processed by: City: _____

Applicant Information:

PRIMARY CONTACT IS: Applicant ___ Owner ☒ Representative ___

Applicant Name: Stuart & Raeleen Welton
Applicant Address: PO Box 689 Star, ID Zip: 83669
Phone: 208.870.1128 Email: rwelton@outlook.com

Owner Name: same
Owner Address: _____ Zip: _____
Phone: _____ Email: _____

Representative (e.g., architect, engineer, developer):
Contact: Jim Coslett P.E. / Keith Bowhan Firm Name: Rock Solid Civil
Address: 270 N 27th Street Suite 100 Boise, ID Zip: 83702-4741
Phone: 208.391.7600 Email: jcoslett@rocksolidcivil.com

Property Information:

Subdivision Name: Welton Estates Subdivision
Site Location: 9500 W Broken Arrow Ln. Star, ID 83669
Approved Zoning Designation of Site: R-3
Parcel Number(s): S0404336100

Zoning Designations:

	Zoning Designation	Comp Plan Designation	Land Use
Existing	R3		
Proposed	R-3		
North of site	Star Middle School		School
South of site	Public-County		Cemetery
East of site	Public-County		Cemetery
West of site	County		Agricultural

SITE DATA:

Total Acreage of Site - ~~10.15~~ 9.26
Breakdown of Acreage of Land in Contiguous Ownership - 10.15
Total Acreage of Site in Special Flood Hazard Area - 4.4%
Dwelling Units per Gross Acre - ~~10~~ 9
Minimum Lot Size - 31,363 sq ft
Minimum Lot Width - 1 lot @130' 9 lots @ 150'+

Total Number of Lots - ~~14~~ 13
Residential - ~~10~~ 9
Commercial -
Industrial -
Common - 4

Total Number of Units - ~~10~~ 9
Single-family - ~~10~~ 9
Duplex -
Multi-family -

Percent of Site and Total Acreage of Common Area - 1.6 % / 1.35 acres
Percent of Common Space to be used for drainage -
Describe Common Space Areas (amenities, landscaping, structures, etc.) -
4 common lots are comprised of 3 open space lots that include a 6' pedestrian path to Star Middle School.
A 6' common path for entry to the school path and landscaped area east boundary. Total common area 1.6%
Proposed Dedicated Lots & Acreage (school, parks, etc):

Public Streets - ACHD Private Streets - 9500 W Broken Arrow Lane
Describe Pedestrian Walkways (location, width, material) - 1 acre lots
see draft Architectural Design and CC&R Overview Sheet
Describe Bike Paths (location, width, material) - See above

FLOOD ZONE DATA:

Total Acreage of Site in Special Flood Hazard Area - 4.4% (.45 acres)

- A note must be provided on the final plat documenting the current flood zone in which the property or properties are located. The boundary line must be drawn on the plat in situations where two or more flood zones intersect over the property or properties being surveyed.
- FEMA FIRM panel(s): #160xxxxxxC, 160xxxxxxE, etc.: 16001C0130J
FIRM effective date(s): mm/dd/year June 19th, 2020
Flood Zone(s): Zone X, Zone A, Zone AE, Zone AH, etc.: Zone A, Zone X
Base Flood Elevation(s): AE .0 ft., etc.:
c. Flood Zones are subject to change by FEMA and all land within a floodplain is regulated by Chapter 10 of the Star City Code.

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

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

Potable Water - Star City _____

Irrigation Water- Middleton Irrigation District _____

Sanitary Sewer- Star City _____

Fire Protection - Star City Fire Department _____

Schools - Star Elementary / Star Middle School / Eagle High School _____

Roads - ACHD _____

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

Areas of Critical Environmental Concern - NO Floodplain - Yes

Evidence of Erosion - NO Fish Habitat - NO

Historical Assets - NO Mature Trees - Yes

Riparian Vegetation - NO Steep Slopes - NO

Stream/Creek - NO Unstable Soils - NO

Unique Animal Life - NO Unique Plant Life - NO

Application Requirements:

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

Applicant (√)	Description	Staff (√)
✓	Pre-application meeting with Planning Department required prior to neighborhood meeting.	
✓	Copy of neighborhood meeting notice sent to property owners within 300 feet and meeting sign-in sheet. (Please contact the City for addresses & labels) (Applicants are required to hold a neighborhood meeting to provide an opportunity for public review of the proposed project prior to the submittal of an application.)	
✓	Completed and signed Preliminary Plat Application	
✓	Fee	
	Narrative explaining the project. (must be signed by applicant)	
✓	Legal description of the property (word.doc and pdf version with engineer's seal):	
✓	Recorded warranty deed for the subject property	
N/A	If the signature on this application is not the owner of the property, an original notarized statement (affidavit of legal interest) from the owner stating the applicant is authorized to submit this application.	
✓	Approval of the proposed subdivision name from Ada County Surveyor's office.	
✓	One (1) 8½" X 11" copy and electronic copy in pdf. format of vicinity map showing the location of the subject property	
✓	One (1) full-size copy and one (1) 11" X 17" copy of the Preliminary Plat	
✓	Electronic copy in pdf. format of Preliminary Plat	
see AD/CC&R	One (1) full-size copy and one (1) 11" X 17" copy of the landscape plan see AD & CC&R	
see AD/CC&R	Electronic copy in pdf. format of landscape plan	
✓	Electronic copy in pdf. format of preliminary site grading & drainage plans	
N/A	Phasing plan shall be included in the application if the project is to be phased.	
✓	Letter of authorization from the local Post Office approving mailbox delivery to subdivision including location(s) of mailbox clusters. Locations shall be indicated on Preliminary Plat.	
✓	List of name(s) and addresses of all canal or irrigation ditches within or contiguous to the proposed development.	

✓	One (1) copy of names and addresses printed on address labels, of property owners within three hundred feet (300') of the external boundaries of the property being considered as shown on record in the County Assessor's office. Please contact the City to request addresses and labels.	
N/A	Site report of the highest seasonal groundwater elevation prepared by a registered soils scientist. (If requested by Engineer)	
✓	Special Flood Information – Must be included on Preliminary Plat and Application form.	
✓	One (1) 8½" X 11" copy and electronic copy in pdf format of streetlight design and location information. Streetlights shall meet all City "Dark Sky" requirements. see CC&R	
✓	Written confirmation that a traffic impact study is not required and/or has been submitted for review to Ada County Highway District/Canyon Highway District No. 4/Idaho Transportation Department (if applicable).	
✓	Two (2) copies of the Electronic versions of submitted application including neighborhood meeting information, signed application, narrative, legal description, warranty deed, vicinity map, preliminary plat, landscape plan, preliminary site grading & drainage plans, irrigation district information, streetlight design & location, confirmation of a traffic impact study <u>shall be submitted in original pdf format (no scans for preliminary plat, landscape plans or grading and drainage plans) on two (2) thumb drives only (no discs)</u> with the files named with project name and plan type. We encourage you to also submit a colored version of the preliminary plat and/or landscape plan for presentation purposes prior to City Council.	
	Signed Certification of Posting with pictures. (see attached posting requirements and certification form) – To be completed by application after acceptance of application. Staff will notify applicant of hearing and posting date.	
✓	Property shall be annexed into Star Sewer and Water District prior to Final Plat approval. Please contact SSWD for details.	

FEE REQUIREMENT:

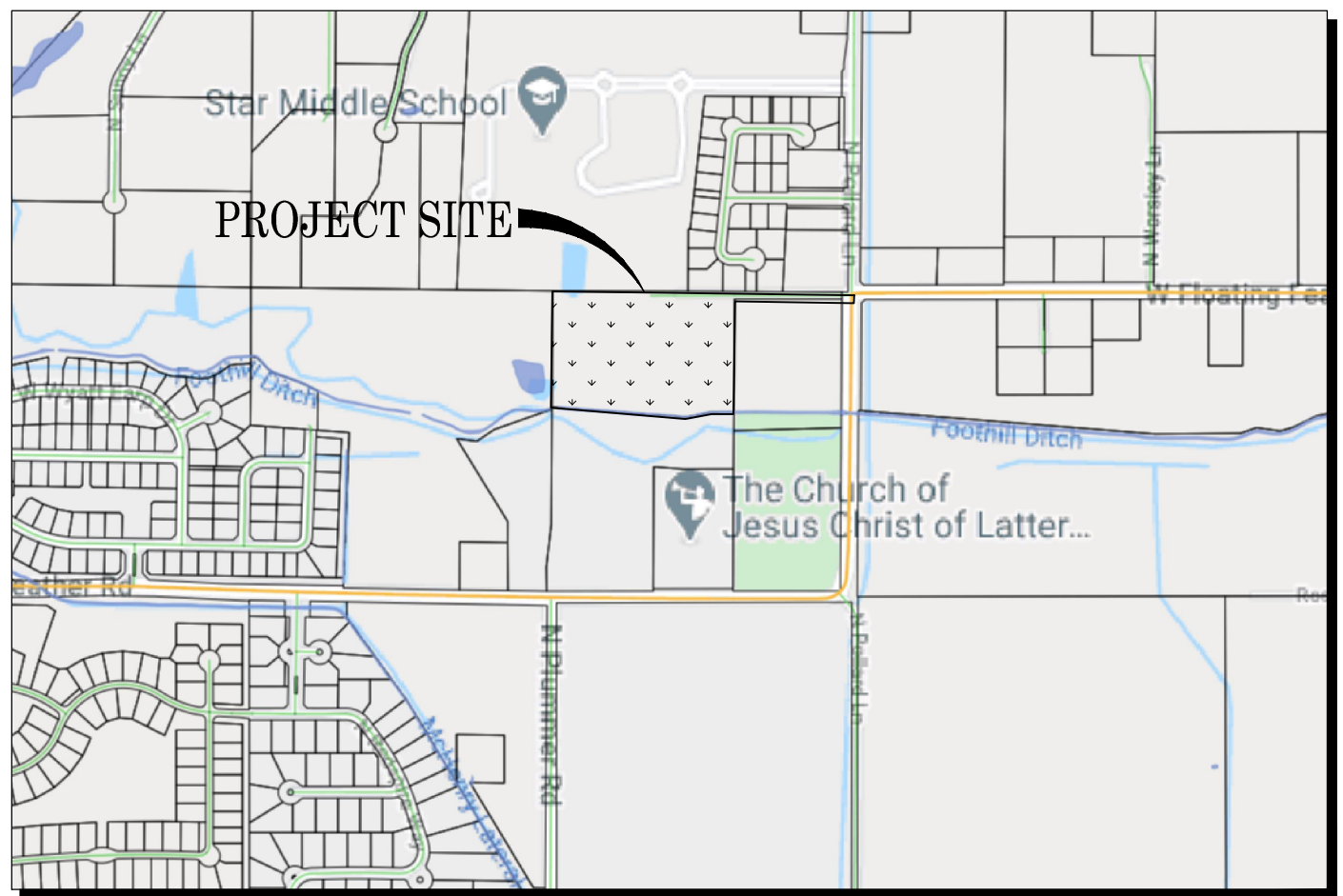
**** I have read and understand the above requirements. I further understand fees will be collected at the time of filing an application. I understand that there may be other fees associated with this application incurred by the City in obtaining reviews or referrals by architect, engineering, or other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


Applicant/Representative Signature

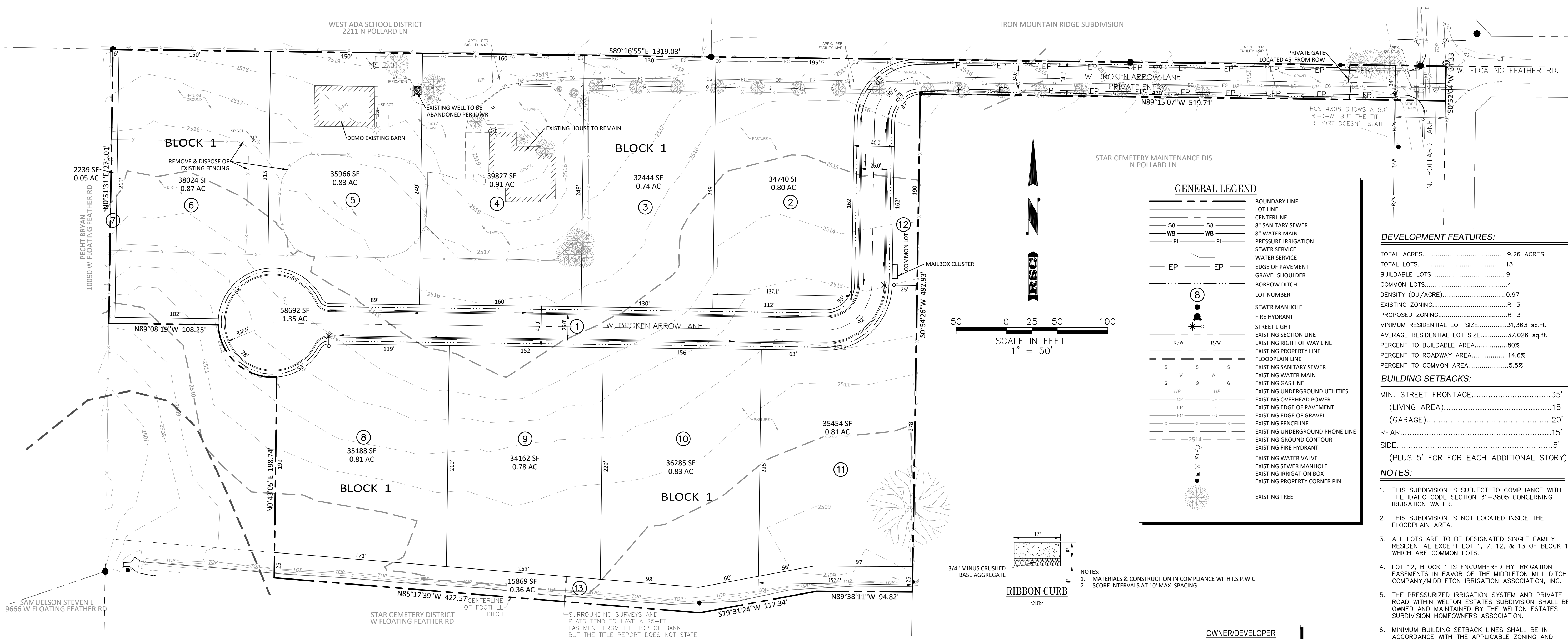
1/13/21
Date

PRELIMINARY PLAT FOR
WELTON ESTATES SUBDIVISION

A PORTION OF THE SW 1/4, OF THE SW 1/4 OF SECTION 4,
T.4N., R.1W., B.M., CITY OF STAR, ADA COUNTY, IDAHO
2021



VICINITY MAP
1"= 800'

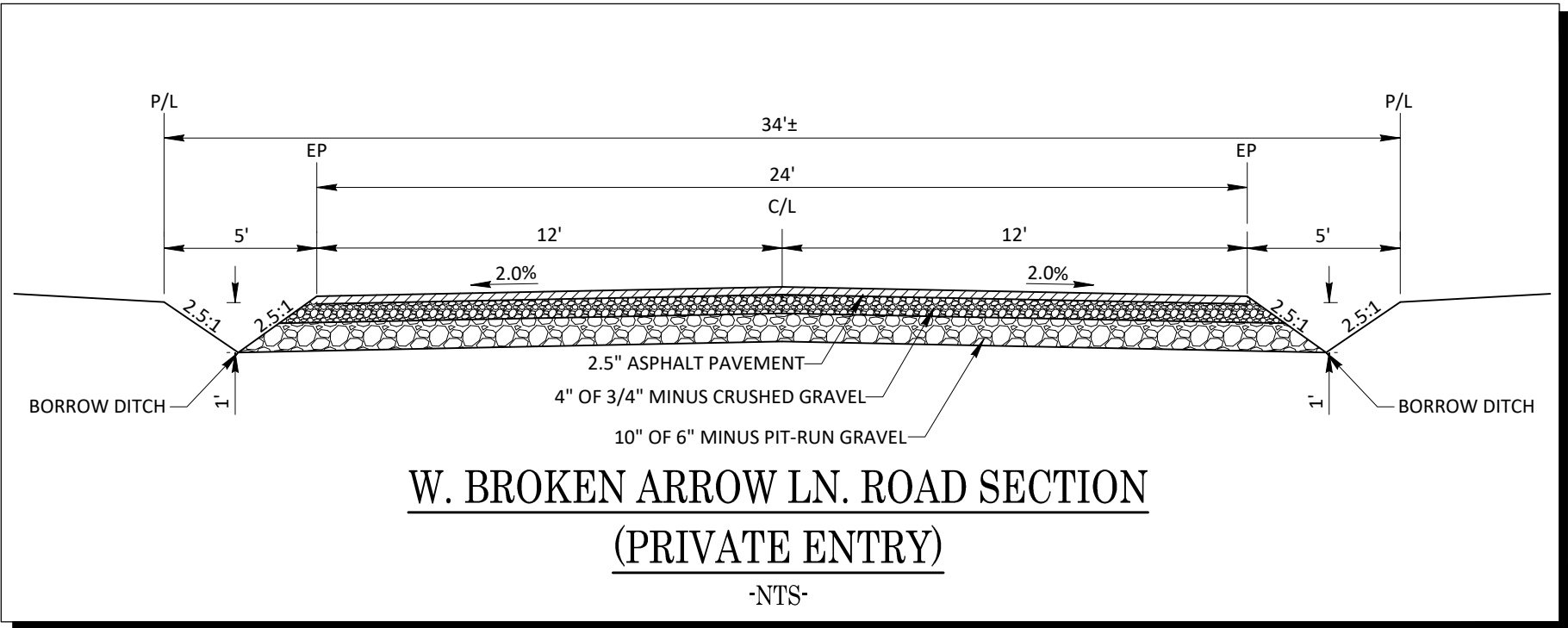
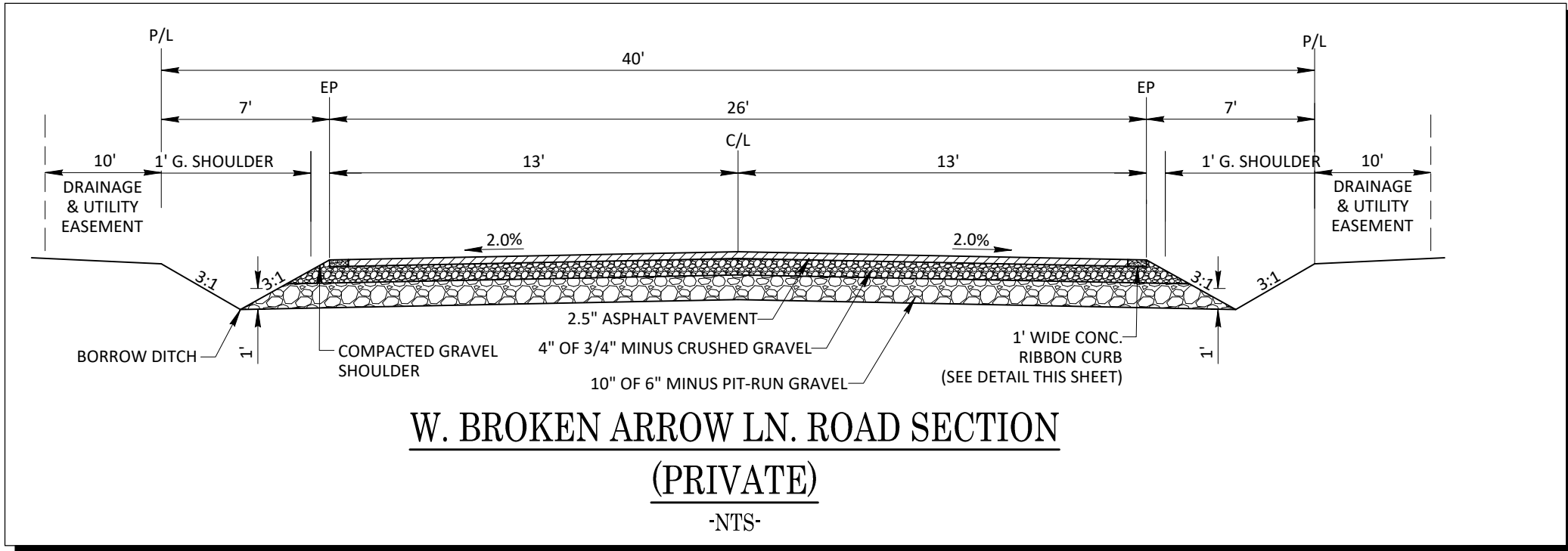


GENERAL LEGEND	
—	BOUNDARY LINE
—	LOT LINE
—	CENTERLINE
— S8 — S8 —	8" SANITARY SEWER
— W8 — W8 —	8" WATER MAIN
— P1 — P1 —	PRESSURE IRRIGATION
—	SEWER SERVICE
—	WATER SERVICE
—	EDGE OF PAVEMENT
—	GRAVEL SHOULDER
—	BORROW DITCH
—	LOT NUMBER
—	SEWER MANHOLE
—	FIRE HYDRANT
—	STREET LIGHT
—	EXISTING SECTION LINE
—	EXISTING RIGHT OF WAY LINE
—	EXISTING PROPERTY LINE
—	FLOODPLAIN LINE
—	EXISTING SANITARY SEWER
—	EXISTING WATER MAIN
—	EXISTING GAS LINE
—	EXISTING UNDERGROUND UTILITIES
—	EXISTING OVERHEAD POWER
—	EXISTING EDGE OF PAVEMENT
—	EXISTING EDGE OF GRAVEL
—	EXISTING FENCELINE
—	EXISTING UNDERGROUND PHONE LINE
—	EXISTING GROUND CONTOUR
—	EXISTING FIRE HYDRANT
—	EXISTING WATER VALVE
—	EXISTING SEWER MANHOLE
—	EXISTING IRRIGATION BOX
—	EXISTING PROPERTY CORNER PIN
—	EXISTING TREE

DEVELOPMENT FEATURES:	
TOTAL ACRES.....	9.26 ACRES
TOTAL LOTS.....	13
BUILDABLE LOTS.....	9
COMMON LOTS.....	4
DENSITY (DU/ACRE).....	0.97
EXISTING ZONING.....	R-3
PROPOSED ZONING.....	R-3
MINIMUM RESIDENTIAL LOT SIZE.....	31,363 sq.ft.
AVERAGE RESIDENTIAL LOT SIZE.....	37,026 sq.ft.
PERCENT TO BUILDABLE AREA.....	80%
PERCENT TO ROADWAY AREA.....	14.6%
PERCENT TO COMMON AREA.....	5.5%

BUILDING SETBACKS:	
MIN. STREET FRONTAGE.....	35'
(LIVING AREA).....	15'
(GARAGE).....	20'
REAR.....	15'
SIDE.....	5'
(PLUS 5' FOR EACH ADDITIONAL STORY)	

- NOTES:**
- THIS SUBDIVISION IS SUBJECT TO COMPLIANCE WITH THE IDAHO CODE SECTION 31-3805 CONCERNING IRRIGATION WATER.
 - THIS SUBDIVISION IS NOT LOCATED INSIDE THE FLOODPLAIN AREA.
 - ALL LOTS ARE TO BE DESIGNATED SINGLE FAMILY RESIDENTIAL EXCEPT LOT 1, 7, 12, & 13 OF BLOCK 1 WHICH ARE COMMON LOTS.
 - LOT 12, BLOCK 1 IS ENCUMBERED BY IRRIGATION EASEMENTS IN FAVOR OF THE MIDDLETON MILL DITCH COMPANY/MIDDLETON IRRIGATION ASSOCIATION, INC.
 - THE PRESSURIZED IRRIGATION SYSTEM AND PRIVATE ROAD WITHIN WELTON ESTATES SUBDIVISION SHALL BE OWNED AND MAINTAINED BY THE WELTON ESTATES SUBDIVISION HOMEOWNERS ASSOCIATION.
 - MINIMUM BUILDING SETBACK LINES SHALL BE IN ACCORDANCE WITH THE APPLICABLE ZONING AND SUBDIVISION REGULATIONS AT THE TIME OF ISSUANCE OF THE BUILDING PERMIT OR AS SPECIFICALLY APPROVED AND/OR REQUIRED.



OWNER/DEVELOPER
STUART & RAELEEN WELTON
BROKEN ARROW ESTATES LLC
P.O. BOX 689 STAR, ID 83669
(208) 870-1128

CIVIL ENGINEER
JIM COSLETT, P.E.
ROCK SOLID CIVIL LLC
270 N. 27th ST. SUITE 100
BOISE, ID 83702
(208) 342-3277

LAND SURVEYOR
RICHARD GRAY, P.L.S.
COMPASS LAND SURVEYING LLC
4270 E. AMITY AVE.
NAMPA, ID 83687
(208) 442-0115

UTILITY REPRESENTATIVES		
UTILITY	REPRESENTATIVE	PHONE
GAS	INTERMOUNTAIN GAS	(208) 377-6839
ELECTRICITY	IDAHO POWER	(208) 388-6320
TELEPHONE	CENTURY LINK	(208) 385-2144
CABLE	SPARKLIGHT	(208) 375-8288
SEWER	STAR SEWER & WATER DISTRICT	(208) 286-7388
WATER	STAR SEWER & WATER DISTRICT	(208) 286-7388
ROADS	N/A (PRIVATE)	
IRRIGATION	MIDDLETON MILL DITCH COMPANY	(208) 571-3804
FIRE	STAR FIRE DISTRICT	(208) 286-7772

CALL BEFORE YOU DIG!

CALL DIGLINE INC.
PRIOR TO COMMENCING
UNDERGROUND WORK
208-342-1585

Revisions

Date	Description
1	
2	
3	
4	

THIS DOCUMENT AND THE IDEAS AND DESIGNS INCORPORATED HEREIN, AS AN INSTRUMENT OF PROFESSIONAL SERVICE IS THE PROPERTY OF ROCK SOLID CIVIL LLC AND IS NOT TO BE USED IN WHOLE OR PART FOR ANY OTHER PROJECT WITHOUT THE EXPRESS WRITTEN AUTHORIZATION OF ROCK SOLID CIVIL LLC.

WELTON ESTATES SUBDIVISION
9500 W. BROKEN ARROW LANE

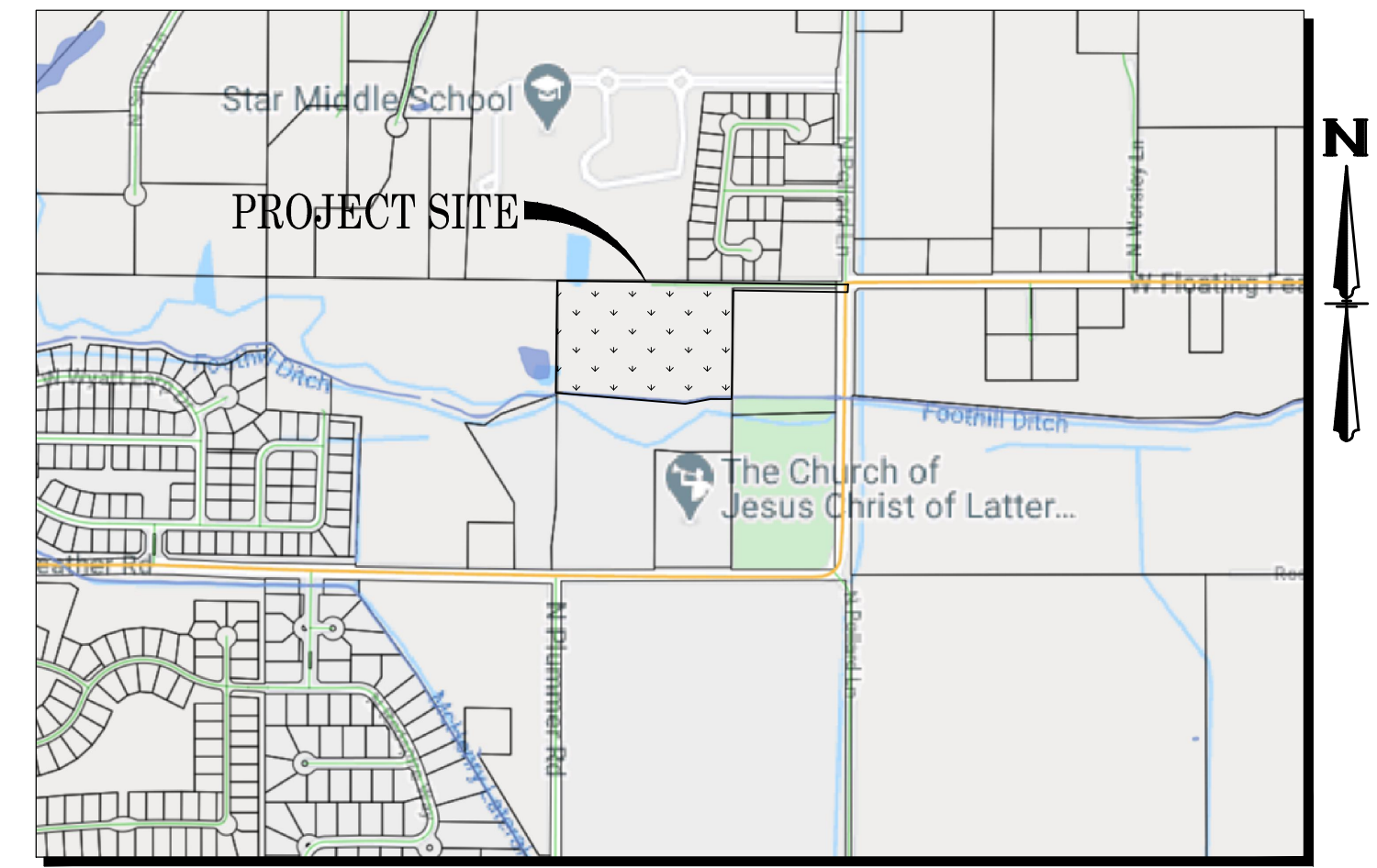
PRELIMINARY PLAT

Project Name: _____
Street Name: _____

Stamp:

Project No. RSC 20-66
Drawn By: RLC
Date: 10 February 2021
Sheet No. **PP1**
1 of 2

CONCEPTUAL ENGINEERING PLAN FOR WELTON ESTATES SUBDIVISION



VICINITY MAP
1"= 800'

Revisions

Date	Description
1	
2	
3	
4	



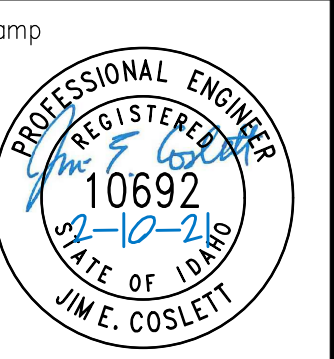
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WELTON ESTATES SUBDIVISION
9500 W. BROKEN ARROW LANE

CONCEPTUAL ENGINEERING PLAN

Project Name

Sheet Name



Project No. RSC 20-66

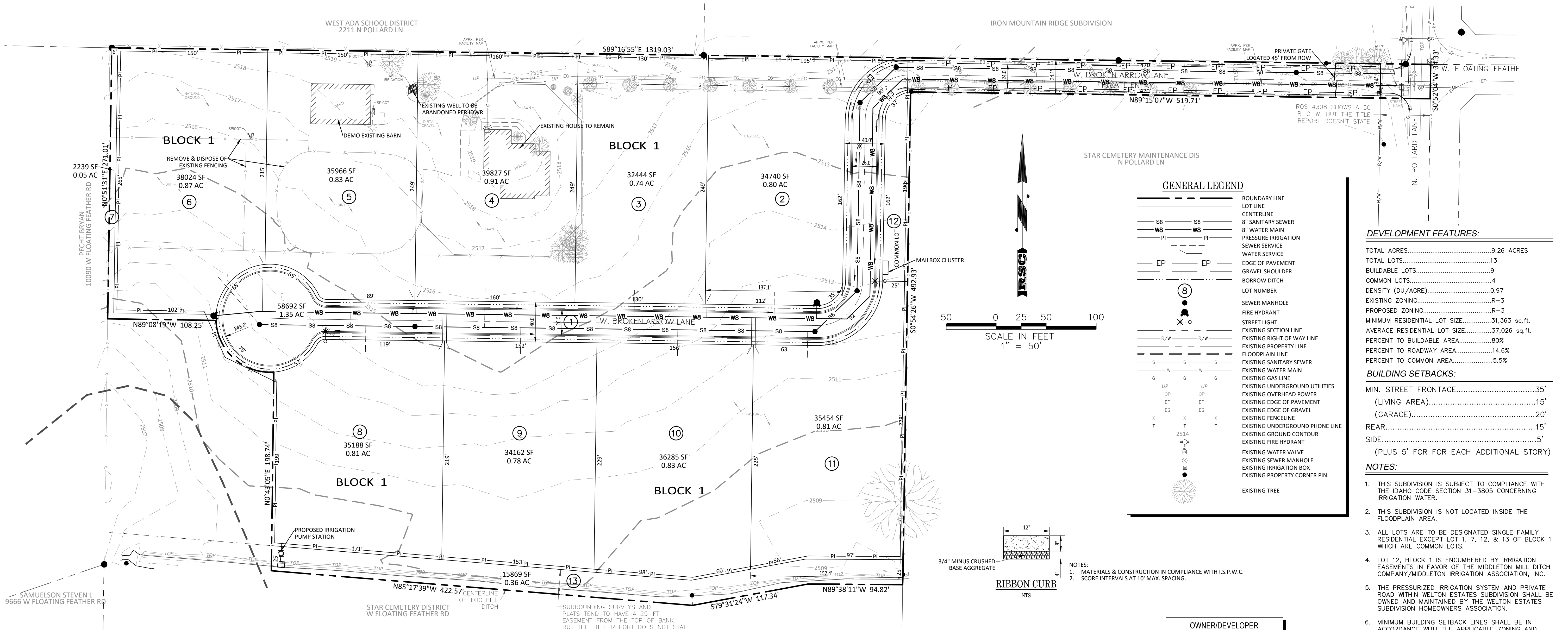
Drawn By: RLC

Date: 10 February 2021

Sheet No.

PP2

1 of 2



GENERAL LEGEND	
BOUNDARY LINE	LOT LINE
CENTERLINE	8" SANITARY SEWER
8" WATER MAIN	8" WATER MAIN
PRESSURE IRRIGATION	SEWER SERVICE
WATER SERVICE	EDGE OF PAVEMENT
GRAVEL SHOULDER	BORROW DITCH
LOT NUMBER	SEWER MANHOLE
FIRE HYDRANT	STREET LIGHT
EXISTING SECTION LINE	EXISTING RIGHT OF WAY LINE
EXISTING PROPERTY LINE	FLOODPLAIN LINE
EXISTING SANITARY SEWER	EXISTING WATER MAIN
EXISTING GAS LINE	EXISTING UNDERGROUND UTILITIES
EXISTING OVERHEAD POWER	EXISTING EDGE OF PAVEMENT
EXISTING EDGE OF GRAVEL	EXISTING FENCELINE
EXISTING UNDERGROUND PHONE LINE	EXISTING GROUND CONTOUR
EXISTING FIRE HYDRANT	EXISTING WATER VALVE
EXISTING SEWER MANHOLE	EXISTING IRRIGATION BOX
EXISTING PROPERTY CORNER PIN	EXISTING TREE

DEVELOPMENT FEATURES:	
TOTAL ACRES.....	9.26 ACRES
TOTAL LOTS.....	13
BUILDABLE LOTS.....	9
COMMON LOTS.....	4
DENSITY (DU/ACRE).....	0.97
EXISTING ZONING.....	R-3
PROPOSED ZONING.....	R-3
MINIMUM RESIDENTIAL LOT SIZE.....	31,363 sq.ft.
AVERAGE RESIDENTIAL LOT SIZE.....	37,026 sq.ft.
PERCENT TO BUILDABLE AREA.....	80%
PERCENT TO ROADWAY AREA.....	14.6%
PERCENT TO COMMON AREA.....	5.5%

BUILDING SETBACKS:	
MIN. STREET FRONTAGE.....	35'
(LIVING AREA).....	15'
(GARAGE).....	20'
REAR.....	15'
SIDE.....	5'
(PLUS 5' FOR EACH ADDITIONAL STORY)	

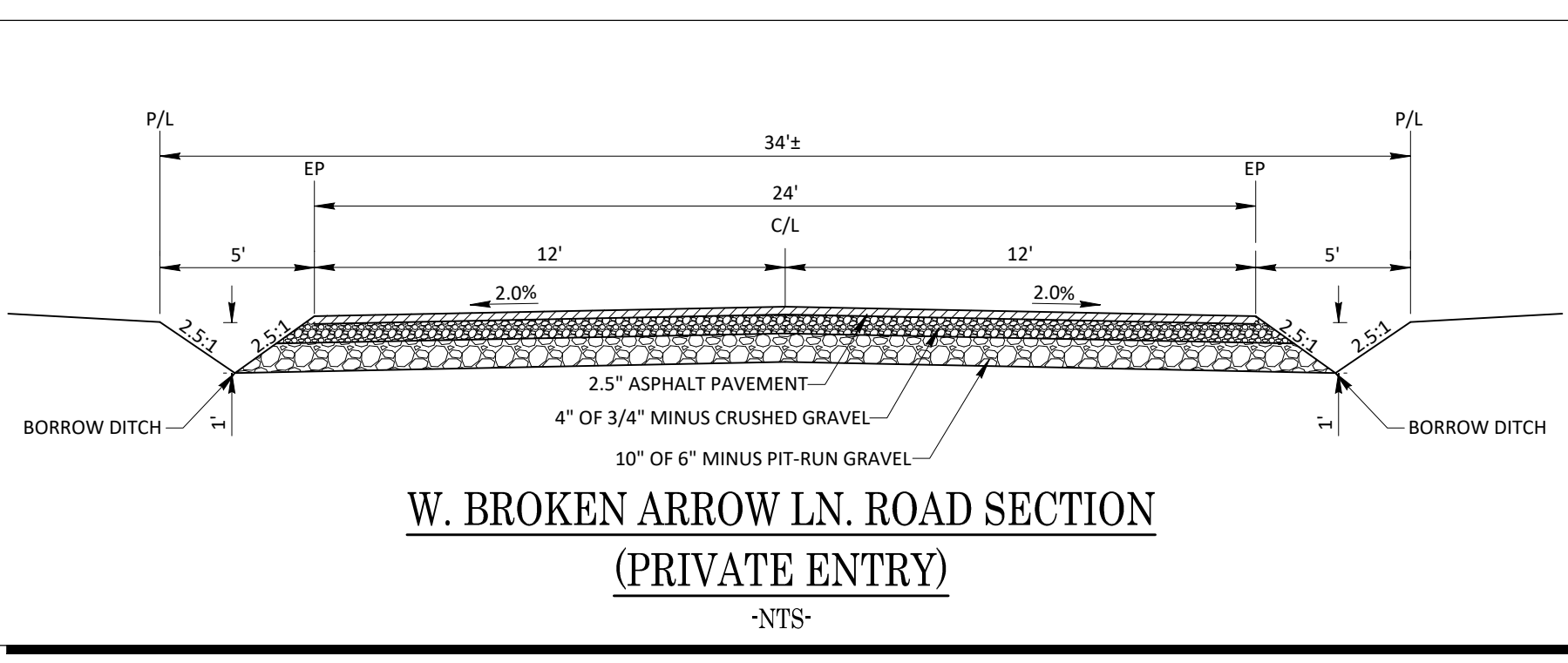
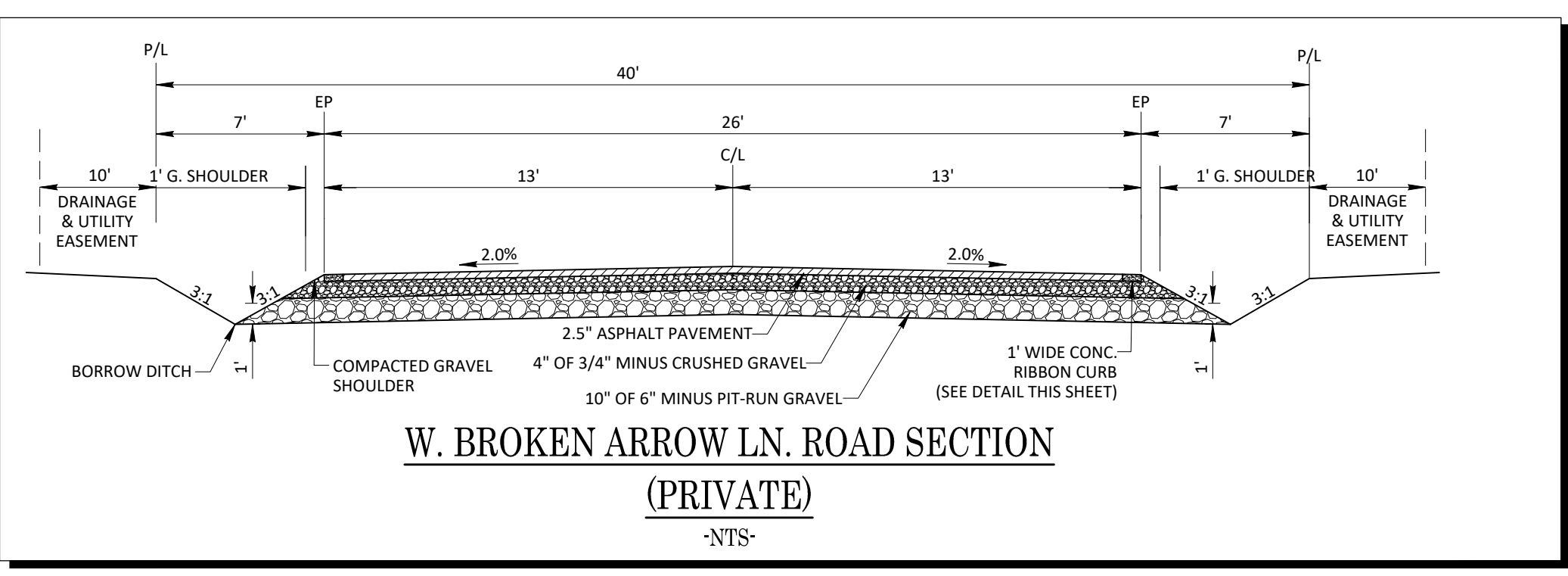
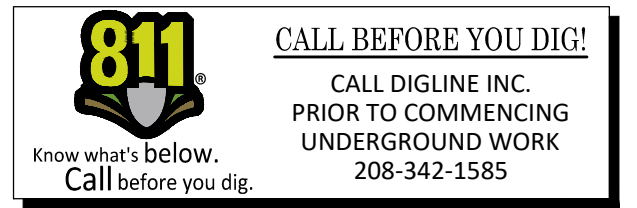
- NOTES:
- THIS SUBDIVISION IS SUBJECT TO COMPLIANCE WITH THE IDAHO CODE SECTION 31-3805 CONCERNING IRRIGATION WATER.
 - THIS SUBDIVISION IS NOT LOCATED INSIDE THE FLOODPLAIN AREA.
 - ALL LOTS ARE TO BE DESIGNATED SINGLE FAMILY RESIDENTIAL EXCEPT LOT 1, 7, 12, & 13 OF BLOCK 1 WHICH ARE COMMON LOTS.
 - LOT 12, BLOCK 1 IS ENCUMBERED BY IRRIGATION EASEMENTS IN FAVOR OF THE MIDDLETON MILL DITCH COMPANY/MIDDLETON IRRIGATION ASSOCIATION, INC.
 - THE PRESSURIZED IRRIGATION SYSTEM AND PRIVATE ROAD WITHIN WELTON ESTATES SUBDIVISION SHALL BE OWNED AND MAINTAINED BY THE WELTON ESTATES SUBDIVISION HOMEOWNERS ASSOCIATION.
 - MINIMUM BUILDING SETBACK LINES SHALL BE IN ACCORDANCE WITH THE APPLICABLE ZONING AND SUBDIVISION REGULATIONS AT THE TIME OF ISSUANCE OF THE BUILDING PERMIT OR AS SPECIFICALLY APPROVED AND/OR REQUIRED.

OWNER/DEVELOPER
STUART & RAELEEN WELTON
BROKEN ARROW ESTATES LLC
P.O. BOX 689 STAR, ID 83669
(208) 870-1128

CIVIL ENGINEER
JIM COSLETT, P.E.
ROCK SOLID CIVIL LLC
270 N. 27th ST. SUITE 100
BOISE, ID 83702
(208) 342-3277

LAND SURVEYOR
RICHARD GRAY, P.L.S.
COMPASS LAND SURVEYING LLC
4270 E. AMITY AVE.
NAPPA, ID 83687
(208) 442-0115

UTILITY	REPRESENTATIVE	PHONE
GAS	INTERMOUNTAIN GAS	(208) 377-6839
ELECTRICITY	IDAHO POWER	(208) 388-6320
TELEPHONE	CENTURY LINK	(208) 385-2144
CABLE	SPARKLIGHT	(208) 375-8288
SEWER	STAR SEWER & WATER DISTRICT	(208) 286-7388
WATER	STAR SEWER & WATER DISTRICT	(208) 286-7388
ROADS	N/A (PRIVATE)	
IRRIGATION	MIDDLETON MILL DITCH COMPANY	(208) 571-3804
FIRE	STAR FIRE DISTRICT	(208) 286-7772





January 13, 2021

Raeleen Welton
Welton Estate Sub
Cell: 208.870.1128
rwelton@outlook.com

Subject: Delivery Method Approval

Raeleen,

Thank you for contacting the Postal Service to established delivery to the Welton Estate Subdivision on the west side of N Pollard Ln. Per your request I am authorizing the developer to place cluster box units at point A on the attached map to provide enough CBUs for the entirety of the development in all of its phases. The location will need to be placed in front of the privacy fence on the North side of W Broken Arrow Ln and face south. I would also recommend placing additional Parcel Locker Unit(s) up with the CBUs as the privacy fence will make it difficult for homeowners to receive packages without parcel lockers.

Please keep in mind when ordering your cluster boxes from the manufacturer we request that you ask them to number the boxes consecutively. As an example we would want the boxes to be labeled 1-90 as opposed to multiple units repeatedly numbered 1-16. We also request that the Parcel Lockers on the units also be numbered consecutively, so if there are five CBU units needed for the development, and there were two parcel lockers per unit, then the parcel lockers would be numbered 1 through 10. If the CBUs are not numbered correctly, we may refuse to deliver until the numbering has been corrected.

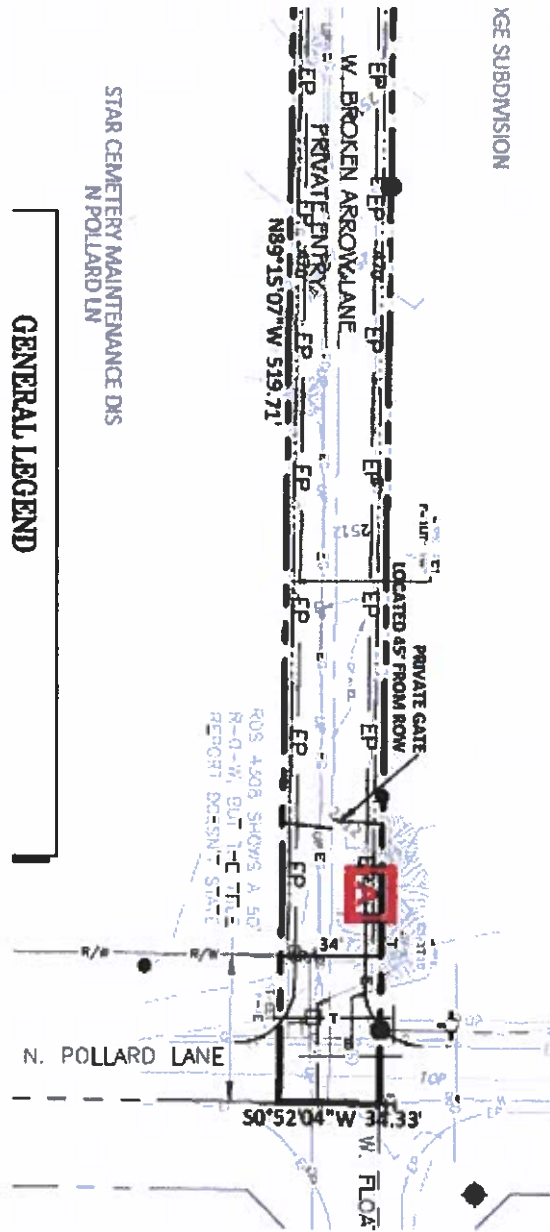
Thank you for your assistance.

Mel Norton
Postmaster, Star

Mel Norton
Postmaster
10780 W State St
Star ID 83669-9998
Phone: 208-286-7304

1"= 800'

XGE SUBDIVISION





Kent Goldthorpe, President
Dave McKinney, Vice-President
Jim D. Hansen, Commissioner
Mary May, Commissioner
Alexis Pickering, Commissioner

February 10, 2021

To: Stuart and Raeleen Welton
PO Box 689
Star, ID 83669

Subject: Welton Estates/ SPP21-0002/ PP-21-01/ PR-21-01
9500 W Broken Arrow Lane
This is a preliminary plat and private road application to allow for the development of a subdivision consisting of 10 single family lots and 4 common lots on 10.15-acres.

This is a staff level approval of a preliminary plat for Welton Estates. The District has site specific requirements related to this application and the creation of the private street that this subdivision will be using as the primary access.

A. Findings of Fact

1. Pollard Lane

a. **Existing Conditions:** Pollard Lane is improved with 2-travel lanes, 24-feet of pavement, and no curb, gutter or sidewalk abutting the site. There is 86-feet of right-of-way for Pollard Lane (42-feet from centerline).

b. **Policy**

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

Master Street Map and Typologies Policy: District policy 7206.5 states that if the collector street is designated with a typology on the Master Street Map, that typology shall be considered for the required street improvements. If there is no typology listed in the Master Street Map, then standard street sections shall serve as the default.

ACHD Master Street Map: ACHD Policy Section 3111.1 requires the Master Street Map (MSM) guide the right-of-way acquisition, collector street requirements, and specific roadway features required through development. This segment of Pollard Lane is designated in the MSM as a Residential Collector with 2-lanes and on-street bike lanes, a 36-foot street section within 54-feet of right-of-way.

c. **Staff Comments/Recommendations:** There is 86-feet of right-of-way (42-feet from centerline) on Pollard Lane abutting the site. Therefore, no additional right-of-way dedication is required as part of this application.

Consistent with District Collector Street policy, the applicant would typically be required to improve Pollard Lane with vertical curb, gutter, and 7-foot wide attached (5-foot wide detached) concrete sidewalk abutting the site. However, the site is a flag lot and only has 34-feet of frontage on Pollard Lane, most of which will be taken up by a proposed 24-foot wide private road, leaving just a few feet on either side. Therefore, no curb, gutter, and sidewalk is required as part of this application.

2. Private Road

a. Existing Conditions: There is an existing 12-foot wide unimproved driveway onto Pollard Lane from the site.

b. Policy

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

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

c. Applicant Proposal: The applicant is proposing to construct a 24-foot wide paved private road from the site onto Pollard Lane located in alignment with Floating Feather Road located on the east side of Pollard Lane across from the site.

d. Staff Comments/Recommendations: The location of the proposed private road meets District policy as the driveway/ private road aligns with Floating Feather Road and should be approved as proposed.

If the City of Star approves the private road, the applicant shall be required to pave the private roadway a minimum of 20 to 24-feet wide and at least 30-feet into the site beyond the edge of pavement of all public streets and install pavement tapers with 15-foot curb radii abutting the existing roadway edge. If private roads are not approved by the City of Star, the applicant will be required to revise and resubmit the preliminary plat to provide public standard local streets in these locations.

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

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

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

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

B. Site Specific Conditions of Approval

1. Construct a 24-foot wide curb return type private road onto Pollard Lane, center line to centerline in alignment with Floating Feather Road across from the site, as proposed.
2. Pave the private road a minimum of 24-feet in width and at least 30-feet into the site beyond the edge of pavement of Pollard Lane.
3. Install a street sign and a stop sign for the private road.
4. A Traffic Impact Fee will be assessed by ACHD and will be due prior to issuance of a building permit. Please contact the ACHD Planner (see below) for information regarding impact fees.
5. Plans shall be submitted to the ACHD Development Services Department for plans acceptance, and impact fee assessment (if an assessment is applicable).
6. Comply with the Standard Conditions of Approval as noted below.

C. Traffic Information

Trip Generation

This development is estimated to generate 85 additional vehicle trips per day (9 existing); and 9 additional vehicle trips per hour in the PM peak hour (1 existing), based on the Institute of Transportation Engineers Trip Generation Manual, 10th edition.

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

Roadway	Frontage	Functional Classification	PM Peak Hour Traffic Count	PM Peak Hour Level of Service
Pollard Lane	34-feet	Collector	39	Better than "D"
Floating Feather Road	0-feet	Collector	242	Better than "D"

* Acceptable level of service for a two-lane collector is "D" (425 VPH).

Average Daily Traffic Count (VDT): *Average daily traffic counts are based on ACHD's most current traffic counts*

- The average daily traffic count for Pollard Lane south of Beacon Light Road was 833 on 07/07/2020.
- The average daily traffic count for Floating Feather Road east of Star Road was 3,500 on 11/05/2019.

D. Attachments

1. Vicinity Map
2. Site Plan
3. Standard Conditions of Approval
4. Appeal Guidelines

If you have any questions, please feel free to contact me at (208) 387-6171.

Sincerely,

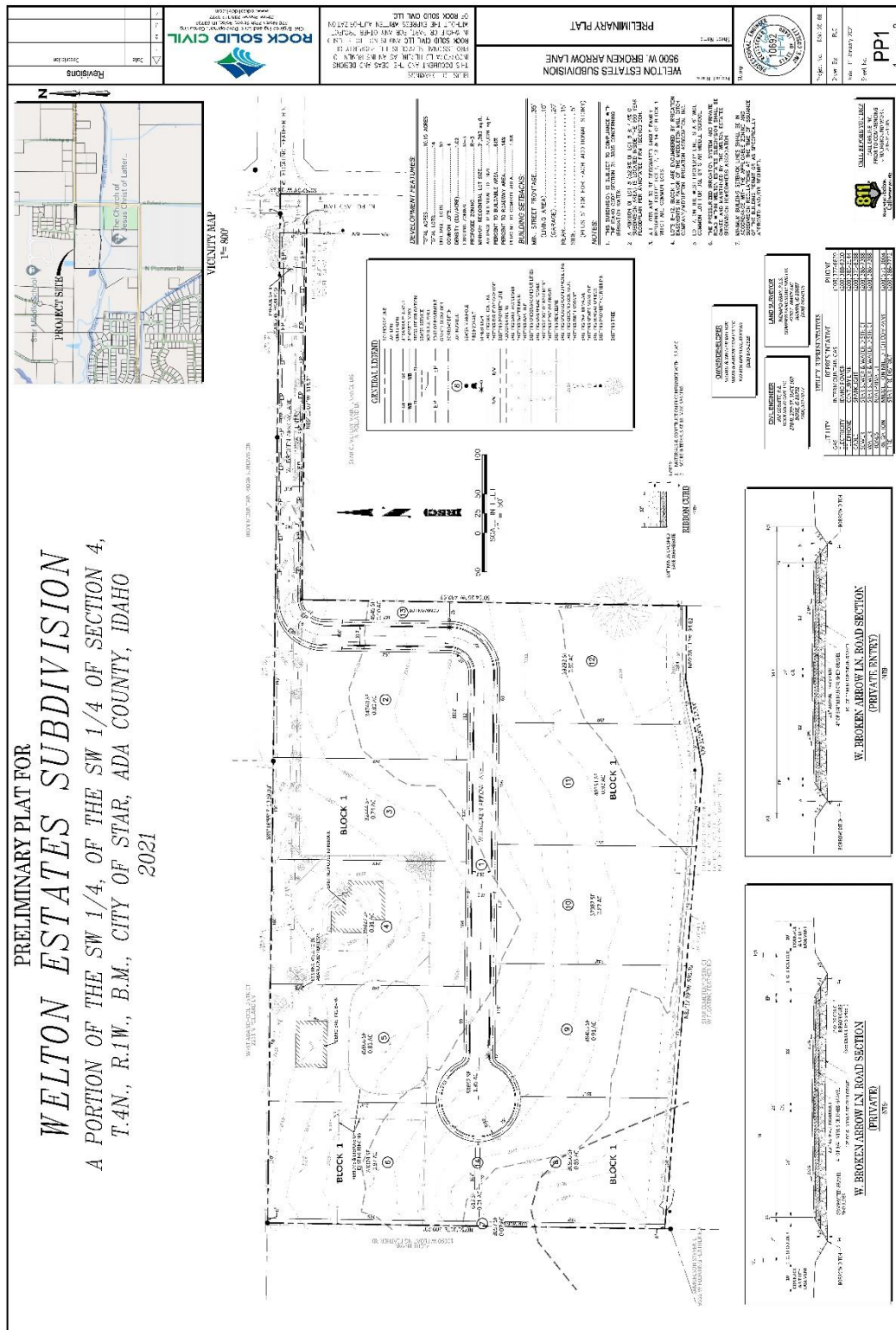
Stacey Yarrington
Planner III
Development Services

cc: Project File
City of Star
Rock Solid Civil

VICINITY MAP



SITE PLAN



Standard Conditions of Approval

1. All proposed irrigation facilities shall be located outside of the ACHD right-of-way (including all easements). Any existing irrigation facilities shall be relocated outside of the ACHD right-of-way (including all easements).
2. Private Utilities including sewer or water systems are prohibited from being located within the ACHD right-of-way.
3. In accordance with District policy, 7203.6, the applicant may be required to update any existing non-compliant pedestrian improvements abutting the site to meet current Americans with Disabilities Act (ADA) requirements. The applicant's engineer should provide documentation of ADA compliance to District Development Review staff for review.
4. Replace any existing damaged curb, gutter and sidewalk and any that may be damaged during the construction of the proposed development. Contact Construction Services at 387-6280 (with file number) for details.
5. A license agreement and compliance with the District's Tree Planter policy is required for all landscaping proposed within ACHD right-of-way or easement areas.
6. All utility relocation costs associated with improving street frontages abutting the site shall be borne by the developer.
7. It is the responsibility of the applicant to verify all existing utilities within the right-of-way. The applicant at no cost to ACHD shall repair existing utilities damaged by the applicant. The applicant shall be required to call DIGLINE (1-811-342-1585) at least two full business days prior to breaking ground within ACHD right-of-way. The applicant shall contact ACHD Traffic Operations 387-6190 in the event any ACHD conduits (spare or filled) are compromised during any phase of construction.
8. Utility street cuts in pavement less than five years old are not allowed unless approved in writing by the District. Contact the District's Utility Coordinator at 387-6258 (with file numbers) for details.
9. All design and construction shall be in accordance with the ACHD Policy Manual, ISPPWC Standards and approved supplements, Construction Services procedures and all applicable ACHD Standards unless specifically waived herein. An engineer registered in the State of Idaho shall prepare and certify all improvement plans.
10. Construction, use and property development shall be in conformance with all applicable requirements of ACHD prior to District approval for occupancy.
11. No change in the terms and conditions of this approval shall be valid unless they are in writing and signed by the applicant or the applicant's authorized representative and an authorized representative of ACHD. The burden shall be upon the applicant to obtain written confirmation of any change from ACHD.
12. If the site plan or use should change in the future, ACHD Planning Review will review the site plan and may require additional improvements to the transportation system at that time. Any change in the planned use of the property which is the subject of this application, shall require the applicant to comply with ACHD Policy and Standard Conditions of Approval in place at that time unless a waiver/variance of the requirements or other legal relief is granted by the ACHD Commission.

Request for Appeal of Staff Decision

1. **Appeal of Staff Decision:** The Commission shall hear and decide appeals by an applicant of the final decision made by the Development Services Manager when it is alleged that the Development Services Manager did not properly apply this section 7101.6, did not consider all of the relevant facts presented, made an error of fact or law, abused discretion or acted arbitrarily and capriciously in the interpretation or enforcement of the ACHD Policy Manual.
 - a. **Filing Fee:** The Commission may, from time to time, set reasonable fees to be charged the applicant for the processing of appeals, to cover administrative costs.
 - b. **Initiation:** An appeal is initiated by the filing of a written notice of appeal with the Secretary and Clerk of the District, which must be filed within ten (10) working days from the date of the decision that is the subject of the appeal. The notice of appeal shall refer to the decision being appealed, identify the appellant by name, address and telephone number and state the grounds for the appeal. The grounds shall include a written summary of the provisions of the policy relevant to the appeal and/or the facts and law relied upon and shall include a written argument in support of the appeal. The Commission shall not consider a notice of appeal that does not comply with the provisions of this subsection.
 - c. **Time to Reply:** The Development Services Manager shall have ten (10) working days from the date of the filing of the notice of appeal to reply to the notice of the appeal, and may during such time meet with the appellant to discuss the matter, and may also consider and/or modify the decision that is being appealed. A copy of the reply and any modifications to the decision being appealed will be provided to the appellant prior to the Commission hearing on the appeal.
 - d. **Notice of Hearing:** Unless otherwise agreed to by the appellant, the hearing of the appeal will be noticed and scheduled on the Commission agenda at a regular meeting to be held within thirty (30) days following the delivery to the appellant of the Development Services Manager's reply to the notice of appeal. A copy of the decision being appealed, the notice of appeal and the reply shall be delivered to the Commission at least one (1) week prior to the hearing.
 - e. **Action by Commission:** Following the hearing, the Commission shall either affirm or reverse, in whole or part, or otherwise modify, amend or supplement the decision being appealed, as such action is adequately supported by the law and evidence presented at the hearing.




FIRE DISTRICT STAFF REPORT

Welton Estates Subdivision

DATE: February 23, 2021

TO: City of Star, Planning & Zoning

FROM: Victor Islas, Deputy Chief 

SUBJECT: Fire District Review

PROJECT NAME: Welton Estates Subdivision (PP-21-01, PR-21-01)

Fire District Summary Report:

Overview: This development can be serviced by the Star Fire Protection District. This development shall comply with the 2018 International Fire Code (IFC) and any codes set forth by the City of Star, Idaho.

Fire Response Time: This development will be served by the Star Fire Protection District Station 51, located at 11655 W. State St., Star, Idaho. Station 51 is 2.8 miles with a travel time of 6 minutes under ideal driving conditions to the proposed entrance of the development.

Accessibility: Roadway Access, Traffic, Radio Coverage

Access roads shall be provided and maintained following Appendix D and Section 503 of the IFC. Access shall include adequate roadway widths, signage, turnarounds, and turning radius for fire apparatus.

Access road design shall be designed and constructed to allow for evacuation simultaneously with emergency response operations.

All access roads in this development shall remain clear and unobstructed during construction of the development. Additional parking restrictions may be required as to maintain access for emergency vehicles at all times. Hydrants shall remain unobstructed at all time per city code.

An unobstructed vertical clearance of no less than 13 feet 6 inches shall be maintained at all times.

Roads 20 – 26 feet in width shall have Fire lane signs as specified in Section D103.6 of the 2018 IFC and shall be posted on one side of the fire apparatus access.

Road clearance for emergency services shall be maintained at all times. This includes removal of snow during winter months. Please note snow removal piles shall not block entrances or turn-arounds.

Residential structures that sit more than 150ft off the roadway will require additional emergency turn-around on the property.

All electric gates are required to be 20' in width and equipped with a Knox Fire Department key switch as set forth in International Fire Code Section 503.6 & National Fire Protection Standard 1141, Section 5.3.17.3. Knox switches can be purchased by visiting www.knoxbox.com



FIRE DISTRICT

STAFF REPORT

Welton Estates Subdivision

The applicant shall work with City of Star, Ada County and Fire District to provide an address identification plan and signage which meets the requirements set forth by each agency. Addressing shall be placed in a position that is plainly legible and visible from the street or road fronting the property, as set forth in International Fire Code Section 505.1

Upon commencement of initial construction of a new structure, a clear visible freestanding sign or post shall be erected and maintained in place until the permanent address numerals are attached or otherwise displaced upon the premises at completion.

Specialty/Resource needs: None

Water Supply:

Water supply requirements will be followed as described in Appendix B of the 2015 International Fire Code unless agreed upon by the Fire District.

1. Fire Flow: One- and two-family dwellings not exceeding 3,600 square feet require a fire-flow of 1,000 gallons per minute for a duration of 1 hours to service the entire project. One- and two-family dwellings in excess of 3,600 square feet require a minimum fire flow as specified in Appendix B of the International Fire Code.
2. Water Supply: Acceptance of the water supply for fire protection will be by the Fire District and water quality by the Star Sewer & Water District for bacteria testing.
3. Water Supply: Final Approval of the fire hydrant locations shall be by the Star Fire Protection District or their designee in accordance with International Fire Code Section (IFC) 508.5.4 as follows:
 - a. Fire hydrants shall have a Storz LDH connection in place of the 4 ½" outlet. The Storz connection may be integrated into the hydrant or an approved adapter may be used on the 4 1/2" outlet.
 - b. Fire hydrants shall have the Storz outlet face the main street or parking lot drive aisle.
 - c. Fire hydrants shall be placed on corners when spacing permits.
 - d. Fire hydrants shall not have any vertical obstructions to outlets within 10'.
 - e. Fire hydrants shall be placed 18" above finished grade to the center of the Storz outlet.
 - f. Fire hydrants shall be provided to meet the requirements of the City of Star and Star Sewer and Water District Standards.
 - g. Show all proposed or existing hydrants for all new construction or additions to existing buildings within 1,000 feet of the project.

Inspections:

Final inspection by the Fire District of the above listed including hydrant flow must be completed before building permits are issued

Additional Comments:

Streetlights shall be turned on once residential building begins, Lighting is essential in assisting first responders with identifying entrances safely while responding to calls for service.

Boise Office
Golden Eagle Building
1101 W. River St., Ste. 110
P.O. Box 7985
Boise, Idaho 83707
Tel. (208) 629-7447

Challis Office
1301 E. Main Ave.
P.O. Box 36
Challis, Idaho 83226
Tel. (208) 879-4488

Twin Falls Office
236 River Vista Place
Suite 301
Twin Falls, Idaho 83301
Tel. (208) 969-9585

Fax (208) 629-7559



SAWTOOTH LAW OFFICES, PLLC

David P. Claiborne *

S. Bryce Farris

Patxi Larrocea-Phillips

Evan T. Roth

Daniel V. Steenson

Matthew A. Sturzen

**Katie L. Vandenberg-Van
Vliet**

Andrew J. Waldera **

James R. Bennetts (retired)

*Attorneys licensed in Idaho
* Also licensed in Washington
** Also licensed in Oregon*

Friday, January 22, 2021

RECEIVED

JAN 27 2021

CITY OF STAR

City of Star
Attn: Shawn L. Nickel
P.O. Box 130
Star, Idaho 83669

Re: File #PR-21-01 Private Street / File #PP-21-01 Preliminary Plat – **Welton Estates**
Subdivision located at 9500 W. Broken Arrow Lane in Star, Idaho

Dear Mr. Nickel:

The Foothill Ditch Company (referred to as “Ditch Company”) has a ditch and easement that runs through or abuts this property. The easement is 25 feet each side from the top of bank. In addition, the Middleton Mill Ditch Company and Middleton Irrigation Association (collectively referred to as “MM-MI”) have a lateral ditch and easement that runs through or abuts this property. The easement is 25 feet each side from the top of bank. The developer must contact the Ditch Company and MM-MI’s attorneys, Sawtooth Law Offices, PLLC, for approval before any encroachment, change of easement, or drainage discharge into Ditch Company or MM-MI facilities occurs. The Ditch Company and MM-MI must review drainage plans and construction plans prior to any approval.

The Ditch Company and MM-MI generally require a License Agreement prior to any approval for the following reasons:

1. Relocation of a facility which would also require a new easement and relinquishment of the old easement once the relocation has been completed.
2. Piping of a facility.
3. Encroachment on a facility with gas, water and sewer lines, utility lines, roadways, bridges or any other structures.
4. Drainage discharges into any facilities.

Also, please be advised that neither the Ditch Company or MM-MI approves of trees within their easements. Therefore, any existing trees within easement will need to be removed. On occasion, the

www.sawtoothlaw.com



January 22, 2021

City of Star Itr.

Page 2

Ditch Company and MM-MI may make exceptions on a case by case basis, which requires the developers/owners to obtain written permission from District for existing trees to remain.

Please contact me if you have any questions.

Yours very truly,

A handwritten signature in blue ink, appearing to read "S. Bryce Farris". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

S. Bryce Farris

SBF:krk

cc: MM-MI/Foothill Ditch Company



Ada County Transmittal
Division of Community and Environmental Health

Return to:

- ☐ ACZ
☐ Boise
☐ Eagle
☐ Garden City
☐ Meridian
☐ Kuna
☒ Star

Rezone # _____

Conditional Use # _____

Preliminary / Final / Short Plat PR-21-01

Welton Estates

- ☐ 1. We have No Objections to this Proposal.
- ☐ 2. We recommend Denial of this Proposal.
- ☐ 3. Specific knowledge as to the exact type of use must be provided before we can comment on this Proposal.
- ☐ 4. We will require more data concerning soil conditions on this Proposal before we can comment.
- ☐ 5. Before we can comment concerning individual sewage disposal, we will require more data concerning the depth of:
☐ high seasonal ground water ☐ waste flow characteristics
☐ bedrock from original grade ☐ other _____
- ☐ 6. This office may require a study to assess the impact of nutrients and pathogens to receiving ground waters and surface waters.
- ☐ 7. This project shall be reviewed by the Idaho Department of Water Resources concerning well construction and water availability.
- ☒ 8. After written approvals from appropriate entities are submitted, we can approve this proposal for:
☒ central sewage ☐ community sewage system ☐ community water well
☐ interim sewage ☒ central water
☐ individual sewage ☐ individual water
- ☒ 9. The following plan(s) must be submitted to and approved by the Idaho Department of Environmental Quality:
☒ central sewage ☐ community sewage system ☐ community water
☐ sewage dry lines ☒ central water
- ☐ 10. This Department would recommend deferral until high seasonal ground water can be determined if other considerations indicate approval.
- ☐ 11. If restroom facilities are to be installed, then a sewage system MUST be installed to meet Idaho State Sewage Regulations.
- ☐ 12. We will require plans be submitted for a plan review for any:
☐ food establishment ☐ swimming pools or spas ☐ child care center
☐ beverage establishment ☐ grocery store
- ☒ 13. Infiltration beds for storm water disposal are considered shallow injection wells. An application and fee must be submitted to CDH.

☐ 14. _____

Reviewed By: Rowdy

Date: 1 / 28 / 2021



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

1445 N Orchard Street, Boise, ID 83706
(208) 373-0550

Brad Little, Governor
Jess Byrne, Director

January 29, 2021

By e-mail: bnorgrove@staridaho.org

Barbara Norgrove
City of Star
PO Box 130
Star, Idaho 83669

Subject: Welton Estates Subdivision PP-21-01, PR-21-01

Dear Ms. Norgrove:

Thank you for the opportunity to respond to your request for comment. While DEQ does not review projects on a project-specific basis, we attempt to provide the best review of the information provided. DEQ encourages agencies to review and utilize the Idaho Environmental Guide to assist in addressing project-specific conditions that may apply. This guide can be found at: deq.idaho.gov/assistance-resources/environmental-guide-for-local-govts.

The following information does not cover every aspect of this project; however, we have the following general comments to use as appropriate:

1. AIR QUALITY

- Please review IDAPA 58.01.01 for all rules on Air Quality, especially those regarding fugitive dust (58.01.01.651), trade waste burning (58.01.01.600-617), and odor control plans (58.01.01.776).
- All property owners, developers, and their contractor(s) must ensure that reasonable controls to prevent fugitive dust from becoming airborne are utilized during all phases of construction activities per IDAPA 58.01.01.651.
- DEQ recommends the city/county require the development and submittal of a dust prevention and control plan for all construction projects prior to final plat approval. Dust prevention and control plans incorporate appropriate best management practices to control fugitive dust that may be generated at sites. Information on fugitive dust control plans can be found at: http://www.deq.idaho.gov/media/61833-dust_control_plan.pdf
- Citizen complaints received by DEQ regarding fugitive dust from development and construction activities approved by cities or counties will be referred to the city/county to address under their ordinances.

- Per IDAPA 58.01.01.600-617, the open burning of any construction waste is prohibited. The property owner, developer, and their contractor(s) are responsible for ensuring no prohibited open burning occurs during construction.
- For questions, contact David Luft, Air Quality Manager, at (208) 373-0550.

2. WASTEWATER AND RECYCLED WATER

- DEQ recommends verifying that there is adequate sewer to serve this project prior to approval. Please contact the sewer provider for a capacity statement, declining balance report, and willingness to serve this project.
- IDAPA 58.01.16 and IDAPA 58.01.17 are the sections of Idaho rules regarding wastewater and recycled water. Please review these rules to determine whether this or future projects will require DEQ approval. IDAPA 58.01.03 is the section of Idaho rules regarding subsurface disposal of wastewater. Please review this rule to determine whether this or future projects will require permitting by the district health department.
- All projects for construction or modification of wastewater systems require preconstruction approval. Recycled water projects and subsurface disposal projects require separate permits as well.
- DEQ recommends that projects be served by existing approved wastewater collection systems or a centralized community wastewater system whenever possible. Please contact DEQ to discuss potential for development of a community treatment system along with best management practices for communities to protect ground water.
- DEQ recommends that cities and counties develop and use a comprehensive land use management plan, which includes the impacts of present and future wastewater management in this area. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.

For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0550.

3. WASTEWATER AND RECYCLED WATER

- DEQ recommends verifying that there is adequate water to serve this project prior to approval. Please contact the water provider for a capacity statement, declining balance report, and willingness to serve this project.
- IDAPA 58.01.08 is the section of Idaho rules regarding public drinking water systems. Please review these rules to determine whether this or future projects will require DEQ approval.
- All projects for construction or modification of public drinking water systems require preconstruction approval.
- DEQ recommends verifying if the current and/or proposed drinking water system is a regulated public drinking water system (refer to the DEQ website at: deq.idaho.gov/water-quality/drinking-water.aspx). For non-regulated systems, DEQ recommends annual testing for total coliform bacteria, nitrate, and nitrite.
- If any private wells will be included in this project, we recommend that they be tested for total coliform bacteria, nitrate, and nitrite prior to use and retested annually thereafter.

- DEQ recommends using an existing drinking water system whenever possible or construction of a new community drinking water system. Please contact DEQ to discuss this project and to explore options to both best serve the future residents of this development and provide for protection of ground water resources.
- DEQ recommends cities and counties develop and use a comprehensive land use management plan which addresses the present and future needs of this area for adequate, safe, and sustainable drinking water. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.

For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0550.

4. SURFACE WATER

- A DEQ short-term activity exemption (STAE) from this office is required if the project will involve de-watering of ground water during excavation and discharge back into surface water, including a description of the water treatment from this process to prevent excessive sediment and turbidity from entering surface water.
- Please contact DEQ to determine whether this project will require a National Pollution Discharge Elimination System (NPDES) Permit. A Construction General Permit from EPA may be required if this project will disturb one or more acres of land, or will disturb less than one acre of land but are part of a common plan of development or sale that will ultimately disturb one or more acres of land.
- If this project is near a source of surface water, DEQ requests that projects incorporate construction best management practices (BMPs) to assist in the protection of Idaho's water resources. Additionally, please contact DEQ to identify BMP alternatives and to determine whether this project is in an area with Total Maximum Daily Load stormwater permit conditions.
- The Idaho Stream Channel Protection Act requires a permit for most stream channel alterations. Please contact the Idaho Department of Water Resources (IDWR), Western Regional Office, at 2735 Airport Way, Boise, or call (208) 334-2190 for more information. Information is also available on the IDWR website at: <https://idwr.idaho.gov/streams/stream-channel-alteration-permits.html>
- The Federal Clean Water Act requires a permit for filling or dredging in waters of the United States. Please contact the US Army Corps of Engineers, Boise Field Office, at 10095 Emerald Street, Boise, or call 208-345-2155 for more information regarding permits.

For questions, contact Lance Holloway, Surface Water Manager, at (208) 373-0550.

5. HAZARDOUS WASTE AND GROUND WATER CONTAMINATION

- **Hazardous Waste.** The types and number of requirements that must be complied with under the federal Resource Conservation and Recovery Act (RCRA) and the Idaho Rules and Standards for Hazardous Waste (IDAPA 58.01.05) are based on the quantity and type of waste generated. Every business in Idaho is required to track the volume of waste generated, determine whether each type of waste is hazardous, and ensure that all wastes are properly disposed of according to federal, state, and local requirements.

- No trash or other solid waste shall be buried, burned, or otherwise disposed of at the project site. These disposal methods are regulated by various state regulations including Idaho's Solid Waste Management Regulations and Standards, Rules and Regulations for Hazardous Waste, and Rules and Regulations for the Prevention of Air Pollution.
- **Water Quality Standards.** Site activities must comply with the Idaho Water Quality Standards (IDAPA 58.01.02) regarding hazardous and deleterious-materials storage, disposal, or accumulation adjacent to or in the immediate vicinity of state waters (IDAPA 58.01.02.800); and the cleanup and reporting of oil-filled electrical equipment (IDAPA 58.01.02.849); hazardous materials (IDAPA 58.01.02.850); and used-oil and petroleum releases (IDAPA 58.01.02.851 and 852).
- Petroleum releases must be reported to DEQ in accordance with IDAPA 58.01.02.851.01 and 04. Hazardous material releases to state waters, or to land such that there is likelihood that it will enter state waters, must be reported to DEQ in accordance with IDAPA 58.01.02.850.
- **Ground Water Contamination.** DEQ requests that this project comply with Idaho's Ground Water Quality Rules (IDAPA 58.01.11), which states that "No person shall cause or allow the release, spilling, leaking, emission, discharge, escape, leaching, or disposal of a contaminant into the environment in a manner that causes a ground water quality standard to be exceeded, injures a beneficial use of ground water, or is not in accordance with a permit, consent order or applicable best management practice, best available method or best practical method."

For questions, contact Albert Crawshaw, Waste & Remediation Manager, at (208) 373-0550.

6. ADDITIONAL NOTES

- If an underground storage tank (UST) or an aboveground storage tank (AST) is identified at the site, the site should be evaluated to determine whether the UST is regulated by DEQ. EPA regulates ASTs. UST and AST sites should be assessed to determine whether there is potential soil and ground water contamination. Please call DEQ at (208) 373-0550, or visit the DEQ website deq.idaho.gov/waste-mgmt-remediation/storage-tanks.aspx for assistance.
- If applicable to this project, DEQ recommends that BMPs be implemented for any of the following conditions: wash water from cleaning vehicles, fertilizers and pesticides, animal facilities, composted waste, and ponds. Please contact DEQ for more information on any of these conditions.

We look forward to working with you in a proactive manner to address potential environmental impacts that may be within our regulatory authority. If you have any questions, please contact me, or any of our technical staff at (208) 373-0550.

Sincerely,



Aaron Scheff
Regional Administrator
DEQ-Boise Regional Office

EDMS#: 2020AEK314

ORDINANCE NO. 327
(NORTERRA SUBDIVISION ANNEXATION)

AN ORDINANCE ANNEXING TO THE CITY OF STAR CERTAIN REAL PROPERTY LOCATED IN THE UNINCORPORATED AREA OF ADA COUNTY, IDAHO; MORE SPECIFICALLY AT 12080 W. STATE STREET AND CONTIGUOUS TO THE CITY OF STAR; THE PROPERTY IS OWNED BY ITERRA HOLDINGS LLC; ESTABLISHING THE ZONING CLASSIFICATION OF THE ANNEXED PROPERTY AS RESIDENTIAL WITH A DEVELOPMENT AGREEMENT (R-7-DA) OF APPROXIMATELY 19.75 ACRES, AND AS CENTRAL BUSINESS DISTRICT WITH A DEVELOPMENT AGREEMENT (CBD-DA) OF APPROXIMATELY 32.51 ACRES; DIRECTING THAT CERTIFIED COPIES OF THIS ORDINANCE BE FILED AS PROVIDED BY LAW; PROVIDING FOR RELATED MATTERS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, pursuant to Section 67-6524, Idaho Code, the City of Star has adopted the Unified Development Code Ordinance, the same being Ordinance No. 303, adopted on March 3, 2020 and subsequently amended; and

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

WHEREAS, the Mayor and Council, held a public hearing on October 6, 2020 on the proposed annexation and zoning of the property described in Section 2 below, as required by Section 67-6525, Idaho Code, and determined that the requested annexation should be granted and that the annexed property should be zoned Residential with a Development Agreement (R-7-DA) and Central Business District with a Development Agreement (CBD-DA) pursuant to the Unified Development Code of the City of Star.

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

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

Section 2: The real property, described in the attached Exhibit A, situated in Ada County, Idaho, is hereby annexed into the City of Star. From and after the effective date of this

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

Section 3: The zoning land use classification of the land described in Section 2 above, is hereby established as Residential with a Development Agreement (R-7-DA), and Central Business District with a Development Agreement (CBD-DA), as provided by the Unified Development Code of the City of Star. The Zoning Map of the City is hereby amended to include the real property described in Section 2 above in the Residential with a Development Agreement (R-7-DA) and Central Business District with a Development Agreement (CBD-DA) land use classifications.

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

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

DATED this ____ day of _____, 2021.

CITY OF STAR
Ada and Canyon County, Idaho

BY: _____
Trevor A. Chadwick, Mayor

ATTEST:

Meredith Hudson, Deputy City Clerk

DEVELOPMENT AGREEMENT NORTERRA SUBDIVISION ANNEXATION

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

WHEREAS, Owner owns a parcel of land approximately 48.43 acres in size (52.26 acres as annexed with right-of-way), currently located within Ada County, zoned RUT and more particularly described in **Exhibit A** of Ordinance 327, which is attached hereto and incorporated by reference herein (the "Property");

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

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

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

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

WHEREAS, the parties agree to the zoning designations for various parcels within the Property to be rezoned in accordance with this Agreement;

WHEREAS, Owner filed with the City of Star, a Request for Rezone of the Property and Zoning of R-7-DA & CBD-DA, as File No. AZ-20-05, so that the City can review all the applications affecting the use and development of the Property in an integrated manner consistent with the City's Comprehensive Plan and land use ordinances;

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

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

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

Section 2. Development/Uses/Standards.

2.1 Development Acreage and Uses Permitted. As to the Parcel shown on **Exhibit A**, Owner is allowed to develop 48.43 acres as follows:

- Zoning Classification: The Residential zoning classification shall be a R-7-DA. The Commercial zoning classification shall be CBD-DA.
- The Owner shall comply with all city ordinances relating to the property except as otherwise provided herein.

2.2 Site Design. The conceptual site plan, as set forth in **Exhibit B**, is hereby approved.

2.3 Uses. The development is hereby approved for the following land uses:

- A maximum of 20 Single-Family Detached Lots
- A maximum of 98 Single-Family Attached Lots
- A maximum of 23 Commercial Lots
- All Principal Permitted Uses in the CBD zoning district shall be allowed.*
- Commercial Uses approved by Council through this Agreement* that will not require a further Conditional Use Permit include:
 - Child Care
 - Gasoline, Fueling & Charging Station with or without Convenience Store
 - Hotel/Motel
 - Nursery, Garden Center and Farm Supply
 - Nursing or Residential Care Facility**
 - Independent Senior Housing only as accessory to Residential Care Facility
 - Vehicle Washing Facility
 - Veterinarian Office

*All proposed Commercial Uses are subject to a Certificate of Zoning Compliance/Design Review application approval.

**Any Nursing, Residential Care Facility/Independent Senior Housing located outside the area specified on the Concept Plan in Exhibit B shall require Conditional Use Permit Approval.

2.4 Setbacks. The development shall follow these setbacks approved by Council:

- Minimum Street Frontage 24 Feet
- Front Setbacks 15 Feet
- Rear Setbacks 10 Feet***
- Interior Side Setbacks 5 Feet
- Street Side Setbacks 10 Feet (Local Street); 5 Feet (Alley)
- Street Landscape Buffer 35 Feet (Collector Roadway)
- Maximum Building Height 35 Feet

** Rear Setbacks for Lots along the north boundary shall be 15' minimum.

2.5 Additional Requirements:

- All streets in the development shall be private and shall be constructed to ACHD standards, with a minimum street section of 28' with two 10' travel lanes and 4' bike lanes on both sides, with no parking signs for the "Collector Road". An 8' landscape strip with 5' detached sidewalk shall be provided on one side of the "Collector Road" from Highbrook Road to the central north/south street. The main East/West Collector Road shall be No Parking.
- Main East/West Pathway from Can Ada Road to N. Highbrook shall provide for Public use.
- The Developer shall provide a Pool Facility as a residential development amenity.

2.6 **Proportionate Share Agreement for ITD Improvements.**

ITD is requiring the developer to construct the following improvements at the intersection of SH-44/Can Ada Road. Developer is required to provide the City of Star an engineer's estimate of these improvements. The difference between ITD's previously requested proportionate share amount of \$748,061 and the cost of design/construction of the following improvements needs to be provided to the City of Star.

- Addition of a center turn lane on SH 44 through the Can Ada Road Intersection;
- Addition of separate southbound right and left turn lanes on Can Ada Road;
- Addition of a westbound right turn lane on SH-44.
- Dedicate 12ft of right of way along the entire length of the westbound right turn lane.

ITD finds a direct access approach to SH-44 MP 9.77 (left) to be acceptable with the construction of the following improvements.

- The approach shall be limited to right-in, right-out, left-in with installation of a median traffic separator.
- Addition of a westbound right turn lane.
- Construct a continuous two-way left turn lane from Can Ada Road to the proposed approach.
- Dedicate the difference between the existing SH-44 right-of-way and the future right-of-way line (70ft from center of SH-44) along the entire length of the parcel.
- Dedicate an additional 12ft of right of way along the entire length of the westbound right turn lane.

2.7 Changes and Modifications. No change in the use or restrictions specified in this Agreement shall be allowed or changed without modification of this Agreement pursuant to the requirements of the Star City Ordinances. In the event Owner changes or expands the

use permitted by this Agreement or fail to comply with the restrictions without formal modification of this Agreement as allowed by the Star City Ordinances, Owner shall be in default of this Agreement.

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

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

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

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

Section 6. Assignment and Transfer. After its execution, this Agreement shall be recorded in the office of the County Recorder at the expense of the Applicant. Each commitment and restriction on the development subject to this Agreement, shall be a burden on the Property, shall be appurtenant to and for the benefit of the Property and shall run with the land. This Agreement shall be binding on the City and Owner, and their respective heirs, administrators, executors, agents, legal representatives, successors and assigns: provided, however, that if all or any portion of the Property is divided, each owner of a legal lot shall only be responsible for duties and obligations associated with an owner's parcel and shall not be responsible for duties and

obligations or defaults as to other parcels of lots within the Property. The new owner of the Property or any portion thereof (including, without limitation, any owner who acquires its interest by foreclosure, trustee's sale or otherwise) shall be liable for all commitments and other obligations arising under this Agreement with respect only to such owner's lot or parcel.

Section 7. General Matters.

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

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

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

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

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

Owner: Brent Thompson, Managing Member
Iterra Holdings, LLC
316 E. 1400 S. Suite 2A
Saint George, UT 84790

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

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

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

Dated this _____ day _____, 2021.

Trevor A. Chadwick, Mayor

ATTEST:

Meredith Hudson, Deputy City Clerk

OWNER:

Brent Thompson
Managing Member, Iterra Holdings, LLC

STATE OF IDAHO)
) ss.
County of Ada)

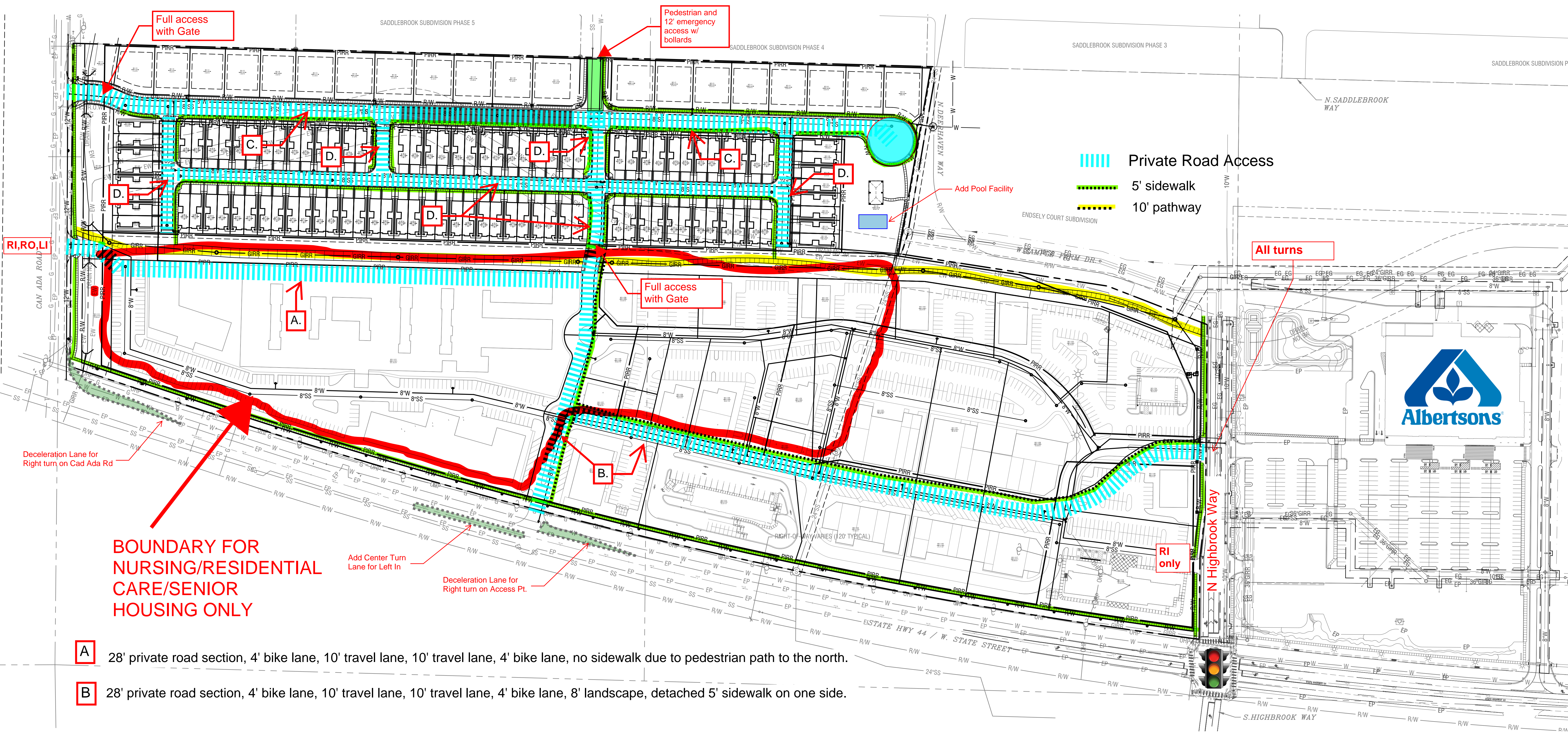
On this ____ day of _____, 2021, before me the undersigned, a Notary Public in and for said state, personally appeared Brent Thompson, known or identified to me to be the person who subscribed his name to the foregoing instrument, and acknowledged to me that he executed the same.

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

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

EXHIBIT B
APPROVED CONCEPTUAL PLAN

EXHIBIT B - APPROVED CONCEPTUAL PLAN
OCTOBER 6, 2020



- A** 28' private road section, 4' bike lane, 10' travel lane, 10' travel lane, 4' bike lane, no sidewalk due to pedestrian path to the north.
- B** 28' private road section, 4' bike lane, 10' travel lane, 10' travel lane, 4' bike lane, 8' landscape, detached 5' sidewalk on one side.