

NOTICE OF  
SPECIAL STAR CITY  
COUNCIL MEETING

Star City Hall  
August 10, 2020  
7:00 PM

AGENDA

1. CALL TO ORDER (Welcome/Pledge of Allegiance)
2. ROLL CALL
3. APPROVAL OF AGENDA (Approval of Agenda as it stands/Amend Agenda) **Action Item**
4. 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. Findings of Fact & Conclusions of Law for the following:
    1. Rosti Farms Subdivision (AZ-20-03/PP/PUD-20-02)
    2. Moon Valley Commons Subdivision (PP-20-06/DA-20-02)
    3. Moon Valley Estates Subdivision (AZ-20-06/DA-20-02/MOD/PP-20-03)
5. OLD/NEW BUSINESS **Action Items**
  - A. Bid Proposals/Contract for 960 S. Main Street Renovations Decision
  - B. Star City Comprehensive Plan Map Revision Discussion
6. ADJOURNMENT **Action Item**

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**  
**ROSTI FARMS SUBDIVISION**  
**FILE NO. AZ-20-03/DA-20-12/PP/PUD-20-02**

The above-entitled Annexation & Zoning, Development Agreement, and Preliminary Plat land use applications came before the Star City Council for their action on June 16, 2020, at which time public testimony was taken and the public hearing was closed. The Star City Council, having requested and taken oral and written testimony, and having duly considered the matter, does hereby make the following Findings of Fact and Conclusions of Law;

**Procedural History:**

*A. Project Summary:*

Becky McKay, Engineering Solutions, LLP, 1029 N. Rosario Street Suite 100, Meridian, Idaho 83642, representing the applicant, Toll Southwest, LLC, requested approval of an Annexation and Zoning (Residential R-3-PUD-DA) including a Rezone from Mixed Use (M-U) to R-3-PUD, a Development Agreement, a Preliminary Plat for a proposed residential and commercial subdivision consisting of 426 residential lots, 7 commercial lot and 60 common lots, and a Planned Unit Development. The property is located at 1460 N. Pollard Lane in Star, Idaho, and consists of 171.70 acres with a proposed density of 2.48 dwelling units per acre.

*B. Application Submittal:*

A neighborhood meeting was held on August 27, 2019 in compliance with the application submittal requirement of the Star Unified Development Code (Section 8-1 A-6 C). The Land Use application was deemed complete on November 18, 2019.

*C. Notice of Public Hearing:*

Notice of Public Hearing on the application for the City of Star Council was published in accordance with the requirements of Title 67, Chapter 65, Idaho Code and the Star Unified Development Code on December 27, 2019 (subsequently tabled to dates specific). Notice of this public hearing was mailed to property owners within three-hundred feet (300') of the subject property in accordance with the requirements of Title 67, Chapter 65, Idaho Code and Star Unified Development Code on December 20, 2019 and June 2, 2020. Notice was sent to agencies having jurisdiction in the City of Star on December 20, 2019. The property was posted in accordance with the Star Unified Development Code on June 2, 2020.

*D. History of Previous Actions:*

This property has always been in agricultural production.

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

	<b>Zoning Designation</b>	<b>Comp Plan Designation</b>	<b>Land Use</b>
<b>Existing</b>	County Rural Transitional (RUT) Mixed Use (M-U)	Compact Residential, Neighborhood Residential Mixed Use	Agricultural Single Family Dwelling
<b>Proposed</b>	R-3-PUD	No Change	Primarily Residential with Mixed Use Commercial
<b>North of site</b>	County (RUT) Commercial (C-2)	Compact Residential, Neighborhood Residential	Low Density Residential Ag-Vacant
<b>South of site</b>	County Rural Transitional (RUT)	Neighborhood Residential Mixed Use	Low Density Residential Ag-Vacant
<b>East of site</b>	R-2-DA-P (Eagle) County Rural Transitional (RUT)	Eagle Comp Plan Mixed Use-City of Star	Currently Ag-Vacant
<b>West of site</b>	County Rural Transitional (RUT) Residential (R-3)	Neighborhood Residential	Star Cemetery Approved American Star Residential Subdivision

F. *Site Data:*

Total Acreage of Site – 171.70 acres

G. *Development:*

The Applicant is seeking approval of an Annexation and Zoning (to Residential R-3-PUD-DA), a Development Agreement and a Preliminary Plat and Planned Unit Development for a proposed residential subdivision consisting of 15 residential lots.

**ANNEXATION & REZONE:**

The annexation, zoning and rezone request from County Rural Urban Transition (RUT) and Mixed Use (M-U) to Residential (R-3-PUD-DA) on the applicant's property will allow for the development and subdivision of the subject property into a residential subdivision with accompanying commercial uses that will be consistent with the recently adopted Comprehensive Plan. The overall density of the proposed development as submitted is 2.87 dwelling units per acre, excluding the 8.23 acres that is currently designated for commercial. The current Comprehensive Plan Land Use Map designates this property as Neighborhood Residential and Mixed-Use. The requested land uses of residential and commercial within the annexation and zoning and planned unit development applications meet the intent of the zoning designation and Comprehensive Plan.

## **PRELIMINARY PLAT:**

The Preliminary Plat submitted contains 469 single family residential lots, 70 common area lots and 1 commercial lot. The commercial lot area proposed is 8.23 acres. The existing single-family dwelling along with the agricultural and accessory structures will remain on the property until future phases are developed. The residential lots range in size from 5,833 square feet to 24,623 square feet, with an average residential lot size of 8,790 square feet. All streets are proposed to be public, ACHD maintained roadways, including the realignment of W. Floating Feather Road from W. Pollard Lane to Highway 16.

The applicant has indicated that the development will contain a total of 31.53 acres (18.26%) total open space within common lots. The development is required to provide a minimum of 15% open space, 10% usable. The open space provided by the applicant currently includes large open space areas and amenities including a community pool and pool house, multiple tot-lots, multiple plazas with picnic shelters with benches and pathways and natural areas throughout the development. It doesn't appear from the plans submitted that drainage will be contained within the useable common area lots.

Staff calculates the usable open space at 10%, assuming that the Drainage District No. 3 drain includes a pathway as proposed, and open style fencing is provided on the rear lot lines of each residential lot backing up to the drain (to provide a visual amenity). It is also assumed in this calculation that the residential lots along the Middleton Mill Canal also provide open style fencing along the rear lot lines backing up to the canal (again, to provide a visual amenity). This would allow staff to count that area towards the useable open space calculations. A condition of approval will be recommended by staff for the fencing and pathway along the canal and ditch has described above.

Staff would also like to request open style fencing along the north rear lot lines of the residential lots along the Foothills Ditch on the northern boundary of the development. This would push the percentage of useable open space well above the 10% currently proposed.

The current Zoning Ordinance requires one site amenity for each 20-acres of development area (total of 9 amenities is required). Proposed amenities within the development include the following:

1. Swimming Pool & Pool House
2. Tot Lot #1 (Children's Play Structure Amenity)
3. Tot Lot #2 (Children's Play Structure Amenity)
4. Picnic Area
5. Plaza #1 (Quality of Life Amenity)
6. Plaza #2 with Shelter (Quality of Life Amenity)
7. Pocket Park #1 (Quality of Life Amenity)
8. Pocket Park #2 (Quality of Life Amenity)

9. Pocket Park #3 (Quality of Life Amenity)
10. Pathways throughout ((Pedestrian or Bicycle Circulation Amenity)
11. Open Style Fencing Along Drains and Canals ((Quality of Life Amenity)

#### **PLANNED UNIT DEVELOPMENT:**

The application has been submitted as a Planned Unit Development (PUD) in order to include the commercial component of the project. And although residential districts prohibit most non-residential uses, "Deviations from the development standards and/or area requirements of the district" may be requested as part of the PUD process. The exception in this instance is the commercial uses that would be in the residential base zone proposed (R-3). In reviewing the development as a whole, the application meets the intent of a PUD in that the purpose of the planned unit development (PUD) requirements is to provide an opportunity for exemplary site development that meets the PUD objectives, including the preservation of natural and scenic features, an innovative design that creates visually pleasing and cohesive pattern of development and the creation of a functionally integrated development that allows for a more efficient and cost-effective provision of public services. Finally, the proposed PUD is not being submitted solely for the purpose of deviation from the dimensional standards in the zoning district.

As proposed by the applicant, the subdivision would include the following dimensional standards:

#### **Proposed Setbacks:**

- Minimum Residential Lot Frontage: 35 feet
- Front Setbacks (Measured from the back of sidewalk or property line): 20 feet
- Rear Setbacks: 15 feet
- Interior Setbacks: 5 feet (for one and two-stories) – Deviation from current standards
- Local Street Side Setbacks: 20 feet
- Street Landscape Buffers:
  - Arterial Roadway: 35 feet
  - State Highway 16: 50 feet
  - Residential Collectors: 20 feet
- Maximum Building Height: 35 feet
- Minimum Lot Size: 5, 823 Square Feet
- Average Lot Size: 8,790 Square Feet

#### **ADDITIONAL DEVELOPMENT FEATURES:**

The applicant has been working with ITD and ACHD regarding traffic impact studies, realignment of Floating Feather, and public street standards. In addition, the layout recognizes

the adopted Economic Corridor Access Management Plan (ECAMP) with a collector roadway running south through the property from Floating Feather Road.

Locations and styles for decorative streetlights are not reflected on the preliminary plat. Locations shall be addressed along with design and description of said lights at final plat. Dark sky lighting shall apply.

No sign locations have been designated for this development. A sign permit application shall be submitted prior to any sign installation.

A portion of the property lies within Flood Hazard Area A. An Application for Permit to Develop in An Area of Special Flood Hazard will be required prior to final plat approval.

Commercial uses anticipated in the proposed area by the applicant include, but is not limited to, professional offices, dry cleaning, barber shop, daycare, sandwich shop and coffee shop.

All internal roads are proposed and shall be 36' from back of curb to back of curb.

Proposed block lengths appear to be greater than the maximum 750' allowed by Code. The applicant will need to request a waiver of block lengths and coordinate with ACHD for compliance with their standards.

The applicant has not indicated where mailbox clusters will be located for the development. The applicant shall work with the Star Postmaster on locations for mail service.

The applicant has indicated ten (10) phases on the preliminary plat and is requesting flexibility to adjust the number of lots, combination of lots and number of phases to reflect changing market conditions. A maximum residential lot amount of 469 lots will apply to the final build-out of the development.

Landscaping proposed meets the standards of the Code, including the required street tree placement.

#### Transportation:

Although this development does not take direct access onto State Highway 16, staff is concerned with the future access to Highway 16 from Floating Feather Road. Initial discussions with ITD have included limited or no access to Highway 16 in the future. Not only is it important for traffic from this development to have access to this transportation corridor, but the entire northern area of the City including traffic coming from Star Road and Floating Feather, Can Ada Road, Pollard, Munger, Plummer, etc. all need to have access in order for the City to function now and as development continues. It is also important for our emergency services to have access to Highway 16 to service not only the residential community but also the existing and proposed schools on Pollard. Staff and the Mayor is continuing to work directly with ITD on

possible solutions to this access but may not have a solid direction for months. The applicant has been made aware of this and also has been informed that the portions of the development at the corners of Floating Feather and Highway 16 could change, and additional right of way may be needed. Staff does recognize, however, that these areas are in later phases of the development, and that conditions can be placed on the development by Council to protect these areas.

#### Commercial:

The applicant has proposed 8.23 acres of commercial area within the development. Of the 38.97 acres of the two parcels along Hwy 16 that is currently designated Mixed Use on the Comprehensive Plan Land Use Map, 8.23 acres represents approximately 22% of the area of the two parcels. Through the PUD process, staff is allowing the applicant to adjust the location of the commercial uses elsewhere in the development in order to provide proper access and visibility for the uses. Future access will play a vital part in the viability of the commercial uses on this property in the future. The applicant has placed the commercial area further from Highway 16 partly because of the access and also because of the proposed Floating Feather overpass over Hwy 16 that will start elevating further east near the proposed Floating Feather entrance to the subdivision. The Council should consider these issues when reviewing the commercial component of the development.

Based upon the information provided to staff in the applications and agency comments received to date, staff finds that the proposed annexation and zoning, rezone, planned unit development and the preliminary plat meets the requirements, standards and intent for development as they relate to the Zoning Ordinance. The applicant should be prepared to address the Council and explain how the development application, as proposed, meets the intent of the Comprehensive Plan, specifically regarding the Mixed-Use portion of the development. The Council should then 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 conditions of approval, Council shall direct staff to draft conditions of approval and findings of fact and conclusions of law for the Council to consider at a future date.

#### **UPDATED INFORMATION (6-16-20) The following is new information specific to the revised information submitted by the applicant:**

The City Council tabled the original application from February 4, 2020 to May 19, 2020. The application was then tabled to June 16, 2020. On May 5, 2020, the applicant and development team had workshop with the City Council (via Zoom) to discuss the application moving forward, discussing commercial uses and right of way/future connection issues for Floating Feather Road and Hwy 16. Council gave direction to the applicant on items to be considered at a future public hearing. On June 10, 2020, staff received revised documents from the applicant for the June 16, 2020 Council hearing.

A summary comparison of the original proposed preliminary plat and the revised plat is as follows:

**Original Plat**

- 469 Total Residential Lots
- 1 Total Commercial Lot
- 70 Total Common Lots
- 18.26% Total Open Space/10% Usable however, some confusion on “usable” eligibility as it related to irrigation/ drainage areas

**Revised Plat**

- 426 Total Residential Lots
- 7 Total Commercial Lots
- 60 Total Common Lots
- See applicant’s statement below for breakdown of revised Open Space

The applicant has modified the preliminary plat and planned unit development drawings and below is a summary of the changes (**as provided by the applicant**).

1. Additional right-of-way has been preserved on the north and south side of Floating Feather Road, east of Rosti Farm Way. The area consists of 3.41 acres accommodating a potential roundabout at Rosti Farm Way/Floating Feather Road and acceleration/deceleration lanes from State Highway 16. The area preserved is based on a conceptual design prepared by the traffic engineers at Kittelson and & Associates. The right-of-way for Floating Feather Road as requested by Ada County Highway District is delineated separately on the preliminary plat and consists of 5.16 acres. This calculation does not include the 3.41 acres.
2. The neighborhood commercial area has been relocated from the southeast corner of Floating Feather and Pollard Lane to the northeast portion of the development. Access to the neighborhood commercial area will be from Rosti Farm Way and consists of 4.23 acres. A concept plan has been provided to demonstrate the feasibility of the complimentary commercial uses in that area.
3. A mixed-use area consisting of 12.74 acres lies adjacent to the neighborhood commercial uses and State Highway 16. The area will take access through the neighborhood commercial area with secondary access from the residential area. The Council and Mayor requested we reduce the residential area and allocate approximately 15 acres for neighborhood commercial and mixed-use next to State Highway 16. The modified plan reflects a total of 16.97 acres for the commercial/mixed-use.
4. The neighborhood commercial and mixed use includes 7 lots.
5. The applicant has eliminated 43 single-family lots to increase the commercial/mixed use component.
6. The pocket park located north of Floating Feather Road has been relocated along the north boundary in alignment with Rosti Farm Way. The pocket park will include playground equipment and a picnic gazebo.
7. Additional linear open space was added north of Floating Feather consisting of 0.59 acres. This area will provide more open space for recreation purposes.



8. The central amenity lot increased in size from 2.72 acres to 2.92 acres. The amenities provided within the common lot include a swimming pool facility, tot lot, picnic shelter and pathways.
9. The easterly common area increased in size from 1.21 acres to 1.82 acres. The amenities within this area include playground equipment, a gazebo and pathways. Additional micro-paths were added within blocks 11 and 12 to provide for more convenient and direct access to the amenities within the 1.82 acres lot.
10. Patmore Street was changed to a cul-de-sac instead of through street. The local street, Garner Avenue has been eliminated and Bauff Avenue was relocated to the west to align with Elmvalle Avenue. This change reduced the amount of local street by 600 linear feet.
11. The applicant modified the useable common area list to exclude 8 acres which included the Middleton Mill Canal, the Foothills Ditch, storm drainage lots, end block buffers and the Klondike Drain. The useable open space is 24.45 acres or 15.30 percent of the development. The total acreage of the Rosti property is 171.70 acres. However, the Floating Feather Road right-of-way as requested by ACHD is excluded from the calculation since this is an arterial. The anticipated area of future ITD right-of-way along State Highway 16 was also excluded from the total acreage. The acreage used is 158.85 when determining the percentage of required open space. The required total open space is 23.83 acres 15 percent. The required useable open space is 15.89 acres or 10 percent. The proposed open space exceeds those required by Star Unified Development Code.
12. The area previously occupied by the neighborhood commercial concept, south of Floating Feather Road has been changed to single-family residential lots.
13. The residential density of the project has been reduced from 2.87 dwelling units per acre to 2.75 dwelling unit per acre.
14. The minimum residential lot size increased from 5,833 square feet to 6,000 square feet.
15. The average residential lot size increased from 8,574 square feet to 8,832 square feet.
16. The number of common lots was reduced from 70 to 60.
17. The site plan was further refined and landscape medians were added to the knuckles as required in new UDC updates.
18. The development will include both detached and attached sidewalks along the local streets.
19. The applicant has made significant improvements to the site plan based on the recommendations of staff, the Mayor and Council Members. The new plan demonstrates the willingness of the applicant to create a development that furthers the vision of the City of Star by creating a neighborhood of exceptional quality along with essential commercial services.

The applicant has also provided proposed additional Conditions for a Development Agreement as follows:

**Toll Brothers – Rosti Property  
Conditions for Development Agreement**

1. Commercial uses may include those listed in the attached Exhibit A.
2. Any future multi-family use will require Council approval of a conditional use permit.
3. To pay the \$874,625 traffic mitigation fee required by the Idaho Transportation Department, the developer will pay the City \$2,053.11 per buildable lot within each phase prior to signature on the final plat for the applicable phase, capped at a total of \$874,625. The City will allocate the funds to roadway improvements in the vicinity of the project.
4. Developer has set aside extra land to accommodate potential roadway right-of-way needs. If at any point prior to proceeding with the applicable phase, ITD confirms less right-of-way is needed for adjacent roadways (for example, because right-of-way and funding have not been secured for the proposed interchange or because the intersection design has changed), then Developer may proceed with an alternate layout to utilize the available land similar to the concept shown on the attached Exhibit B.
5. Developer has set aside 4.23 acres for neighborhood commercial and 12.73 acres for mixed use development in Phase 10. If market conditions or transportation access conditions do not support the larger mixed-use area, then Developer may request the City to approve an amended plat of the mixed-use area to provide additional residential lots.

H. *On-Site Features:*

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

I. *Agencies Responding:*

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

Central District Health

December 31, 2019

Star Fire District  
Keller and Associates  
ITD  
ACHD

January 27, 2020  
January 22, 2010  
December 4, 2019 & January 28, 2020  
June 16, 2020

J. Staff received the following neighbor letters for the development:

Michael Prenn, 1875 N. Mountain Vista Lane, Star, Idaho 83669 - Email

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

Comprehensive Plan:

8.2.3 Land Use Map Designations:

Mixed Use:

Generally suitable for a mixture of uses which may, at the sole discretion of the Council, include office, commercial, and/or residential depending upon the specific area designated as Mixed Use. See Mixed Use Implementation Policies for specific criteria. Development within this land use designation is to proceed through the PUD and/or development agreement process. Identifying areas for mixed-use development has two objectives. The first objective is to give the city a better tool to manage the type of developments through the planned unit development and/or the Development Agreement process. The second objective is that this land use designation will allow the development community to be more innovative in design and placement of structures. Development design guidelines should also be established to guide development within mixed-use areas. Rezoning within this land use designation is to be strictly monitored by the city to assure that the Mixed-Use areas are not being used simply to justify high density residential use.

8.3 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

#### 8.5.7 Policies Related Mostly to the Mixed-Use Planning Areas

- A. Council, at their sole discretion, shall determine what mix of uses are appropriate for any mixed-use area considering existing property owners rights.
- B. Development within the Mixed-Use Designation is to proceed through the CUP, PUD, and/or Development Agreement process, and a concept plan must be included with any such proposed use.
- C. In general, mixed use areas along state highways should be predominantly commercial with a very minor component of residential unless the residential is placed on upper floors as part of a mixed-use building.
- D. Mixed-use areas along state and U.S. Highways where direct access to the state highway is prohibited, like along State Highway 16 between State Highway 44 and US Highway 20/26, should be predominately residential with a minor component of neighborhood commercial, or light industrial if sufficient roadway access, by means of backage or other roads, to the State Highway is provided.
- E. Mixed-use areas located between commercial and residential land use designations are to provide a compatible transition between the higher intensity use of commercial and the lower intensity use of Neighborhood Residential. Uses for these mixed-use areas could include multi-family housing and or office related uses if determined by the Council through the public hearing process, to be appropriate.

#### 8.5.9 Additional Land Use Component Policies:

- Encourage flexibility in site design and innovative land uses.
- Encourage landscaping to enhance the appearance of subdivisions, structures, and parking areas.
- Require more open space and trees in subdivisions.

- Work with Ada County Highway District (ACHD), Canyon Highway District #4 (CHD4), and Idaho Department of Transportation (ITD) for better coordination of roadway and access needs.
- Support well-planned, pedestrian-friendly developments.
- Dark sky provision should be adopted within the code to assure down style lighting in all developments and Star should consider joining the International Dark Sky Association.
- The City should utilize the 2018 Treasure Valley Tree Selection Guide when requiring trees within developments.

#### 18.4 Implementation Policies:

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

#### Unified Development Code:

#### **8-3B-1: RESIDENTIAL DISTRICT PURPOSE:**

The purpose of the residential districts is to provide for a range of housing opportunities consistent with the Star comprehensive plan. Connection to the Star sewer and water district is a requirement for all residential districts. Residential districts are distinguished by the allowable density of dwelling units per acre and corresponding housing types that can be accommodated within the density range.

Certain residential land uses are allowed within the CBD and MU (with a CUP) zoning districts as set forth in this title.

#### **8-3B-6: MEDIUM DENSITY RESIDENTIAL DISTRICTS (R-3 AND R-4):**

The maximum gross density allowed is three (3) R-3 and four (4) R-4 dwellings per acre. (Ord. 215, 11-2-2011)

**TABLE 8-3B-6(a)**  
**DIMENSIONAL STANDARDS FOR DEVELOPMENT IN THE**  
**R-3 AND R-4 DISTRICT(S)**

R-3/R-4 Standard(s)	Requirement
Minimum street frontage	35 feet
Front setback <sup>1</sup>	15 feet to living area and 20 feet to garage

Rear setback	15 feet
Interior side setback	5 feet plus 5 feet for each additional story
Street side setback <sup>1</sup> :	
Local	20 feet
Arterial and collector	25 feet
Street landscape buffer:	
Arterial and collector	35 feet
Entryway corridor	40 feet
Maximum building height	35 feet

Note:

1. Measured from back of sidewalk or property line where there is no adjacent sidewalk.

(Ord. 215, 11-2-2011; amd. Ord. 236, 7-15-2014)

- A. Rear or side street setback areas may not be used for off street parking or loading areas.
- B. Yards that do not abut a street may be utilized for off street parking; provided that a minimum five foot (5') wide landscape buffer is provided between the subject property and the neighboring property.
- C. In all residential zones garages and carports opening onto a side street must have a minimum distance between the opening of such garage or carport and the side street lot line of not less than twenty feet (20').
- D. Accessory structures, such as decks and patios, which are one foot (1') or less in height, as measured from the property's finished grade, may occupy any yard area, provided that such structures do not encroach within a side or rear yard utility easement. (Ord. 215, 11-2-2011)

### **8-2B-1: TERMS DEFINED:**

**MIXED USE DEVELOPMENT:** The development of a tract of land or building or structure with two (2) or more different uses such as, but not limited to, residential, office, retail, entertainment, in a compact urban form.

**TABLE 8-3E-4(a)**  
**DIMENSIONAL STANDARDS IN THE MU DISTRICT**

Dimensional Standards	MU
Front setback	10 feet
Rear setback	20 feet
Interior side setback	0 feet
Street side setback <sup>1</sup>	0 feet
Maximum building height	35 feet
Parking requirements	See <a href="#">chapter 4, article C</a> of this title
Landscape requirements	See <a href="#">chapter 4, article B</a> of this title

Note:

1. Measured from back of sidewalk.

A. Minimum Property Size: Each building site shall be of sufficient size to meet the minimum setbacks as established in this section.

B. Housing Unit Allocation: In the MU district, a minimum of two (2) housing types, including, but not limited to, single-family dwellings, townhouses, and multi-family dwellings, shall be required on any subdivision submittal or planned unit development application.

C. Drainage:

1. In no case shall a development propose less than a five-foot (5') setback adjacent to a property that is not part of the development application.

2. Properties shall provide adequate area to maintain drainage on the site.

D. Mixed-Use Zoning Designation Setbacks: All residential buildings in the Mixed-Use Zoning Designation shall follow the setbacks for residential standards depending on the residential density; all commercial buildings in a Mixed-Use Zoning Designation shall follow the setbacks for the commercial standards. (Ord. 215, 11-2-2011; amd. Ord. 290, 2019)

#### **8-7-1: PURPOSE - PLANNED UNIT DEVELOPMENTS:**

A. The purpose of the planned unit development (PUD) requirements is to provide an opportunity for exemplary site development that meets the following objectives:

1. Preserves natural, scenic and historic features of major importance;
2. Allows for innovative design that creates visually pleasing and cohesive patterns of development; and
3. Creates functionally integrated development that allows for a more efficient and cost-effective provision of public services.

B. It is not the intent that the PUD process be used solely for the purposes of deviation from the dimensional standards in the district. (Ord. 215, 11-2-2011)

#### **8-7-4: STANDARDS:**

The council may approve planned unit developments, in accord with the following standards:

A. General Use Standards:

1. Deviations From Underlying District Requirements: Deviations from the development standards and/or area requirements of the district in accord with chapter 3, "District Regulations", of this title may be approved. The exception is that along the periphery of the planned development, the applicable setbacks as established by the district shall not be reduced.
2. Allowed Uses: Applicant may request that specific conditional use(s) be allowed in the district as principal permitted use(s).
3. Private Streets And Service Drives: The uses within the planned unit development are interconnected through a system of roadways and/or pathways as appropriate. Private streets and service drives may be permitted, if designed and constructed to the transportation authority standards and in accord with chapter 4, article E, "Private Street Requirements", of this title.
4. Buildings Clustered: Buildings shall be clustered to preserve scenic or environmentally sensitive areas in the natural state, or to consolidate small open spaces into larger, more usable areas for common use and enjoyment.

B. Private Open Space: In addition to the common open space and site amenity requirements as set forth in chapter 4, "Regulations Applicable To All Districts", of this title, a minimum of eighty (80) square feet of private, usable open space shall be provided for each residential unit. This requirement can be satisfied through porches, patios, decks, and enclosed yards. Landscaping, entryway and other accessways do not count toward this requirement.



### **8-4F-3: STANDARDS FOR COMMON OPEN SPACE AND SITE AMENITY REQUIREMENTS:**

#### **A. Open Space And Site Amenity Requirement:**

1. Open Space: Open space shall be designated as a total of 15% per application with 10% being useable space. (amd. Ord. 290, 2019)
2. One additional site amenity shall be required for each additional twenty (20) acres of development area.

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

1. Any open space that is active or passive in its intended use, and accessible by all residents of the development, including, but not limited to:
  - a. Open grassy area of at least fifty feet by one hundred feet (50' x 100') in area;
  - b. Community garden;
  - c. Ponds or water features; or
  - d. Plaza.
2. Additions to a public park or other public open space area.
3. The buffer area along collector streets may be included in required common open space for residential subdivisions.
4. A street buffer with a minimum of ten feet (10') in width and street trees planted in accord with section 8-4B-7, "Landscape Buffers Along Streets", of this chapter may count up to fifty percent (50%) of the requirement.
5. Parkways along local residential streets that meet all the following standards may count toward the common open space requirement:
  - a. The parkway is a minimum of eight feet (8') in width from street curb to edge of sidewalk.
  - b. The parkway is planted with street trees in accord with section 8-4B-7, "Landscape Buffers Along Streets", of this chapter.
  - c. Except for alley accessed dwelling units, the area for curb cuts to each residential lot or common driveway shall be excluded from the open space calculation. For purposes of this

calculation, the curb cut area shall be a minimum area of twenty-six feet (26') by the width of the parkway.

6. Parkways along collector and arterials that are a minimum of ten feet (10') in width from street curb to sidewalk can be counted toward the open space requirement.

7. Stormwater detention facilities when designed in accord with section 8-4B-11, "Stormwater Integration", of this chapter.

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

1. Quality of life amenities;
2. Clubhouse;
3. Fitness facilities;
4. Enclosed bike storage;
5. Public art;
6. Picnic area; or
7. Additional five percent (5%) open space;
8. Recreation amenities:
  - a. Swimming pool.
  - b. Children's play structures.
  - c. Sports courts.
  - d. Pedestrian or bicycle circulation system amenities meeting the following requirements:
    - (1) The system is not required for sidewalks adjacent to public right of way;
    - (2) The system connects to existing or planned pedestrian or bicycle routes outside the development; and
    - (3) The system is designed and constructed in accord with standards set forth by the city of Star;

9. Provision of transit stops, park and ride facilities or other multimodal facilities to encourage alternative automobile transportation.

D. Location:

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

2. Common open space shall be grouped contiguously with open space from adjacent developments whenever feasible.

E. Required Improvements And Landscaping:

1. Common open space shall be suitably improved for its intended use, except that natural features such as wetlands, rock outcroppings, ponds, creeks, etc., may be left unimproved.

2. Common open space areas shall include (at a minimum) one deciduous shade tree per eight thousand (8,000) square feet and lawn, either seed or sod.

F. Maintenance:

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

2. Land designated as common open space may be conveyed to the city, where the city council agrees to accept conveyance. (Ord. 215, 11-2-2011)

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

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

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

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

*The goal of the Comprehensive Plan for Residential Districts is to encourage the development of a diverse community that provides a mixture of land uses, housing types, and a variety of employment options, social and recreational opportunities, and*

*where possible provides an assortment of amenities within walking distance of a residential development. The Council finds that this annexation and rezone is in compliance with the Comprehensive Plan.*

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

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

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

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

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

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

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

*The Council finds this annexation is reasonably necessary for the orderly development of the City.*

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

1. The plat is in compliance with the Comprehensive Plan;  
*The Council finds that the Plat, as presented, will be constituent with the updated Comprehensive Plan and will meet the Land Use designation. Further, the property is required to develop under the guidelines of the Comprehensive Plan and requirements of the Unified Development Code.*
2. Public Services are available or can be made available and are adequate to accommodate the proposed development;

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

3. There is public financial capability of supporting services for the proposed development;  
*The Council finds that the City has not received notice from any jurisdictional agency that there are any problems with public financial capability for this development.*
4. The development will not be detrimental to the public health, safety or general welfare;  
*The Council finds that the City has not been made aware of any known detriment that will be caused by this development. Residential uses are a permitted use.*
5. The development preserves significant natural, scenic or historic features;  
*The Council finds that there are no known natural, scenic, or historic features that have been identified with this Preliminary Plat. The property has been in previous agricultural production.*

#### **8-7-5: PLANNED UNIT DEVELOPMENT FINDINGS:**

Upon recommendation from the administrator, the council shall make a full investigation and shall, at the public hearing, review the application. In order to grant a planned development request, the council shall make the following findings:

- A. The planned unit development demonstrates exceptional high quality in site design through the provision of cohesive, continuous, visually related and functionally linked patterns of development, street and pathway layout, and building design.

*The Council finds that the development, when developed to the standards of the Unified Development Code and as approved with the conditions of approval, demonstrates a high quality of site design.*

- B. The planned unit development preserves the significant natural, scenic and/or historic features.

*The Council finds that the development preserves natural and scenic features, including existing canals and drainages.*

- C. The arrangement of uses and/or structures in the development does not cause damage, hazard, or nuisance to persons or property in the vicinity.

*The Council finds that the uses proposed in the development, when developed to the standards of the Unified Development Code and as approved with the conditions of approval, does not cause damage, hazard or nuisance to persons or property in the vicinity.*

- D. The internal street, bike and pedestrian circulation system is designed or the efficient and safe flow of vehicles, bicyclists and pedestrians without having a disruptive influence upon the activities and functions contained within the development, nor place an undue burden upon existing transportation and other public services in the surrounding area.

*The Council finds that the street, bike and pedestrian system proposed in the development will provide for safe flow of vehicles, bicyclists and pedestrians without having a disruptive influence upon the activities and functions contained within the development. With the recommended ACHD and ITD fees, the development will not place undue burden upon existing transportation and other public services in the surrounding area.*

- E. Community facilities, such as a park, recreational, and dedicated open space areas are functionally related and accessible to all dwelling units via pedestrian and/or bicycle pathways.

*The Council finds that the proposed parks, recreational facilities and dedicated open space areas are functionally related and accessible to all dwelling units via pedestrian and/or bicycle pathways.*

- F. The proposal complies with the density and use standards requirements in accord with the, "District Regulations", of this title.

*The Council finds that the density and uses approved with this development meets the district regulations of the Unified Development Code.*

- G. The amenities provided are appropriate in number and scale to the proposed development.

*The Council finds that the amenities proposed within this development are appropriate in the number and scale of the development.*

- H. The planned unit development is in conformance with the comprehensive plan.

*The Council finds that the approved PUD is in conformance with the Star Comprehensive Plan.*

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

- a. A public hearing on the application was held before the City Council on February 4, 2020, at which time testimony was heard and the Council tabled the application to May 19, 2020. The application was subsequently tabled to June 16, 2020. A public hearing on the application was again held before the City Council on June 16, 2020, at which time testimony was heard and the public hearing was closed. The City Council made their decision at that time.

- b. Oral testimony in favor of the application was presented to the City Council by:
- Becky McKay, Engineering Solutions, LLP, 1029 N. Rosario Street Suite 100, Meridian, Idaho 83642, the applicant
  - Sam Rosti, 1460 N. Pollard Lane, Star, ID 83669, the owner
  - Kari Rosti, 1460 N. Pollard Lane, Star, ID 83669
- c. Oral testimony to the application was further presented to the Council by:
- Ron Winegar, 8998 W. Floating Feather Road, Star, ID 83669
  - Josh Kinney, 1995 Highway 16, Star, ID 83669
  - Susan Bradbury, 1024 N. Pollard Lane, Star, ID 83669
  - Theresa Prenn, 1875 N. Mountain Vista Lane, Star, ID 83669
  - Doug Kramer, 10343 W. Adirondack Ct, Star, ID 83669
  - Chris Todd, 54 N. Plummer Road, Star, ID 83669
  - Steve Young, 906 N. Pollard Ln, Star, ID 83669
  - Ryan Cantlon, 950 W. Bannock St, Boise, ID 83702
  - Mike Prenn, 1875 N. Mountain Vista Lane, Star, ID 83669 (on-line)
- d. Written testimony in favor of or opposing the application was presented to the City Council by:
- None

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

The Council reviewed the particular facts and circumstances of this proposed annexation and zoning application in accordance with the City of Star Title 8 (Unified Development Code), deliberated on the matter, resulting in discussions on the annexation and platting of the development. Discussion included development layout, commercial property, ITD right of way, fencing and open space, open fences along ditches, trees retained and transitional lots.

#### **Statement of Compliance:**

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

The Owner requested the annexation and rezone from Rural Transition (RUT-Ada County) to Residential (R-3-PUD-DA) with a Development Agreement, which fits within the neighboring properties.

### Conditions of Approval:

1. The applicant shall enter into a Development Agreement with the City, agreeing to proportionate share assessment by ITD regarding impacts to the State Highway System, **unless as otherwise agreed upon by ITD through a previous agreement.** These fees will be collected by the City of Star, by phase, prior to final plat signature. The development agreement shall be signed and recorded as part of the ordinance for annexation and zoning and shall contain the details of the fees to be collected.
2. **Applicant shall retain trees along the northern boundary of the development when possible.**
3. **Fencing in the back yards of the homes adjacent to the irrigation and drainage ditches shall be required to be open fencing, to comply with UDC standards for fencing.**
4. The applicant shall submit an application for Permit to Develop in An Area of Special Flood Hazard for any areas within a flood hazard area. This approval shall be completed prior to final plat signature.
5. The approved Preliminary Plat for Rosti Farms Subdivision shall comply with all statutory requirements of applicable agencies and districts having jurisdiction in the City of Star.
6. The property with the approved Preliminary Plat shall be satisfactorily weed abated at all times, preventing a public nuisance, per Star City Code Chapter 3, Section 3-1-1 through 3-1-7.
7. 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 zoning administrator prior to start of construction.
8. All signed Irrigation District Agreements with the Irrigation Districts shall be provided to the City of Star with each subsequent Final Plat application.
9. 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.
10. The approved Preliminary Plat shall comply with the City of Star Unified Development Code regarding landscaping, both internal buffers and frontages. (See Section 8-4 B Landscaping Requirements)
11. **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 and shall be of the same design throughout the entire property.**
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 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.
14. The subsequent Final Plats shall comply with and be in accordance with the current City of Star Code, with the exception of any waivers granted by Council.



15. Requested surety shall be required at 150% of the total estimated installed cost, as approved by the City Engineer or Administrator. (See Section 8-1 C-1 of the Unified Development Code for a list of eligible items and terms).
16. A copy of the CC&R's shall be submitted to the City of Star at Final Plat.
17. A letter from the US Postal Service shall be given to the City at Final Plat stating the subdivision is in compliance with the Postal Service.
18. A form signed by the Star Sewer & Water District shall be submitted to the City prior to the signature of the Final Plat stating that all conditions of the District have been met.
19. All State, Federal and Local rules and regulations regarding development in the Special Hazard Areas (Floodplain/Floodway) shall be adhered to, if applicable.
20. All existing irrigation and drainage ditches located along the boundary of the subdivision shall be provided with fire-proof fencing to protect against burning by Irrigation Districts or farmers.
21. The applicant shall include language in the CC&R's that recognize and references surrounding active agricultural activities in the general vicinity and the sights, sounds and smells that are associated with these activities.
22. A sign application is required for any subdivision signs.

**Council Decision:**

The Council voted unanimously to approve the Annexation and Zoning to Residential (R-3-PUD-DA), Development Agreement and Preliminary Plat/Planned Unit Development for Rosti Farms Subdivision on June 16, 2020.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Star, Idaho

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

Trevor A. Chadwick, Mayor

ATTEST:

\_\_\_\_\_  
Cathy Ward, City Clerk

**ROSTI FARMS SUBDIVISION DRAFT  
DEVELOPMENT AGREEMENT**

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 Toll Southwest, LLC, hereinafter referred to as "Owner".

WHEREAS, Owner owns a parcel of land of approximately 171.70 acres in size, currently located within Ada County, zoned RUT and more particularly described in **Exhibit A** 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 10, 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 annexed in accordance with this Agreement;

WHEREAS, the parties agree to the zoning designations for various parcels within the Property as set forth in **Exhibit B**, which is attached hereto and incorporated herein by this reference.

WHEREAS, Owner filed with the City of Star, a Request for Annexation of the Property and Zoning upon Annexation of R-3-PUD-DA, as File No. AZ-20-03, so that the City can review all of 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.**

• **Development Acreage and Number of Residential Dwelling Units Permitted.** As part of the Planned Unit Development Site Plan shown on **Exhibit C**, Owner is allowed to develop 171.70 acres as follows:

- Zoning Classification: The zoning classification shall be a R-3-PUD-DA.
- A maximum of 426 single-family dwelling units is approved under this agreement.
- The developer shall comply with all city ordinances relating to Rosti Farms Estates Subdivision except as otherwise provided herein.
- **Site Design.** The preliminary plat, as set forth in **Exhibit D**, is hereby approved
- **Residential Uses.** The development is hereby approved for single-family detached units. Any future multi-family uses within the M-U area will require Council approval of a conditional use permit.
- **Additional Right-of-Way Set Aside.** The developer has set aside extra land to accommodate potential roadway right-of-way needs. If at any point prior to proceeding with the applicable phase, ITD confirms less right-of-way is needed for adjacent roadways (for example, because right-of-way and funding have not been secured for the proposed interchange or because the intersection design has changed), then the developer may proceed with an alternate layout to utilize the available land similar to the concept shown on the attached **Exhibit E**.
- **Commercial Property Set Aside.** Developer has set aside 4.23 acres for neighborhood commercial and 12.73 acres for mixed use development in Phase 10. If market conditions or transportation access conditions do not support the larger mixed-use area, then Developer may request the City to approve an amended plat of the mixed-use area to provide additional

residential lots.

- **Setbacks and Dimensional Standards.** The development shall comply with the following approved setbacks and dimensional standards:
  - Minimum Residential Lot Frontage: 35 feet
  - Front Setbacks (Measured from the back of sidewalk or property line): 20 feet
  - Rear Setbacks: 15 feet
  - Interior Setbacks: 5 feet (for one and two-stories)
  - Local Street Side Setbacks: 20 feet
  - Street Landscape Buffers:
    - Arterial Roadway: 35 feet
    - State Highway 16: 50 feet
    - Residential Collectors: 20 feet
    - Maximum Building Height: 35 feet
    - Minimum Lot Size: 5, 823 Square Feet
    - Average Lot Size: 8,790 Square Feet
- **Commercial Uses Allowed.** Commercial uses may include those listed in the attached **Exhibit F**.
- **Proportionate Shares Agreement for ITD Improvements.** Developer has agreed to participate in the costs of construction or improvements to the portions of the State Highway System within the City of Star and/or City of Star Area of City Impact. The Developer will pay the \$874,625 traffic mitigation fee required by the Idaho Transportation Department, the developer will pay the City \$2,053.11 per buildable lot within each phase prior to signature on the final plat for the applicable phase, capped at a total of \$874,625. The City will allocate the funds to roadway improvements in the vicinity of the project. The Owner shall pay this amount (unless otherwise revised by ITD) directly to the City of Star. The City will maintain this contribution in a specific Development Contributions account, to be distributed to ITD when requested for use with a specific Idaho Transportation Improvement Plan (ITIP) project within the City of Star Area of City Impact or City Limits.
- **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.

- **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 its prior zoning designation. 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 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: Toll Southwest, LLC  
3103 W. Sheryl Drive Suite 100  
Meridian, Idaho 83642

or

Samuel J. Rosti; Sam J and Kari Rosti; and Rosti Land, LLC  
1460 N. Pollard Lane  
Star, Idaho, 83669

**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 \_\_\_\_\_, 2020.

CITY OF STAR

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

ATTEST:

\_\_\_\_\_  
Cathy Ward, City Clerk

[signatures continued on following page]

\_\_\_\_\_, LLC

By: \_\_\_\_\_  
\_\_\_\_\_, Manager

STATE OF IDAHO    )  
                                  ) ss.  
County of Ada                )

On this \_\_\_\_ day of \_\_\_\_\_, 2020, before me the undersigned, a Notary Public in and for said state, personally appeared \_\_\_\_\_, known or identified to me to be the Manager of \_\_\_\_\_, LLC, the Idaho limited liability company that executed the within and foregoing instrument, and acknowledged to me that such Idaho limited liability company executed the same.

\_\_\_\_\_  
Notary Public for Idaho  
Residing at: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_



**EXHIBIT A**

LEGAL DESCRIPTION

**EXHIBIT B**

ZONING DESIGNATION MAP

## **EXHIBIT C**

PUD SITE PLAN

**EXHIBIT D**

PRELIMINARY PLAT

## **EXHIBIT E**

Alternative Plan for Right of Way

## EXHIBIT F

### COMMERCIAL USES APPROVED

**Allowed Uses with the Rosti Farms Subdivision Mixed-Use/Neighborhood Commercial Area: (Compliance with City of Star Unified Development Code is required; therefore, some uses which may be allowed only with a conditional use permit)**

**\*\*Recommended to be removed by Staff/Council**

Artist Studio  
Arts, entertainment, or recreation facility  
Automated Teller Machine (ATM)  
Bakery  
Bar/tavern/lounge/drinking establishment  
Barbershop/styling salon  
Brewery/Distillery  
Brewpub/Wine Tasting  
Building material, garden equipment and supplies  
Child Care center (more than 12)  
Child Care family (6 or fewer)  
Child Care group (7-12)  
Child Care-Preschool/Early learning  
Church or place of religious worship  
Civic, social or fraternal organizations  
Convenience Store  
Drive-through establishment/drive-up service window  
Dwelling:  
    Multi-family apartments  
    Townhomes  
    Single-family attached  
    Single-family detached  
    Two-family duplex  
Education institutions, private  
Farm  
Farmer's or Saturday market  
Financial institution  
Flex Space  
Gasoline, fueling, and charging station with or without convenience store  
Government office  
Greenhouse, commercial  
Healthcare and social services  
Hotel/motel  
Laboratory, medical  
Laundry and dry cleaning  
Library

Medical Clinic  
Museum  
Nursery, garden center and farm supply  
Nursing or residential care facility  
Office security facility  
Personal and professional services  
Pharmacy  
Photographic studio  
Professional offices  
Public infrastructure; public utility major and minor  
Research activities  
Restaurant  
Retail store/retail services  
Retirement home  
Service building  
Shopping Center  
Storage facility, outdoor (commercial)  
Storage facility, self-service (commercial)  
Swimming pool, commercial/public  
Vehicle emission testing  
Vehicle repair, major  
Vehicle sales or rental service  
Vehicle washing facility  
Veterinarian office  
Warehouse and storage  
Wholesale sales  
Winery  
Wireless communication facility

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**  
**MOON VALLEY COMMONS SUBDIVISION**  
**FILE NO. PP-20-05/DA-20-02-MOD**

The above-entitled Preliminary Plat and Development Agreement Modification land use applications came before the Star City Council for their action on June 16, 2020, at which time public testimony was taken and the public hearing was closed. The Star City Council, having requested and taken oral and written testimony, and having duly considered the matter, does hereby make the following Findings of Fact and Conclusions of Law;

**Procedural History:**

*A. Project Summary:*

Mark Tate, M3 ID Moon Valley, Inc, 1087 W. River Street Suite 10, Boise, ID 83702, the applicant, requested approval of a Preliminary Plat for a proposed residential subdivision consisting of 93 residential lots, 34 common lots, 1 commercial lot, a private road, and a Development Agreement Modification. This also includes a modification of the existing preliminary plat for Moon Valley Subdivision (PP-18-11). The property consists of 30.78 acres with a proposed density of 3.2 dwelling units per acre.

*B. Application Submittal:*

A neighborhood meeting was held on October 17, 2019 in compliance with the application submittal requirement of the Star Unified Development Code (Section 8-1 A-6 C). The Land Use application was deemed complete on February 17, 2020.

*C. Notice of Public Hearing:*

Notice of Public Hearing on the application for the City of Star Council was published in accordance with the requirements of Title 67, Chapter 65, Idaho Code and the Star Unified Development Code on February 21, 2020 and May 5, 2020. Notice of this public hearing was mailed to property owners within three-hundred feet (300') of the subject property in accordance with the requirements of Title 67, Chapter 65, Idaho Code and Star Unified Development Code on February 17, 2020 and May 18, 2020. Notice was sent to agencies having jurisdiction in the City of Star on February 17, 2020. The property was posted in accordance with the Star Unified Development Code on March 6, 2020 and May 21, 2020.

*D. History of Previous Actions:*

This property has always been in agricultural production with a portion being part of gravel extraction.



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

	<b>Zoning Designation</b>	<b>Comp Plan Designation</b>	<b>Land Use</b>
<b>Existing</b>	Mixed-Use (MU-DA)	Mixed Use	Vacant/Agricultural
<b>Proposed</b>	Mixed-Use (MU-DA)	No Change	Residential/Commercial
<b>North of site</b>	Residential R-8 & County Rural Transitional (RUT)	Commercial	Vacant/Residential
<b>South of site</b>	Mixed-Use (MU-DA)	Mixed Use	Single Family Dwelling
<b>East of site</b>	Mixed-Use (MU-DA)	Mixed Use	Approved Moon Valley Subdivision
<b>West of site</b>	Mixed-Use (MU-DA) Residential R-14-DA	Mixed Use	Hwy 16 Multi-Family Residential

F. *Site Data:*

Total Acreage of Site – 30.78 acres

G. *Development:*

The Applicant is seeking approval of a Preliminary Plat for a proposed residential subdivision consisting of 93 residential lots and a Development Agreement Modification.

**PRELIMINARY PLAT:**

The Preliminary Plat submitted contains 14 single family residential lots, and 4 common area lots (2 open space lots, 1 private road lot & 1 common drive lot). The existing single-family dwelling located to the south of the proposed lake is not a part of this annexation and preliminary plat and will remain in Ada County as a 5-plus acre parcel. The residential lots range in size from 13,300 square feet to 20,700 square feet, with an average lot size of 15,811 square feet. All streets are proposed to be private streets and must be built to ACHD standards. The submitted preliminary plat indicates street widths at 27 feet, well below the minimum required by Section 8-4D-34B(4) of the UDC.

The proposed preliminary plat indicates that the development will contain a total of 4.36 acres (14.2%) total open space within the common lots. As this is a continuation of the overall Moon Valley development, staff recognizes that the overall open space provided exceeds the minimum of 15% open space, 10% usable space required by Code. As this is an extension of the existing Moon Valley Subdivision, this new portion will benefit from the proposed amenities for the entire development, including a community clubhouse with gym, a resort style swimming pool, bocce ball courts, horseshoe pits, beachfront park area with a dock, cabanas and a boathouse, in addition to connection to pathways provided throughout the subdivision and along the Boise River.

## ADDITIONAL DEVELOPMENT FEATURES:

- Private Streets  
The development is proposing private streets. As was approved with the rest of the Moon Valley development, all private streets should be built to ACHD roadway standards, including a minimum of 33 feet of improved width. The proposed streets appear to be consistent with the approved street widths in the rest of the development.
- Common Drives - Access to the majority of the proposed home lots will be via common driveways. Although the UDC allows a maximum of two (2) dwelling units to be served by a common driveway, and for the driveway widths to be a minimum of twenty-eight feet (28'), the applicant may request approval through the development agreement for alternatives to this requirement. However, Star Fire District must approve the use of these driveways as proposed.
- Sidewalks  
Sidewalks are proposed at five-foot (5') widths and will be attached and detached throughout this portion of the overall subdivision as proposed.
- Lighting  
Streetlights shall reflect the "Dark Sky" criteria with all lighting. The same streetlight design shall continue throughout the entire development.
- Street Names  
Street names will be approved by the Ada Street Naming Committee prior to signature of final plat.
- Landscaping - As required by the Unified Development Code, Chapter 8, Section 8-8C-2-M(2) Street Trees; A minimum of one street tree shall be planted for every thirty-five (35) linear feet of street frontage. The landscaping plan submitted indicates street trees. The applicant shall use "Treasure Valley Tree Selection Guide", as adopted by the Unified Development Code.
- Setbacks – The applicant is requesting reduced setbacks. *"The reduced setbacks are being requested to allow for four patio homes to be clustered around each common drive located in the proposed subdivision"*. Through the development agreement modification, the applicant is requesting approval of specific setbacks as follows:
  - 5' Front Yard Setbacks
  - 3' Side Yard Setbacks
  - 5' Rear Yard Setbacks

H. *On-Site Features:*

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

**Irrigation/Drainage District(s):** - Little Pioneer Ditch, P.O. Box 70, Star, Idaho 83669  
- Drainage District #2, c/o Sawtooth Law Offices, 1101 W. River Street Ste. 110, Boise, Idaho 83707

**Flood Zone:** The development is located in a special flood hazard zone per FEMA FIRM panel #16027C0300F and 16601C0140 H. Base flood elevation in the X & AE zone is 2488-2491.

I. *Agencies Responding:*

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

Star Fire District	March 11, 2020
Keller and Associates	February 19, 2020
ITD	March 11, 2020
ACHD	March 11, 2020
Pioneer Irrigation District	March 12, 2020
Central District Health Dept	February 26, 2020

J. Staff received the following neighbor letters for the development:

No Public Responses submitted to Staff to Date.

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

Comprehensive Plan:

8.2.3 Land Use Map Designations:

#### Mixed Use:

Generally suitable for a mixture of uses which may, at the sole discretion of the Council, include office, commercial, and/or residential depending upon the specific area designated as Mixed Use. See Mixed Use Implementation Policies for specific criteria. Development within this land use designation is to proceed through the PUD and/or development agreement process. Identifying areas for mixed-use development has two objectives. The first objective is to give the city a better tool to manage the type of developments through the planned unit development and/or the Development Agreement process. The second objective is that this land use designation will allow the development community to be more innovative in design and placement of structures. Development design guidelines should also be established to guide development within mixed-use areas. Rezoning within this land use designation is to be strictly monitored by the city to assure that the Mixed-Use areas are not being used simply to justify high density residential use.

#### Commercial:

Suitable primarily for the development of a wide range of commercial activities including offices, retail, and service establishments. Rezoning to this designation should not be allowed unless adequate ingress/egress to major transportation corridors are assured.

#### 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

#### 8.5.7 Policies Related Mostly to the Mixed-Use Planning Areas

A. Council, at their sole discretion, shall determine what mix of uses are appropriate for any mixed-use area considering existing property owners rights.

B. Development within the Mixed-Use Designation is to proceed through the CUP, PUD, and/or Development Agreement process, and a concept plan must be included with any such proposed use.

C. In general, mixed use areas along state highways should be predominantly commercial with a very minor component of residential unless the residential is placed on upper floors as part of a mixed-use building.

D. Mixed-use areas along state and U.S. Highways where direct access to the state highway is prohibited, like along State Highway 16 between State Highway 44 and US Highway 20/26, should be predominately residential with a minor component of neighborhood commercial, or light industrial if sufficient roadway access, by means of backage or other roads, to the State Highway is provided.

E. Mixed-use areas located between commercial and residential land use designations are to provide a compatible transition between the higher intensity use of commercial and the lower intensity use of Neighborhood Residential. Uses for these mixed-use areas could include multi-family housing and or office related uses if determined by the Council through the public hearing process, to be appropriate.

#### 8.5.9 Additional Land Use Component Policies:

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

## 18.4 Implementation Policies:

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

### Unified Development Code:

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

**MIXED USE DEVELOPMENT:** The development of a tract of land or building or structure which includes uses from two (2) or more of the land use categories such as residential, commercial, office, light industrial, public space or agricultural.

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

**MU MIXED USE DISTRICT:** To provide for a mixture of uses which may, at the sole discretion of the Council, include office, commercial, and/or residential depending upon the specific comprehensive plan area designated as Mixed Use. Development within this zone is to proceed through the PUD process unless a development agreement has already been executed for the particular property. Identifying areas for mixed-use development has two objectives. The first objective is to give the city a better tool to manage the type of developments through the planned unit development and/or the Development Agreement process. The second objective is that this zone may allow the development community to be more innovative in design and placement of structures subject to Council review and approval. Rezoning within this land use designation is to be strictly monitored by the city to assure that the Mixed-Use areas are not being used simply to justify high density residential use. Multi-family uses shall be part of an overall mixed-use development that includes a non-residential component and may not exceed 30% of the overall size of the development.

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

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

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

##### **A. Design Standards:**

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

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

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

B. Construction Standards:

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

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

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

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

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

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

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

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

1. Private Road Reserve Study Requirements.

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

b. Qualified natural areas;

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

d. A plaza.

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

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

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

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

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

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

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

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

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

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

E. Maintenance:

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

## **8-6B-2: IMPROVEMENT STANDARDS:**

D. Common Driveways:

1. Maximum Dwelling Units Served: Common driveways shall serve a maximum of two (2) dwelling units and shall be approved by the Fire District.
2. For commercial or other non-residential uses, common driveways serving multiple structures and/or properties shall meet the requirements of the Fire District.
3. Width Standards: Common driveways shall be a minimum of twenty-eight feet (28') in width.
4. Maximum Length: Common driveways shall be a maximum of one hundred fifty feet (150') in length or less, unless otherwise approved by the fire district.
5. Improvement Standards: Common driveways shall be paved with a surface capable of supporting emergency services vehicles and equipment.
6. Abutting Properties: Unless limited by significant geographical features, all properties that abut a common driveway shall take access from the driveway.
7. Turning Radius: Common driveways shall be straight or provide a twenty-eight foot (28') inside and fifty foot (50') outside turning radius.
8. Depictions: For any plats using a common driveway, the setbacks, building envelope, and orientation of the lots and structures shall be shown on the preliminary and/or final plat.
9. Easement: A perpetual ingress/egress easement shall be filed with the county recorder, which shall include a requirement for maintenance of a paved surface capable of supporting fire vehicles and equipment.

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

1. The plat is in compliance with the Comprehensive Plan;  
*The Council finds that the Plat, as presented, will be constituent with the updated Comprehensive Plan and will meet the Land Use designation. Further, the property is required to develop under the guidelines of the Comprehensive Plan and requirements of the Unified Development Code.*
2. Public Services are available or can be made available and are adequate to accommodate the proposed development;  
*The Council finds that Agencies having jurisdiction on this parcel were notified of this action. The City has not received notice that public services are not available or cannot be made available for this development.*
3. There is public financial capability of supporting services for the proposed development;  
*The Council finds that the City has not received notice from any jurisdictional agency that there are any problems with public financial capability for this development.*
4. The development will not be detrimental to the public health, safety or general welfare;

*The Council finds that the City has not been made aware of any known detriment that will be caused by this development. Residential uses are a permitted use.*

5. The development preserves significant natural, scenic or historic features;  
*The Council finds that there are no known natural, scenic, or historic features that have been identified with this Preliminary Plat. The property has been in previous agricultural production.*

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

The Council finds the following regarding the proposed private street:

- 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.*

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

- a. The application was originally scheduled for March 17, 2020 but was postponed to June 2, 2020. A public hearing on the application was held before the City Council on June 2, 2020, at which time testimony was heard and the application was tabled to June 16, 2020. The public hearing on the application was continued before the City Council on June 16, 2020 at which time additional testimony was heard and the public hearing was closed. The City Council made their decision at that time.
- b. Oral testimony in favor of the application was presented to the City Council by:
- Mark Tate, M3 ID Moon Valley, Inc, 1087 W. River Street Suite 10, Boise, ID 83702, the applicant
- c. Oral testimony to the application was further presented to the Council by:
- Paul Akins, 8099 Moon Valley Road, tar, ID 83669
  - Lloyd Akins, 10390 W. Beacon Light Way, Star, ID 83669
  - Kathy Freeman, 101 Beach Street, Star ID 83669
- d. Written testimony in favor of or opposing the application was presented to the City Council by:  
None

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

The Council reviewed the particular facts and circumstances of this proposed annexation and zoning application in accordance with the City of Star Title 8 (Unified Development Code),

deliberated on the matter, resulting in discussions on the annexation and platting of the development. Discussion included development layout, the private road, modified development agreement , open space and amenities and ITD proportionate shares.

### **Statement of Compliance:**

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

The Owner requested the modification to the Development Agreement for Moon Valley Subdivision, which fits within the neighboring properties.

### **Conditions of Approval:**

1. The approved Preliminary Plat for Moon Valley Estates Subdivision shall comply with all statutory requirements of applicable agencies and districts having jurisdiction in the City of Star.
2. **All private streets shall have a minimum street width of 33' and shall be constructed to ACHD standards. Private streets and common drives shall meet the requirements of the Star Fire District.**
3. All approvals relating to floodplain/floodway issues and requirements shall be completed and approved by the City Flood Administrator **prior to submittal of the final plat.**  
**Construction of any kind is prohibited prior to approval of a Floodplain application.**
4. The property with the approved Preliminary Plat shall be satisfactorily weed abated at all times, preventing a public nuisance, per Star City Code.
5. Street trees shall be installed per Chapter 8, Section 8-8C-2-M(2) Street Trees.
6. All signed Irrigation District Agreements with the Irrigation Districts shall be provided to the City of Star with each subsequent Final Plat application.
7. Pressurized irrigation systems shall comply with the Irrigation District(s) and the City of Star Codes. Plans for pressurized irrigation systems shall be submitted to, and approved by the City of Star Engineer, prior to installation.
8. A plat note supporting the "Right to Farm Act" as per Idaho Code Title 22, Chapter 45, shall be shown on the Final Plat.
9. A copy of the CC&R's shall be submitted to the City of Star at Final Plat.
10. A letter from the US Postal Service shall be given to the City at Final Plat stating the subdivision is in compliance with the Postal Service.
11. A form signed by the Star Sewer & Water District shall be submitted to the City prior to the signature of the Final Plat stating that all conditions of the District have been met.
12. 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.
13. 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.

14. 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.
15. All common areas shall be maintained by the Homeowners Association.
16. 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.**
17. A sign application is required for any subdivision signs.

**Council Decision:**

The Council voted unanimously to approve the Preliminary Plat for Moon Valley Estates Subdivision and the Development Agreement Modification and on June 16, 2020.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Star, Idaho

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

Trevor A. Chadwick, Mayor

ATTEST:

\_\_\_\_\_  
Cathy Ward, City Clerk

**FIRST AMENDMENT TO  
AMENDED AND RESTATED DEVELOPMENT AGREEMENT**

This First Amendment to Amended and Restated Development Agreement (this “First Amendment”) is entered into as of the date set forth below by and between the City of Star, a municipal corporation in the State of Idaho (“City”), Sundance Investments, L.L.L.P. (“Sundance”), Roger L. Anderson and Susan I. Anderson, husband and wife (collectively, “Anderson”), and Ball Real Estate Investments, LLC, an Arizona limited liability company (“BREI”), and BFT KGLG Cherry Lane, LLC, an Arizona limited liability company (“BFT”), and G. Matthew Thomas, a married man dealing in his sole and separate property (“Thomas”), and each of their respective successors and assigns. BREI and BFT are collectively referred to herein as “BREI/BFT”. Anderson, Sundance, and BREI/BFT are sometimes collectively referred to herein as the “Owners”.

WHEREAS, the City and Owners previously entered into that certain Amended and Restated Development Agreement dated effective October 3, 2019 (the “Development Agreement”) relating to the development of certain real property located in Ada County, Idaho, as more particularly described in the Development Agreement (the “Property”). The Development Agreement was subsequently recorded with Ordinance No. 297 on October 11, 2019 as Instrument No. 2019-099018; and

Whereas, Thomas is the current fee title owner of the real property legally described and depicted on **Exhibit D** attached hereto and made a part hereof (the “Thomas Property”); and

WHEREAS, Owners and Thomas desire to modify the Development Agreement to include the Thomas Property, and subject such property to the terms and conditions of the Development Agreement and this First Amendment; and

WHEREAS, the City has the ability to modify the Development Agreement pursuant to the provisions of Idaho Code Section 67-6509, as required by the Star City Ordinances, Title 8, Chapter 1; and

WHEREAS, the required public hearings have been held and the Star City Council has approved a rezone of the Thomas Property to R2-DA in connection with City Application File No. \_\_\_\_\_; and

WHEREAS, in connection with such rezone, the City believes it to be in the best interest of the City to modify the Development Agreement to include the Thomas Property, on terms and conditions further set forth herein.

NOW, therefore, for good and valuable consideration, the sufficiency of which is hereby acknowledged, the parties do hereby agree as follows:

**1. Exhibit A.** Exhibit A of the Development Agreement is deleted in its entirety and is hereby replaced with **Exhibit A** attached to this First Amendment.

**2. Exhibit B.** Exhibit B of the Development Agreement is deleted in its entirety, and is hereby replaced with **Exhibit B** attached to this First Amendment.

**3. Development Acreage.** Section 2.1 of the Development Agreement is deleted in its entirety, and is hereby replaced with the following:

Owners are allowed to develop 238.01 acres as follows in according with the zoning map depicted on Exhibit B, attached hereto and made a part hereof:

Mixed Use (MU) – 227.97 acres  
Low-Density Residential (R2) — 10.04 acres

4. **Read-Shared Driveway Sections and Widths.** Section 2.9 of the Development Agreement is hereby modified to include the following:

Notwithstanding any other requirement of Star City Code, Owners are permitted to construct shared driveways with up to four (4) residential units that are a minimum of twenty (20) feet wide, so long as those shared driveways meet the International Fire Code standards in place at the time of development and are approved by the Star Fire District.

5. **Single Family Residential Setbacks.** Notwithstanding anything in the Development Agreement or in Star City Code to the contrary, the setbacks for single-family residential lots within any of the real property encumbered by the Development Agreement shall be, as follows:

Residential Setbacks		
Less than 5,000 SF, Multi-Family, or Attached		
	Front	N/A
	Rear	N/A
	Side	N/A
	Street Side	N/A
Cluster Lot Setback (4 lot cluster on shared driveway)		
	Front (to street)	10 feet
	Rear	10 feet
	Side (interior)	5 feet
	To Common Drive	3 feet
5,000 SF - 12,000 SF		
	Front	10 feet to living or side load garage, 20 feet to garage door
	Rear	20 feet
	Side	5 feet
	Street Side	12 feet
Greater than 12,000 SF		
	Front	15 feet to living or side load garage, 25 feet to garage door
	Rear	30 feet
	Side	5 feet single story/ 7.5 feet if 2 story element is more than 50% of side
	Street Side	15 feet

6. **Notices.** Section 7.4 of the Development Agreement is amended to add the following:

Thomas: G. Matthew Thomas  
7701 W. Moon Valley Road  
Eagle, ID 83616

7. **First Amendment Controls.** All terms set forth in the Development Agreement shall remain



unchanged and in full force and effect, except as amended by this First Amendment; and in the event of any conflict between the terms and conditions of this First Amendment and the Development Agreement, this First Amendment shall control.

*[end of text – signatures on following page]*

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

**CITY:**

CITY OF STAR,  
a political subdivision of the State of Idaho

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

Date: \_\_\_\_\_

**ATTEST:**

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

Date: \_\_\_\_\_

**SUNDANCE:**

SUNDANCE INVESTMENTS, L.L.L.P.,  
an Idaho limited liability limited partnership

By: THE SUNDANCE COMPANY  
Its: General Partner

By: \_\_\_\_\_  
Christopher L. Anderson

Its: President

Date: \_\_\_\_\_

**ANDERSON:**

By: \_\_\_\_\_  
ROGER L. ANDERSON

Date: \_\_\_\_\_

By: \_\_\_\_\_  
SUSAN I. ANDERSON

Date: \_\_\_\_\_

**BREI:**

BALL REAL ESTATE INVESTMENTS, LLC,  
an Arizona limited liability company

By: 4222, LLC,  
an Arizona limited liability company  
Its: Manager

By: \_\_\_\_\_  
W. Scott Schirmer

Its: Manager

Date: \_\_\_\_\_

**BFT:**

BFT KGLG CHERRY LANE, LLC,  
an Arizona limited liability company

By: BFT Management, LLC,  
an Arizona limited liability company  
Its: Manager

By: Brownlee Family Trust,  
u/t/a December 18, 2004  
Its: Member

By: \_\_\_\_\_  
William I. Brownlee  
Its: Trustee

Date: \_\_\_\_\_

**THOMAS;**

By: \_\_\_\_\_  
G. MATTHEW THOMAS

Date: \_\_\_\_\_

*[notary acknowledgments on following pages]*

**Schedule of Exhibits**

**Exhibit A** – Legal Description and Depiction of the Property

**Exhibit B** – Approved Zoning Map of the Property

**Exhibit D** — Legal Description of Thomas Property

STATE OF IDAHO       )  
  ) ss.  
County of Ada        )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared Trevor Chadwick, known or identified to me to be the Mayor of the City of Star, the municipal corporation that executed the instrument or the person who executed the instrument on behalf of said municipal corporation, and acknowledged to me that such municipal corporation executed the same.

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

\_\_\_\_\_  
Notary Public for Idaho  
Residing at \_\_\_\_\_

STATE OF IDAHO       )  
  ) ss.  
COUNTY OF ADA        )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared Christopher L. Anderson, known or identified to me to be the President of Sundance Investments, L.L.L.P., the limited liability limited partnership that executed the instrument, or the person who executed the instrument on behalf of said limited liability limited partnership, and acknowledged to me that such limited liability limited partnership executed the same.

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

\_\_\_\_\_  
Notary Public for Idaho  
My commission expires:

STATE OF IDAHO       )  
  ) ss.  
COUNTY OF ADA        )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared Roger L. Anderson, known or identified to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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

\_\_\_\_\_  
Notary Public for Idaho  
My commission expires:

STATE OF IDAHO                    )  
  ) ss.  
COUNTY OF ADA                 )

On this \_\_\_\_ day of \_\_\_\_\_, 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared Susan I. Anderson, known or identified to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

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

\_\_\_\_\_  
Notary Public for Idaho  
My commission expires:

STATE OF \_\_\_\_\_ )  
  ) ss.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_ day of \_\_\_\_\_, 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared \_\_\_\_\_, known or identified to me to be the \_\_\_\_ of Ball Real Estate Investments, LLC, the limited liability company that executed the instrument, or the person who executed the instrument on behalf of said limited liability company, and acknowledged to me that such limited liability company executed the same.

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

\_\_\_\_\_  
Notary Public for Idaho  
My commission expires:

STATE OF \_\_\_\_\_ )  
  ) ss.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_ day of \_\_\_\_\_, 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared \_\_\_\_\_, known or identified to me to be the \_\_\_\_ of BFT KGLG Cherry Lane, LLC, the limited liability company that executed the instrument, or the person who executed the instrument on behalf of said limited liability company, and acknowledged to me that such limited liability company executed the same.

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

\_\_\_\_\_  
Notary Public for Idaho  
My commission expires:

STATE OF IDAHO                    )  
  ) ss.  
COUNTY OF ADA                 )

On this \_\_\_\_ day of \_\_\_\_\_, 2019, before me, the undersigned, a Notary Public in and for said State, personally appeared G. Matthew Thomas, a married man, dealing in his sole and separate property, known or identified to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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

---

Notary Public for Idaho  
My commission expires:

## EXHIBIT A

### Legal Description of the Property (Development Property)



J-U-B COMPANIES



THE  
LANGDON  
GROUP



GATEWAY  
MAPPING  
INC.

#### DEVELOPMENT PROPERTY LEGAL DESCRIPTION

Those portions of the West Half of Section 15 and the East Half of Section 16, Township 4 North, Range 1 West, City of Star, Boise Meridian, Ada County Idaho, particularly described as follows:

**COMMENCING** at the corner common to Sections 9, 10, 15 and 16, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, from which the northeast corner of said Section 15 bears South 89°06'20" East, 2644.08 feet; Thence, along the line common to said Sections 15 and 16, South 00°39'42" West, 970.60 feet to the southerly right-of-way line of Moon Valley Road and the **POINT OF BEGINNING**;

Thence, along said southerly right-of-way line the following four (4) courses:

South 74° 38' 38" East, 293.69 feet;

Thence, South 73° 15' 35" East, 137.43 feet to the beginning of a curve;

Thence, along said curve to the left an arc length of 184.80 feet, having a radius of 533.00 feet, a central angle of 19° 51' 56", a chord bearing of South 83° 11' 44" East and a chord length of 183.88 feet;

Thence, North 86° 50' 56" East, 61.21 feet;

Thence, departing from said southerly right-of-way line, South 00° 40' 17" West, 225.45 feet to the northwest corner of Lot 2 of Matt Subdivision according to the plat thereof filed in Book 73 of Plats at Pages 7509 and 7510, Ada County Records;

Thence, along the northerly boundary of said Lot 2 the following six (6) courses:

South 89° 09' 13" East, 659.95 feet;

Thence, South 00° 45' 05" West, 179.80 feet;

Thence, North 88° 29' 03" East, 161.24 feet;

Thence, North 01° 19' 54" East, 450.35 feet to said southerly right-of-way line and the beginning of a non-tangent curve;

Thence, along said southerly right-of-way line, said northerly boundary and said curve to the right an arc length of 140.63 feet, having a radius of 8288.38 feet, a central angle of 00° 58' 20", a chord bearing of North 89° 32' 05" East and a chord length of 140.63 feet;

Thence, continuing along said southerly right-of-way line and said northerly boundary, South 89° 52' 50" East, 53.25 feet to the northeast corner of that certain 15.32-acre parcel according to Record of Survey No. 3271 recorded under Instrument No. 95051737, Ada County Records;

Thence, along the east line of said 15.32-acre parcel, South 00° 36' 23" West, 1995.06 feet;

Thence, along the south line of said parcel, South 74°17'47" West, 382.12 feet to the east line of the West Half of the West Half of said Section 15;

Thence, along said east line, South 00°57'37" West, 579.88 feet to that line of quieted title as described in District Court of the Fourth Judicial District of the State of Idaho Case No. 49243;

## EXHIBIT A

### Legal Description of the Property (continued) (Development Property)



J-U-B COMPANIES



THE  
LANGDON  
GROUP



GATEWAY  
MAPPING  
INC.

Thence, departing from said east line and along said line of quieted title the following four (4) courses:

North 62°22'53" West, 17.26 feet;  
Thence, North 86°01'53" West, 324.35 feet;  
Thence, North 73°47'53" West, 515.67 feet;  
Thence, North 76°37'43" West, 37.06 feet to the boundary of the lands of Thomas as described  
in that Warranty Deed recorded under Instrument No. 104046780, Ada County Records;

Thence, along the boundary of said lands of Thomas the following six (6) courses:

South 80°03'57" East, 156.38 feet;  
Thence, North 01° 16' 48" East, 935.93 feet;  
Thence, North 00° 39' 42" East, 323.26 feet;  
Thence, North 89° 20' 18" West, 727.08 feet;  
Thence, South 00° 39' 42" West, 321.72 feet;  
Thence, South 01° 16' 48" West, 464.98 feet;

Thence, departing from said lands of Thomas the following eight (8) courses:

North 85° 39' 51" West, 394.54 feet;  
Thence, South 81° 41' 11" West, 230.29 feet;  
Thence, South 71° 32' 00" West, 222.35 feet;  
Thence, South 61° 42' 20" West, 252.98 feet;  
Thence, South 64° 44' 51" West, 359.03 feet;  
Thence, South 77° 24' 11" West, 408.39 feet;  
Thence, North 88° 28' 23" West, 157.78 feet;  
Thence, North 73° 16' 53" West, 122.68 feet to the east right-of-way line of Highway 16  
according to Record of Survey No. 10034 recorded under Instrument No. 2015-015318,  
Ada County Records;

Thence, along said east right -of-way line the following five (5) courses;

North 10° 31' 19" East, 872.59 feet;  
Thence, North 25° 05' 58" East, 196.47 feet;  
Thence, North 10° 21' 20" East, 950.00 feet;  
Thence, North 15°11'32" East, 652.32 feet;  
Thence, North 41°19'10" East, 138.75 feet;

Thence, departing from said easterly right-of-way line, South 48°41'42" East, 75.00 feet to the  
westerly line of the lands of Consolidated Properties of Idaho, LLC as described in that  
Quitclaim Deed recorded under Instrument No. 2015-068009, Ada County Records;

Thence, along the westerly and southerly lines of said lands of Consolidated Properties the following  
six (6) courses:

South 41° 19' 10" West, 83.05 feet to the beginning of a curve;



## EXHIBIT A

### Legal Description of the Property (continued) (Development Property)



J-U-B COMPANIES



THE  
LANGDON  
GROUP



GATEWAY  
MAPPING  
INC.

Thence, along said curve to the left an arc length of 75.24 feet, having a radius of 165.00 feet, a central angle of  $26^{\circ} 07' 37''$ , a chord bearing of South  $28^{\circ} 15' 21''$  West and a chord length of 74.59 feet;

Thence, South  $15^{\circ} 11' 32''$  West, 360.69 feet;

Thence, South  $00^{\circ} 53' 09''$  West, 185.16 feet;

Thence, South  $49^{\circ} 31' 18''$  East, 79.80 feet;

Thence, South  $84^{\circ} 37' 14''$  East, 274.92 feet;

Thence, along the southerly line of the lands of Consolidated Properties of Idaho, LLC as described in that Warranty Deed recorded under Instrument No. 111052670, Ada County Records, South  $72^{\circ} 27' 35''$  East, 550.62 feet to the southwest corner of said lands;

Thence, along the southerly line of the lands of Akins as described in that Warranty Deed recorded under Instrument No. 7066505, Ada County Records, South  $79^{\circ} 18' 11''$  East, 508.93 feet to the southwest corner thereof;

Thence, along the east line of said lands of Akins, North  $00^{\circ} 39' 51''$  East, 957.73 feet to the southerly right-of-way line of Moon Valley Road;

Thence, along said southerly right-of-way line, South  $74^{\circ} 38' 38''$  East, 301.11 feet to the **POINT OF BEGINNING**, containing 130.21 acres, more or less.

Subject to any claim of ownership by the State of Idaho to any of the hereinabove described lands lying within the bed of the Boise River.

Robert L. Kazarinoff, PLS



10/18/2018

## EXHIBIT A

### Legal Description of the Property (continued) (Residential Property)



J-U-B COMPANIES



THE  
LANGDON  
GROUP



GATEWAY  
MAPPING  
INC.

#### RESIDENTIAL PROPERTY LEGAL DESCRIPTION

That portion of the Southeast Quarter of Section 16, Township 4 North, Range 1 West, City of Star, Boise Meridian, Ada County Idaho, particularly described as follows:

**COMMENCING** at the north quarter corner of said Section 16, from which the south quarter corner of said Section 16 bears South 00°46'53" West, 5263.46 feet; Thence, along the north-south mid-section line of said Section 16, South 00°46'53" West, 3095.73 feet; Thence, departing from said mid-section line, South 89°13'07" East, 892.14 feet to the northwest corner of the lands of Anderson as described in that Warranty Deed recorded under Instrument No. 97003467, Ada County Records and the **POINT OF BEGINNING**;

Thence, along the boundary of said lands of Anderson the following seven (7) courses:

North 68° 57' 20" East, 485.90 feet;

Thence, North 86° 33' 09" East, 585.00 feet;

Thence, South 03° 26' 14" East, 110.05 feet;

Thence, South 65° 47' 10" West, 561.56 feet;

Thence, South 78° 00' 09" West, 179.70 feet;

Thence, North 75° 24' 12" West, 366.27 feet;

Thence, North 01° 15' 22" West, 75.57 feet to the **POINT OF BEGINNING**, containing 5.27 acres, more or less.

Subject to any claim of ownership by the State of Idaho to any of the hereinabove described lands lying within the bed of the Boise River.

Robert L. Kazarinoff, PLS



10/18/2018

## EXHIBIT A

### Legal Description of the Property (continued) (Southside Property)



J-U-B COMPANIES



THE  
LANGDON  
GROUP



GATEWAY  
MAPPING  
INC.

#### SOUTH SIDE PROPERTY LEGAL DESCRIPTION

Those portions of the West Half of Section 15 and the East Half of Section 16, Township 4 North, Range 1 West, City of Star, Boise Meridian, Ada County Idaho, particularly described as follows:

**COMMENCING** at the corner common to Sections 9, 10, 15 and 16, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, from which the northeast corner of said Section 15 bears South 89°06'20" East, 2644.08 feet; Thence, along the line common to said Sections 15 and 16, South 00°39'42" West, 3069.29 feet to that 425-foot Witness Corner witnessing the west quarter corner of said Section 15 according to Record of Survey No. 706 recorded under Instrument No. 8505185, Ada County Records; Thence, continuing along said common line, South 01°33'42" West, 928.27 feet to that Meander Corner – Angle Point according to said Record of Survey No. 706 and the **POINT OF BEGINNING**;

Thence, along the U.S. Government Meander Line as shown on Record of Survey No. 1216 recorded under Instrument No. 8812252, Ada County Records, South 35° 27' 06" West, 198.00 feet;  
Thence, continuing along said Meander Line, South 65° 56' 11" West, 455.18 feet to the southeast corner of Parcel 2 according to Record of Survey No. 143 recorded under Instrument No. 8037663, Ada County Records;  
Thence, along the south line of said Parcel 2 and said Meander Line, South 65° 56' 11" West, 508.57 feet;  
Thence, continuing along said south line, North 67° 33' 05" West, 349.69 feet to the southwest corner of said Parcel 2;  
Thence, along the west line of said Parcel 2, North 00° 49' 27" East, 881.09 feet to the northwest corner of Parcel 2 according to Record of Survey No. 143 recorded under Instrument No. 8037663, Ada County Records;

Thence, along the south line of Parcel 1 according to said Record of Survey No. 143 the following six (6) courses:  
South 75°57'36" West, 178.08 feet;  
South 70°09'27" West, 180.08 feet;  
South 81°10'03" West, 170.55 feet;  
North 77°59'58" West, 111.04 feet;  
North 63°19'49" West, 192.58 feet;  
North 47°50'23" West, 80.22 feet to the east right-of-way line of Highway 16 according to Record of Survey No. 10034 recorded under Instrument No. 2015-015318, Ada County Records;

Thence, departing from said east right-of-way line,  
South 73° 16' 53" East, 122.68 feet;  
Thence, South 88° 28' 23" East, 157.78 feet;  
Thence, North 77° 24' 11" East, 408.39 feet;  
Thence, North 64° 44' 51" East, 359.03 feet;

## EXHIBIT A

### Legal Description of the Property (continued) (Southside Property)



J-U-B COMPANIES



THE  
LANGDON  
GROUP



GATEWAY  
MAPPING  
INC.

Thence, North 61° 42' 20" East, 252.98 feet;  
Thence, North 71° 32' 00" East, 222.35 feet;  
Thence, North 81° 41' 11" East, 230.29 feet;  
Thence, South 85° 39' 51" East, 394.54 feet to the boundary of the lands of Thomas as described  
in that Warranty Deed recorded under Instrument No. 104046780, Ada County Records;

Thence, along the boundary of said lands of Thomas the following six (6) courses:

South 01° 16' 48" West, 329.80 feet;  
Thence, South 79° 28' 23" East, 124.12 feet;  
Thence, South 64° 09' 47" East, 159.41 feet;  
Thence, South 88° 29' 11" East, 121.80 feet;  
Thence, South 81° 08' 35" East, 171.29 feet;  
Thence, South 80° 03' 57" East, 13.52 feet;

Thence, departing from said lands of Thomas and along said line of quieted title the following five (5)  
courses:

South 76° 37' 43" East, 37.06 feet;  
Thence, South 73° 47' 53" East, 515.67 feet;  
Thence, South 86° 01' 53" East, 324.35 feet;  
Thence, South 62° 22' 53" East, 17.26 feet to the east line of the West Half of the West Half of  
said Section 15;

Thence, along said east line, South 00° 57' 37" West, 1094.52 feet to hereinabove said Meander Line;

Thence, along said Meander Line the following five (5) courses:

North 47° 13' 44" West, 134.99 feet;  
Thence, North 78° 20' 44" West, 493.42 feet;  
Thence, North 20° 21' 09" West, 583.30 feet;  
Thence, South 71° 54' 10" West, 334.47 feet;  
Thence, North 45° 10' 38" West, 293.74 feet to the **POINT OF BEGINNING**, containing 62.28  
acres, more or less.

Subject to any claim of ownership by the State of Idaho to any of the hereinabove described lands lying  
within the bed of the Boise River.

Robert L. Kazarinoff, PLS



## EXHIBIT A

### Legal Description of the Property (Continued) (Pond Property)



J-U-B COMPANIES



THE  
LANGDON  
GROUP



GATEWAY  
MAPPING  
INC.

#### POND PROPERTY LEGAL DESCRIPTION

That portion of the East Half of Section 16, Township 4 North, Range 1 West, City of Star, Boise Meridian, Ada County Idaho, particularly described as follows:

**COMMENCING** at the north quarter corner of said Section 16, from which the south quarter corner of said Section 16 bears South 00°46'53" West, 5263.46 feet; Thence, along the north-south mid-section line of said Section 16, South 00°46'53" West, 1743.00 feet; Thence, departing from said mid-section line, South 89°13'07" East, 919.00 feet to the **POINT OF BEGINNING**;

Thence, North 58° 50' 58" East, 16.32 feet;  
Thence, North 73° 32' 56" East, 70.53 feet;  
Thence, North 86° 59' 38" East, 29.98 feet;  
Thence, South 72° 29' 40" East, 54.68 feet;  
Thence, South 66° 38' 22" East, 36.52 feet;  
Thence, South 56° 52' 37" East, 12.21 feet;  
Thence, South 78° 52' 25" East, 16.19 feet to the beginning of a non-tangent curve;  
Thence, along said curve to the right an arc length of 33.47 feet, having a radius of 60.26 feet, a central angle of 31° 49' 18", a chord bearing of South 34° 38' 43" East and a chord length of 33.04 feet to the beginning of a non-tangent curve;  
Thence, along said curve to the right an arc length of 63.42 feet, having a radius of 5235.64 feet, a central angle of 00° 41' 39", a chord bearing of South 18° 23' 15" East and a chord length of 63.42 feet;  
Thence, South 30° 00' 43" East, 50.61 feet;  
Thence, South 10° 24' 05" East, 106.52 feet;  
Thence, South 44° 00' 44" East, 40.22 feet;  
Thence, South 24° 11' 20" East, 70.70 feet;  
Thence, South 40° 30' 19" East, 35.94 feet;  
Thence, South 62° 37' 49" East, 171.31 feet;  
Thence, North 84° 28' 35" East, 102.76 feet;  
Thence, South 67° 08' 20" East, 157.59 feet;  
Thence, South 02° 26' 09" West, 76.87 feet to the beginning of a non-tangent curve;  
Thence, along said curve to the right an arc length of 214.34 feet, having a radius of 138.91 feet, a central angle of 88° 24' 23", a chord bearing of South 03° 53' 20" West and a chord length of 193.70 feet;  
Thence, North 90° 00' 00" West, 207.72 feet;  
Thence, South 53° 30' 23" West, 57.17 feet;  
Thence, South 81° 25' 18" West, 63.99 feet;  
Thence, North 03° 49' 06" West, 53.80 feet;  
Thence, South 72° 08' 58" West, 132.32 feet;  
Thence, South 55° 11' 32" West, 179.57 feet;  
Thence, South 68° 33' 15" West, 57.28 feet to the beginning of a non-tangent curve;

## EXHIBIT A

### Legal Description of the Property (continued) (Pond Property)



J-U-B COMPANIES



THE  
LANGDON  
GROUP



GATEWAY  
MAPPING  
INC.

Thence, along said curve to the right an arc length of 57.69 feet, having a radius of 45.28 feet, a central angle of  $73^{\circ} 00' 29''$ , a chord bearing of South  $76^{\circ} 09' 58''$  West and a chord length of 53.87 feet;  
Thence, South  $44^{\circ} 16' 47''$  West, 41.27 feet;  
Thence, South  $03^{\circ} 03' 54''$  East, 21.24 feet;  
Thence, South  $48^{\circ} 58' 29''$  West, 74.15 feet to the beginning of a non-tangent curve;  
Thence, along said curve to the right an arc length of 272.10 feet, having a radius of 141.65 feet, a central angle of  $110^{\circ} 03' 37''$ , a chord bearing of South  $86^{\circ} 07' 59''$  West and a chord length of 232.15 feet;  
Thence, North  $33^{\circ} 48' 41''$  West, 32.47 feet to the beginning of a curve;  
Thence, along said curve to the right an arc length of 91.96 feet, having a radius of 103.76 feet, a central angle of  $50^{\circ} 46' 43''$ , a chord bearing of North  $08^{\circ} 25' 19''$  West and a chord length of 88.98 feet;  
Thence, North  $21^{\circ} 44' 10''$  East, 141.58 feet;  
Thence, North  $24^{\circ} 47' 53''$  East, 208.30 feet;  
Thence, North  $22^{\circ} 24' 09''$  East, 216.46 feet;  
Thence, North  $37^{\circ} 12' 26''$  East, 57.33 feet;  
Thence, North  $07^{\circ} 10' 52''$  East, 72.78 feet;  
Thence, North  $05^{\circ} 35' 53''$  West, 123.03 feet;  
Thence, North  $02^{\circ} 43' 54''$  East, 54.30 feet;  
Thence, North  $19^{\circ} 36' 32''$  East, 24.91 feet;  
Thence, North  $02^{\circ} 42' 44''$  East, 90.57 feet;  
Thence, North  $51^{\circ} 06' 26''$  East, 8.27 feet to the **POINT OF BEGINNING**, containing 13.36 acres, more or less.

Robert L. Kazarinoff, PLS



10/18/2018



THOMAS TRAIN SUBDIVISION  
BOUNDARY DESCRIPTION

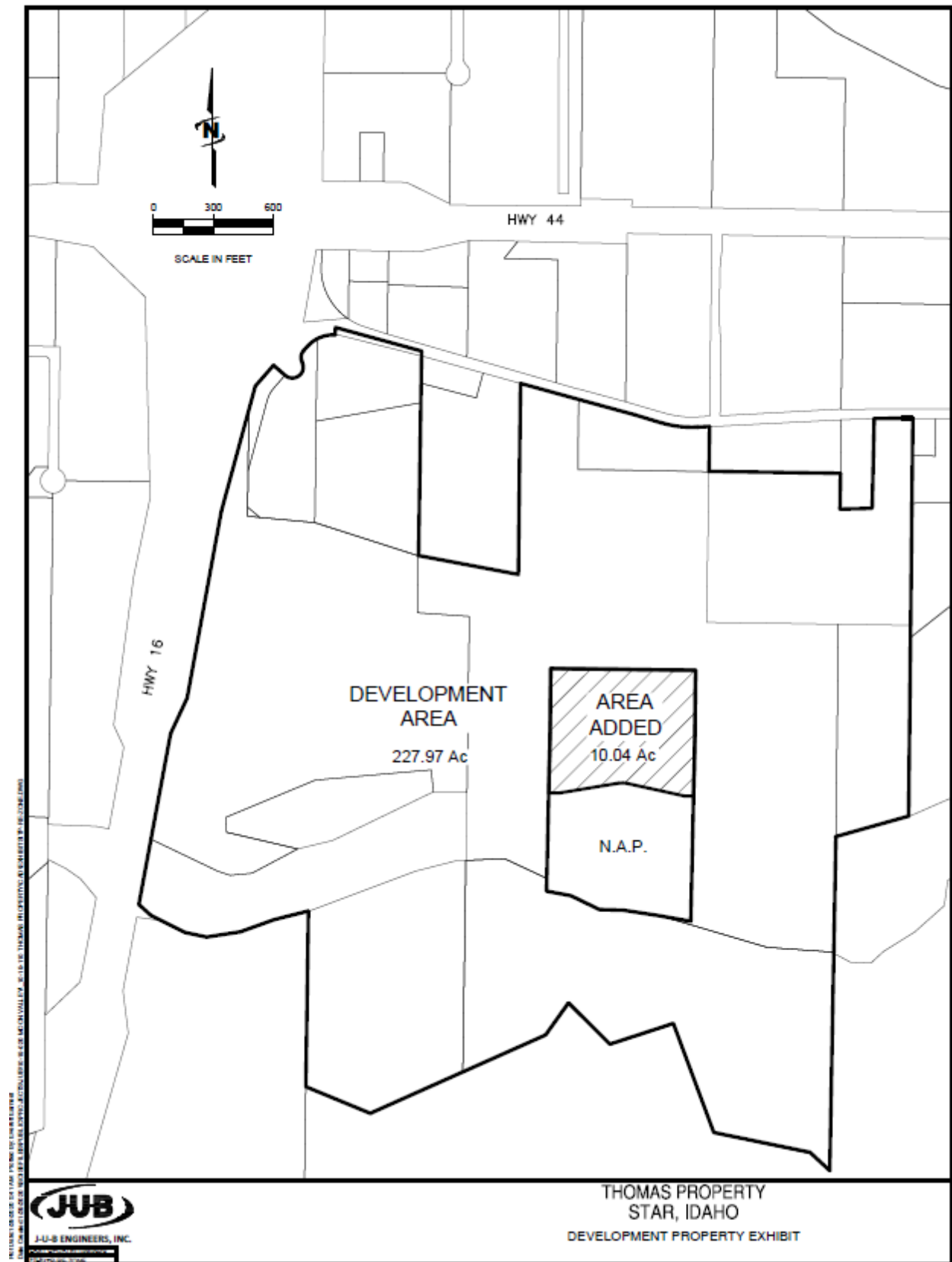
Those portions of the West Half of Section 15 and the East Half of Section 16, Township 4 North, Range 1 West, City of Star, Boise Meridian, Ada County Idaho, particularly described as follows:

COMMENCING at the corner common to Sections 9, 10, 15 and 16, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, from which the northeast corner of said Section 15 bears South 89°06'20" East, 2,644.08 feet; Thence, along the line common to said Sections 15 and 16, South 00°39'42" West, 2,322.24 feet to the north line of the lands of Thomas as described in that Warranty Deed recorded under Instrument No. 104046780, Ada County Records and the POINT OF BEGINNING;

Thence S 89°20'19" E, 604.57 feet along said north line;  
Thence S 00°39'42" W, 323.26 feet along the east line of said lands of Thomas;  
Thence S 01°16'48" W, 308.93 feet continuing along said east line;  
Thence N 88°43'12" W, 44.32 feet departing from said east line;  
Thence N 77°39'11" W, 298.78 feet to the beginning of a curve;  
Thence along said curve to the left an arc length of 37.91 feet, having a radius of 100.00 feet, a central angle of 21°43'23", a chord bearing of N 88°30'52" W and a chord length of 37.69 feet;  
Thence S 80°37'27" W, 305.95 feet;  
Thence N 88°43'12" W, 51.15 feet to the west line of said lands of Thomas;  
Thence N 01°16'48" E, 301.71 feet along said west line;  
Thence N 00°39'42" E, 321.72 feet along said west line;  
Thence S 89°20'19" E, 122.51 feet along the north line of said lands of Thomas to the POINT OF BEGINNING, containing 10.04 acres, more or less.

Robert L. Kazarinoff, PLS

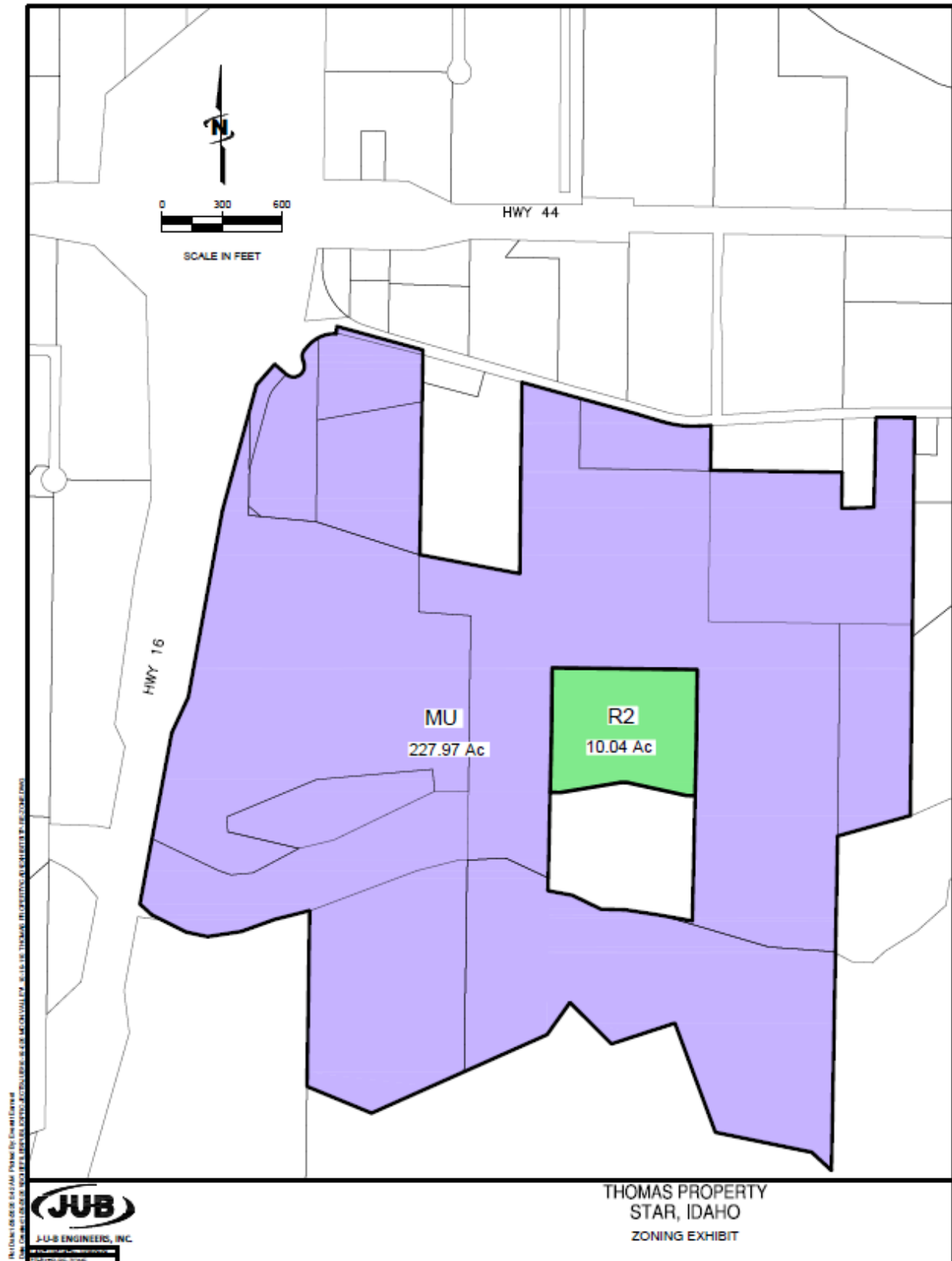






## EXHIBIT B

### Approved Zoning Map



## EXHIBIT D



J-U-B COMPANIES



THE  
LANGDON  
GROUP



GATEWAY  
MAPPING  
INC.

### THOMAS TRAIN SUBDIVISION BOUNDARY DESCRIPTION

Those portions of the West Half of Section 15 and the East Half of Section 16, Township 4 North, Range 1 West, City of Star, Boise Meridian, Ada County Idaho, particularly described as follows:

COMMENCING at the corner common to Sections 9, 10, 15 and 16, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, from which the northeast corner of said Section 15 bears South  $89^{\circ}06'20''$  East, 2,644.08 feet; Thence, along the line common to said Sections 15 and 16, South  $00^{\circ}39'42''$  West, 2,322.24 feet to the north line of the lands of Thomas as described in that Warranty Deed recorded under Instrument No. 104046780, Ada County Records and the POINT OF BEGINNING;

Thence  $S 89^{\circ}20'19''$  E, 604.57 feet along said north line;  
Thence  $S 00^{\circ}39'42''$  W, 323.26 feet along the east line of said lands of Thomas;  
Thence  $S 01^{\circ}16'48''$  W, 308.93 feet continuing along said east line;  
Thence  $N 88^{\circ}43'12''$  W, 44.32 feet departing from said east line;  
Thence  $N 77^{\circ}39'11''$  W, 298.78 feet to the beginning of a curve;  
Thence along said curve to the left an arc length of 37.91 feet, having a radius of 100.00 feet, a central angle of  $21^{\circ}43'23''$ , a chord bearing of  $N 88^{\circ}30'52''$  W and a chord length of 37.69 feet;  
Thence  $S 80^{\circ}37'27''$  W, 305.95 feet;  
Thence  $N 88^{\circ}43'12''$  W, 51.15 feet to the west line of said lands of Thomas;  
Thence  $N 01^{\circ}16'48''$  E, 301.71 feet along said west line;  
Thence  $N 00^{\circ}39'42''$  E, 321.72 feet along said west line;  
Thence  $S 89^{\circ}20'19''$  E, 122.51 feet along the north line of said lands of Thomas to the POINT OF BEGINNING, containing 10.04 acres, more or less.

Robert L. Kazarinoff, PLS



**FINDINGS OF FACT AND CONCLUSIONS OF LAW**  
**MOON VALLEY ESTATES SUBDIVISION**  
**FILE NO. AZ-20-06/DA-20-02-MOD/PP-20-03**

The above-entitled Annexation & Zoning, Development Agreement Modification, and Preliminary Plat land use applications came before the Star City Council for their action on June 16, 2020, at which time public testimony was taken and the public hearing was closed. The Star City Council, having requested and taken oral and written testimony, and having duly considered the matter, does hereby make the following Findings of Fact and Conclusions of Law;

**Procedural History:**

*A. Project Summary:*

Mark Tate, M3 ID Moon Valley, Inc, 1087 W. River Street Suite 10, Boise, ID 83702, the applicant, requested approval of an Annexation and Zoning (Residential R-2-DA) including a Rezone from Rural Urban Transition (RUT) to R-2-DA, a Development Agreement Modification and a Preliminary Plat for a proposed residential subdivision consisting of 14 residential lots and 2 common lots and a private road. The property located is at 7701 W Moon Valley Road in Star, Idaho, and consists of 10.04 acres with a proposed density of 1.40 dwelling units per acre.

*B. Application Submittal:*

A neighborhood meeting was held on October 17, 2019 in compliance with the application submittal requirement of the Star Unified Development Code (Section 8-1 A-6 C). The Land Use application was deemed complete on February 17, 2020.

*C. Notice of Public Hearing:*

Notice of Public Hearing on the application for the City of Star Council was published in accordance with the requirements of Title 67, Chapter 65, Idaho Code and the Star Unified Development Code on February 21, 2020 and May 5, 2020. Notice of this public hearing was mailed to property owners within three-hundred feet (300') of the subject property in accordance with the requirements of Title 67, Chapter 65, Idaho Code and Star Unified Development Code on February 17, 2020 and May 18, 2020. Notice was sent to agencies having jurisdiction in the City of Star on February 17, 2020. The property was posted in accordance with the Star Unified Development Code on March 6, 2020 and May 21, 2020.

*D. History of Previous Actions:*

This property has always been in agricultural production.

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

	<b>Zoning Designation</b>	<b>Comp Plan Designation</b>	<b>Land Use</b>
<b>Existing</b>	County Rural Transitional (RUT)	Mixed Use/Floodway	Agricultural
<b>Proposed</b>	R-2-DA	No Change	Residential
<b>North of site</b>	R-2-DA	Mixed Use	Residential
<b>South of site</b>	County Rural Transitional (RUT)	Floodway	Single Family Dwelling
<b>East of site</b>	R-2-DA	Mixed Use	Approved Moon Valley Subdivision
<b>West of site</b>	R-2-DA	Mixed Use	Approved Moon Valley Subdivision

F. *Site Data:*

Total Acreage of Site – 10.04 acres

G. *Development:*

The Applicant is seeking approval of an Annexation and Zoning (to Residential R-2-DA), a Development Agreement Modification and a Preliminary Plat for a proposed residential subdivision consisting of 14 residential lots.

**ANNEXATION & REZONE:**

The annexation and zoning request from County Rural Urban Transition (RUT) to Residential (R-2-DA) on the applicant's property, together with the development agreement modification, will allow for the development and subdivision of the subject property into a residential use consistent with the previously approved phases of Moon Valley Subdivision surrounding the property on the north, east and west. The overall density of the proposed development as submitted is 1.4 dwelling units per acre. The Comprehensive Plan Land Use Map designates this property as Mixed-Use. Residential uses are allowed within the Mixed-Use designation. In being consistent with the existing R-2 zoning of the surrounding, previously approved Moon Valley Subdivision, the proposed R-2 zoning designation is appropriate and therefore meets the intent of the Comprehensive Plan.

**PRELIMINARY PLAT:**

The Preliminary Plat submitted contains 14 single family residential lots, and 4 common area lots (2 open space lots, 1 private road lot & 1 common drive lot). The existing single-family dwelling located to the south of the proposed lake is not a part of this annexation and preliminary plat and will remain in Ada County as a 5-plus acre parcel. The residential lots range in size from

13,300 square feet to 20,700 square feet, with an average lot size of 15,811 square feet. All streets are proposed to be private streets and must be built to ACHD standards. The submitted preliminary plat indicates street widths at 27 feet, well below the minimum required by Section 8-4D-34B(4) of the UDC.

The preliminary plat indicates that the development will contain a total of 4.16 acres (40%) total open space within the two common lots. The development meets the minimum of 15% open space, 10% usable space required by Code. As this is an extension of the existing Moon Valley Subdivision, this new portion will benefit from the proposed amenities for the entire development, including a community clubhouse with gym, a resort style swimming pool, bocce ball courts, horseshoe pits, beachfront park area with a dock, cabanas and a boathouse, in addition to connection to pathways provided throughout the subdivision and along the Boise River.

As part of the development, a water feature is being proposed in the southern third of the property (Lot 6). A Temporary Use Permit/Certificate of Zoning Compliance (CZC) shall be submitted by the applicant prior excavation of the water feature meeting the standards of Section 8-5-19 of the UDC.

#### **ADDITIONAL DEVELOPMENT FEATURES:**

- Private Streets  
The development is proposed to contain private streets. As was approved with the rest of the Moon Valley development, all private streets should be built to ACHD roadway standards, including a minimum of 33 feet of improved width.
- Common Drive  
Access to two of the proposed home lots will be via a common driveway. The UDC allows a maximum of two (2) dwelling units to be served by a common driveway, and for the driveway widths to be a minimum of twenty-eight feet (28'). The applicant may request approval through the development agreement for alternatives to this requirement. However, Star Fire District must approve the use of these driveways as proposed.
- Sidewalks  
Sidewalks are proposed at five-foot (5') widths and will be attached throughout this portion of the overall subdivision.
- Lighting  
Streetlights shall reflect the "Dark Sky" criteria with all lighting. The same streetlight design shall continue throughout the entire development.
- Street Names

Street names will be approved by the Ada Street Naming Committee prior to signature of final plat.

- Landscaping - As required by the Unified Development Code, Chapter 8, Section 8-8C-2-M(2) Street Trees; A minimum of one street tree shall be planted for every thirty-five (35) linear feet of street frontage. **The landscaping plan submitted does not indicate street trees. Staff will place a condition of approval requiring submittal and staff approval of a plan prior to final plat approval.** The applicant shall use "Treasure Valley Tree Selection Guide", as adopted by the Unified Development Code.

Setbacks – No special setbacks have been requested by the applicant. The dimensional standards for the R-2 zoning district shall apply to all homes in this development.

#### H. *On-Site Features:*

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

**Irrigation/Drainage District(s):** - Little Pioneer Ditch, P.O. Box 70, Star, Idaho 83669  
- Drainage District #2, c/o Sawtooth Law Offices, 1101 W. River Street Ste. 110, Boise, Idaho 83707

**Flood Zone:** The development is located in a special flood hazard zone per FEMA FIRM panel #16001C0130 H and 16601C0140 H. Base flood elevation in the AE zone is 2491-2494.

#### I. *Agencies Responding:*

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

Star Fire District	March 11, 2020
Keller and Associates	February 3, 2020
ITD	March 11, 2020
ACHD	February 27, 2020

J. Staff received the following neighbor letters for the development:

Michael Chase, P.O. Box 274, Star, ID 83669  
Gary Smith, [gsmith258@msn.com](mailto:gsmith258@msn.com)

March 15, 2020 email  
March 15, 2020

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

Comprehensive Plan:

8.2.3 Land Use Map Designations:

Mixed Use:

Generally suitable for a mixture of uses which may, at the sole discretion of the Council, include office, commercial, and/or residential depending upon the specific area designated as Mixed Use. See Mixed Use Implementation Policies for specific criteria. Development within this land use designation is to proceed through the PUD and/or development agreement process. Identifying areas for mixed-use development has two objectives. The first objective is to give the city a better tool to manage the type of developments through the planned unit development and/or the Development Agreement process. The second objective is that this land use designation will allow the development community to be more innovative in design and placement of structures. Development design guidelines should also be established to guide development within mixed-use areas. Rezoning within this land use designation is to be strictly monitored by the city to assure that the Mixed-Use areas are not being used simply to justify high density residential use.

8.3 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

#### 8.5.7 Policies Related Mostly to the Mixed-Use Planning Areas

- A. Council, at their sole discretion, shall determine what mix of uses are appropriate for any mixed-use area considering existing property owners rights.
- B. Development within the Mixed-Use Designation is to proceed through the CUP, PUD, and/or Development Agreement process, and a concept plan must be included with any such proposed use.
- C. In general, mixed use areas along state highways should be predominantly commercial with a very minor component of residential unless the residential is placed on upper floors as part of a mixed-use building.
- D. Mixed-use areas along state and U.S. Highways where direct access to the state highway is prohibited, like along State Highway 16 between State Highway 44 and US Highway 20/26, should be predominately residential with a minor component of neighborhood commercial, or light industrial if sufficient roadway access, by means of backage or other roads, to the State Highway is provided.
- E. Mixed-use areas located between commercial and residential land use designations are to provide a compatible transition between the higher intensity use of commercial and the lower intensity use of Neighborhood Residential. Uses for these mixed-use areas could include multi-family housing and or office related uses if determined by the Council through the public hearing process, to be appropriate.

#### 8.5.9 Additional Land Use Component Policies:

- Encourage flexibility in site design and innovative land uses.
- Encourage landscaping to enhance the appearance of subdivisions, structures, and parking areas.
- Require more open space and trees in subdivisions.
- Work with Ada County Highway District (ACHD), Canyon Highway District #4 (CHD4), and Idaho Department of Transportation (ITD) for better coordination of roadway and access needs.
- Support well-planned, pedestrian-friendly developments.



- Dark sky provision should be adopted within the code to assure down style lighting in all developments and Star should consider joining the International Dark Sky Association.
- The City should utilize the 2018 Treasure Valley Tree Selection Guide when requiring trees within developments.

#### 18.4 Implementation Policies:

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

#### Unified Development Code:

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

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

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

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

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

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

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

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

Notes:

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

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

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

##### A. Design Standards:

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

**B. Construction Standards:**

1. Obtain approval from the county street naming committee for a private street name(s);
2. Contact the transportation authority to install an approved street name sign that complies with the regulations of the county street naming ordinance;
3. Roadway and Storm Drainage: The private street shall be constructed in accord with the roadway and storm drainage standards of the transportation authority or as approved by the city of Star based on plans submitted by a certified engineer.
4. Street Width: The private street shall be constructed within the easement and shall have a travel lane that meets ACHD width standards for the City of Star, or as determined by the Council and Star Fire District.
5. Sidewalks: A five foot (5') attached or detached sidewalk shall be provided on one side of the street in commercial districts. This requirement may be waived if the applicant can demonstrate that an alternative pedestrian path exists.
6. Fire Lanes: All drive aisles as determined by the Star Fire District to be fire lanes, shall be posted as fire lanes with no parking allowed. In addition, if a curb exists next to the drive aisle, it shall be painted red.
7. No building permit shall be issued for any structure using a private street for access to a public street until the private street has been approved.

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

1. Private Road Reserve Study Requirements.

- a. At least once every three years, the board shall cause to be conducted a reasonably competent and diligent visual inspection of the private road components that the association is obligated to repair, replace, restore, or maintain as part of a study of the reserve account requirements of the common interest development, if the current replacement value of the major components is equal to or greater than one-half of the gross budget of the association, excluding the association's reserve account for that period. The board shall review this study, or cause it to be reviewed, annually and shall consider and implement necessary adjustments to the board's analysis of the reserve account requirements as a result of that review.
- b. The study required by this section shall at a minimum include:
  - i. Identification of the private road components that the association is obligated to repair, replace, restore, or maintain.
  - ii. Identification of the probable remaining useful life of the components identified in paragraph (1) as of the date of the study.
  - iii. An estimate of the cost of repair, replacement, restoration, or maintenance of the components identified in paragraph (1).
  - iv. An estimate of the total annual contribution necessary to defray the cost to repair, replace, restore, or maintain the components identified in paragraph (1) during and at the end of their useful life, after subtracting total reserve funds as of the date of the study.
  - v. A reserve funding plan that indicates how the association plans to fund the contribution identified in paragraph (4) to meet the association's obligation for the repair and replacement of all private road components.
- c. A copy of all studies and updates shall be provided to the City, to be included in the development application record.

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

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

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

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

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

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

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

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

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

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

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

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

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

b. Qualified natural areas;

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

d. A plaza.

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

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

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

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

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

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

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

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

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

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

E. Maintenance:

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

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

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

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

1. The property has not received previous approval for a mine, pit, or quarry as a temporary use.
2. The maximum area of the extraction site for a water feature in a new subdivision or development shall be determined during the approval process for the development after taking into consideration issues including, but not limited to, no net loss mitigation. All other parcels shall have a maximum pond area no greater than ten percent (10%) for parcels ten (10) acres or less, and no greater than twenty percent (20%) for parcels over ten (10) acres of the gross area of the property.
3. The minimum parcel size for all properties other than new subdivisions and developments, shall be one (1) acres.
4. The proposed extraction activities for a subdivision or development shall be completed within two (2) years from commencement, unless additional time is granted by council. All other proposed extraction activities shall be completed within two (2) years from commencement.
5. The mine, pit, or quarry shall meet the standards in subsections A and B of this section.
6. Stockpiles shall be a maximum of fifteen feet (15') in height.
7. All operations shall take place between seven o'clock (7:00) A.M. and dusk or six o'clock (6:00) P.M. (whichever is earlier) Monday through Friday.
8. Asphalt and/or cement plants shall be prohibited on site, unless approved by Council as a conditional use permit.
9. Rock crushing shall be allowed as part of an accessory pit only as a separate conditional use permit approved by Council.
10. The pond shall be aerated.

#### **8-6B-2: IMPROVEMENT STANDARDS:**

#### D. Common Driveways:

1. Maximum Dwelling Units Served: Common driveways shall serve a maximum of two (2) dwelling units and shall be approved by the Fire District.
2. For commercial or other non-residential uses, common driveways serving multiple structures and/or properties shall meet the requirements of the Fire District.
3. Width Standards: Common driveways shall be a minimum of twenty-eight feet (28') in width.
4. Maximum Length: Common driveways shall be a maximum of one hundred fifty feet (150') in length or less, unless otherwise approved by the fire district.
5. Improvement Standards: Common driveways shall be paved with a surface capable of supporting emergency services vehicles and equipment.
6. Abutting Properties: Unless limited by significant geographical features, all properties that abut a common driveway shall take access from the driveway.
7. Turning Radius: Common driveways shall be straight or provide a twenty-eight foot (28') inside and fifty foot (50') outside turning radius.
8. Depictions: For any plats using a common driveway, the setbacks, building envelope, and orientation of the lots and structures shall be shown on the preliminary and/or final plat.
9. Easement: A perpetual ingress/egress easement shall be filed with the county recorder, which shall include a requirement for maintenance of a paved surface capable of supporting fire vehicles and equipment.

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

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

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

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

*The goal of the Comprehensive Plan for Land Use is to encourage the development of a diverse community that provides a mixture of land uses, housing types, and a variety of employment options, social and recreational opportunities, and where possible provides*



*an assortment of amenities within walking distance of a residential development. The Council finds that the proposed development is in compliance with the Comprehensive Plan.*

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

*The Council finds that the residential purpose statement states that the purpose of the residential districts is to provide regulations and districts for various residential neighborhoods with gross densities in compliance with the intent of the Comprehensive Plan designation. 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 in all districts exceeding one dwelling unit per acre. Private streets may be approved in this district for access to newly subdivided or split property.*

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

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

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

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

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

*The Council finds this annexation is reasonably necessary for the orderly development of the City.*

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

1. The plat is in compliance with the Comprehensive Plan;  
*The Council finds that the Plat, as presented, will be constituent with the updated Comprehensive Plan and will meet the Land Use designation. Further, the property is required to develop under the guidelines of the Comprehensive Plan and requirements of the Unified Development Code.*
2. Public Services are available or can be made available and are adequate to accommodate the proposed development;

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

3. There is public financial capability of supporting services for the proposed development;  
*The Council finds that the City has not received notice from any jurisdictional agency that there are any problems with public financial capability for this development.*
4. The development will not be detrimental to the public health, safety or general welfare;  
*The Council finds that the City has not been made aware of any known detriment that will be caused by this development. Residential uses are a permitted use.*
5. The development preserves significant natural, scenic or historic features;  
*The Council finds that there are no known natural, scenic, or historic features that have been identified with this Preliminary Plat. The property has been in previous agricultural production.*

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

The Council finds the following regarding the proposed private street:

- 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.*

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

- a. The application was originally scheduled for March 17, 2020 but was postponed to June 2, 2020. A public hearing on the application was held before the City Council on June 2, 2020, at which time testimony was heard and the application was tabled to June 16, 2020. The public hearing on the application was continued before the City Council on June 16, 2020 at which time additional testimony was heard and the public hearing was closed. The City Council made their decision at that time.
- b. Oral testimony in favor of the application was presented to the City Council by:
  - Mark Tate, M3 ID Moon Valley, Inc, 1087 W. River Street Suite 10, Boise, ID 83702, the applicant
- c. Oral testimony to the application was further presented to the Council by:
  - William Scott, 567 S. Palmer Ln, Eagle, ID 83616 (on-line)

- d. Written testimony in favor of or opposing the application was presented to the City Council by:  
None

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

The Council reviewed the particular facts and circumstances of this proposed annexation and zoning application in accordance with the City of Star Title 8 (Unified Development Code), deliberated on the matter, resulting in discussions on the annexation and platting of the development. Discussion included development layout, the private road, modified development agreement and ITD proportionate shares.

### **Statement of Compliance:**

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

The Owner requested the annexation and rezone from Rural Transition (RUT-Ada County) to Residential (R-2-DA) with a Development Agreement, which fits within the neighboring properties.

### **Conditions of Approval:**

1. The approved Preliminary Plat for Moon Valley Estates Subdivision shall comply with all statutory requirements of applicable agencies and districts having jurisdiction in the City of Star.
2. **Prior to any excavation of the water feature, the applicant shall submit and receive approval of a Temporary Use Permit.**
3. **All private streets shall have a minimum street width of 33' and shall be constructed to ACHD standards. Common drives shall meet the requirements of the Star Fire District.**
4. All approvals relating to floodplain/floodway issues and requirements shall be completed and approved by the City Flood Administrator **prior to submittal of the final plat.**  
**Construction of any kind is prohibited prior to approval of a Floodplain application.**
5. The property with the approved Preliminary Plat shall be satisfactorily weed abated at all times, preventing a public nuisance, per Star City Code.
6. Street trees shall be installed per Chapter 8, Section 8-8C-2-M(2) Street Trees. **A revised landscape plan shall be submitted to the City prior to submittal of the final plat showing one (1) tree per thirty-five (35) linear feet.**
7. All signed Irrigation District Agreements with the Irrigation Districts shall be provided to the City of Star with each subsequent Final Plat application.
8. Pressurized irrigation systems shall comply with the Irrigation District(s) and the City of Star Codes. Plans for pressurized irrigation systems shall be submitted to, and approved by the City of Star Engineer, prior to installation.

9. A plat note supporting the "Right to Farm Act" as per Idaho Code Title 22, Chapter 45, shall be shown on the Final Plat.
10. A copy of the CC&R's shall be submitted to the City of Star at Final Plat.
11. A letter from the US Postal Service shall be given to the City at Final Plat stating the subdivision is in compliance with the Postal Service.
12. A form signed by the Star Sewer & Water District shall be submitted to the City prior to the signature of the Final Plat stating that all conditions of the District have been met.
13. 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.
14. 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.
15. 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.
16. All common areas shall be maintained by the Homeowners Association.
17. The applicant shall provide a sign, to be located at all construction entrances, indicating the rules for all contractors that will be working on the property starting at grading and running through home sales that addresses items including but not limited to dust, music, dogs, starting/stopping hours for contractors (7a.m. start time). **Sign shall be approved by the City prior to start of construction.**
18. A sign application is required for any subdivision signs.

#### **Council Decision:**

The Council voted unanimously to approve the Annexation and Zoning to Residential (R-2-DA), Development Agreement Modification and Preliminary Plat for Moon Valley Estates Subdivision on June 16, 2020.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Star, Idaho

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

Trevor A. Chadwick, Mayor

ATTEST:

\_\_\_\_\_  
Cathy Ward, City Clerk

**FIRST AMENDMENT TO  
AMENDED AND RESTATED DEVELOPMENT AGREEMENT**

This First Amendment to Amended and Restated Development Agreement (this “First Amendment”) is entered into as of the date set forth below by and between the City of Star, a municipal corporation in the State of Idaho (“City”), Sundance Investments, L.L.L.P. (“Sundance”), Roger L. Anderson and Susan I. Anderson, husband and wife (collectively, “Anderson”), and Ball Real Estate Investments, LLC, an Arizona limited liability company (“BREI”), and BFT KGLG Cherry Lane, LLC, an Arizona limited liability company (“BFT”), and G. Matthew Thomas, a married man dealing in his sole and separate property (“Thomas”), and each of their respective successors and assigns. BREI and BFT are collectively referred to herein as “BREI/BFT”. Anderson, Sundance, and BREI/BFT are sometimes collectively referred to herein as the “Owners”.

WHEREAS, the City and Owners previously entered into that certain Amended and Restated Development Agreement dated effective October 3, 2019 (the “Development Agreement”) relating to the development of certain real property located in Ada County, Idaho, as more particularly described in the Development Agreement (the “Property”). The Development Agreement was subsequently recorded with Ordinance No. 297 on October 11, 2019 as Instrument No. 2019-099018; and

Whereas, Thomas is the current fee title owner of the real property legally described and depicted on **Exhibit D** attached hereto and made a part hereof (the “Thomas Property”); and

WHEREAS, Owners and Thomas desire to modify the Development Agreement to include the Thomas Property, and subject such property to the terms and conditions of the Development Agreement and this First Amendment; and

WHEREAS, the City has the ability to modify the Development Agreement pursuant to the provisions of Idaho Code Section 67-6509, as required by the Star City Ordinances, Title 8, Chapter 1; and

WHEREAS, the required public hearings have been held and the Star City Council has approved a rezone of the Thomas Property to R2-DA in connection with City Application File No. \_\_\_\_\_; and

WHEREAS, in connection with such rezone, the City believes it to be in the best interest of the City to modify the Development Agreement to include the Thomas Property, on terms and conditions further set forth herein.

NOW, therefore, for good and valuable consideration, the sufficiency of which is hereby acknowledged, the parties do hereby agree as follows:

**1. Exhibit A.** Exhibit A of the Development Agreement is deleted in its entirety and is hereby replaced with **Exhibit A** attached to this First Amendment.

**2. Exhibit B.** Exhibit B of the Development Agreement is deleted in its entirety, and is hereby replaced with **Exhibit B** attached to this First Amendment.

**3. Development Acreage.** Section 2.1 of the Development Agreement is deleted in its entirety, and is hereby replaced with the following:

Owners are allowed to develop 238.01 acres as follows in according with the zoning map depicted on Exhibit B, attached hereto and made a part hereof:

Mixed Use (MU) – 227.97 acres  
Low-Density Residential (R2) — 10.04 acres

4. **Read-Shared Driveway Sections and Widths.** Section 2.9 of the Development Agreement is hereby modified to include the following:

Notwithstanding any other requirement of Star City Code, Owners are permitted to construct shared driveways with up to four (4) residential units that are a minimum of twenty (20) feet wide, so long as those shared driveways meet the International Fire Code standards in place at the time of development and are approved by the Star Fire District.

5. **Single Family Residential Setbacks.** Notwithstanding anything in the Development Agreement or in Star City Code to the contrary, the setbacks for single-family residential lots within any of the real property encumbered by the Development Agreement shall be, as follows:

Residential Setbacks		
Less than 5,000 SF, Multi-Family, or Attached		
	Front	N/A
	Rear	N/A
	Side	N/A
	Street Side	N/A
Cluster Lot Setback (4 lot cluster on shared driveway)		
	Front (to street)	10 feet
	Rear	10 feet
	Side (interior)	5 feet
	To Common Drive	3 feet
5,000 SF - 12,000 SF		
	Front	10 feet to living or side load garage, 20 feet to garage door
	Rear	20 feet
	Side	5 feet
	Street Side	12 feet
Greater than 12,000 SF		
	Front	15 feet to living or side load garage, 25 feet to garage door
	Rear	30 feet
	Side	5 feet single story/ 7.5 feet if 2 story element is more than 50% of side
	Street Side	15 feet

6. **Notices.** Section 7.4 of the Development Agreement is amended to add the following:

Thomas: G. Matthew Thomas  
7701 W. Moon Valley Road  
Eagle, ID 83616

7. **First Amendment Controls.** All terms set forth in the Development Agreement shall remain

unchanged and in full force and effect, except as amended by this First Amendment; and in the event of any conflict between the terms and conditions of this First Amendment and the Development Agreement, this First Amendment shall control.

*[end of text – signatures on following page]*

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

**CITY:**

CITY OF STAR,  
a political subdivision of the State of Idaho

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

Date: \_\_\_\_\_

**ATTEST:**

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

Date: \_\_\_\_\_

**SUNDANCE:**

SUNDANCE INVESTMENTS, L.L.L.P.,  
an Idaho limited liability limited partnership

By: THE SUNDANCE COMPANY  
Its: General Partner

By: \_\_\_\_\_  
Christopher L. Anderson  
Its: President

Date: \_\_\_\_\_

**ANDERSON:**

By: \_\_\_\_\_  
ROGER L. ANDERSON

Date: \_\_\_\_\_

By: \_\_\_\_\_  
SUSAN I. ANDERSON

Date: \_\_\_\_\_

**BREI:**

BALL REAL ESTATE INVESTMENTS, LLC,  
an Arizona limited liability company

By: 4222, LLC,  
an Arizona limited liability company  
Its: Manager

By: \_\_\_\_\_  
W. Scott Schirmer  
Its: Manager

Date: \_\_\_\_\_



**BFT:**

BFT KGLG CHERRY LANE, LLC,  
an Arizona limited liability company

By: BFT Management, LLC,  
an Arizona limited liability company  
Its: Manager

By: Brownlee Family Trust,  
u/t/a December 18, 2004  
Its: Member

By: \_\_\_\_\_  
William I. Brownlee  
Its: Trustee

Date: \_\_\_\_\_

**THOMAS;**

By: \_\_\_\_\_  
G. MATTHEW THOMAS

Date: \_\_\_\_\_

*[notary acknowledgments on following pages]*

**Schedule of Exhibits**

**Exhibit A** – Legal Description and Depiction of the Property

**Exhibit B** – Approved Zoning Map of the Property

**Exhibit D** — Legal Description of Thomas Property

STATE OF IDAHO       )  
  ) ss.  
County of Ada        )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared Trevor Chadwick, known or identified to me to be the Mayor of the City of Star, the municipal corporation that executed the instrument or the person who executed the instrument on behalf of said municipal corporation, and acknowledged to me that such municipal corporation executed the same.

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

\_\_\_\_\_  
Notary Public for Idaho  
Residing at \_\_\_\_\_

STATE OF IDAHO       )  
  ) ss.  
COUNTY OF ADA        )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared Christopher L. Anderson, known or identified to me to be the President of Sundance Investments, L.L.L.P., the limited liability limited partnership that executed the instrument, or the person who executed the instrument on behalf of said limited liability limited partnership, and acknowledged to me that such limited liability limited partnership executed the same.

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

\_\_\_\_\_  
Notary Public for Idaho  
My commission expires:

STATE OF IDAHO       )  
  ) ss.  
COUNTY OF ADA        )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared Roger L. Anderson, known or identified to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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

\_\_\_\_\_  
Notary Public for Idaho  
My commission expires:

STATE OF IDAHO                    )  
  ) ss.  
COUNTY OF ADA                    )

On this \_\_\_\_ day of \_\_\_\_\_, 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared Susan I. Anderson, known or identified to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

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

\_\_\_\_\_  
Notary Public for Idaho  
My commission expires:

STATE OF \_\_\_\_\_                    )  
  ) ss.  
COUNTY OF \_\_\_\_\_                    )

On this \_\_\_\_ day of \_\_\_\_\_, 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared \_\_\_\_\_, known or identified to me to be the \_\_\_\_\_ of Ball Real Estate Investments, LLC, the limited liability company that executed the instrument, or the person who executed the instrument on behalf of said limited liability company, and acknowledged to me that such limited liability company executed the same.

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

\_\_\_\_\_  
Notary Public for Idaho  
My commission expires:

STATE OF \_\_\_\_\_                    )  
  ) ss.  
COUNTY OF \_\_\_\_\_                    )

On this \_\_\_\_ day of \_\_\_\_\_, 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared \_\_\_\_\_, known or identified to me to be the \_\_\_\_\_ of BFT KGLG Cherry Lane, LLC, the limited liability company that executed the instrument, or the person who executed the instrument on behalf of said limited liability company, and acknowledged to me that such limited liability company executed the same.

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

\_\_\_\_\_  
Notary Public for Idaho  
My commission expires:

STATE OF IDAHO                    )  
  ) ss.  
COUNTY OF ADA                    )

On this \_\_\_\_ day of \_\_\_\_\_, 2019, before me, the undersigned, a Notary Public in and for said State, personally appeared G. Matthew Thomas, a married man, dealing in his sole and separate property, known or identified to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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

---

Notary Public for Idaho  
My commission expires:

## EXHIBIT A

### Legal Description of the Property (Development Property)



J-U-B COMPANIES



THE  
LANGDON  
GROUP



GATEWAY  
MAPPING  
INC.

#### DEVELOPMENT PROPERTY LEGAL DESCRIPTION

Those portions of the West Half of Section 15 and the East Half of Section 16, Township 4 North, Range 1 West, City of Star, Boise Meridian, Ada County Idaho, particularly described as follows:

**COMMENCING** at the corner common to Sections 9, 10, 15 and 16, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, from which the northeast corner of said Section 15 bears South 89°06'20" East, 2644.08 feet; Thence, along the line common to said Sections 15 and 16, South 00°39'42" West, 970.60 feet to the southerly right-of-way line of Moon Valley Road and the **POINT OF BEGINNING**;

Thence, along said southerly right-of-way line the following four (4) courses:

South 74° 38' 38" East, 293.69 feet;

Thence, South 73° 15' 35" East, 137.43 feet to the beginning of a curve;

Thence, along said curve to the left an arc length of 184.80 feet, having a radius of 533.00 feet, a central angle of 19° 51' 56", a chord bearing of South 83° 11' 44" East and a chord length of 183.88 feet;

Thence, North 86° 50' 56" East, 61.21 feet;

Thence, departing from said southerly right-of-way line, South 00° 40' 17" West, 225.45 feet to the northwest corner of Lot 2 of Matt Subdivision according to the plat thereof filed in Book 73 of Plats at Pages 7509 and 7510, Ada County Records;

Thence, along the northerly boundary of said Lot 2 the following six (6) courses:

South 89° 09' 13" East, 659.95 feet;

Thence, South 00° 45' 05" West, 179.80 feet;

Thence, North 88° 29' 03" East, 161.24 feet;

Thence, North 01° 19' 54" East, 450.35 feet to said southerly right-of-way line and the beginning of a non-tangent curve;

Thence, along said southerly right-of-way line, said northerly boundary and said curve to the right an arc length of 140.63 feet, having a radius of 8288.38 feet, a central angle of 00° 58' 20", a chord bearing of North 89° 32' 05" East and a chord length of 140.63 feet;

Thence, continuing along said southerly right-of-way line and said northerly boundary, South 89° 52' 50" East, 53.25 feet to the northeast corner of that certain 15.32-acre parcel according to Record of Survey No. 3271 recorded under Instrument No. 95051737, Ada County Records;

Thence, along the east line of said 15.32-acre parcel, South 00° 36' 23" West, 1995.06 feet;

Thence, along the south line of said parcel, South 74°17'47" West, 382.12 feet to the east line of the West Half of the West Half of said Section 15;

Thence, along said east line, South 00°57'37" West, 579.88 feet to that line of quieted title as described in District Court of the Fourth Judicial District of the State of Idaho Case No. 49243;

## EXHIBIT A

### Legal Description of the Property (continued) (Development Property)



J-U-B COMPANIES



THE  
LANGDON  
GROUP



GATEWAY  
MAPPING  
INC.

Thence, departing from said east line and along said line of quieted title the following four (4) courses:  
North 62°22'53" West, 17.26 feet;  
Thence, North 86°01'53" West, 324.35 feet;  
Thence, North 73°47'53" West, 515.67 feet;  
Thence, North 76°37'43" West, 37.06 feet to the boundary of the lands of Thomas as described  
in that Warranty Deed recorded under Instrument No. 104046780, Ada County Records;

Thence, along the boundary of said lands of Thomas the following six (6) courses:  
South 80°03'57" East, 156.38 feet;  
Thence, North 01° 16' 48" East, 935.93 feet;  
Thence, North 00° 39' 42" East, 323.26 feet;  
Thence, North 89° 20' 18" West, 727.08 feet;  
Thence, South 00° 39' 42" West, 321.72 feet;  
Thence, South 01° 16' 48" West, 464.98 feet;

Thence, departing from said lands of Thomas the following eight (8) courses:  
North 85° 39' 51" West, 394.54 feet;  
Thence, South 81° 41' 11" West, 230.29 feet;  
Thence, South 71° 32' 00" West, 222.35 feet;  
Thence, South 61° 42' 20" West, 252.98 feet;  
Thence, South 64° 44' 51" West, 359.03 feet;  
Thence, South 77° 24' 11" West, 408.39 feet;  
Thence, North 88° 28' 23" West, 157.78 feet;  
Thence, North 73° 16' 53" West, 122.68 feet to the east right-of-way line of Highway 16  
according to Record of Survey No. 10034 recorded under Instrument No. 2015-015318,  
Ada County Records;

Thence, along said east right -of-way line the following five (5) courses;  
North 10° 31' 19" East, 872.59 feet;  
Thence, North 25° 05' 58" East, 196.47 feet;  
Thence, North 10° 21' 20" East, 950.00 feet;  
Thence, North 15°11'32" East, 652.32 feet;  
Thence, North 41°19'10" East, 138.75 feet;

Thence, departing from said easterly right-of-way line, South 48°41'42" East, 75.00 feet to the  
westerly line of the lands of Consolidated Properties of Idaho, LLC as described in that  
Quitclaim Deed recorded under Instrument No. 2015-068009, Ada County Records;

Thence, along the westerly and southerly lines of said lands of Consolidated Properties the following  
six (6) courses:  
South 41° 19' 10" West, 83.05 feet to the beginning of a curve;

## EXHIBIT A

### Legal Description of the Property (continued) (Development Property)



J-U-B COMPANIES



THE  
LANGDON  
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GATEWAY  
MAPPING  
INC.

Thence, along said curve to the left an arc length of 75.24 feet, having a radius of 165.00 feet, a central angle of  $26^{\circ} 07' 37''$ , a chord bearing of South  $28^{\circ} 15' 21''$  West and a chord length of 74.59 feet;

Thence, South  $15^{\circ} 11' 32''$  West, 360.69 feet;

Thence, South  $00^{\circ} 53' 09''$  West, 185.16 feet;

Thence, South  $49^{\circ} 31' 18''$  East, 79.80 feet;

Thence, South  $84^{\circ} 37' 14''$  East, 274.92 feet;

Thence, along the southerly line of the lands of Consolidated Properties of Idaho, LLC as described in that Warranty Deed recorded under Instrument No. 111052670, Ada County Records, South  $72^{\circ} 27' 35''$  East, 550.62 feet to the southwest corner of said lands;

Thence, along the southerly line of the lands of Akins as described in that Warranty Deed recorded under Instrument No. 7066505, Ada County Records, South  $79^{\circ} 18' 11''$  East, 508.93 feet to the southwest corner thereof;

Thence, along the east line of said lands of Akins, North  $00^{\circ} 39' 51''$  East, 957.73 feet to the southerly right-of-way line of Moon Valley Road;

Thence, along said southerly right-of-way line, South  $74^{\circ} 38' 38''$  East, 301.11 feet to the **POINT OF BEGINNING**, containing 130.21 acres, more or less.

Subject to any claim of ownership by the State of Idaho to any of the hereinabove described lands lying within the bed of the Boise River.

Robert L. Kazarinoff, PLS



10/18/2018

## EXHIBIT A

### Legal Description of the Property (continued) (Residential Property)



J-U-B COMPANIES



THE  
LANGDON  
GROUP



GATEWAY  
MAPPING  
INC.

#### RESIDENTIAL PROPERTY LEGAL DESCRIPTION

That portion of the Southeast Quarter of Section 16, Township 4 North, Range 1 West, City of Star, Boise Meridian, Ada County Idaho, particularly described as follows:

**COMMENCING** at the north quarter corner of said Section 16, from which the south quarter corner of said Section 16 bears South 00°46'53" West, 5263.46 feet; Thence, along the north-south mid-section line of said Section 16, South 00°46'53" West, 3095.73 feet; Thence, departing from said mid-section line, South 89°13'07" East, 892.14 feet to the northwest corner of the lands of Anderson as described in that Warranty Deed recorded under Instrument No. 97003467, Ada County Records and the **POINT OF BEGINNING**;

Thence, along the boundary of said lands of Anderson the following seven (7) courses:

North 68° 57' 20" East, 485.90 feet;

Thence, North 86° 33' 09" East, 585.00 feet;

Thence, South 03° 26' 14" East, 110.05 feet;

Thence, South 65° 47' 10" West, 561.56 feet;

Thence, South 78° 00' 09" West, 179.70 feet;

Thence, North 75° 24' 12" West, 366.27 feet;

Thence, North 01° 15' 22" West, 75.57 feet to the **POINT OF BEGINNING**, containing 5.27 acres, more or less.

Subject to any claim of ownership by the State of Idaho to any of the hereinabove described lands lying within the bed of the Boise River.

Robert L. Kazarinoff, PLS



10/18/2018



## EXHIBIT A

### Legal Description of the Property (continued) (Southside Property)



J-U-B COMPANIES



THE  
LANGDON  
GROUP



GATEWAY  
MAPPING  
INC.

#### SOUTH SIDE PROPERTY LEGAL DESCRIPTION

Those portions of the West Half of Section 15 and the East Half of Section 16, Township 4 North, Range 1 West, City of Star, Boise Meridian, Ada County Idaho, particularly described as follows:

**COMMENCING** at the corner common to Sections 9, 10, 15 and 16, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, from which the northeast corner of said Section 15 bears South 89°06'20" East, 2644.08 feet; Thence, along the line common to said Sections 15 and 16, South 00°39'42" West, 3069.29 feet to that 425-foot Witness Corner witnessing the west quarter corner of said Section 15 according to Record of Survey No. 706 recorded under Instrument No. 8505185, Ada County Records; Thence, continuing along said common line, South 01°33'42" West, 928.27 feet to that Meander Corner – Angle Point according to said Record of Survey No. 706 and the **POINT OF BEGINNING**;

Thence, along the U.S. Government Meander Line as shown on Record of Survey No. 1216 recorded under Instrument No. 8812252, Ada County Records, South 35° 27' 06" West, 198.00 feet;  
Thence, continuing along said Meander Line, South 65° 56' 11" West, 455.18 feet to the southeast corner of Parcel 2 according to Record of Survey No. 143 recorded under Instrument No. 8037663, Ada County Records;  
Thence, along the south line of said Parcel 2 and said Meander Line, South 65° 56' 11" West, 508.57 feet;  
Thence, continuing along said south line, North 67° 33' 05" West, 349.69 feet to the southwest corner of said Parcel 2;  
Thence, along the west line of said Parcel 2, North 00° 49' 27" East, 881.09 feet to the northwest corner of Parcel 2 according to Record of Survey No. 143 recorded under Instrument No. 8037663, Ada County Records;

Thence, along the south line of Parcel 1 according to said Record of Survey No. 143 the following six (6) courses:  
South 75°57'36" West, 178.08 feet;  
South 70°09'27" West, 180.08 feet;  
South 81°10'03" West, 170.55 feet;  
North 77°59'58" West, 111.04 feet;  
North 63°19'49" West, 192.58 feet;  
North 47°50'23" West, 80.22 feet to the east right-of-way line of Highway 16 according to Record of Survey No. 10034 recorded under Instrument No. 2015-015318, Ada County Records;

Thence, departing from said east right-of-way line,  
South 73° 16' 53" East, 122.68 feet;  
Thence, South 88° 28' 23" East, 157.78 feet;  
Thence, North 77° 24' 11" East, 408.39 feet;  
Thence, North 64° 44' 51" East, 359.03 feet;

## EXHIBIT A

### Legal Description of the Property (continued) (Southside Property)



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Thence, North 61° 42' 20" East, 252.98 feet;  
Thence, North 71° 32' 00" East, 222.35 feet;  
Thence, North 81° 41' 11" East, 230.29 feet;  
Thence, South 85° 39' 51" East, 394.54 feet to the boundary of the lands of Thomas as described  
in that Warranty Deed recorded under Instrument No. 104046780, Ada County Records;

Thence, along the boundary of said lands of Thomas the following six (6) courses:

South 01° 16' 48" West, 329.80 feet;  
Thence, South 79° 28' 23" East, 124.12 feet;  
Thence, South 64° 09' 47" East, 159.41 feet;  
Thence, South 88° 29' 11" East, 121.80 feet;  
Thence, South 81° 08' 35" East, 171.29 feet;  
Thence, South 80° 03' 57" East, 13.52 feet;

Thence, departing from said lands of Thomas and along said line of quieted title the following five (5)  
courses:

South 76° 37' 43" East, 37.06 feet;  
Thence, South 73° 47' 53" East, 515.67 feet;  
Thence, South 86° 01' 53" East, 324.35 feet;  
Thence, South 62° 22' 53" East, 17.26 feet to the east line of the West Half of the West Half of  
said Section 15;

Thence, along said east line, South 00° 57' 37" West, 1094.52 feet to hereinabove said Meander Line;

Thence, along said Meander Line the following five (5) courses:

North 47° 13' 44" West, 134.99 feet;  
Thence, North 78° 20' 44" West, 493.42 feet;  
Thence, North 20° 21' 09" West, 583.30 feet;  
Thence, South 71° 54' 10" West, 334.47 feet;  
Thence, North 45° 10' 38" West, 293.74 feet to the **POINT OF BEGINNING**, containing 62.28  
acres, more or less.

Subject to any claim of ownership by the State of Idaho to any of the hereinabove described lands lying  
within the bed of the Boise River.

Robert L. Kazarinoff, PLS



## EXHIBIT A

### Legal Description of the Property (Continued) (Pond Property)



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#### POND PROPERTY LEGAL DESCRIPTION

That portion of the East Half of Section 16, Township 4 North, Range 1 West, City of Star, Boise Meridian, Ada County Idaho, particularly described as follows:

**COMMENCING** at the north quarter corner of said Section 16, from which the south quarter corner of said Section 16 bears South 00°46'53" West, 5263.46 feet; Thence, along the north-south mid-section line of said Section 16, South 00°46'53" West, 1743.00 feet; Thence, departing from said mid-section line, South 89°13'07" East, 919.00 feet to the **POINT OF BEGINNING**;

Thence, North 58° 50' 58" East, 16.32 feet;  
Thence, North 73° 32' 56" East, 70.53 feet;  
Thence, North 86° 59' 38" East, 29.98 feet;  
Thence, South 72° 29' 40" East, 54.68 feet;  
Thence, South 66° 38' 22" East, 36.52 feet;  
Thence, South 56° 52' 37" East, 12.21 feet;  
Thence, South 78° 52' 25" East, 16.19 feet to the beginning of a non-tangent curve;  
Thence, along said curve to the right an arc length of 33.47 feet, having a radius of 60.26 feet, a central angle of 31° 49' 18", a chord bearing of South 34° 38' 43" East and a chord length of 33.04 feet to the beginning of a non-tangent curve;  
Thence, along said curve to the right an arc length of 63.42 feet, having a radius of 5235.64 feet, a central angle of 00° 41' 39", a chord bearing of South 18° 23' 15" East and a chord length of 63.42 feet;  
Thence, South 30° 00' 43" East, 50.61 feet;  
Thence, South 10° 24' 05" East, 106.52 feet;  
Thence, South 44° 00' 44" East, 40.22 feet;  
Thence, South 24° 11' 20" East, 70.70 feet;  
Thence, South 40° 30' 19" East, 35.94 feet;  
Thence, South 62° 37' 49" East, 171.31 feet;  
Thence, North 84° 28' 35" East, 102.76 feet;  
Thence, South 67° 08' 20" East, 157.59 feet;  
Thence, South 02° 26' 09" West, 76.87 feet to the beginning of a non-tangent curve;  
Thence, along said curve to the right an arc length of 214.34 feet, having a radius of 138.91 feet, a central angle of 88° 24' 23", a chord bearing of South 03° 53' 20" West and a chord length of 193.70 feet;  
Thence, North 90° 00' 00" West, 207.72 feet;  
Thence, South 53° 30' 23" West, 57.17 feet;  
Thence, South 81° 25' 18" West, 63.99 feet;  
Thence, North 03° 49' 06" West, 53.80 feet;  
Thence, South 72° 08' 58" West, 132.32 feet;  
Thence, South 55° 11' 32" West, 179.57 feet;  
Thence, South 68° 33' 15" West, 57.28 feet to the beginning of a non-tangent curve;

## EXHIBIT A

### Legal Description of the Property (continued) (Pond Property)



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Thence, along said curve to the right an arc length of 57.69 feet, having a radius of 45.28 feet, a central angle of  $73^{\circ} 00' 29''$ , a chord bearing of South  $76^{\circ} 09' 58''$  West and a chord length of 53.87 feet;  
Thence, South  $44^{\circ} 16' 47''$  West, 41.27 feet;  
Thence, South  $03^{\circ} 03' 54''$  East, 21.24 feet;  
Thence, South  $48^{\circ} 58' 29''$  West, 74.15 feet to the beginning of a non-tangent curve;  
Thence, along said curve to the right an arc length of 272.10 feet, having a radius of 141.65 feet, a central angle of  $110^{\circ} 03' 37''$ , a chord bearing of South  $86^{\circ} 07' 59''$  West and a chord length of 232.15 feet;  
Thence, North  $33^{\circ} 48' 41''$  West, 32.47 feet to the beginning of a curve;  
Thence, along said curve to the right an arc length of 91.96 feet, having a radius of 103.76 feet, a central angle of  $50^{\circ} 46' 43''$ , a chord bearing of North  $08^{\circ} 25' 19''$  West and a chord length of 88.98 feet;  
Thence, North  $21^{\circ} 44' 10''$  East, 141.58 feet;  
Thence, North  $24^{\circ} 47' 53''$  East, 208.30 feet;  
Thence, North  $22^{\circ} 24' 09''$  East, 216.46 feet;  
Thence, North  $37^{\circ} 12' 26''$  East, 57.33 feet;  
Thence, North  $07^{\circ} 10' 52''$  East, 72.78 feet;  
Thence, North  $05^{\circ} 35' 53''$  West, 123.03 feet;  
Thence, North  $02^{\circ} 43' 54''$  East, 54.30 feet;  
Thence, North  $19^{\circ} 36' 32''$  East, 24.91 feet;  
Thence, North  $02^{\circ} 42' 44''$  East, 90.57 feet;  
Thence, North  $51^{\circ} 06' 26''$  East, 8.27 feet to the **POINT OF BEGINNING**, containing 13.36 acres, more or less.

Robert L. Kazarinoff, PLS



10/18/2018

THOMAS TRAIN SUBDIVISION  
BOUNDARY DESCRIPTION

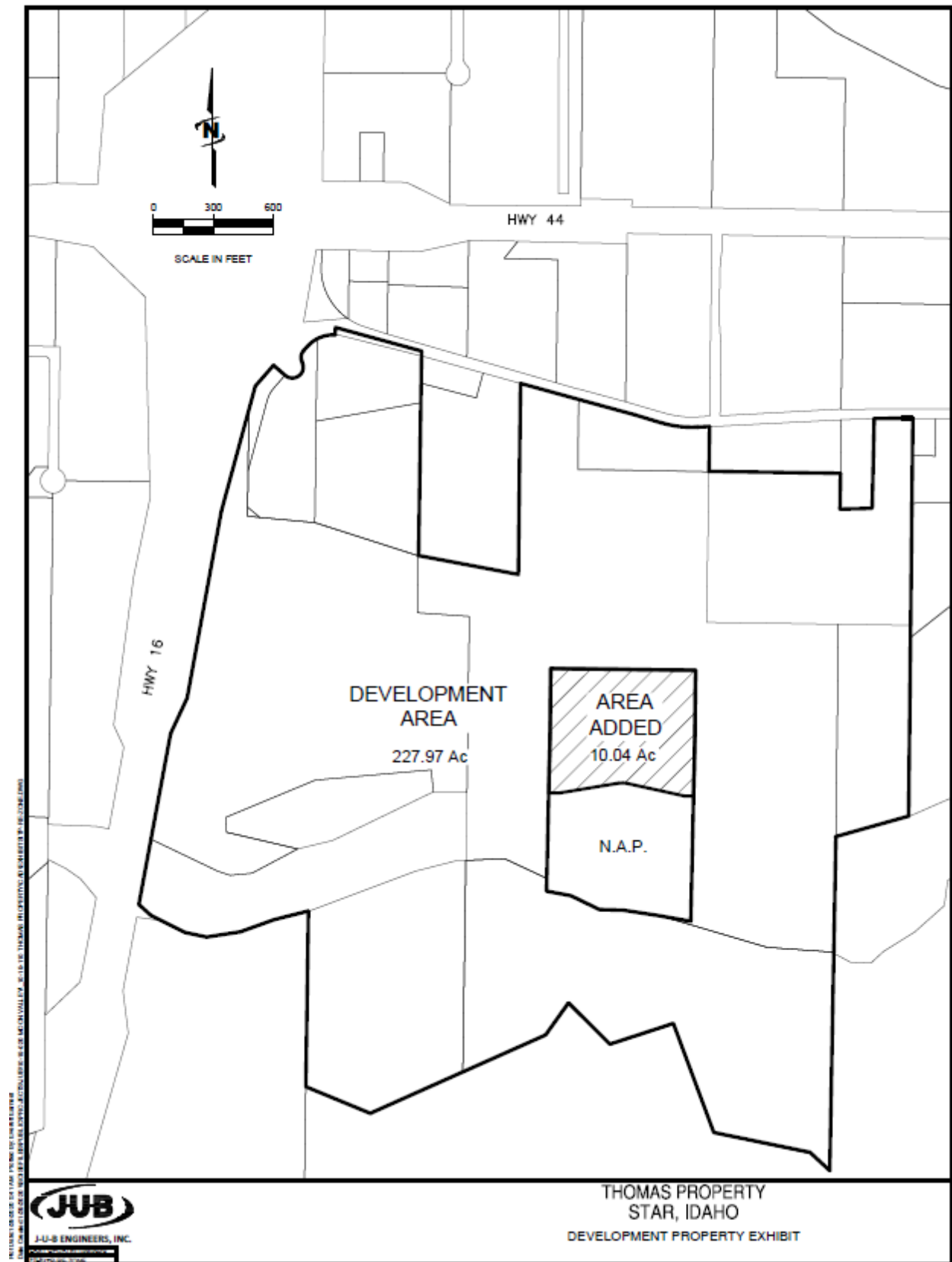
Those portions of the West Half of Section 15 and the East Half of Section 16, Township 4 North, Range 1 West, City of Star, Boise Meridian, Ada County Idaho, particularly described as follows:

COMMENCING at the corner common to Sections 9, 10, 15 and 16, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, from which the northeast corner of said Section 15 bears South 89°06'20" East, 2,644.08 feet; Thence, along the line common to said Sections 15 and 16, South 00°39'42" West, 2,322.24 feet to the north line of the lands of Thomas as described in that Warranty Deed recorded under Instrument No. 104046780, Ada County Records and the POINT OF BEGINNING;

Thence S 89°20'19" E, 604.57 feet along said north line;  
Thence S 00°39'42" W, 323.26 feet along the east line of said lands of Thomas;  
Thence S 01°16'48" W, 308.93 feet continuing along said east line;  
Thence N 88°43'12" W, 44.32 feet departing from said east line;  
Thence N 77°39'11" W, 298.78 feet to the beginning of a curve;  
Thence along said curve to the left an arc length of 37.91 feet, having a radius of 100.00 feet, a central angle of 21°43'23", a chord bearing of N 88°30'52" W and a chord length of 37.69 feet;  
Thence S 80°37'27" W, 305.95 feet;  
Thence N 88°43'12" W, 51.15 feet to the west line of said lands of Thomas;  
Thence N 01°16'48" E, 301.71 feet along said west line;  
Thence N 00°39'42" E, 321.72 feet along said west line;  
Thence S 89°20'19" E, 122.51 feet along the north line of said lands of Thomas to the POINT OF BEGINNING, containing 10.04 acres, more or less.

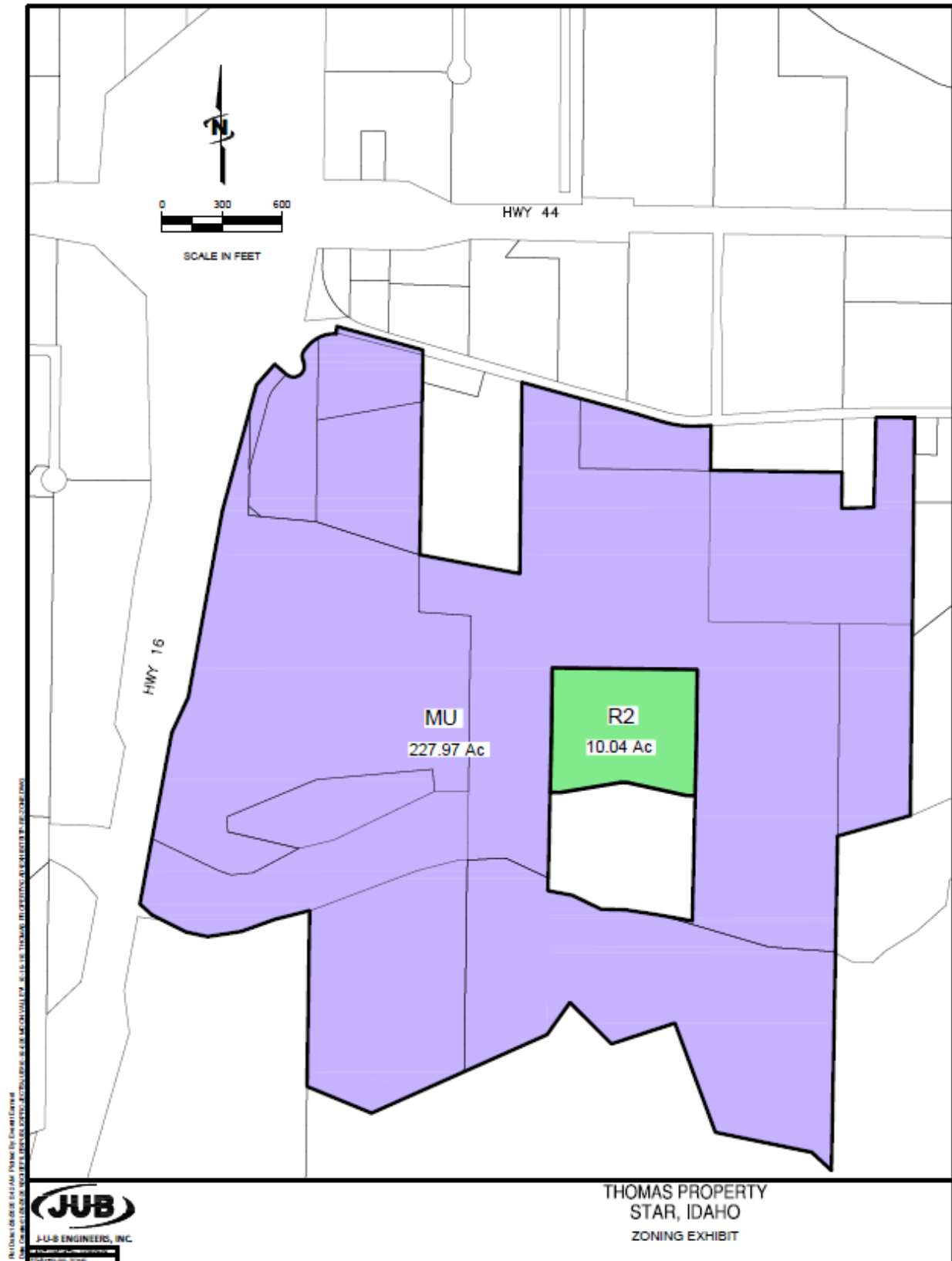
Robert L. Kazarinoff, PLS





## EXHIBIT B

### Approved Zoning Map





## EXHIBIT D



J-U-B COMPANIES



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MAPPING  
INC.

### THOMAS TRAIN SUBDIVISION BOUNDARY DESCRIPTION

Those portions of the West Half of Section 15 and the East Half of Section 16, Township 4 North, Range 1 West, City of Star, Boise Meridian, Ada County Idaho, particularly described as follows:

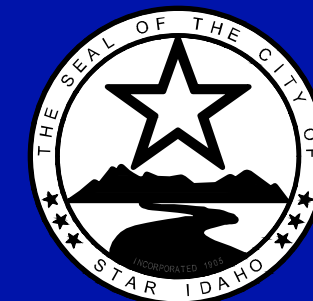
COMMENCING at the corner common to Sections 9, 10, 15 and 16, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, from which the northeast corner of said Section 15 bears South  $89^{\circ}06'20''$  East, 2,644.08 feet; Thence, along the line common to said Sections 15 and 16, South  $00^{\circ}39'42''$  West, 2,322.24 feet to the north line of the lands of Thomas as described in that Warranty Deed recorded under Instrument No. 104046780, Ada County Records and the POINT OF BEGINNING;

Thence  $S 89^{\circ}20'19''$  E, 604.57 feet along said north line;  
Thence  $S 00^{\circ}39'42''$  W, 323.26 feet along the east line of said lands of Thomas;  
Thence  $S 01^{\circ}16'48''$  W, 308.93 feet continuing along said east line;  
Thence  $N 88^{\circ}43'12''$  W, 44.32 feet departing from said east line;  
Thence  $N 77^{\circ}39'11''$  W, 298.78 feet to the beginning of a curve;  
Thence along said curve to the left an arc length of 37.91 feet, having a radius of 100.00 feet, a central angle of  $21^{\circ}43'23''$ , a chord bearing of  $N 88^{\circ}30'52''$  W and a chord length of 37.69 feet;  
Thence  $S 80^{\circ}37'27''$  W, 305.95 feet;  
Thence  $N 88^{\circ}43'12''$  W, 51.15 feet to the west line of said lands of Thomas;  
Thence  $N 01^{\circ}16'48''$  E, 301.71 feet along said west line;  
Thence  $N 00^{\circ}39'42''$  E, 321.72 feet along said west line;  
Thence  $S 89^{\circ}20'19''$  E, 122.51 feet along the north line of said lands of Thomas to the POINT OF BEGINNING, containing 10.04 acres, more or less.

Robert L. Kazarinoff, PLS







# LAND USE MAP