



CITY OF STAR

LAND USE STAFF REPORT

TO: Mayor & Council

FROM: City of Star Planning Department *Shan T. Muth*

MEETING DATE: **February 1, 2022 – PUBLIC HEARING**

FILE(S) #: **AZ-21-19 Annexation and Zoning - Lots 1, 2 & 3, Magnolia Subdivision**
DA-21-27 Development Agreement
PUD-21-02 Planned Unit Development

OWNER/APPLICANT/REPRESENTATIVE

Owner/Applicant:

Josh Kinney
8675 W. Floating Feather Rd.
Star, Idaho 83669

Representative:

Cody McCammon
Idaho Survey Group
9955 W. Emerald St.
Boise, Idaho 83704

REQUEST

Request: The Applicant is seeking approval of an Annexation and Zoning (RUT to R-3-PUD-DA/MU-PUD-DA), a Development Agreement, and a Planned Unit Development for a mixed-use development to include future residential and non-residential uses including retail, office, event center, farmers market, restaurant, winery, bed & breakfast, and garden center. The property is located near the southwest corner side of W. Floating Feather Road (Old) and State Hwy 16 and extends west to the southeast corner of N. Pollard Road and W. Floating Feather Road in Star, Idaho, and consists of a total of 25.15 acres.

PROPERTY INFORMATION

Property Location: The subject properties are generally located on the south side of W. Floating Feather Road between N. Pollard Road and Highway 16. Ada County Parcel No's R5437560010, R5437560200 & R5437560230.

Existing Site Characteristics: The property currently has a single-family dwelling; the remaining land is bare/vacant.

Irrigation/Drainage District(s): - Farmer's Union Ditch Company
PO Box 1474
Eagle, Idaho 83616

Flood Zone: A portion of this property on the western side is currently located in a Flood Hazzard Area.

FEMA FIRM Panel Number: 16001C0130J
Effective Date: 6/19/2020
Flood Zone: A

Special On-Site Features:

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

APPLICATION REQUIREMENTS

Neighborhood Meeting Held	August 10, 2021
Application Submitted & Fees Paid	November 19, 2021
Application Accepted	December 21, 2021
Residents within 300' Notified	January 10, 2022
Agencies Notified	December 21, 2021
Legal Notice Published	January 13, 2022
Property Posted	January 13, 2022

HISTORY

The Magnolia Subdivision was approved by Ada County in the early 1990's as a Non-Farm Development. The purpose of the Non-Farm Developments at that time was to allow property outside an Impact Area and in the Rural Residential to develop with 25% residential as one-acre lots, with the remaining 75% being set aside as open area for 15 years, The intent was then to allow redevelopment of the open area once the property was able to annex into a City and have City Services. This property does not have any history of land use applications within the City of Star.

SURROUNDING ZONING/COMPREHENSIVE PLAN MAP/LAND USE DESIGNATIONS

	Zoning Designation	Comp Plan Designation	Land Use
Existing	County Rural Transitional (RUT)	Neighborhood Residential Mixed-Use Special Transition Overlay	Single Family Residential/Vacant
Proposed	Neighborhood Residential (R-3-DA); Mixed-Use (MU-DA)	Neighborhood Residential Mixed-Use	Single Family Residential Commercial Agricultural
North of site	County Rural Transitional (RUT) Residential (R-5)	Neighborhood Residential Compact Residential Special Transition Overlay	Single Family Residential Agricultural Approved Milestone Subdivision
South of site	Neighborhood Residential (R3-DA-PUD)	Neighborhood Residential	Rosti Farms Subdivision
East of site	County Rural Transitional (RUT) Residential (R-1)	Neighborhood Residential Mixed Use	Agricultural/Vacant ITD Yard
West of site	County Rural Transitional (RUT)	Existing Public Use/Parks & Open Space	Star Cemetery

CODE DEFINITIONS / COMPREHENSIVE PLAN

UNIFIED DEVELOPMENT CODE:

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

B. Standards:

1. The subject property shall meet the minimum dimensional standards of the proper district.
2. The city may require a development agreement in conjunction with the annexation and zoning, or rezone, pursuant to Idaho Code section 67-6511A, which may include a concept plan. In addition to other processes permitted by city and state code, exceptions or waivers of standards, other than use, may be permitted through execution of a development agreement. A development agreement and concept plan shall be required for any rezone to a mixed-use zone, high density zone or land which includes steep slope (land over 25%) or floodway.
3. The termination of a development agreement shall result in the reversal of the official zoning

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

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

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

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

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

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

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

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

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

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

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

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. Residential uses may 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.

P PLANNED UNIT DEVELOPMENT: This designation, following any zoning designation noted on the official zoning map of the city (i.e., R-4-P), indicates that the development was approved by the city as a planned unit development, with specific allowances and design approved by Council.

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

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

<u>ZONING DISTRICT USES</u>		
USES	A	MU
Accessory structure - Residential or Commercial	A	C/P
Adult business/adult entertainment	N	N
Agriculture, forestry, fishing	P	N
Airport	C	N
Animal care facility ¹	P	C
Artist studio ¹	P	P
Arts, entertainment, recreation facility ¹	C	C
Asphalt plant ¹	N	N
Auction facility	N	C
Automated Teller Machine (ATM) ¹	N	A
Automotive hobby ¹	A	A
Automotive mechanical/electrical repair and maintenance	N	C
Bakery- Retail or Manufacturing	N	P/C
Bar/tavern/lounge/drinking establishment	N	C
Barbershop/styling salon	N	P
Bed and breakfast	P	C
Beverage bottling plant	N	N
Boarding house	C	C
Brewery/Distillery	N	C
Brewpub/Wine Tasting	A	C
Building material, garden equipment	N	C

and supplies		
Campground/RV park 1	C	C
Caretaker Unit 1	A	A
Cement or clay products manufacturing	N	N
Cemetery 1	C	N
Chemical manufacturing plant 1	N	N
Child Care center (more than 12) 1	N	C
Child Care family (6 or fewer) 1	A	A
Child Care group (7-12) 1	C	C
Child Care-Preschool/Early Learning1	N	C
Church or place of religious worship1	P	P
Civic, social or fraternal organizations	C	C
Concrete batch plant 1	N	N
Conference/convention center	N	C
Contractor's yard or shop 1	C	N
Convenience store	N	C
Dairy farm	C	N
Drive-through establishment/drive-up service window 1	N	C
Dwelling:		
Multi-family 1	N	C
Secondary 1	A	C
Single-family attached	N	C

Single-family detached	P	C
Two-family duplex	N	C
Live/Work Multi-Use ¹	N	C
Educational institution, private	C	C
Educational institution, public	C	C
Equipment rental, sales, and services	N	C
Events Center, public or private (indoor/outdoor)	C	C
Fabrication shop	N	N
Farm	P	N
Farmers' or Saturday market	C	C
Feedlot	N	N
Financial institution	N	C
Fireworks Stands	N	P
Flammable substance storage	N	N
Flex Space	N	C
Food products processing	C	N
Fracking	N	N
Gasoline, Fueling & Charging station with or without convenience store ¹	N	C
Golf course	C	C
Government office	N	C
Greenhouse, private	A	A
Greenhouse, commercial	P	C
Guesthouse/granny flat	P	C

Healthcare and social services	N	C
Heliport	C	N
Home occupation 1	A	A
Hospital	N	C
Hotel/motel	N	C
Ice manufacturing plant	N	N
Industry, information	N	C
Institution	N	C
Junkyard	N	N
Kennel	C	C
Laboratory	N	C
Laboratory, medical	N	C
Lagoon	N	N
Laundromat	N	P
Laundry and dry cleaning	N	C
Library	N	N
Manufactured home 1	P	C
Manufactured home park 1	N	N
Manufacturing plant	N	N
Meatpacking plant	C	N
Medical clinic	N	P
Mining, Pit or Quarry (excluding accessory pit) 1	C	N
Mining, Pit or Quarry (for accessory pit) 1	A	A

Mortuary	N	C
Museum	C	P
Nursery, garden center and farm supply	N	C
Nursing or residential care facility ¹	N	C
Office security facility	N	C
Parking lot/parking garage (commercial)	N	C
Parks, public and private	P	P
Pawnshop	N	P
Personal and professional services	N	P
Pharmacy	N	P
Photographic studio	N	P
Portable classroom/modular building (for private & public Educational Institutions)	C	C
Power plant	N	N
Processing plant	C	N
Professional offices	N	C
Public infrastructure; Public utility major, minor and yard ¹	C	C
Public utility yard	C	N
Recreational vehicle dump station	N	A
Recycling center	N	N
Research activities	A	C
Restaurant	N	C

Retail store/retail services	N	C
Retirement home	N	C
Riding Arena or Stable, Private/ Commercial	P/C	N
Salvage yard	N	N
Sand and gravel yard	C	N
Service building	C	C
Shooting range (<u>Indoor/Outdoor</u>)	C	C/N
Shopping center	N	C
Short Term Rentals ¹	A	A
Solid waste transfer station	N	N
Storage facility, outdoor (commercial) ¹	C	C
Storage facility, self-service (commercial) ¹	C	C
Swimming pool, commercial/public	N	P
Television station	N	C
Temporary living quarters ¹	P	N
Terminal, freight or truck ¹	N	N
Truck stop	N	C
Turf farm	P	N
Vehicle emission testing ¹	N	C
Vehicle impound yard ¹	N	N
Vehicle repair, major ¹	N	C
Vehicle repair, minor ¹	N	C

Vehicle sales or rental and service 1	N	C
Vehicle washing facility 1	N	C
Vehicle wrecking, junk or salvage yard1	N	N
Veterinarian office	P	C
Vineyard	P	C
Warehouse and storage	N	C
Wholesale sales	N	C
Winery	P	C
Wireless communication facility 1	C	C
Woodworking shop	N	N
8-3A-4: ZONING DISTRICT DIMENSIONAL STANDARDS:		

Zoning District	Maximum Height	Minimum Yard Setbacks Note Conditions			
	Note Conditions	Front (1)	Rear	Interior Side	Street Side
R-3	35'	15' to Living Area/Side Load Garage. 20' to Garage Face	15'	5' Per Story	20'
MU	35'	For MU and CBD - Unless otherwise approved by the Council as a part of a PUD or development agreement, all residential buildings shall follow the residential setbacks shown in this table based upon the project density and all other buildings shall follow setbacks for the C-2 zone (3).			

Notes:

1. Front yard setback shall be measured from the face of the garage to the face of the sidewalk,

allowing for 20' of parking on the driveway without overhang onto the sidewalk.

2. 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.

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

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

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

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

1. Any open space that is active or passive in its intended use, and accessible or visible by all residents of the development, including, but not limited to:
 - a. Open grassy area of at least fifty feet by one hundred feet (50' x 100') in area;
 - b. Qualified natural areas;
 - c. Ponds or water features where active fishing, paddle boarding or other activities are provided (50% qualifies towards total required open space, must be accessible by all residents to qualify.) ponds must be aerated;
 - d. A plaza.
2. Additions to a public park or other public open space area.
3. The buffer area along collector and arterial streets may be included in required overall common open space for residential subdivisions.
4. 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.

8-1E-1: DEFINITIONS - TERMS DEFINED

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

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

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

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.

C. Residential Use Standards:

1. **Housing Types:** A variety of housing types may be included within a single planned development, such as attached units (townhouses, duplexes), detached units (patio homes), single-family and multi-family units, regardless of the district classification of the site, provided that the overall density limit of the district is maintained. A minimum of two (2) housing types shall be provided for all PUD's.

D. Infill Planned Developments: Properties of five (5) acres or less within the city of Star, that are located in areas already substantially developed (at least 80 percent of the land area within 300 feet of the boundaries of the parcel) and where water, sewer, streets, schools and fire protection have already been developed and are provided. Upon recommendation of the administrator, the council may approve exceptions to other sections of this title as an incentive for infill development, including, but not limited to the following:

1. The council may allow up to a twenty five percent (25%) increase in the density permitted for the district in which the site is located. It is at the sole discretion of the Council to approve the maximum density bonus requested. Density bonuses shall not be allowed in the CBD.
2. The council may also waive or modify open space and amenity requirements set forth in this section depending on the size and scale of the planned development and proximity to public open space, pathways or greenbelts.

E. Conditions, Bonds and Safeguards: In approving the planned unit development, the council may prescribe appropriate conditions, additional conditions, bonds, and safeguards in conformity with this title that:

1. Minimize adverse impact of the use on other property.
2. Control the sequence and timing, or phasing, of the uses.
3. Control the duration of the use. Assure that the use and the property in which the use is located is maintained properly.
4. Designate the exact location and nature of the use and the property development.
5. Require the provision for on site or off-site public facilities or services.
6. Require more restrictive standards than those generally required in this title.
7. Require mitigation of adverse impacts of the proposed development upon service delivery by any political subdivision, including school districts, which provides services within the city.

COMPREHENSIVE PLAN:

8.2.3 Land Use Map Designations:

Neighborhood Residential

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

Special Transition Overlay Area

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

8.3 Goal:

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

8.4 Objectives:

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

8.5.3 Policies Related Mostly to the Urban Residential Planning Areas:

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

B. Low densities within the Neighborhood Residential Land Use are to be designed within the floodplain, ridgeline developable areas, hillside developable areas and where new residential lots are proposed adjacent to existing residential lots of one acre and larger where

C. Site layout within the Special Transition Overlay Area is to provide for a transition in density and lot sizing. Base densities may be significantly reduced or home sites may be clustered to increase open space within a portion of a site when property is within this overlay.

8.5.4 Policies Related to The Special Transition Overlay Areas:

A. Development adjacent to and within the Special Transition Overlay Area is to provide for an appropriate transition between existing and new home sites where new urban development is being planned adjacent to previously approved and constructed rural county developments of years past. This may include new abutting lots to be one acre in size or may include buffering.

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

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

D. When an urban density residential development is planned with lots that directly abut lots within a Special Transition Overlay Area an appropriate transition is to be provided for the two abutting residential lot types. A transition must take into consideration site constraints that may exist and may include clustering of the urban lots in order to provide an open space area avoiding urban lots directly abutting Special Transition Overlay Area lots, or may include the provision of a buffer strip avoiding urban lots

directly abutting Special Transition Overlay Area lots, or may include setbacks within the urban lots similar to the Special Transition Overlay Area lots directly abutting, or may include the provision of one half to one acre size lots directly abutting the Special Transition Overlay Area lots.

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

8.5.9 Additional Land Use Component Policies:

- Encourage flexibility in site design and innovative land uses.
- 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.

PROJECT OVERVIEW

ANNEXATION & REZONE:

The annexation and zoning request from County Rural Urban Transition (RUT) to Residential (R-3-PUD-DA) and (MU-PUD-DA) on the applicant's property will allow for the future subdivision and development of the properties into a mixture of residential and mixed-uses consistent with the current Comprehensive Plan Land Use Map. The applicant has requested a Residential R-3 zoning designation on the residential portion of the property and Mixed-Use MU designation on the remainder of the property. The proposed residential density shown on the conceptual site plan is lower than the Comprehensive Plan designation in the Neighborhood Residential, with density allowances ranging from 3 to 5 dwelling units per acre. The requested zoning designation and density meets the intent of the Comprehensive Plan.

PLANNED UNIT DEVELOPMENT:

Through the PUD process, the applicant proposes a range of land uses including residential, retail, office, event center, farmers market, restaurant, winery, bed & breakfast, and garden center. These uses are all allowed in the Residential and Mixed-Use zoning districts. The PUD will allow all of the uses to be integrated together to provide for pathway connections, parking and landscaping, setbacks and amenities in one approval process. The conceptual site plan indicates the applicants vision of the entire project. Prior to final approval of the any individual residential lots, a preliminary plat shall be submitted for Council approval with design and dimensional standards of the Unified Development Code being adhered to. Understanding that the submitted site plan is only conceptual, the residential lots on the western half of the development would not meet current Code requirements, and, would therefore need to be revised. This would include lot size, access and emergency turn-around of the proposed roadways and required landscape buffers along N. Pollard Road and W. Floating Feather Road.

AGENCY RESPONSES

ACHD	January 25, 2022 (Draft)
Keller and Associates	January 26, 2022

PUBLIC RESPONSES

December 13, 2021	Tony & Brenda O'Neil	via Letter
	James & Michelle Stanford	via Letter
	Mike & Theresa Prenn	via Letter
	Steve Herron	via Letter
January 27, 2022	Morris Bower & Haws PLLC	Letter

STAFF ANALYSIS & RECOMMENDATIONS

Staff is supportive of the Annexation, Planned Unit Development, and overall concept of the submitted application and the residential and commercial uses proposed. However, Staff will recommend to the Council that the current CC&R's associated with the existing Magnolia Subdivision, for which the majority of the development is part of, be adhered to. Specifically, the subdivision covenants (see attached in neighbors letter) states that "no lot shall be re-subdivided to less than one-acre". There are also additional specific design standards and use restrictions that should be considered. In addition, the Amended CC&R's for the Magnolia Subdivision prohibits certain, allowed commercial uses on Lot 1, which would be part of the Mixed-Use property. These uses include:

- Animal Care Facility
- Bar/Drinking Establishment

- Cement Manufacturing. Cemetery
- Chemical Manufacturing Plant
- Convenience Store
- Products Processing
- Gasoline Station
- Gasoline Station with Convenience Store
- Heliport
- Kennel
- Mortuary
- Parking Garage
- Pawnshop
- Recycling Center
- Shooting Range
- Truck Terminal
- Vehicle Impound Yard
- Vehicle Sales or Rentals

Staff would recommend that the residential property be zoned R-1 to recognize the minimum lot sizes of 1-acre, and that the Development Agreement include language regarding adherence to the Covenants of Magnolia Subdivision, including but not limited to lot size, uses and design standards.

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

Additional Items for the Council to consider for the Development Agreement and as Conditions of Approval in the PUD include the following:

- Council may want to explore the intentions more fully of the vineyard and open space in the center of the development.
- Commercial Uses
- Pathway/Sidewalk Details
- Residential allowances, including high density, in the Mixed-Use area
- ITD Proportionate Shares

FINDINGS

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

ANNEXATION/REZONE FINDINGS:

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

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

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

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

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

The City must find that the proposal complies with the proposed district and purpose statement. 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. The purpose of the mixed-use district is 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. Residential uses may 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.

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

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

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

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

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

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

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.

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

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.

D. The internal street, bike and pedestrian circulation system is designed for 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.

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.

F. The proposal complies with the density and use standards requirements in accord with chapter 3, "District Regulations", of this title.

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

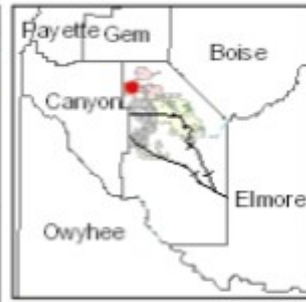
H. The planned unit development is in conformance with the comprehensive plan.

CONDITIONS OF APPROVAL FOR PLANNED UNIT DEVELOPMENT
--

1. The approved Annexation for Josh Kinney, Lots 1, 2 & 3 of Magnolia Subdivision shall comply with all statutory requirements of applicable agencies and districts having jurisdiction in the City of Star.
2. The property within the approved Annexation shall be satisfactorily weed abated, preventing a public nuisance, per Star City Code.
3. All Commercial Uses are subject to further City approval.
4. Use Restrictions:
5. Any additional Condition of Approval as required by Staff and City Council.

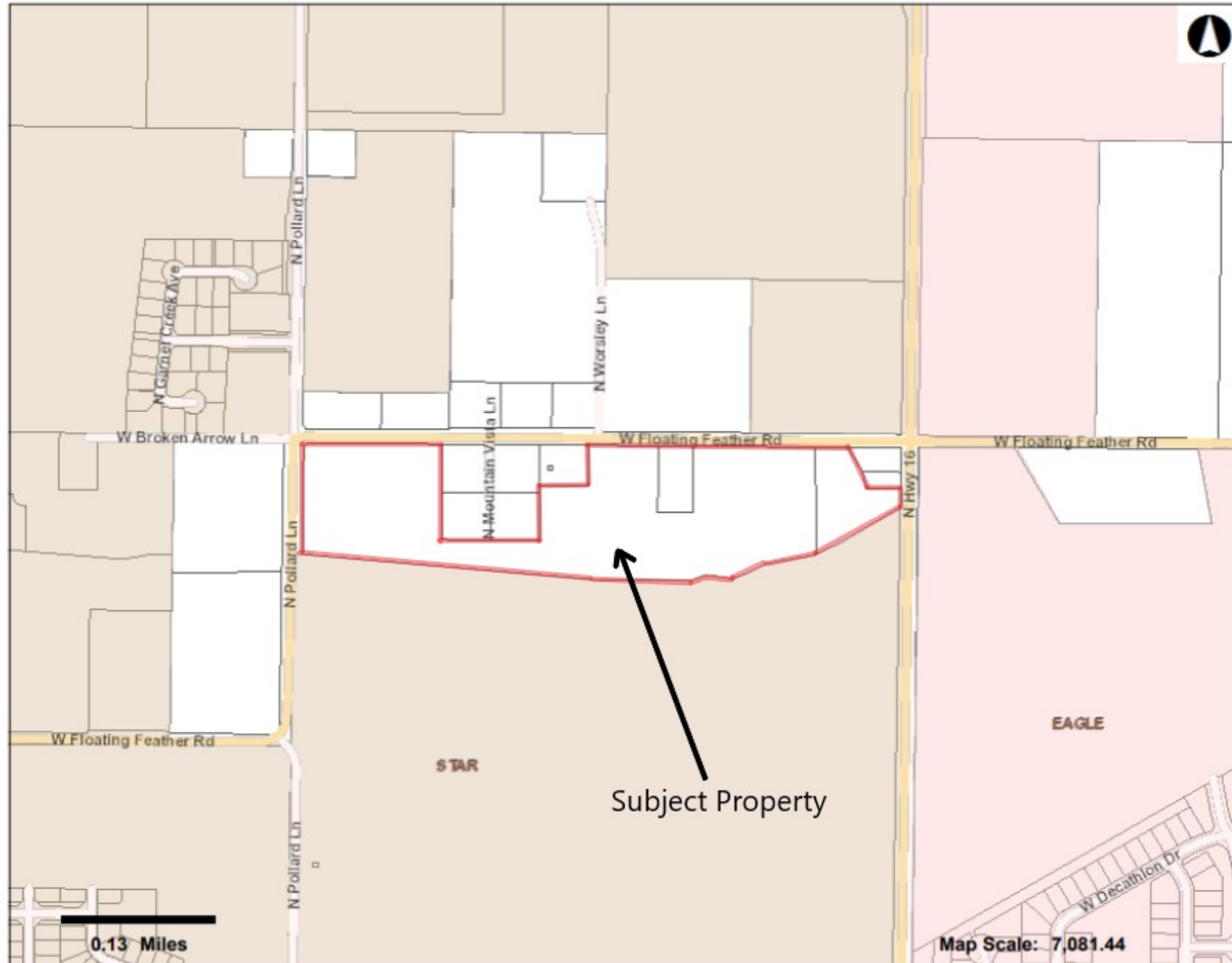
COUNCIL DECISION

The Star City Council _____ File #AZ-21-19/DA-21-27/PUD-21-02 for Josh Kinney, Lots 1, 2 & 3 of Magnolia Subdivision on _____, 2022.



Legend

- + Railroad
- Roads (4,000 - 8,000 s)
 - <all other values>
 - Interstate
 - Ramp
 - Principal Arterial
 - Collector
 - Minor Arterial
 - Local
- Parks
- Alley
- Driveway
- Parks
- Water
- City Limits
 - BOISE
 - EAGLE
 - GARDEN CITY
 - KUNA
 - MERIDIAN
 - STAR
- Condos
- Parcels



Subject Property

Narrative Description for Existing and Proposed Use of Property:

We are the owners of Lots 1, 2 and 3 Block 1 in the Magnolia Subdivision, located in Ada County. These 3 lots total just over 25 acres.

Over the past year, we have constructed our personal home on Lot 2. It is our desire to further develop the property to utilize each parcel to its best use.

This 25-acre property is unique, in that it spans from the SW corner of Hwy 16 and Floating Feather Road to the SE corner of Pollard Lane and Floating Feather Road. Approximately 10 acres of the Eastern portion of the property is designated as Mixed Use in the City of Star's Comprehensive Plan. Approximately 15 acres of the Western portion of the property is designated as Neighborhood Residential in the City of Star's Comprehensive Plan.

We plan to follow the Comprehensive Plan and have mixed uses on the East side of the property, transitioning into residential lots on the West side of the property. Our own home on 5 acres will serve as a buffer between the Mixed Use and Residential areas.

Our plan for developing and building out the properties is as follows:

1. Annexation into the City of Star
2. Adjust the lot line dimensions of Lots 1, 2 and 3.
Lot 1 to grow to +/-6.89 acres
Lot 2 to shrink to +/-16.26 acres
Lot 3 to grow to +/-2.0 acres
3. Split each of the 3 existing lots, one-time, to create a total of 6 parcels as follows:

Lot 1 to become:
Parcel 1 – +/-5.77 acres
Parcel 2 – +/-1.13 acres

Lot 2 to become:
Parcel 5 - +/-5.77 acres
Parcel 6 - +/-10.49 acres

Lot 3 to become:
Parcel 4 - +/-1 acre
Parcel 3 - +/-1 acre
4. Continue the current process of shaping the land on all parcels, to create building sites, vineyard slopes and landscape berms.

5. Remodel the existing building on parcel 1 to house our vintage boutique store - The Merq.
6. Install an irrigation system, utilizing water from the Foothill Ditch, across parcels 1, 5 and 6.
7. Establish a landscaped perimeter on parcels 1, 2, 3, 4 and 5.
8. Install a 5' wide pathway along Floating Feather Road, adjacent to parcels 1, 2, 3, 4 and 5 with a build-out time of 5 years. No further street improvements to be made along these parcels.
9. Eventually, develop parcel 6 into a small residential community. Allowing for large estate sized lots. Curb, gutter, sidewalk and street improvements along Pollard Lane and Floating Feather Road, where adjacent to parcel 6, as per ACHD requirements.
10. Further Mixed-Use development of parcel 1 will be determined at a future date. Potential uses: Retail Store, Event Center, Farmers Market, Drive-Thru Coffee, Restaurant, Winery, Brewery, Bed & Breakfast, Nursery, Garden Center Farm Supply, Vineyard, Orchard, Professional Office Space, Warehouse, High Density Detached Residential.

NOTE: The timeline for each phase of the project will be subject to current market conditions, finances, etc.

It is our desire to use land shaping, landscaping, agricultural accents, and thoughtful planning to create a development that will beautify the area. We plan to develop opportunities for community enhancing, commercial uses and Estate sized residential lots.



Josh Kinney

11/16/2021

Date



ANNEXATION & ZONING - REZONE APPLICATION

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

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

Applicant Information:

PRIMARY CONTACT IS: Applicant Owner Representative

Applicant Name: Josh Kinney
Applicant Address: 8675 W Floating Feather Rd Zip: 83669
Phone: 208-713-0504 Email: joshkinney@gmail.com

Owner Name: Same as above
Owner Address: _____ Zip: _____
Phone: _____ Email: _____

Representative (e.g., architect, engineer, developer):
Contact: Cody McCammon Firm Name: Idaho Survey Group
Address: 9955 W Emerald ST, Boise Zip: 83704
Phone: 208-481-0858 Email: codym@idahosurvey.com

Property Information:

Site Address: Lots 1, 2 & 3 Block 1 of Magnolia Subdivision Parcel Number: R5437560010, R5437560200, R5437560230
Total Acreage of Site: 25.15
Total Acreage of Site in Special Flood Hazard Area: 4
Proposed Zoning Designation of Site: Neighborhood Residential and Mixed Use

Zoning Designations:

	Zoning Designation	Comp Plan Designation	Land Use
Existing	RUT	Mixed Use and Neighborhood Residential	Residential and Commercial
Proposed	R3 and MU	Mixed Use and Neighborhood Residential	Residential and Commercial
North of site	R3 and MU	Neighborhood Residential	Residential and Agriculture
South of site	R3	Mixed Use and Neighborhood Residential	Residential and Commercial
East of site	RUT	Neighborhood Residential and Parks & Open Space	Residential
West of site	RUT	Neighborhood Residential - City of Eagle	Residential and Agriculture

Special On-Site Features (Yes or No – If yes explain):

Areas of Critical Environmental Concern - None
 Evidence of Erosion - None
 Fish Habitat - None
 Floodplain - Yes
 Mature Trees - None
 Riparian Vegetation - None
 Steep Slopes - None
 Stream/Creek - None
 Unique Animal Life - None
 Unique Plant Life - None
 Unstable Soils - None
 Wildlife Habitat - None
 Historical Assets - None

Application Requirements:

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

Applicant (√)	Description	Staff (√)
X	Pre-application meeting with the Planning Department required prior to neighborhood meeting.	
X	Copy of neighborhood meeting notice sent to property owners within 300 feet and meeting sign-in sheet. (Please contact the City for addresses & labels) (Applicants are required to hold a neighborhood meeting to provide an opportunity for public review of the proposed project prior to the submittal of an application.)	
X	Completed and signed Annexation & Zoning/Rezone Application	
X	Fee: (Include Development Agreement Fee). Please contact the City for current fee. Fees may be paid in person with check or electronically with credit card. Please call City for electronic payment. Additional service fee will apply to all electronic payments.	
X	Narrative fully describing the proposed project (must be signed by applicant)	
X	Legal description of the property to be annexed and/or rezoned: <ul style="list-style-type: none"> • Include a metes & bounds description to the section line/centerline of all adjacent roadways, stamped and signed by a registered professional land surveyor, with a calculated closure sheet. • Scaled exhibit map showing the boundaries of the legal description in compliance w/the requirements of the Idaho State Tax Commission Property Tax Administrative Rules IDAPA 35.01.03.225.01h. • If requesting more than one zoning designation, include a legal description for each zone along with an overall annexation/rezone boundary description. Also include the boundaries of each different zone on the map. • Submit word.doc and pdf version with engineer's seal. 	
X	Recorded warranty deed for the subject property	

	If the signature on this application is not the owner of the property, an original notarized statement (affidavit of legal interest) from the owner stating the applicant is authorized to submit this application.	
X	One (1) 8½" X 11" copy and electronic copy in pdf. format of vicinity map showing the location of the subject property	
X	One (1) full-size 24" X 36" copy and one (1) 11" X 17" copy of associated CUP/PUD Site Plan/Preliminary Plat. If this application is not accompanied by a plat or site plan, please submit conceptual development plan for the property.	
X	Electronic copy in pdf. format of submitted plat, site or conceptual plan.	
X	List of name(s) and address(es) of all canal or irrigation ditches within or contiguous to the proposed development.	
X	One (1) copy of names and addresses printed on address labels, of property owners within three hundred feet (300') of the external boundaries of the property being considered as shown on record in the County Assessor's office. Please contact the City to request addresses and labels.	
X	Two (2) copies of the Electronic versions of submitted application including neighborhood meeting information, signed application, narrative, legal description, warranty deed, vicinity map, preliminary plat/site plan, irrigation district information, <u>shall be submitted in original pdf format (no scans for preliminary plat/site plans) on two (2) thumb drives only (no discs)</u> with the files named with project name and plan type.	
X	Signed Certification of Posting with pictures. (see attached posting requirements and certification form) – To be completed by application after acceptance of application. Staff will notify applicant of hearing and posting date.	
X	*Applicant agrees to enter into a Development Agreement with this application. Applicant's Signature: _____	
X	Property shall be annexed into Star Sewer and Water District prior to Final Plat approval, building permits. Please contact SSWD for details.	

FEE REQUIREMENT:

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

Josh L Kinney
Applicant/Representative Signature

11/16/2021
Date



PLANNED UNIT DEVELOPMENT APPLICATION

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

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

Applicant Information:

PRIMARY CONTACT IS: Applicant ___ Owner ___ Representative ___

Applicant Name: Josh Kinney
Applicant Address: 8675 W Floating Feather Rd Zip: 83669
Phone: 208-713-0504 Email: joshkinney@gmail.com

Owner Name: Same as above
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Contact: Cody McCammon Firm Name: Idaho Survey Group
Address: 9955 W Emerald ST, Boise Zip: 83669
Phone: 208-481-0858 Email: codym@idahosurvey.com

Property Information:

Subdivision Name: Magnolia Subdivision
Site Address/Location: Lots 1, 2 & 3 Block 1 of Magnolia Subdivision
Parcel Number(s): R5437560010, R5437560200, R5437560230

Zoning Designations:

	Zoning Designation	Comp Plan Designation	Land Use
Existing	RUT in Ada County	Mixed Use and Neighborhood Residential	Residential and Commercial
Proposed	R3 and MU	Mixed Use and Neighborhood Residential	Residential and Commercial
North of site	RUT and MU	Neighborhood Residential	Residential/Agricultural
South of site	R3	Mixed Use and Neighborhood Residential	Residential/Commercial
East of site	RUT	Neighborhood Residential and Parks & Open Space	Residential
West of site	RUT	Neighborhood Residential - City of Eagle	Residential/Agricultural

SITE DATA:

Total Acreage of Site - 25.15 Acres
Breakdown of Acreage of Land in Contiguous Ownership - Lot 1 - 2.38 acres, Lot 2 - 21.77 acres, Lot 3 - 1 acre
Total Acreage of Site in Special Flood Hazard Area - 4
Dwelling Units per Gross Acre - .74 units per acre (14 units/ 19 acres)

Total Number of Lots - 15
Residential - 14
Commercial - 1
Industrial - n/a
Common - n/a

Total Number of Units - 15
Single-family - 15
Duplex - n/a
Multi-family - n/a

Percent of Site and Total Acreage of Common Area - 8% % / 2.1 acres
Percent of Common Space to be used for drainage - 16%
Describe Common Space Areas (amenities, landscaping, structures, etc.) - _____
Common area will be limited to the perimeter along Floating Feather Rd and Pollard Ln. Common area will include
landscaping berms, pathways, trees, shrubs, etc.
Proposed Dedicated Acreage (school, parks, etc): n/a

Public Streets - Floating Feather Rd, Pollard Ln Private Streets - n/a
Describe Pedestrian Walkways (location, width, material) - 5' wide concrete (or asphalt) pathway
along Floating Feather Rd and eventually Pollard Ln
Describe Bike Paths (location, width, material) - n/a

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

Potable Water - City water available at Pollard Ln and Floating Feather Rd
Irrigation Water- Irrigation water available from Foothill Ditch Co.
Sanitary Sewer- City sewer available at Pollard Ln and Floating Feather Rd
Fire Protection - Star Fire Dept
Schools - Eagle Elementary, Star Middle School, Owyhee High School
Roads - Floating Feather Rd, Pollard Ln

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

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

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

Total Acreage of Site in Special Flood Hazard Area - 4 acres
Type text here

- a. A note must be provided on the final plat documenting the current flood zone in which the property or properties are located. The boundary line must be drawn on the plat in situations where two or more flood zones intersect over the property or properties being surveyed.
- b. FEMA FIRM panel(s): #160xxxxxC, 160xxxxxE, etc.: 16001C0130J
 FIRM effective date(s): mm/dd/year 6/19/2020
 Flood Zone(s): Zone X, Zone A, Zone AE, Zone AH, etc.: Zone A
 Base Flood Elevation(s): AE .0 ft., etc.:
- c. Flood Zones are subject to change by FEMA and all land within a floodplain is regulated by Chapter 10 of the Star City Code.

Application Requirements:

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

Applicant (√)	Description	Staff (√)
x	Pre-application meeting with Planning Department required prior to neighborhood meeting.	
x	Copy of neighborhood meeting notice sent to property owners within 300 feet and meeting sign-in sheet. (Please contact the City for addresses & labels) (Applicants are required to hold a neighborhood meeting to provide an opportunity for public review of the proposed project prior to the submittal of an application.)	
x	Completed and signed Planned Unit Development Application	
x	Fee: Please contact the City for current fee. Fees may be paid in person with check or electronically with credit card. Please call City for electronic payment. Additional service fee will apply to all electronic payments.	
x	Narrative fully describing the proposed project (must be signed by applicant)	
x	Legal description of the property (word.doc and electronic version with engineer's seal):	
x	Copy of recorded warranty deed.	
x	If the signature on this application is not the owner of the property, an original notarized statement (affidavit of legal interest) from the owner stating the applicant is authorized to submit this application.	
x	One (1) copy of names and addresses printed on address labels, of property owners within three hundred feet (300') of the external boundaries of the property being considered as shown on record in the County Assessor's office. Please contact the City to request addresses and labels.	
x	Vicinity map showing the location of the subject property	
x	One (1) full-size copy and One (1) 11"x 17" reduction of the Site Plan	
n/a	One (1) full-size copy and One (1) 11"x 17" reduction of the landscape plan (if applicable)	
n/a	Building elevations showing construction materials	
x	Phasing plan shall be included in the application if the project is to be phased.	
x	Letter of authorization from the local Post Office approving mail box delivery to subdivision.	
x	List of name(s) and address(es) of all canal or irrigation ditches within or contiguous to the proposed development.	

x	Two (2) copies electronic versions of submitted application including signed application, narrative, legal description, warranty deed, vicinity map, site plan, landscape plan, building elevations, shall be submitted in original pdf format (no scans) on a thumb drive only (no discs) with the files named with project name and plan type. We encourage you to also submit at least one (1) color version for presentation purposes.	
x	Signed Certification of Posting with pictures. (see attached posting requirements and certification form) – To be completed by application after acceptance of application. Staff will notify applicant of hearing and posting date.	

Site Plan:

	The following items must be included on the site plan:	
	<ul style="list-style-type: none"> • Date, scale, north arrow, and project name 	
	<ul style="list-style-type: none"> • Names, addresses, and phone number of owner(s), applicant, and engineer, surveyor or planner who prepared the site plan 	
	<ul style="list-style-type: none"> • Existing boundaries, property lines, and dimensions of the lot 	
	<ul style="list-style-type: none"> • Relationship to adjacent properties, streets, and private lanes 	
	<ul style="list-style-type: none"> • Easements and right-of-way lines on or adjacent to the lot 	
	<ul style="list-style-type: none"> • Existing and proposed zoning of the lot, and the zoning and land use of all adjacent properties 	
	<ul style="list-style-type: none"> • Building location(s) (including dimensions to property lines) 	
	<ul style="list-style-type: none"> • Parking and loading areas (dimensioned) 	
	<ul style="list-style-type: none"> • Traffic access drives and traffic circulation (dimensioned) 	
	<ul style="list-style-type: none"> • Open/common spaces 	
	<ul style="list-style-type: none"> • Refuse and service areas 	
	<ul style="list-style-type: none"> • Utilities plan, including the following: Sewer, water, irrigation, and storm drainage (existing & proposed) 	
	<ul style="list-style-type: none"> • All on-site lighting proposed – Must Meet City “Dark Sky” Ordinances 	

Landscape Plan:

	The following items must be included on the landscape plan:	
	<ul style="list-style-type: none"> • Date, scale, north arrow, and project name 	
	<ul style="list-style-type: none"> • Names, addresses, and phone numbers of the developer and the person and/or firm preparing the plan 	
	<ul style="list-style-type: none"> • Existing natural features such as canals, creeks, drains, ponds, wetlands, floodplains, high groundwater areas, and rock outcroppings 	
	<ul style="list-style-type: none"> • Location, size, and species of all existing trees on site with trunks 4 inches or greater in diameter, measured 6 inches above the ground. Indicate whether the tree will be retained or removed. 	
	<ul style="list-style-type: none"> • Existing buildings, structures, planting areas, light poles, power poles, walls, fences, berms, parking and loading areas, vehicular drives, trash areas, sidewalks, pathways, storm water detention areas, signs, street furniture, and other man-made elements 	
	<ul style="list-style-type: none"> • Existing and proposed contours for all areas steeper than 20% slope. Berms shall be shown with one-foot contours 	
	<ul style="list-style-type: none"> • Sight Triangles as defined in 8-4 A-7 of this Ordinance 	
	<ul style="list-style-type: none"> • Location and labels for all proposed plants, including trees, shrubs, and groundcovers (trees must not be planted in City water or sewer easements). Scale shown for plant materials shall reflect approximate mature size 	
	<ul style="list-style-type: none"> • Proposed screening structures 	
	<ul style="list-style-type: none"> • Design drawings(s) of all fencing proposed 	
	<ul style="list-style-type: none"> • Calculations of project components to demonstrate compliance with requirements of this ordinance, including: <ul style="list-style-type: none"> ➢ Number of street trees and lineal feet of street frontage ➢ Width of street buffers (exclusive of right-of-way) 	

	<ul style="list-style-type: none"> ➤ Width of parking lot perimeter landscape strip ➤ Buffer width between different land uses ➤ Number of parking stalls and percent of parking area with internal landscaping ➤ Total number of trees and tree species mix ➤ Mitigation for removal of existing trees, including number of caliper inches being removed 	
--	--	--

SIGNS (If applicable):

All signs will require separate submittal of a sign application.

FEE REQUIREMENT:

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

Josh L Kinney
Applicant/Representative Signature

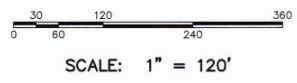
11/16/2021
Date

Conceptual Development Plan For

JOSH KINNEY

LOTS 1, 2, AND 3, MAGNOLIA SUBDIVISION LOCATED WITHIN THE SE 1/4 OF THE SW 1/4
AND THE SW 1/4 OF THE SE 1/4 OF SECTION 4, T.4N., R.1W., B.M., CITY OF STAR,
ADA COUNTY, IDAHO
2021

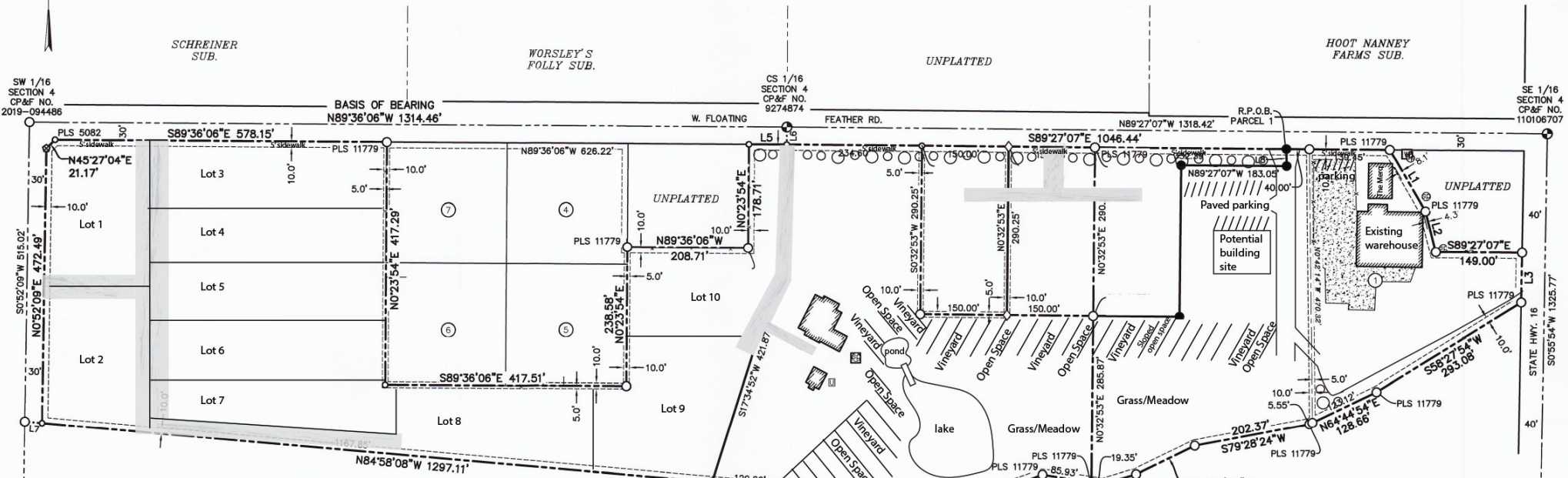
ROS NO. _____



SW 1/16
SECTION 4
CP&F NO.
2019-094486

CS 1/16
SECTION 4
CP&F NO.
9274874

SE 1/16
SECTION 4
CP&F NO.
110106707



LEGEND

- FOUND BRASS CAP MONUMENT
- FOUND ALUMINUM CAP MONUMENT
- FOUND 1/2" IRON PIN, PLS 4347, UNLESS OTHERWISE NOTED
- FOUND 5/8" IRON PIN, PLS 4347, UNLESS OTHERWISE NOTED
- ◇ FOUND 5/8" IRON PIN, PLS 4347, DISTURBED, RESET 5/8" IRON PIN, PLS 11779
- SET 5/8" IRON PIN, PLS 11779
- ② ORIGINAL LOT NO. (MAGNOLIA SUB.)
- R.P.O.B. REAL POINT OF BEGINNING
- PROPERTY BOUNDARY LINE
- NEW PARCEL LINE
- ORIGINAL LOT LINE REMOVED
- ORIGINAL LOT LINE (MAGNOLIA SUB.)
- SECTION LINE
- RIGHT-OF-WAY LINE
- CENTERLINE
- EASEMENT LINE (MAGNOLIA SUB.)
- FENCE LINE
- CONCRETE
- BUILDING
- ☒ POWER TRANSFORMER
- ☒ UTILITY BOX
- ☒ WATER SPIGOT
- ☒ WATER WELL

REFERENCE DOCUMENTS

- ROS NO. 261, 264, 2140, 4308, 4931, 7072, 12023
- MAGNOLIA SUB., BK. 61 PG. 6074-6075
- SCHREINER SUB., BK. 59 PG. 5716-5717
- WORSLEY'S FOLLY SUB., BK. 86, PG. 9656-9657
- HOOT NANNEY FARMS SUB., BK. 103, PG. 13839-13841

NOTES

1. THE RECORDING OF THIS RECORD OF SURVEY DOES NOT ENABLE THE OWNERS OF THE PARCELS TO CONVEY OWNERSHIP BASED SOLELY ON THIS MAP. A WRITTEN CONVEYANCE MUST ACCOMPANY SUCH A CHANGE IN OWNERSHIP.
2. IDAHO SURVEY GROUP, LLC ASSUMES NO LIABILITY FOR PRESENT OR FUTURE COMPLIANCE OR NON-COMPLIANCE WITH CANYON COUNTY PLANNING AND ZONING ORDINANCE RESTRICTIONS AS IT PERTAINS TO BUILDING PERMITS AND THE ISSUANCE THEREOF.

CERTIFICATE OF LAND SURVEYOR

I, CODY M. MCCAMMON, DO HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR, LICENSED BY THE STATE OF IDAHO, AND THAT THIS MAP HAS BEEN PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY DIRECT SUPERVISION, AND THAT THIS MAP IS AN ACCURATE REPRESENTATION OF SAID SURVEY, AND IS IN CONFORMITY WITH THE CURRENT LAWS OF THE STATE OF IDAHO PERTAINING TO PLATS AND SURVEYS.



CODY M. MCCAMMON

LICENSE NO. 11779

LINE TABLE		
LINE	BEARING	LENGTH
L1	S30°13'52"E	123.14
L2	S14°17'17"E	72.42
L3	S0°55'54"W	85.16
L5	S89°36'06"E	65.43
L6	S0°28'23"W	30.00
L7	S84°58'08"E	30.08
L8	N0°42'14"W	30.01

COUNTY RECORDER'S CERTIFICATE

INST. NO. _____
STATE OF IDAHO, COUNTY OF ADA, ss.
FILED FOR RECORD AT THE REQUEST OF _____
MIN. PAST _____ O'CLOCK _____ M. THIS _____ DAY OF _____ 2021
PHIL McGRANE, RECORDER
BY _____ DEPUTY
FEE \$ _____

RECORDING INDEX NUMBER:

414-04-2-3-0-61-6074
414-04-3-2-0-61-6074

Josh Kinney
8675 W Floating Feather Rd
Star, ID 83669
208-713-0504

MAGNOLIA SUBDIVISION

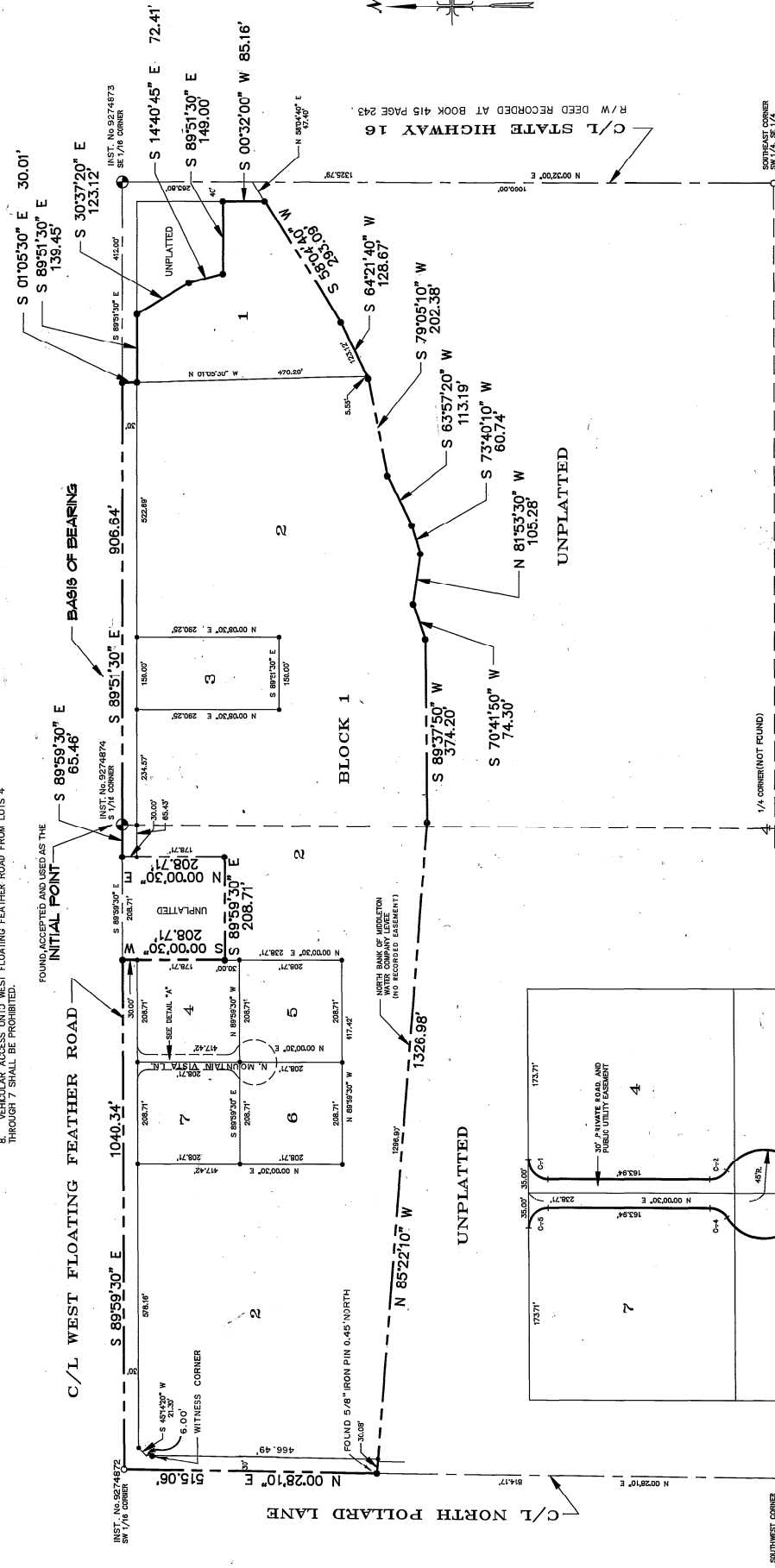
PORTION OF THE SE 1/4 SW 1/4 AND THE SW 1/4 SE 1/4, SECTION 4,
T.4N., R.1W., B.M.,
ADA COUNTY, IDAHO
1992

GRAPHIC SCALE
(IN FEET)
1 Inch = 160 Ft.

LEGEND

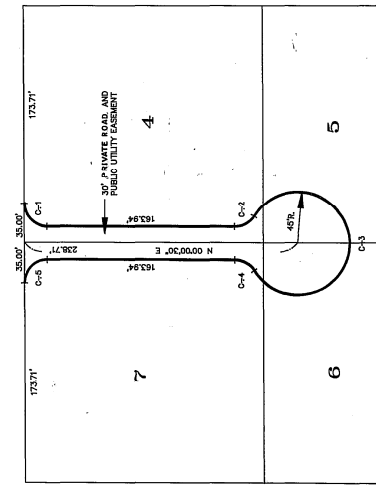
- BUILDING SETBACKS AND DIMENSIONAL STANDARDS IN THIS SUBDIVISION SHALL COMPLY WITH THE APPLICABLE ZONING REGULATIONS OF ADA COUNTY, IDAHO.
- ANY RESUBDIVISION OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE ZONING REGULATIONS IN EFFECT AT THE TIME OF RESUBDIVISION.
- ALL LOTS ARE HERE BY DESIGNATED AS HAVING A PERMANENT PUBLIC UTILITIES, DRAINAGE AND IRRIGATION EASEMENT OVER THE 100 FEET WIDE STRIP OF LAND SHOWN ON THIS PLAT. THE CONSTRUCTION OF HARD-SURFACED DRIVEWAYS TO EACH LOT.
- SUBDIVIDER WILL COMPLY WITH THE DISCLOSURE REQUIREMENTS OF SECTION 31-3605 OF THE IDAHO CODE.
- A TEN (10) FOOT UTILITY EASEMENT IS LOCATED ALONG THE EXTERIOR BOUNDARY LINES.
- ALL INTERIOR LOTS HAVE A TEN (10) FOOT PUBLIC UTILITIES, DRAINAGE AND IRRIGATION EASEMENT LINE FIVE (5) FEET ON EITHER SIDE OF SAID LOT LINES.
- LOTS 1 AND 2 ARE DESIGNATED TO OPEN SPACE USE AS SPECIFIED BY SECTION 8-48-7E(1) OF THE ADA COUNTY CODE FOR A MINIMUM PERIOD OF FIFTEEN (15) YEARS FROM THE DATE OF APPROVAL BY THE ADA COUNTY BOARD OF COUNTY COMMISSIONERS.
- VEHICULAR ACCESS ONTO WEST FLOATING FEATHER ROAD FROM LOTS 4 THROUGH 7 SHALL BE PROHIBITED.

- LEGEND**
- BOUNDARY LINE
 - FOUND BRASS CAP
 - FOUND 5/8" IRON PIN
 - SET 5/8" x 30" IRON PIN w/CAP
 - SET 1/2" x 24" IRON PIN



CURVE DATA

CURVE	RADIUS	LENGTH	CHORD	BEARINGS	DELTA
C-1	20.00'	31.42'	31.42'	S 45°00'30" W	90°00'00"
C-2	20.00'	20.04'	19.22'	S 28°42'08" E	57°25'16"
C-3	20.00'	20.04'	19.22'	N 28°42'08" E	57°25'16"
C-4	20.00'	20.04'	19.22'	N 28°42'08" E	57°25'16"
C-5	20.00'	31.42'	31.42'	N 44°59'30" W	90°00'00"





September 21, 2021

Josh Kinney
8675 W Floating Feather Rd
Star Id 83669
joshkinney@gmail.com
208.713.0504

Subject: Delivery Method Approval

Josh,

Thank you for contacting the Postal Service to established delivery to the development on the south side of W Floating Feather Rd between Pollard and Highway 16. Per your request I am authorizing the developer to place cluster box units at point A on the attached map to provide enough CBUs for the lots 10 through 19 marked as location A on the map. Lots 3,8 and 9 will be delivered in the hitching post style, deliverable from Floating Feather Rd, just like the current deliveries we are making on that road.

Please keep in mind when ordering your cluster boxes from the manufacturer we request that you ask them to number the boxes consecutively. As an example we would want the boxes to be labeled 1-165 as opposed to multiple units repeatedly numbered 1-16. We also request that the Parcel Lockers on the units also be numbered consecutively, so if there are 11 CBU units needed for the development, and there were two parcel lockers per unit, then the parcel lockers would be numbered 1 through 22. If the CBUs are not numbered correctly, we may refuse to deliver until the numbering has been corrected.

Thank you for your assistance.

Mel Norton
Postmaster, Star

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



MORRIS BOWER & HAWS PLLC

12550 W. Explorer Drive, Suite 100, Boise, Idaho 83713
1305 12th Avenue Rd., Nampa, Idaho 83686
Tel: (208) 345-3333 | Fax: (208) 345-4461

Mo Haws
mohaws@morrisbowerhaws.com

January 27, 2022

Sent via regular mail and email (snickel@staridaho.org)

City of Star
Attn: Shawn L. Nickel
Planning Director and Zoning Administrator
PO Box 130
Star, ID 83669

Re: Magnolia Subdivision / Kinney Proposed Annexation and Zoning

Mr. Nickel,

This firm represents Michael and Theresa Prens (the “Prenns”), who own lot 6 in the Magnolia Subdivision (“Magnolia”). As you are aware, the Prenns’ neighbors, Josh and Kelli Kinney (the “Kinneys”), are currently seeking to annex 25.15 acres, which are part of the Magnolia Subdivision, into the City of Star. The Kinneys are also seeking zoning of some portion of said property from RUT to R-3. For the following reasons, The Prenns (and others) object to the Kinneys’ proposed annexation and zoning. We are sending this letter ahead of the February 1, 2022 Star City Council meeting in which the Kinneys’ proposal will be heard, as notice of the Prenns’ objection, and in hopes it will be shared with the City Council.

At base, the Prenns (and others) are concerned about the possible annexation of Magnolia lots 1, 2, and 3 from Magnolia, independent of the other lots therein. Understandably, annexing a few lots from a platted subdivision, exclusive of others, may raise legal and practical issues for homeowners within said subdivision. Furthermore, the Kinney’s proposal does not appear to qualify for annexation under Idaho’s annexation statute. *See Idaho Code § 50-222.*

Notwithstanding the Prenns’ objection to annexation: in the event the City finds that annexation is appropriate in this case, the Prenns’ primary concern is the Kinneys’ proposed zoning of Magnolia lot 2 from RUT to R-3 because allowing more than one house to be developed on a single acre in Magnolia would be a direct violation of the express terms of Magnolia’s Declaration of Protective Restrictions and Covenants (“CC&Rs”). In pertinent part, the CC&Rs make clear that no re-subdivision of any lot in Magnolia may result in lots smaller than one (1) acre in size. *See Prens Letter to Mayor Chadwick—December 7, 2021, Attachment #1 (Magnolia CC&Rs).*

It is the Prenns' position that any approved zoning of Magnolia lot 2 from RUT to R-3 by the City of Star would constitute unlawful interference with contract under the Idaho State Constitution and common law. *See* Idaho Const. Art. I, § 16. Indeed, "Covenants restricting the free use of land are valid and enforceable in Idaho." *Pinehaven Planning Bd. v. Brooks*, 138 Idaho 826, 829, 70 P.3d 664, 667 (2003). Said covenants are interpreted and enforced according to the same legal principles governing contracts generally. *Berezowski v. Schuman*, 141 Idaho 532, 535, 112 P.3d 820, 823 (2005). As such, permitted zoning in violation of the CC&Rs is arguably unconstitutional and exceeds the City of Star's power under its charter.

In the event the City of Star disagrees with the legal analysis presented above, the Prenns urge that, at minimum, the Kinneys' proposal should not be approved where new lots directly abutting Magnolia lots 4,5,6, and 7 are less than one (1) acre in size, pursuant to the City of Star's municipal code and comprehensive plan because said lots are within the City of Star's "Special Transition Overlay Area."

In summation, the Prenns (and others) purchased their Magnolia lots with the reasonable assurance that the remaining undeveloped portions of Magnolia would not be re-subdivided in contravention of the CC&Rs, namely by constituting lots smaller than one (1) acre in size. Furthermore, the Prenns (and others) believe that any structures built on the new lots (in the event of annexation and zoning) must conform in all respects with the CC&Rs and be approved by Magnolias Architectural Control Committee. In essence, the Prenns are asking that the Kinneys' proposal be tabled until they can demonstrate a) proper application of Idaho's annexation statute to their Magnolia lots 1, 2, and 3, and b) proper adherence to the CC&Rs in all respects.

Please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Mo Haws". The signature is stylized with a large, sweeping initial "M" and a cursive "Haws".

Mo Haws
MORRIS BOWER & HAWS, PLLC

cc: Client

December 7, 2021

Mayor Trevor Chadwick
City of Star
P.O Box 130
Star, Idaho 83669

RECEIVED
DEC 13 2021
BY: BV

Re: Lots 1,2 and 3 of Magnolia Subdivision

Dear Mayor,

The undersigned are the current owners of lots 4,5,6 & 7 in the Magnolia subdivision located at the corner of Floating Feather and North Pollard Lane just outside the city limits of Star, Idaho. We have all owned these lots for several years, in some cases more than 20 years

The purpose of this letter is to share with the City of Star some concerns we have relating to our newest neighbor, Josh Kinney (Kinney) and his stated intentions to request permission from the City of Star to potentially deviate from the permitted uses and lot sizes described in the current recorded CC&Rs of the subdivision. I have attached a copy of those CC&Rs for your reference. **(See attachment #1)**

A little history: Kinney purchased Lot 1 in the summer of 2018. He approached the lot owners of Magnolia Subdivision and requested an amendment to the CC&Rs that would allow light commercial use on lot 1. In the spring of 2019, not less than 75% of the lot owners of Magnolia Subdivision granted his request – after some back and forth - and executed *the First Amendment to Declaration of Protective Restrictions and Covenants to Magnolia Subdivision*. This amendment allowed Kinney the ability to release lot 1 from the restrictions for commercial use. **(See attachment #2)** Lot 2 and 3 were subsequently purchased by Kinney in early 2020. Lot 2 consists of approximately 22 acres and lot 3 is approximately 1 acre. Kinney has since built his personal residence on lot 2

In February of 2020, Kinney provided a letter to the undersigned homeowners in the subdivision describing his plans and intentions for the 23 acres. These plans included his personal home, two ponds, pastureland, some fruit trees and “a vineyard on most of the of the 23 acres”. The February letter also indicated that he did not intend to build single family homes except for his own home on the property. He wanted to ...”live in a place with views of beautiful trees and plants all around us, not houses.” Included is a copy of his February 3, 2020, letter including a copy of his intended land use plan. **(See attachment #3)** We as current lot owners welcomed his original idea as none of us were eager for more homes around us.

In a letter dated July 24, 2021, Re: Neighborhood Meeting regarding Annexation and PUD application for Lots 1, 2 and 3 of the Magnolia Subdivision, Kinney invited the four undersigned lot owners and others in the neighborhood to a meeting at the Star Library Annex building on August 10, 2021 at 6:00 pm. At that meeting he described a completely different plan from his initial proposal of “pastureland, some fruit trees and a vineyard on most of the of the 23 acres”. The proposed plat which accompanied his July letter included 14 single family lots, some orchard and open space. No mention of vineyards, pastureland or the pond that was shown on the western boundary in the original proposal. A copy of Kinney’s July 24 letter is included. **(See attachment #4)** At the meeting, Kinney refused to discuss the particulars of the 14 lots, or any matters pertaining to how such lots would violate the CC&Rs. Most of which are significantly smaller than the one acre, as required by the CC&Rs. Despite being pressed,

Kinney repeatedly stated, "we were not here to discuss the HOA or CC&Rs of the subdivision." Instead, he advised us of what he intended to present to the City of Star for approval. He said that the city required him to show the intended use of the 23 acres as an inclusion to his request for approval of his commercial intentions on lot 1.



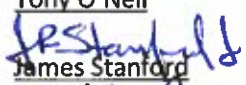
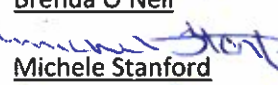


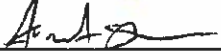
It was apparent to those in attendance that the meeting on August 10, did not go as Kinney intended. The undersigned lot owners voiced our concerns about a total indifference to the intent of the CC & R's which state that "no lot shall be re-subdivided to less than one acre". Those in attendance left the meeting dismayed and confused by his overconfident attitude and his claim that the City of Star would approve his proposed plan.

As a result of the August 10, 2021, neighborhood meeting, Kinney sent an email dated 8-23-21 with yet another plan showing 12 one acre lots with very little vineyards, no pastureland, no orchards, and no pond on the western border of the property. Quite a departure from "no homes, vineyards, pastureland, fruit trees and two ponds. This third attempt seemed to be only a place holder designed merely to satisfy the city's requirement of intended use as part of his commercial ventures on lot 1. I have included a copy of the email and site plan for your review. **(See attachment #5)**

These three completely different proposals make it obvious that Kinney's final vision for the property remains uncertain. While we understand ideas and priorities change, our fear with this uncertainty is that unless there is a clear understanding as to intended and allowable use on the property, we all fall victim to accepting something we don't want or be forced to accept unintended results. The undersigned lot owners were aware of the CC&Rs when we purchased our lots and have for the most part adhered to them. We respectfully request the same from our newest neighbor.

In conclusion, the undersigned lot owners in Magnolia subdivision would appreciate the city adhering to the CC&Rs when evaluating annexation, plat proposals or zoning changes which would increase the density of, or the intended use of the property as currently allowed by the CC&Rs. Furthermore, as long-time owners of lots in Magnolia subdivision we will vigorously oppose any commitments or concessions granted to Kinney that are not in harmony with us and the CC&Rs.

Thank you for your time and consideration.

Tony and Brenda O'Neil – Lot 4	 <u>Tony O'Neil</u>	 <u>Brenda O'Neil</u>	Date: 12/13/21
James and Michele Stanford – Lot 5	 <u>James Stanford</u>	 <u>Michele Stanford</u>	Date: 12/11/21
Mike and Theresa Prenn – Lot 6	 <u>Mike Prenn</u>	 <u>Theresa Prenn</u>	Date: 12/9/21
Steve Herron – Lot 7	<u>Steve Herron</u>		Date: 12/9/21

- Attachment #1 – Magnolia Subdivision CC&Rs
- Attachment #2 – First Amendment to CC&Rs
- Attachment #3 – Kinney Letter Dated 2-3-2020
- Attachment #4 – Kinney Letter Dated 7-24-2021
- Attachment #5 – Kinney E-Mail Dated 8-23-21

This document provided courtesy of TitleOne

LEGEND

1. BEARING STRONGS AND ORIGINAL STAKES IN THE SUBDIVISION SHALL COMPLY WITH THE APPLICABLE ZONING REGULATIONS OF ADA COUNTY, IDAHO.
2. ANY REVISIONS OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE ZONING REGULATIONS IN EFFECT AT THE TIME OF REVISIONS.
3. ALL LOTS ARE HERE BY GENERATED AS HAVING A FOREMOST PUBLIC UTILITY, SEWERAGE AND TRAVEL EASEMENT OVER THE TEN (10) FEET ALLEYS TO ANY STREET THAT IS DEDICATED TO THE USE OF THE PUBLIC. THE DEDICATION OF THESE EASEMENTS SHALL BE THE RESPONSIBILITY OF THE SUBDIVIDER TO OBTAIN THE NECESSARY PERMITS TO OBTAIN LOTS.
4. EASEMENTS WILL COMPLY WITH THE DECLARED DIMENSIONS OF SECTION 34-1000 OF THE DRAIN CODE.
5. A TEN (10) FOOT EASEMENT IS LOCATED ALONG THE EXTENSION BOUNDARY LINE.
6. ALL INTERIOR LOTS HAVE A TEN (10) FOOT PUBLIC UTILITY, SEWERAGE AND TRAVEL EASEMENT LYING FIVE (5) FEET ON EITHER SIDE OF THE LOT LINE.
7. LOT 1, AND 2 ARE RESTRICTED TO OPEN SPACE USE AS SPECIFIED BY SECTION 9-10-72.01 OF THE ADA COUNTY CODE FOR A MINIMUM PERIOD OF FIFTEEN (15) YEARS FROM THE DATE OF APPROVAL BY THE ADA COUNTY BOARD OF COUNTY COMMISSIONERS.
8. VEHICULAR ACCESS ONTO WEST FLOATING FEATHER ROAD FROM LOTS 4 THROUGH 7 SHALL BE PROHIBITED.

LEGEND

- BOUNDARY LINE
- FOUND BRASS CAP
- FOUND 5/8" IRON PIN
- SET 5/8" x 36" IRON PIN w/ CAP
- SET 1/2" x 24" IRON PIN

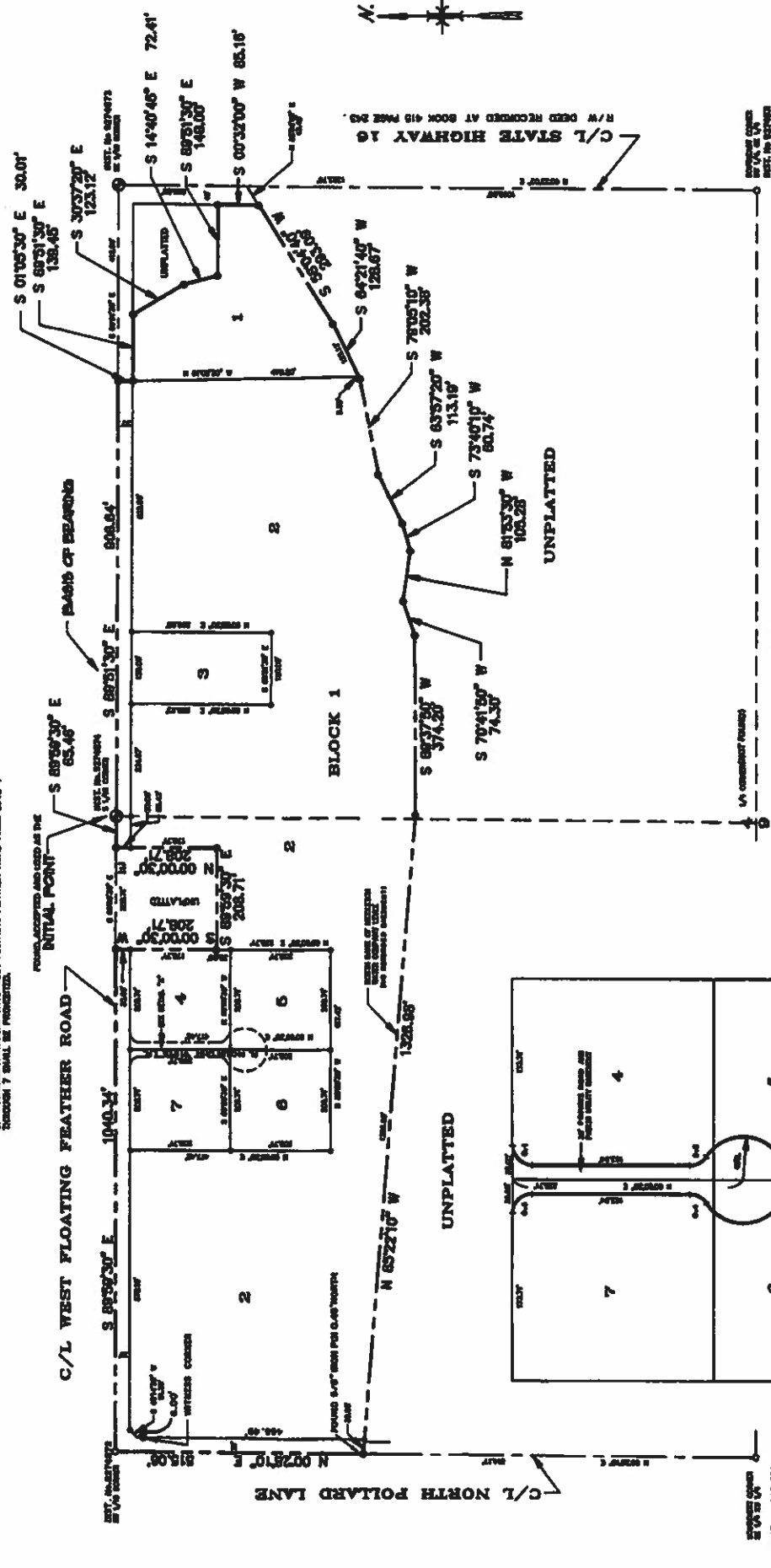
**PLAT OF
MAGNOLIA SUBDIVISION**

PORTION OF THE SE 1/4 SW 1/4 AND THE SW 1/4 SE 1/4 SECTION 4

T.W. R. JR., S.U.M.
ADA COUNTY, IDAHO

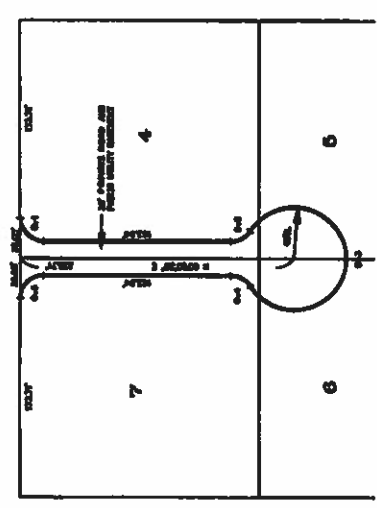
1992

GRAPHIC SCALE



CURVE DATA

STATION	CHORD BEARING	CHORD DISTANCE	ARC BEARING	ARC DISTANCE
1	S 67°57'20" W	113.18'	S 73°40'10" W	80.74'
2	S 67°57'20" W	113.18'	S 73°40'10" W	80.74'
3	S 67°57'20" W	113.18'	S 73°40'10" W	80.74'
4	S 67°57'20" W	113.18'	S 73°40'10" W	80.74'
5	S 67°57'20" W	113.18'	S 73°40'10" W	80.74'
6	S 67°57'20" W	113.18'	S 73°40'10" W	80.74'
7	S 67°57'20" W	113.18'	S 73°40'10" W	80.74'



1404000000

DECLARATION OF PROTECTIVE RESTRICTIONS AND COVENANTS
MAGNOLIA SUBDIVISION

661 / 6074-5
KNOW ALL MEN BY THESE PRESENTS:

That the undersigned Philip D Whitener & Mary JO Prather who will be referred to herein for convenience as the "Grantor" does hereby certify and declare as follows:

1. That the Grantor is the owner in fee simple of all that certain real property situate in the County of Ada State of Idaho, more particularly described as follows:

A portions of the SE 1/4 & SW 1/4, section 4,
T.4N., R1W., B.M. ADA County, Idaho
Magnolia Subdivision.

said above describe real property has also been subdivided and will be known as MAGNOLIA SUBDIVISION as the same will be set forth according to the official plat thereof to be be filed for record in the office of the Ada County Records State of Idaho, coincident with the filing of these presents.

2. That all of the real estate, including lots, parcels and tracts thereof, and any conveyance covering of describing all or any part thereof, either by reference to the above described plat of by any number or designated plat or by any number or designation thereon, or by any other description shall be subject to the following restrictions, covenants and conditions and that by acceptance of any such conveyance, the grantee or grantees and their heirs, executors, administrators, successors and assigns, and with each other as to the property described as follows:

Page 2.

a. LAND USE: all of the lots in said subdivision shall be known and described as residential lots, and said lots or any part thereof, or any structures placed thereon, shall not be used for commercial purposes, but the use of said lots shall be limited and restricted to single family dwellings which shall not exceed two stories in height and shall have attached, semi-detached, or detached private garage or carport for not less than two (2) nor more than four (4) cars. Other outbuildings incidental to a suburban acreage residential use as contemplated by the Ada County Subdivision Ordinance shall be allowed only upon approval of the Architectural Control Committee.

b. BUILDING LOCATION: No building shall be located on any lot nearer than 50 feet from the front lot or street line or nearer than 35 feet to any interior side lot line or nearer than 35 feet to any side street line, each distance respectively, measured at the closest point of said structure to said front, street or side lot line.

As an appurtenance to any dwelling house, a private garage, garden house, structure for the housing of small domestic animals or barn for the purpose of housing horses or cows, architecturally in harmony herewith, of permanent construction, and approved by the Architectural Control Committee, may be erected

Magnolia Subdivision

Page 3 .

within the building limits herein set forth. Where a garage or other appurtenant structure is not part of the dwelling house, no portion of the garage or other structure shall be nearer the front or street line than the rear line of the house. No barn, loafing shed or other building for housing or care of animals, shall be placed with 100 feet of any residence building or individual domestic well.

For the purpose of this paragraph, eaves, steps, open porches and bays shall be considered a part of the buildings or structure.

c. BUILDING SIZE: No dwelling costing less than \$ 85,000 based upon cost levels prevailing on the date this Declaration is recorded, shall be erected or placed on any building site, and the ground floor area of the main structure, exclusive of open porches, terraces and garages shall be not less than 1,700 square feet for single story and 1,200 square feet for two story. No dwelling shall house more than one family.

d. BUILDING MATERIALS: All buildings erected upon any building site in this subdivision shall be of stone, brick or frame construction and, if other than brick or stone is used, such buildings shall be finished, painted and maintained in good repair so as to be inoffensive to any other property owners in said subdivision. All roofs shall be constructed of wood shakes, tile, or cement or composition tiles.

Page 4.

e. MATERIAL STORAGE: No building material of any kind shall be placed or stored upon a building site until the Lot Owner or his builder is ready and able to commence construction and then such material shall be placed within the property lines of the building site upon which the structure is to be erected. The Architectural Control Committee shall have the right to enter upon any vacant building site for the purpose of burning or removing weeds, brush, growth or refuse.

f. CONTROL OF EXTERIOR WALLS, ROOFS, ETC.: The visual harmony and aesthetic appeal of the Project being of mutual concern to all Owners and having a direct bearing on the value of Lots and improvements thereon, the Architectural Control Committee shall have the right to control the texture, design and color scheme of the outside walls, fences, roofs and patio roofs of all structures erected upon Lots, and to require basic landscaping. The Owner shall not repaint the outside walls or fences without first obtaining approval of the Architectural Control Committee as to color. All patio roofs shall be of design and color consistent with the roof of the dwelling unit.

g. ENTRY-WAY LIGHT: Each building site shall be improved by the owner thereof, prior to the occupancy of any structure thereon, by the installation of an entry-way light at the juncture of the site's driveway and the street, of a style and design approved by the Architectural Control Committee. Such light mechanism shall include a photo-cell device which causes the light

PROTECTIVE RESTRICTIONS AND COVENANTS
Magnolia Subdivision

Page 5.

to automatically illuminate during the period from sunset to sunrise.

h. WORK PROSECUTION: The construction of all dwellings shall be prosecuted diligently and continuously from the time of commencement thereof and same shall be completed, including exterior painting and front yard landscaping, within eight (8) months after the date of commencement of construction unless such completion is prevented by causes beyond the control of the grantee. Construction must be commenced within two years from the date of purchase of the Lot.

i. TEMPORARY STRUCTURES: No structure of a temporary character, and no trailer, basement, tent, shack, garage, barn or other buildings shall be used on any Lot as a residence, either temporarily or permanently.

j. MOVED BUILDINGS: No building shall be moved onto any building site until the approval of the Architectural Control Committee shall have been given in writing, as to the quality, style, and type thereof.

k. VEHICLE AND EQUIPMENT PARKING: No campers, recreational vehicles, trailers, boats, motorcycles, snowmobiles, snow removal equipment, golf carts, or similar equipment or vehicles, except those owned and/or leased by the Lot Owner and for the personal use of the Lot Owner and/or his family, shall be kept or stored upon any Lot.

Page 6.

Such vehicles or equipment shall not be parked on any street, nor shall they be parked or stored in the area between the front plane of the dwelling unit on any Lot and the street. Non working or commercial vehicles larger than three-quarter ton, and no junk cars, shall be parked upon any Lot.

1. ANIMALS: No Lot or portion thereof shall be used for the keeping of swine. Dogs, cats, poultry or other household pets may be allowed provided that no animals or poultry shall be kept, bred or maintained for a commercial purpose. Horses, cattle, sheep or goats (the latter two only if family pets) shall be allowed, but no more than two (2) animal units per acre consisting of any of the foregoing animals shall be allowed. Said animals shall be pastured behind the main dwelling structure.

m. FENCES; HEDGES: No fence, hedge or boundary wall situated anywhere upon any Lot shall have a height greater than six (6) feet, or such other lesser heights as the Architectural Control Committee may specify, above the finished graded surface or the ground upon which such fence, hedge or wall is situated. No fence shall be constructed of any material other than wood nor finished in other than a natural finish, except as may be specifically approved by the Architectural Control Committee. No fence except an open rail fence (or fence of a similar type approved by the Architectural Control Committee) shall be constructed so as to extend toward the front of the Lot past the front plane of the

PROTECTIVE RESTRICTION'S AND COVENANTS
Magnolia Subdivision

Page 7

dwelling structure constructed thereon, or closer than (5) feet to any side Lot line adjacent to a dedicated street on a corner Lot. No fence, wall, hedge, or shrub planting which obstructs sight lines at an elevation between four (4) and eight (8) feet above the roadways shall be placed or permitted to remain on any corner Lot within the triangular area formed by the street property lines and a line connecting them at points twenty-five (25) feet from the intersection of the street lines or, in the case of a rounded property corner, from the intersection of the street property line with edge of a driveway. No tree shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of such sight lines.

n. EXCAVATION: No excavation for stone, or gravel, earth or minerals shall be made upon a building site unless such excavation is necessary and contemplated in the plans in connection with the construction on a building thereon, or to level for irrigation.

o. WATER: The Grantors are under no obligation to deliver domestic water or to furnish rights-or-way to any lot or building site in this subdivision.

Page 8.

It is contemplated that domestic water for use in any building erected upon a building site shall be supplied by the Grantee and originate from a well to be drilled and excavated by the Grantee at his expense. Such wells shall be located at a minimum distance of 100 feet from the individual sewerage disposal facilities and shall comply in all respects with regulations and health standards of Ada County Health Department.

p. SEWAGE DISPOSAL: All bathroom, sink and toilet facilities shall be located inside the dwelling house or other suitable appurtenant building and shall be connected by underground pipe with a private septic tank, placed at a depth and made of a type construction approved by the City, County and the State of Idaho Health authorities.

Drainage from said septic tank shall be kept within the building limits of each building site. Approval of all sewage-disposal systems installed shall be obtained from the appropriate health authority and the Grantor shall have no obligation to construct any sewer or provide any connection thereto.

q. UNSIGHTLY STRUCTURES OR PRACTICES: No unsightliness shall be permitted on any Lot. Without limiting the generality of the foregoing, all unsightly facilities, equipment or structures shall be enclosed within approved structures or appropriately screened from view. All front yard landscaping shall be regularly maintained in a neat and sightly condition. All refuse, garbage and trash shall be kept at all times in covered, reasonably noiseless containers, which shall be kept and maintained within an enclosed structure or appropriately screened from view, except when

Page 9

necessarily placed for pickup by garbage removal services. Storage piles, compost piles and facilities for hanging, drying or airing clothing or household fabrics shall be appropriately screened from view. No lumber, grass, shrubs or tree clippings or scrap, refuse or trash shall be kept, stored or allowed to accumulate on any lot.

r. RESUBDIVISION: In order to better carry out and preserve the intentions of the Grantor to make this subdivision strictly one of suburban acres, it is agreed that no lot is to be subdivided, or shall be sold or offered for sale containing less than the full area described in the plat hereof. The plat of this subdivision shall not be amended without prior approval of the Ada County Zoning Commission.

Any proposed resubdivision of this plat must comply with the Ada County Standard for subdivision in force as of the date of the proposed resubdivision. In the event that these Covenants and Restrictions are abolished by subsequent act of the owner, as herein provided, no lot shall be resubdivided to less than one acre.

s. SIGNS: No signs or billboards of any kind or for any use shall be erected, posted or displayed upon any building site. The name of a resident of a dwelling house upon a building site may be displayed upon a name or address plaque. The Grantor reserves the right to display signs upon lots or building sites remaining in the ownership of the Grantor during the period that those building sites are for sale by the Grantor or its agents.

t. NUISANCES: No portion of the real property or of a building site or any structure thereon shall be used for the

PROTECTIVE RESTRICTIONS AND COVENANTS
Magnolia Subdivision

Page 10

conduct of any trade or business, and noxious or undesirable acts or undesirable use of any portion of the real property shall not be permitted or maintained.

u. EXTERIOR ANTENNAS: No outside television antennas, radio aerials, or similar devices or structures shall be installed on any Lot or the exterior of any structure located thereon. Satellite dishes shall be permitted only if located behind the front plane of the dwelling structure (toward the rear of the Lot) outside of any building site setbacks, and if appropriately screened.

3. ARCHITECTURAL CONTROL:

That no building shall be erected, placed, or altered on any Lot until the construction plans and specifications, front yard landscaping plan and a plan showing the location of the structure have been approved by the Architectural Control Committee, hereinafter referred to, as to quality of workmanship and materials, harmony of external design with existing structures and as to location with respect to topography and finish grade elevation.

4. ARCHITECTURAL CONTROL COMMITTEE:

The Architectural Control Committee is composed of Mary Jo Prather and Philip D. Whitaker of Eagle, Idaho, and a third member to be chosen by those two persons. The committee shall consist of three (3) members, and a majority of the committee may designate a representative to act for it. In the event of death or resignation of any member of the committee, the remaining members shall have full authority to designate a successor. Neither the members of

Page 11.

the committee, nor its designated representative shall be entitled to any compensation for services performed pursuant to this covenant. At any time the then record owners of a majority of the lots shall have the power through a duly recorded written instrument to change the membership of or to withdraw from the committee or restore to it any of its powers and duties.

a. Rules and Regulations. The Architectural Control committee is hereby empowered to adopt rules to govern its procedures, including such rules as the Committee may deem appropriate and in keeping with the spirit of due process of law with regard to the right of concerned parties due to be heard on any matter before the Committee. The Architectural Control Committee is further hereby empowered to adopt such regulations as it shall deem appropriate, consistent with the provisions of this Declaration, with regard to matters subject to the Committee's approval, including matters of design, materials and aesthetic interest. Such rules, after adoption, shall be of the same force and effect as if set forth in full herein.

b. Fees. The Architectural Control Committee may establish, by its adopted rules, a fee schedule for an Architectural review fee to be paid by each Owner submitting plans and specifications to the Committee for approval. No submission for approval shall be considered complete until such fee has been paid. Such fee shall not exceed such reasonable amount as may be required to reimburse the Committee for the costs of professional review of submittals, and in any event shall not exceed the sum of One Hundred Dollars (\$100.00) per submittal.

Page 13.

duly acknowledged as to each executing Owner, is recorded in the official records of Ada County, Idaho. This Declaration may be amended during the first twenty (20) year period by an instrument signed and acknowledged by the Owners or not less than ninety percent (90%) of the Lots subject to this Declaration and thereafter by an instrument signed and acknowledged by the Owners of not less than seventy-five percent (75%) of the Lots subject to this Declaration.

8. VIOLATIONS:

That the parties hereto, or any of them or their heirs or assigns shall violate or attempt to violate any of the covenants or restrictions herein set forth before the termination thereof, it shall be lawful for any person or persons owning any other lots in said development or subdivision to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenant or restriction, and either to prevent him or them from so doing or to recover damages or other relief for such violation.

That the validation of any one of these covenants by judgement or court order shall in no wise affect any of the other provisions, which shall remain in full force and effect.

IN WITNESS WHEREOF the Grantors have hereunto subscribed these restrictive covenants as of the

PART OF ORIGINAL
TOO POOR TO COPY

FIRST AMERICAN TITLE CO.

ADA COUNTY ID. FOR

J. DAVID M. ARRO

RECORDER BY *Jackson*

PROTECTIVE RESTRICTIONS AND COVENANTS
Magnolia Subdivision

⁴²⁰⁰
'92 NOV 27 PM 2 52

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INDEXED

1484000254

STATE OF IDAHO
COUNTY OF ADA

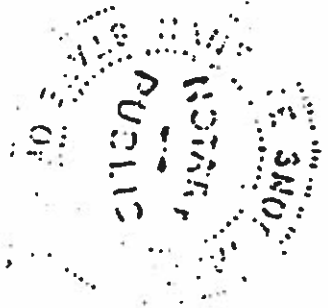
On this 25th day of November, 1992, before me a

Notary Public in and for said State, personally appeared Philip D. Whitener and Mary Jo Prather, know to me to be the individuals that executed this instrument.

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

Manette Snodgrass

Notary Public for Idaho
Residing at ~~Boise~~ ^{Nampa} Idaho
Commission Expires 4/21/95



Philip D. Whitener
Mary Jo Prather



Recording Requested By and
When Recorded Return to:

Josh Kinney
THE MERQ HOLDINGS, LLC
5889 W Founders Dr
Eagle, ID 83616

ATTACHMENT
2
10 PAGES

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

**FIRST AMENDMENT TO DECLARATION OF PROTECTIVE RESTRICTIONS AND
COVENANTS OF MAGNOLIA SUBDIVISION**

THIS FIRST AMENDMENT TO DECLARATION OF PROTECTIVE RESTRICTIONS AND COVENANTS OF MAGNOLIA SUBDIVISION ("Amendment") is made effective as of APRIL 2, 2019 ("Effective Date"), by and among the undersigned owners of real properties falling within the Magnolia Subdivision (collectively the "Lot Owners"), whose addresses are set forth on the signature pages below. All capitalized terms not otherwise defined in this Amendment shall have the meanings assigned to such terms in the Declaration (as hereinafter defined).

RECITALS:

WHEREAS the Declaration of Protective Restrictions and Covenants Magnolia Subdivision was recorded in the records of Ada County, Idaho on November 27, 1992, as Instrument Number 9282237 (the "Declaration");

WHEREAS pursuant to the Declaration, all lots in the subdivision are designated residential lots and commercial use is restricted;

WHEREAS, the undersigned Owners desire to allow commercial use on that real property commonly known as Lot 1 of the subdivision, which is legally described on **Exhibit A**, attached hereto and made a part hereof ("Lot 1"), and therefore, desire to release Lot 1 from certain restrictions and covenants set forth in the Declaration, subject to the use restrictions described herein;

WHEREAS pursuant to Section 7 of the Declaration, the Declaration may be amended by a written instrument signed and acknowledged by the Lot Owners of not less than seventy-five percent (75%) of the Lots subject to the Declaration; and

WHEREAS, the undersigned Lot Owners, who own seventy-five percent (75%) or more of the Lots subject to the Declaration, wish to modify certain provisions of the Declaration to release Lot 1 from the restrictions and covenants of the Declaration.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the undersigned Lot Owners hereby covenant and agree as follows:

1. **Release of Lot 1.** Except for the use restrictions set forth in Section 2 hereof, Lot 1 is hereby released from and shall not be subject to any use restrictions, building restrictions or requirements, design restrictions or requirements, architectural or other committee approvals or any other restrictions including those contained in the following Sections of the Declaration: Section 2, Section 3, Section 4 and Section 5.

2. **Use Restrictions.** The following use restrictions shall apply to Lot 1:

(a) For a period of ten (10) years from the date this First Amendment is recorded in the official records of Ada County, Idaho (the "Restriction Period"), Lot 1 may be used for any permitted or conditional use allowed in the "Mixed Use" zone per the zoning ordinance of Star, Idaho, as it exists on the date of recording of this Amendment, except for the following uses, unless approved by the Owners of seventy-five percent (75%) of the Lots:

Animal Care Facility, Bar/Drinking Establishment, Cement Manufacturing, Cemetery, Chemical Manufacturing Plant, Convenience Store, Food Products Processing, Gasoline Station, Gasoline Station with a convenience store, Heliport, Kennel, Mortuary, Parking Garage, Pawnshop, Recycling center, Shooting Range, Truck Terminal, Vehicle Impound Yard, and Vehicle Sales or Rental.

(b) During the Restriction Period, Lot 1 may not be used for any of the following uses that are prohibited in the "Mixed Use" zone per the zoning ordinance of Star, Idaho:

Adult Entertainment, Agriculture/Forestry/Fishing, Airport, Asphalt Plant, Concrete Batch Plant, Contractor's Yard, Dairy Farm, Secondary Dwelling, Farm, Feedlot, Flammable Substance Storage, Guesthouse, Home Occupation, Junkyard, Lagoon, Manufactured Home Park, Meat Packing Plant, Mining, Power Plant, Processing Plant, Salvage Yard, Sand and Gravel Yard, Solid Waste Transfer Station, Stable, Private Swimming Pool, Temporary Living Quarters, Tower, Truck Stop, and Vehicle Wrecking Yard.

(c) Following expiration of the Restriction Period, there will be no use restrictions on Lot 1 under the Declaration or this Amendment.

3. **Amendment.** Notwithstanding anything in Section 7 of the Declaration to the contrary, no amendment to the Declaration shall be valid or binding on Lot 1 unless such amendment is made by an instrument that has been signed by the Owner of Lot 1, duly acknowledged and recorded in the official records of Ada County, Idaho. In addition, the Owner of Lot 1 shall not be permitted to participate in any voting, architectural control or amendment to the Declaration that affects only the residential lots and not Lot 1, and Lot 1 shall not be counted when determining whether any proposed amendment to the Declaration that does not affect Lot 1 is approved by the Owners of seventy-five percent (75%) of the Lots.

4. **Miscellaneous.** The recitals set forth above are incorporated herein by this reference. Except as set forth in this Amendment, the terms and provisions of the Declaration are hereby ratified and declared to be in full force and effect. This Amendment shall become effective upon its execution, which may occur in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. Captions and paragraph headings are used herein for convenience only, are not a part of this Amendment or the Declaration as amended by this Amendment and shall not be used in construing either document. On and after the date hereof, each

reference in the Declaration to "this Declaration," "hereunder," "hereof," "herein," or words of like import, and each reference in the other documents and agreements relating to the Declaration, shall mean and be a reference to the Declaration as amended hereby.

[Signature pages follows]

IN WITNESS WHEREOF, the undersigned, in total representing 75% or more of the Lot Owners of Magnolia Subdivision, have executed this Amendment as of the Effective Date.

LOTS 2 and 3 OWNER:

Michael D. Hagood
By: Michael D. Hagood
Lot: Lots 2 and 3, Block 1
Address: 3080 S. Linda Vista Place, Boise, ID 83709

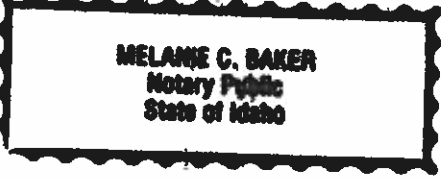
LOTS 2 and 3 OWNER:

Jacquelyn Molenaar
By: Jacquelyn Molenaar
Lot: Lots 2 and 3, Block 1
Address: 3080 S. Linda Vista Place, Boise, ID 83709

STATE OF IDAHO)
 : ss.
County of Ada)

On this 29 day of June, 2018, before me, a Notary Public, in and for the State of Idaho, personally appeared **Michael D. Hagood**, known or identified to me 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 first above written.

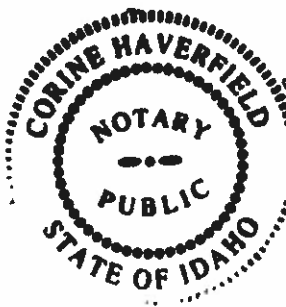


Melanie C Baker
Notary Public for Idaho
Residing at: MERIDIAN, ID
My commission expires: 04/07/2021

STATE OF IDAHO)
 : ss.
County of Ada)

On this 26 day of ~~June~~ ^{SEPTEMBER}, 2018, before me, a Notary Public, in and for the State of Idaho, personally appeared **Jacquelyn Molenaar**, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

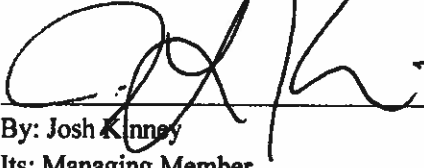
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



[Signature]
Notary Public for Idaho
Residing at: Residing in Meridian, Idaho
My commission expires: My commission expires June 14, 2019

IN WITNESS WHEREOF, the undersigned, in total representing 75% or more of the Lot Owners of Magnolia Subdivision, have executed this Amendment as of the Effective Date.

**LOT 1 OWNER:
THE MERQ HOLDINGS, LLC**

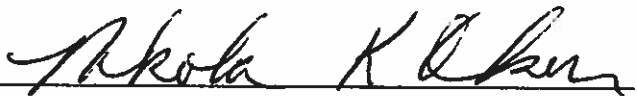


By: Josh Kinney
Its: Managing Member
Lot: Lot 1, Block 1
Address: 5889 W Founders Dr, Eagle, ID 83616

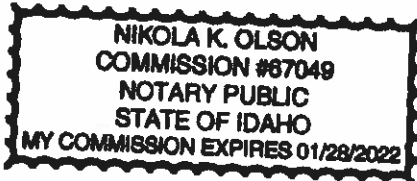
STATE OF IDAHO)
 : ss.
County of Ada)

On this 2nd day of April 2014, before me, a Notary Public, in and for the State of Idaho, personally appeared **Josh Kinney**, known or identified to me to be the Managing Member of **The Merq Holdings, LLC**, an Idaho corporation, who subscribed said corporation's name to the foregoing instrument, and acknowledged to me that he executed the same in said corporation's name.

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



Notary Public for Idaho
Residing at: Boise, ID
My commission expires: 1-28-2022



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LOT 6 OWNER:

Michael P. Prenn

By: Michael P. Prenn

Lot: Lot 6, Block 1

Address: 1875 N Mountain Vista Ln, Star, ID 83669

LOT 6 OWNER:

M. T. Prenn

By: Mary T. Prenn

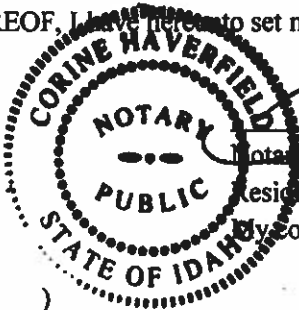
Lot: Lot 6, Block 1

Address: 1875 N Mountain Vista Ln, Star, ID 83669

STATE OF IDAHO)
) : ss.
County of Ada)

On this 30 day of May, 2018, before me, a Notary Public, in and for the State of Idaho, personally appeared **Michael P. Prenn**, known or identified to me 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 first above written.



[Signature]

Residing in Meridian, Idaho
My commission expires June 14, 2019

Notary Public for Idaho
Residing at: _____
My commission expires: _____

STATE OF IDAHO)
) : ss.
County of Ada)

On this 30 day of May, 2018, before me, a Notary Public, in and for the State of Idaho, personally appeared **Mary T. Prenn**, known or identified to me 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 first above written.



[Signature]

Residing in Meridian, Idaho
My commission expires June 14, 2019

Notary Public for Idaho
Residing at: _____
My commission expires: _____

LOT 7 OWNER:



By: Steven R. Herron


Lot: Lot 7, Block 1

Address: 1915 N. Mountain Vista Lane, Star, ID 83669

STATE OF IDAHO)
 : ss.
County of Ada)

On this 30 day of May, 2018, before me, a Notary Public, in and for the State of Idaho, personally appeared **Steven R. Herron**, known or identified to me 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 first above written.



Notary Public for Idaho
Residing at: _____
My commission expires: _____



Residing in Meridian, Idaho
My commission expires June 14, 2019

EXHIBIT A
(Legal Description of Lot 1)

Lot 1 in Block 1 of MAGNOLIA SUBDIVISION, according to the plat thereof, filed in Book 61 of Plats at Pages 6074 and 6075, Records of Ada County, Idaho.

02/03/2020

Tony and Brenda O'Neil

1910 N Mountain Vista LN

Star, ID 83669

ATTACHMENT # 3
8 PAGES

Dear Tony and Brenda,

We are in the process of purchasing the 23 acres that make up Lot 2 and Lot 3 of the Magnolia Subdivision. Ever since we began the process of purchasing "The Barns" property on the corner, we have had our eyes on these 23 acres. We had a hope of purchasing and building something that was a home for us, but also an amenity for the neighbors and community. That opportunity became available this last fall, and since September, we have been under contract to purchase the property. We have been in the process of securing water rights to irrigate the property over that last several months. It appears that process is drawing to a close, and we will be able to move forward with the final purchase of the property. Before we officially close on the property, we wanted to get everyone in the HOA up to speed on our intentions and plans for the 23 acres.

The first priority for the property, is for it to be the location of our new home. It is our intention to break ground on this new home as soon as possible, ideally this Spring. Our plan is for the home to sit at the end of a long driveway, overlooking the 12 or so acres that make up the East portion of the property. We have purchased a set of plans for a traditional farm house. I have enclosed the elevations for the new house, as well as a site plan showing approximately where the house will sit on the property. Since there is not an active Architectural Control Committee for Magnolia Subdivision, we are submitting the plans to all of the neighbors of the subdivision. This way you can all see what we plan to build, and tell us if you don't like it! ☺ We will most likely build a small, detached garage to the West of the new house at the same time. I have enclosed the elevations for this building as well. The house and detached garage will both be painted white, and have a black roof. Pretty basic.

Our Second priority, will be to establish a setting for the property. We want to live in a place with views of beautiful trees and plants all around us, not houses. It is our intention to plant a vineyard on most of the 23 acres. We will most likely be partnering with a local winery, and they will do the planting and caretaking of the grapes. The enclosed site plan shows the approximate areas where the grapes will be planted. This will take up most of the area that is sloped, as that is the ideal topography for growing grapes in this region. We are also looking at partnering with some friends in Emmett to plant and grow some fruit trees on the property. The location and species of the trees are yet to be determined and will be based on ideal topography, sun exposure, etc. Right now, we do not have any plans for the Westernmost portion of the property (the area that is flat). For the time being, we hope to at least get it irrigated and growing grass, so that it can be used as a potential pasture area.

Third on our list is to excavate a pond on the South East corner of the property. The intention of this pond is to add to the visual beauty of the setting. It will also provide us with a lot of dirt. We will be spreading the dirt on other areas of the property to create more slope to some of the existing topography. We want it to feel like rolling hills. This will be good for the grapes and add more interest to the lay of the land.

Our Fourth priority, is to improve the 1-acre parcel (Lot 3 of Magnolia Sub) so that it has a nice building site and is marketable. It is not our intention to put this on the market in the near future, but we want to improve the lot so that it is ready to sell should we decide to do so.

Our final priority would be to build a barn on the North East corner of the property. This barn will most likely start out as an agricultural use (equipment storage, etc.). However, it is our ultimate hope to have the barn be used as an event center. A place for weddings, dinners, etc. Honestly, this part of the plan is maybe a bit of a pipe dream. But we have always loved to dream. So, we are letting you know ahead of time, that this is what we are dreaming! Of course, there are many steps to building and approving an event center. These steps would most likely include a Conditional Use Permit, issued by Ada County. The CUP process will give you an opportunity to voice your concerns and/or opinions on this idea. So, you do not necessarily need to worry about it right now. This is not something we will try and sneak by you. We will be up front and honest about our process and intentions with this part of the plan. We have no timeline for this. It could be 2 years; it could be 10 years. But we want you to know that it is something we are considering.

So that is the extent of our plan, or at least what we have planned so far. There have been some concerns raised as to whether our immediate plans fit into the CCR's of Magnolia Subdivision. We feel that they do, however, we want to make sure that everyone else in the Subdivision is comfortable with what we are doing, as this new property of ours basically borders every other parcel in the subdivision. Here are the concerns that could be brought up and that would be great to address now:

1. Growing grapes or fruit trees on the property could be construed as a commercial operation.

Page 2, Paragraph a. of the CCR's state that, "...said lots or any part thereof, or any structure placed thereon, shall not be used for commercial purposes..."

Page 9, Paragraph t. of the CCR's state that, "No portion of the real property or of a building site or any structure thereon shall be used for the conduct of any trade or business..."

We feel that the growing of grapes is considered an agricultural pursuit, not necessarily a commercial pursuit. As such, we believe that the growing of grapes and/or fruit on the property is not in conflict with the CCR's, as they are currently written.

2. Digging a pond on the property could be construed as conflicting with Page 7, paragraph n.

Page 7, Paragraph n. states "No excavation for stone, or gravel, earth or minerals shall be made on a building site unless such excavation is necessary and contemplated in the plans in connection with the construction on a building thereon, or to level for irrigation.

It is our intention to dig a pond on the property in order to:

1. Provide an aesthetic addition to the property.
2. Provide dirt to create more topography to the rest of the property.
3. Possibly be part of the irrigation plan for the grapes and trees on the property.

We feel that the above reasons fit with what the CCR's define as "such excavation that is necessary and contemplated in the plans in connection with the construction on a building thereon, or to level for irrigation." As such, we believe that the excavation of a pond is not in conflict with the CCR's as they are currently written.

We are open to your feedback on whether or not the above items are a fit for the Magnolia Subdivision, or are in conflict with the CCR's of the Magnolia Subdivision. If everyone agrees that they are a good fit, then we can move forward without doing anything. If several of you feel that what we plan to do is in conflict with the CCR's, as they are written, then we will have to pursue a revision of the CCR's. The purpose of the revision would be to specifically allow the growing of grapes and fruit trees, as well as the excavation of a pond. We would rather avoid this, as it is a bit laborious to gather signatures, hire an attorney, etc. However, we do want to do this right, and have everybody comfortable with what is going on. We would appreciate your feedback and opinion.

At this time, we are not going to try and deal with the event center. It is not currently a reality, just a thought. So we are not even going to try and broach that subject until it is something we may actually be ready to pursue.

Thank you for taking the time to read all of that!! We are really excited to be your new neighbors, and we hope that we can bring value to the neighborhood!

Feel free to reach out to us at any time.

A handwritten signature in black ink, appearing to read 'JK' with a flourish, positioned above the printed name.

Josh and Kelli Kinney

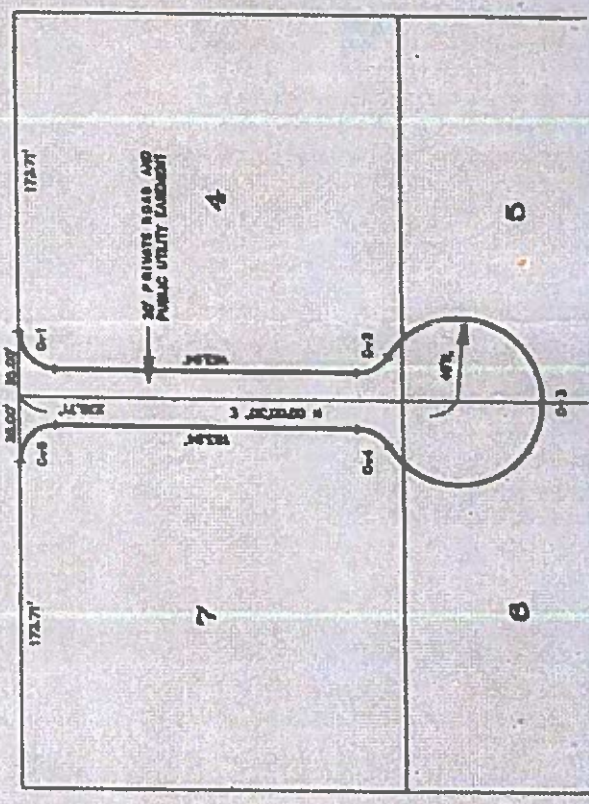
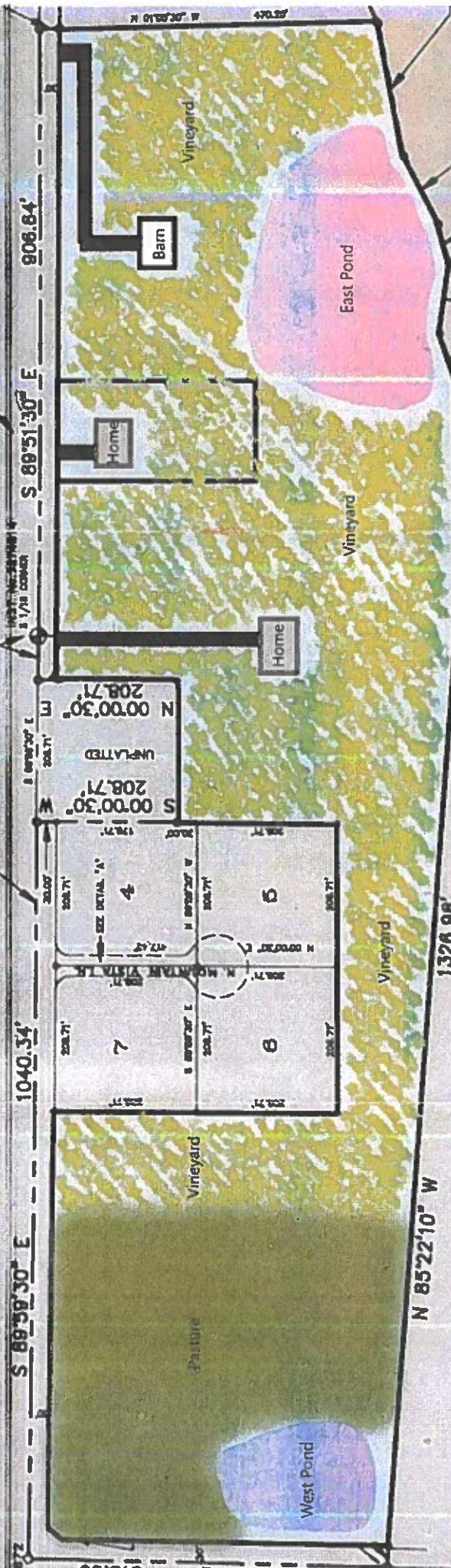
208.713.0504

joshkinney@gmail.com

C/L WEST FLOATING FEATHER ROAD

FOUND, ACCEPTED AND USED AS THE INITIAL POINT

BASIS OF BEARING

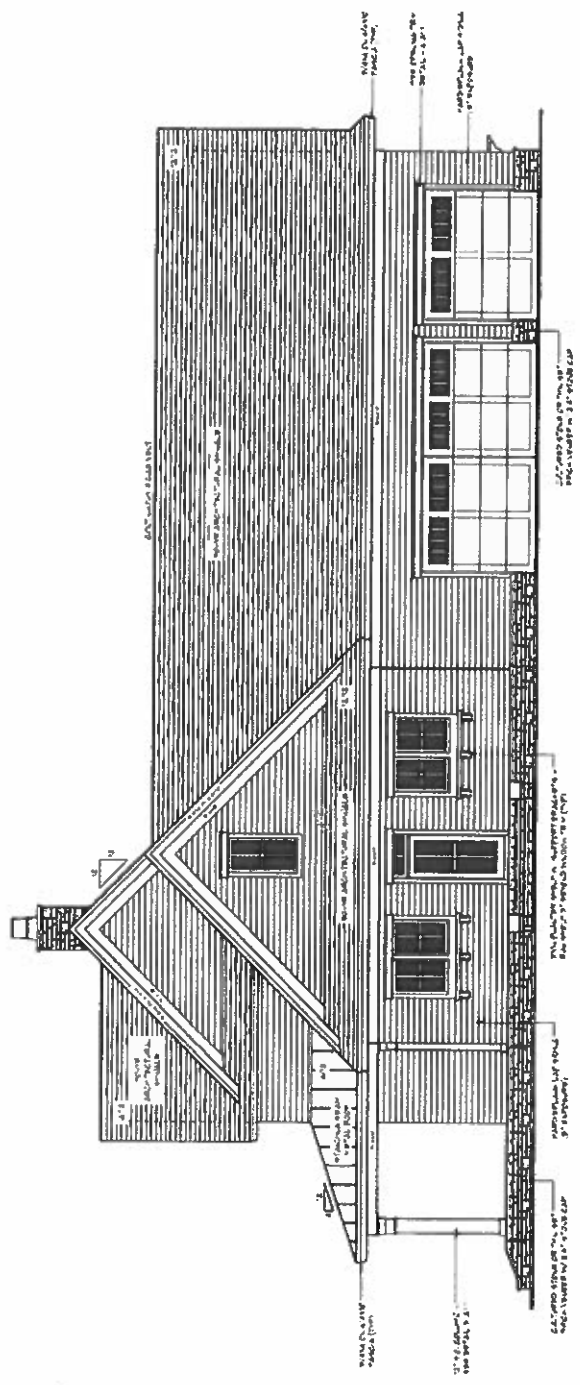


DETAIL "A"
M.T.S.

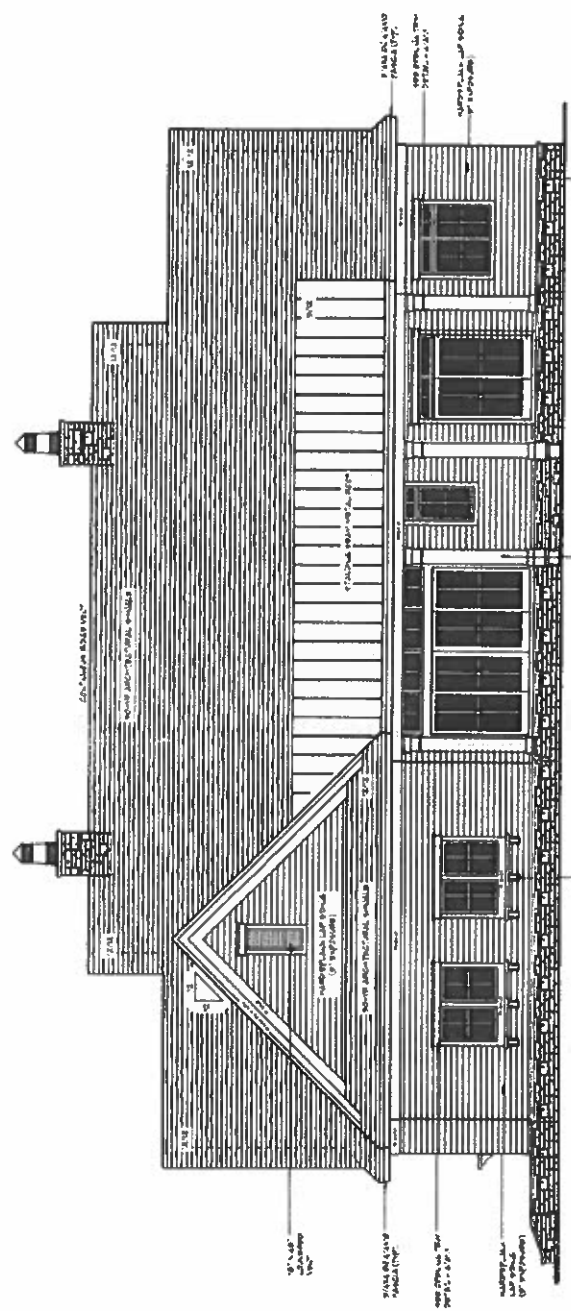
CURVE DATA

CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C-1	10.00	31.42	18.85	S 41°00'30" W	80°00'00"
C-2	20.00	62.83	37.70	S 20°00'30" E	37°18'18"
C-3	40.00	125.66	75.40	S 10°00'30" E	28°58'33"
C-4	80.00	251.32	150.80	N 28°43'08" E	67°25'18"
C-5	160.00	502.64	301.60	N 44°30'50" W	60°00'00"

CL-19-004
BASEMENT
REVERSE



2. RIGHT ELEVATION
 SCALE: 1/4" = 1'-0"



1. REAR ELEVATION
 SCALE: 1/4" = 1'-0"

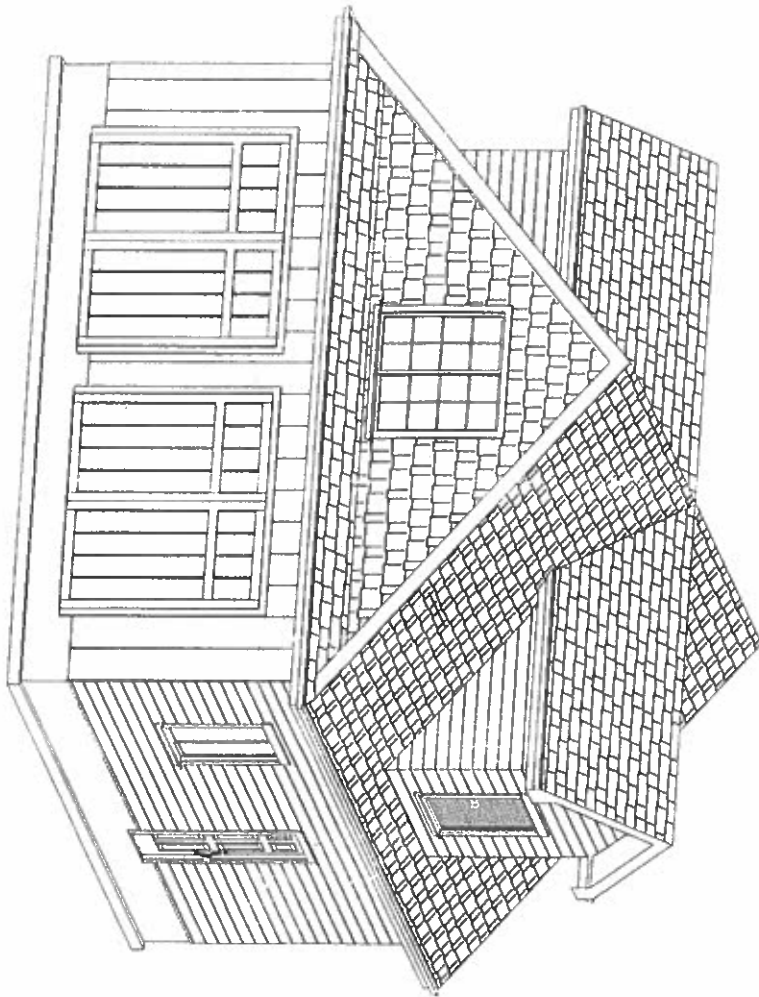
GENERAL NOTE:
 THE ARCHITECT'S RESPONSIBILITY IS TO PROVIDE A DESIGN THAT MEETS THE CLIENT'S REQUIREMENTS AND TO PROVIDE A DESIGN THAT IS IN ACCORDANCE WITH ALL APPLICABLE CODES AND REGULATIONS. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF ANY INFORMATION PROVIDED BY THE CLIENT OR ANY OTHER SOURCE. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF ANY INFORMATION PROVIDED BY THE CLIENT OR ANY OTHER SOURCE.

EXTERIOR FINISHES:
 - EXTERIOR WALLS: BRICK
 - EXTERIOR ROOF: ASPH/FLT
 - EXTERIOR FLOORING: CONCRETE
 - EXTERIOR PAINT: WHITE

EXTERIOR ELEVATIONS:
 - REAR ELEVATION: 1/4" = 1'-0"
 - RIGHT ELEVATION: 1/4" = 1'-0"

Document Date:
 Drawn by: BJJ
 Date: 08/19/2019

EXTERIOR ELEVATIONS



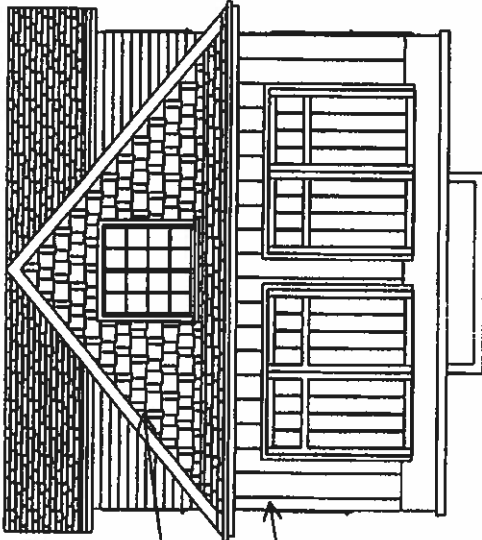
INDEX

- Page 1 - Project Overview, Project Size
- Page 2 - Foundation Plan
- Page 3 - Main Floor Plan
- Page 4 - Bonus Room Floor Plan
- Page 5 - Roof Layout
- Page 6 - Cross Section
- Page 7 - Elevations
- Page 8 - Plot Plan

PROJECT SIZE

Garage - 840 sq.ft.
 Bonus Room 520 sq.ft.

FRONT ELEVATION

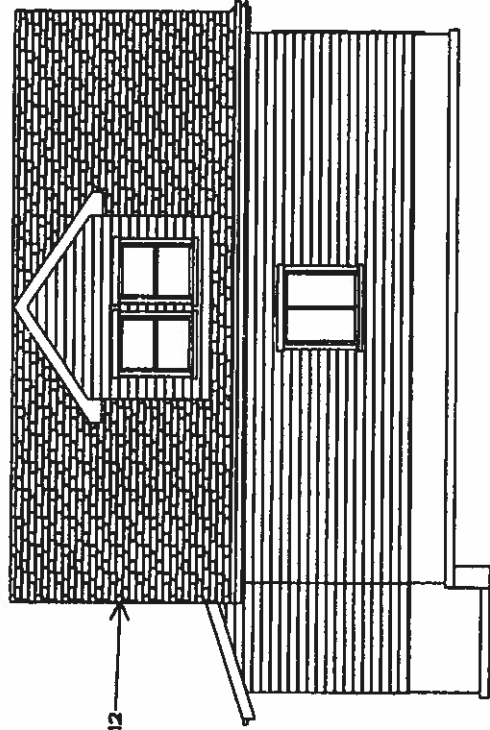


PAINT GRADE SHINGLES

BATT AND BOARD

SCALE 1/8" = 1.0'

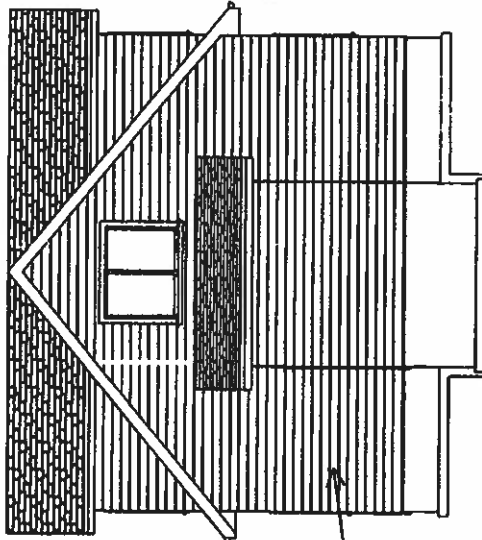
LEFT ELEVATION



10/12

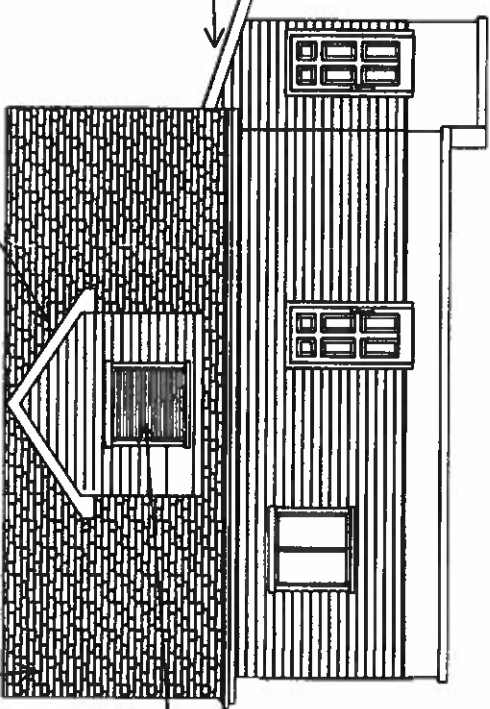
4/12

REAR ELEVATION



COTTAGE LAP SIDING

RIGHT ELEVATION



30 YEAR ARCH. SHINGLES

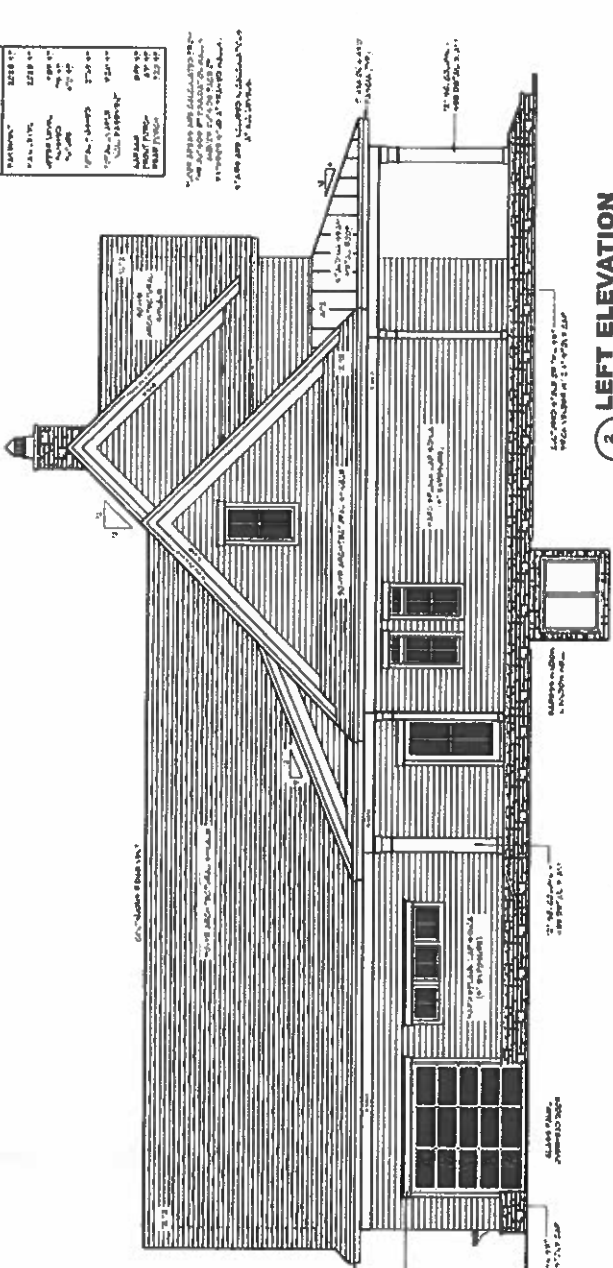
FALSE WINDOW (EXTERIOR ELEMENT ONLY)

CL-19-004
BASEMENT
REVERSE

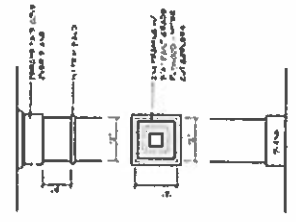
Document Date:
 Drawn by: BJJ
 Title: 004 - BASEMENT

AREA TABULATION

AREA	SIZE
1. 1st Flr	1,219 sq ft
2. 2nd Flr	1,219 sq ft
3. 3rd Flr	1,219 sq ft
4. 4th Flr	1,219 sq ft
5. 5th Flr	1,219 sq ft
6. 6th Flr	1,219 sq ft
7. 7th Flr	1,219 sq ft
8. 8th Flr	1,219 sq ft
9. 9th Flr	1,219 sq ft
10. 10th Flr	1,219 sq ft
11. 11th Flr	1,219 sq ft
12. 12th Flr	1,219 sq ft



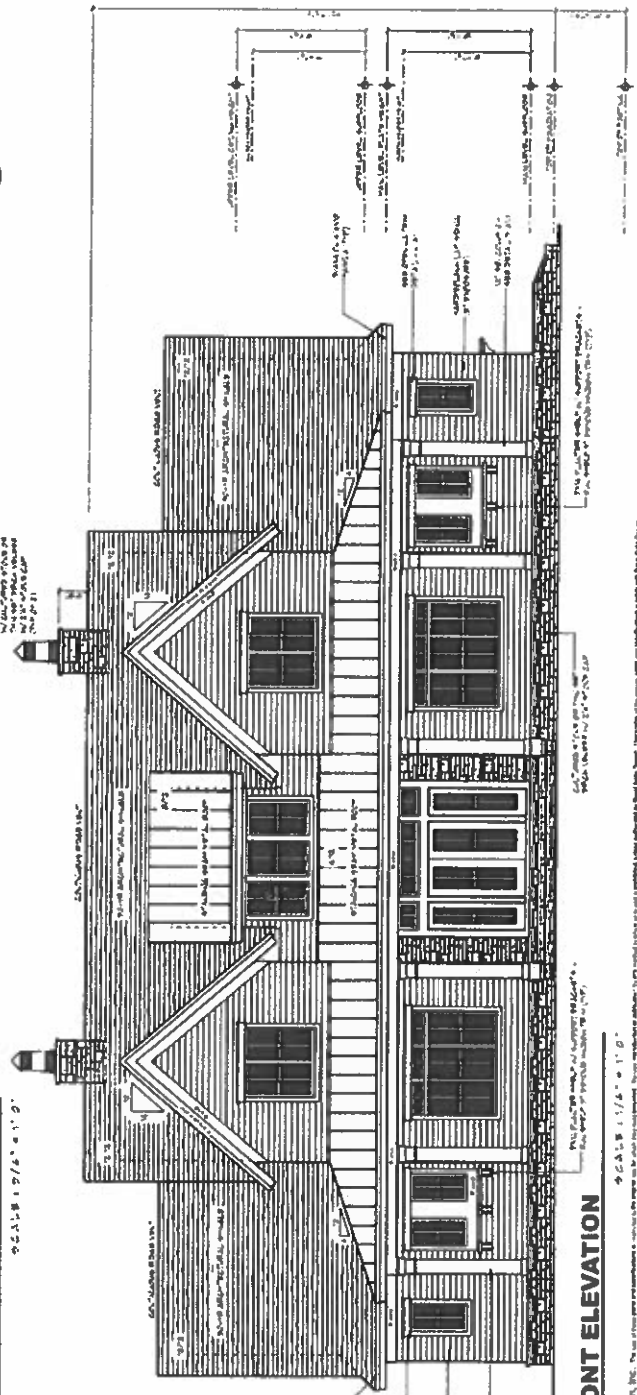
2 LEFT ELEVATION
 96 CALS 1/4" = 1'-0"



3 COLUMN
 96 CALS 1/4" = 1'-0"



4 OPENING TRIM
 96 CALS 1/4" = 1'-0"



1 FRONT ELEVATION
 96 CALS 1/4" = 1'-0"

GENERAL NOTE
 1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 2. FINISHES ARE TO BE AS NOTED OR AS SHOWN ON THE FINISH SCHEDULE.
 3. ALL MATERIALS AND METHODS OF CONSTRUCTION SHALL BE APPROVED BY THE ARCHITECT.
 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS.
 5. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
 6. THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES AND STRUCTURES.
 7. THE CONTRACTOR SHALL MAINTAIN THE SITE IN A SAFE AND SOUND CONDITION AT ALL TIMES.
 8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT PROPERTIES.
 9. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
 10. THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES AND STRUCTURES.
 11. THE CONTRACTOR SHALL MAINTAIN THE SITE IN A SAFE AND SOUND CONDITION AT ALL TIMES.
 12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT PROPERTIES.

ATTACHMENT #4 2 PAGES

July 24, 2021

Re: Neighborhood Meeting regarding Annexation and PUD application for Lots 1, 2 and 3 of the Magnolia Subdivision

Dear Neighbor,

I would like to invite you to an informational meeting regarding the further development of Lots 1, 2 and 3 of the Magnolia Subdivision.

We are the owners of these 3 lots, which in total, are just over 25 acres. Over the past year, we have constructed our personal home on Lot 2. It is our desire to further develop the property in order to utilize each parcel to its best use.

This 25-acre property is unique, in that it spans from the SW corner of Hwy 16 and Floating Feather Road to the SE corner of Pollard Lane and Floating Feather Road. Approximately 10 acres of the Eastern portion of the property is designated as Mixed Use in the City of Star's Comprehensive Plan. Approximately 15 acres of the Western portion of the property is designated as Neighborhood Residential in the City of Star's Comprehensive Plan.

We plan to follow the Comprehensive Plan and have mixed uses on the East side of the property, transitioning into residential lots on the West side of the property. Our own home on 8 acres will serve as a buffer between the Mixed Use and Residential areas.

It is our desire to use land shaping, landscaping, agricultural accents and thoughtful planning to create a development that will beautify the area. We plan to develop opportunities for community enhancing, commercial uses and Estate sized residential lots, ranging from 1/3 - 1 acre. Proposed density in the residential area is 1.23 acres per dwelling unit.

We have attached a plat, showing our proposed development for the 25+ acres that make up Lots 1, 2 and 3 of the Magnolia Subdivision. The neighborhood meeting is an opportunity for you to ask questions about the plans and the process of the development.

The meeting will be held on August 10 at 6pm. The location of the meeting will be the Star Library Annex building. Which is in the same complex, and a few doors down from the Star Library. The address is 10706 W State ST, Star, ID 83669.

We look forward to talking with you about the future!

Sincerely,

Josh & Kelli Kinney

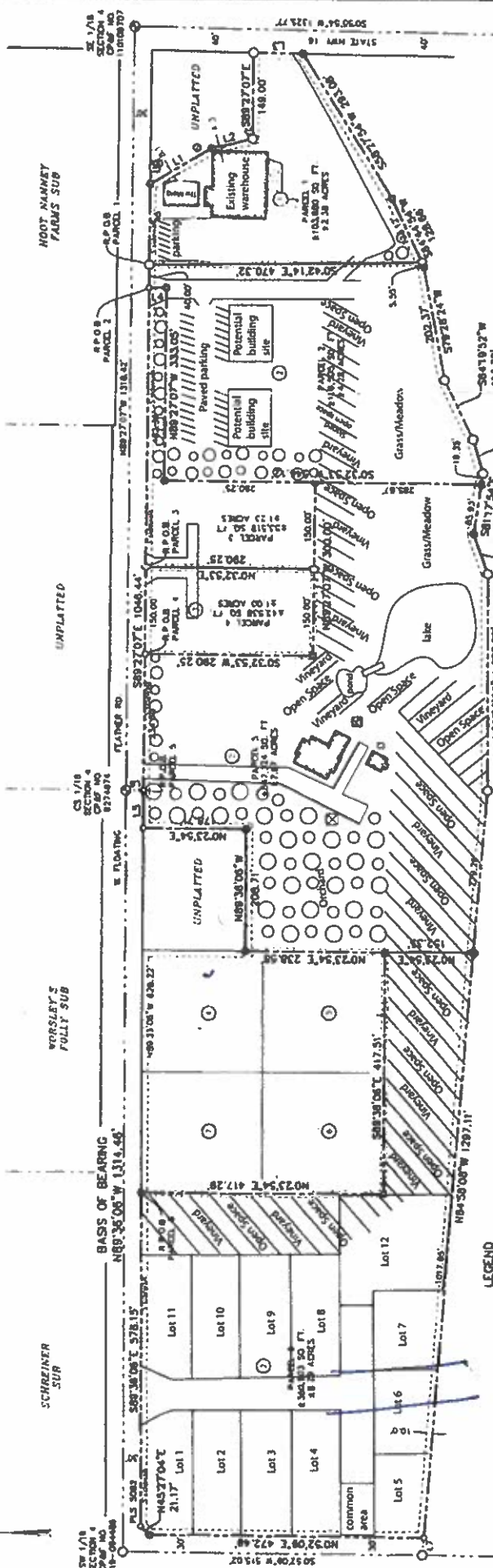
ROS NO.

PROPERTY SPLIT RECORD OF SURVEY FOR

JOSH KINNEY

LOTS 1, 2, AND 3, MAGNOLIA SUBDIVISION LOCATED WITHIN THE SE 1/4 OF THE SW 1/4 AND THE SW 1/4 OF THE SE 1/4 OF SECTION 4, T.4N., R.1W., B.M., CITY OF STAR, ADA COUNTY, IDAHO 2021

SCALE: 1" = 120'



ONE TABLE

LINE	BEARING	LENGTH
L1	S00°13'32"E	133.14
L2	S1°17'17"E	72.42
L3	S0°55'59"W	83.18
L4	S0°42'14"E	80.01
L5	S89°30'08"E	83.43
L6	S07°23'27"W	30.00
L7	S81°36'00"E	30.08

REFERENCE DOCUMENTS

- ROS NO 281, 284, 2140, 4308, 4431, 7072, 12023
- MAGNOLIA SUB. BK. 81 PC. 4074-4075
- SCHEINER SUB. BK. 59 PL. 5718-5717
- WORSLEY'S FULLY SUB. BK. 86 PC. 9836-9837
- HOOT NANNY FARMS SUB. BK. 103 PL. 1308-1309

NOTES

- THE RECORDS OF THIS RECORD OF SURVEY DOES NOT EMPOWER THE OWNERS OF THE PARCELS TO THE LAND SHOWN SPLIT ON THIS MAP, A WRITTEN CONVEYANCE MUST ACCOMPANY SUCH A CHANGE IN OWNERSHIP.
 - IDAHO SURVEY GROUP, LLC USES AS NO LIABILITY FOR PRESENT OR FUTURE COMPLIANCE OF THIS COMPLIANCE WITH LOCAL COUNTY, MUNICIPAL AND ZONING ORDINANCE RESTRICTIONS AS IT PERTAINS TO BUILDING PERMITS AND THE OBTAINANCE THEREOF.
- CERTIFICATE OF LAND SURVEYOR**
- I, DODY M. MCCAMMON, DO HEREBY CERTIFY THAT, AS A REGISTERED PROFESSIONAL LAND SURVEYOR LICENSED BY THE STATE OF IDAHO, AND THAT THIS MAP HAS BEEN PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY DIRECT SUPERVISION, AND THAT THIS MAP IS IN ACCORDANCE WITH THE REQUIREMENTS OF THE IDAHO SURVEYING ACT AND THE CURRENT LAWS OF THE STATE OF IDAHO PERTAINING TO PLATS AND SURVEYS.

LEGEND

- FOUND BRASS CAP MONUMENT
- FOUND ALUMINUM CAP MONUMENT
- FOUND 1/2" IRON PIN, PLS 4347, UNLESS OTHERWISE NOTED
- FOUND 3/8" IRON PIN, PLS 4347, UNLESS OTHERWISE NOTED
- FOUND 5/8" IRON PIN, PLS 11778
- FOUND 5/8" IRON PIN, PLS 4347, DISTURBED, RESET 5/8" IRON PIN, PLS 11778
- ORIGINAL LOT NO. (MAGNOLIA SUB.)
- REAL POINT OF BEGINNING
- PROPERTY BOUNDARY LINE
- NEW PARCEL LINE
- ORIGINAL LOT LINE REMOVED
- ORIGINAL LOT LINE (MAGNOLIA SUB.)
- SECTION LINE
- RIGHT-OF-WAY LINE
- LAZARUS LINE
- FENCE LINE
- CONCRETE
- BUILDING
- POWER TRANSMISSION
- UTILITY BOX
- WATER SPOUT
- WATER WELL

COUNTY RECORDER'S CERTIFICATE

FILED FOR RECORD AT THE REQUEST OF _____ COUNTY
 STATE OF IDAHO, COUNTY OF ADA, BK. _____
 MIN. PART _____ EBOOK _____ DAY OF _____ 2021
 PER. RECORDER _____

RECORDING INDEX NUMBER: 414-04-2-3-C-61-8074
 414-04-3-2-9-61-6074

IDAHO SURVEY GROUP, LLC
 9955 W EMERALD ST
 BOISE, IDAHO 83704
 (208) 846-8570



DODY M. MCCAMMON

Amended plat

JK

Josh Kinney
Mon 8/23/2021 7:45 PM
To: Tony Oneil

Magnolia LS ROS amend...
7 MB

ATTACHMENT #5
2 PAGES

Tony,

Based on feedback at the meeting the other night, we have drawn up another option. This is what 1 acre lots would probably look like.

Interested in your feedback and if you prefer this over the original layout.

Thanks,

--

Josh Kinney

PROPERTY SPLIT RECORD OF SURVEY FOR

JOSH KINNEY

LOTS 1, 2, AND 3, MAGNOLIA SUBDIVISION LOCATED WITHIN THE SE 1/4 OF THE SW 1/4 AND THE SW 1/4 OF THE SE 1/4 OF SECTION 4, T.4N., R.1W., B.M., CITY OF STAR, ADA COUNTY, IDAHO 2021

ROS NO. _____

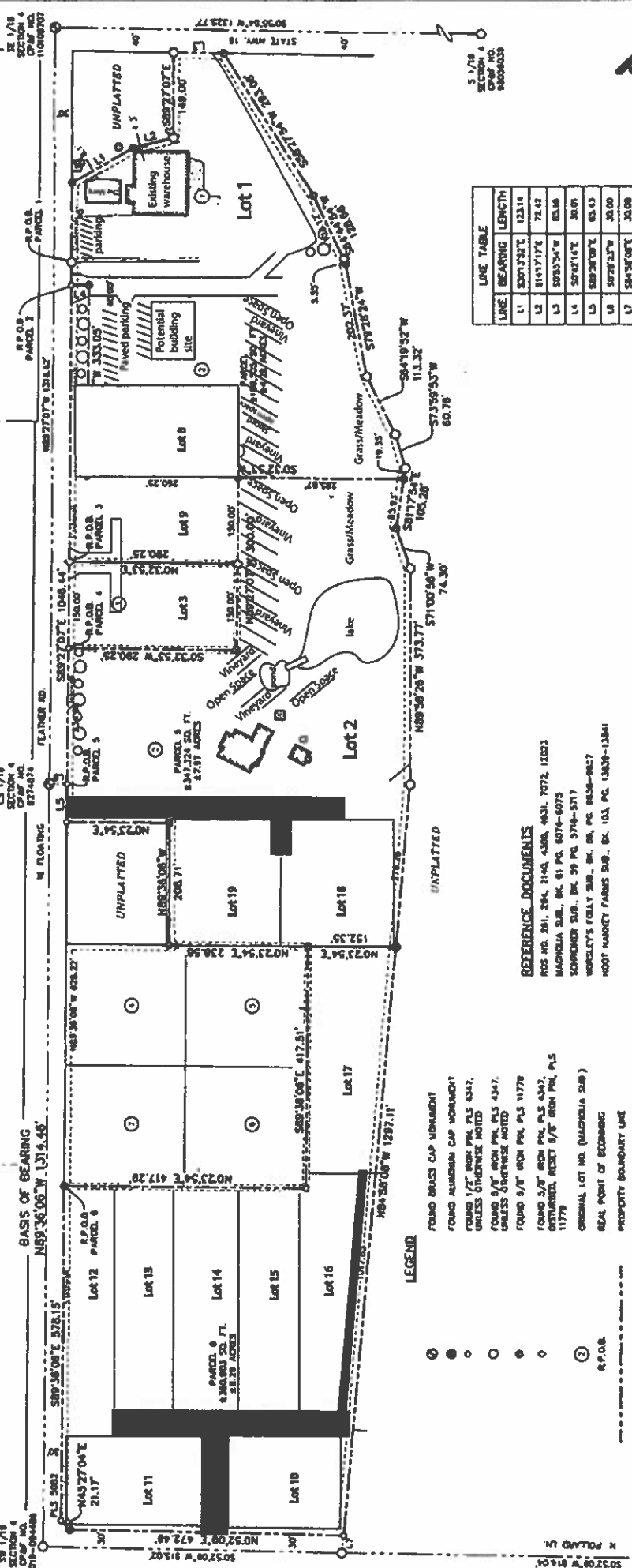


SCALE: 1" = 120'

SCHREINER SUB

WORSLEY'S FOLLY SUB

HOOT MARNEY FARMS SUB



LINE	BEARING	LENGTH
L1	S00°33'32"E	123.16
L2	S10°17'17"E	72.40
L3	S0°55'54"W	83.18
L4	S0°42'14"E	30.00
L5	S89°20'07"E	83.43
L6	S07°52'37"W	30.00
L7	S84°35'08"E	30.00

REFERENCE DOCUMENTS

- ROS NO. 281, 284, 2144, 4308, 4831, 7072, 12023
- MAGNOLIA SUB., BK. 81 PL. 6074-6075
- SCHREINER SUB., BK. 99 PL. 3714-3717
- HOOT MARNEY FARMS SUB., BK. 103 PL. 1309-1304

NOTES

- THE RECORDING OF THIS RECORD OF SURVEY DOES NOT ENHANCE THE OWNERS OF THE PARCELS TO CONVEY OWNERSHIP BASED SOLELY ON THIS MAP. A WRITTEN CONVEYANCE MUST ACCOMPANY SUCH A CHANGE IN OWNERSHIP.
- IDAHO SURVEY GROUP, LLC ASSUMES NO LIABILITY FOR PRESENT OR FUTURE COMPLIANCE OR NON-COMPLIANCE WITH CANTON COUNTY PLANNING AND ZONING ORDINANCE RESTRICTIONS AS IT PERTAINS TO BUILDING PERMITS AND THE ISSUANCE THEREOF.

CERTIFICATE OF LAND SURVEYOR

I, CODY W. MCCANNON, DO HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR LICENSED BY THE STATE OF IDAHO AND THAT THIS MAP HAS BEEN PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND ACCORDING TO THE STANDARDS AND PRACTICES OF THE PROFESSION AND IS IN CONFORMITY WITH THE CURRENT LAWS OF THE STATE OF IDAHO PERTAINING TO PLATS AND SURVEYS.



CODY W. MCCANNON

LICENSE NO. 11779

COUNTY RECORDER'S CERTIFICATE

ROS NO. _____
 STATE OF IDAHO, COUNTY OF ADA, BK. _____
 FILED FOR RECORD AT THE REQUEST OF _____ DAY OF _____ 2021
 MR. PAUL _____ CLERK - M. THE _____ DEPUTY COUNTY RECORDER

RECORDING INDEX NUMBER: _____

416-04-2-3-0-61-6074
 414-04-3-2-0-61-6074

IDAHO SURVEY GROUP, LLC

8555 W EMERALD ST
 BOISE, IDAHO 83764
 (208) 848-4570

LEGEND

- FOUND BRASS CAP MONUMENT
- FOUND ALUMINUM CAP MONUMENT
- FOUND 1/2" IRON PIN, PLS 4347, UNLESS OTHERWISE NOTED
- FOUND 3/8" IRON PIN, PLS 4347, UNLESS OTHERWISE NOTED
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- SECTION LINE
- RIGHT-OF-WAY LINE
- EASEMENT LINE
- FENCE LINE
- CONCRETE
- BUILDING
- POWER TRANSFORMER
- UTILITY BOX
- WATER SPRING
- WATER WELL



January 26, 2022

Mayor Trevor Chadwick
City of Star
P.O. Box 130
Star, ID 83669

Re: Kinney Annexation and CUP Plan

Dear Mayor:

Keller Associates, Inc. has reviewed the Annexation and CUP Application for the Kinney Annexation dated December 21, 2021. We reviewed the applicant's package to check conformance with the City's Unified Development Code and coordinated our review with Shawn L. Nickel. We have the following comments and question based on our review.

1. Prior to approval of construction drawings and building permits the development shall determine Base Flood Elevations (BFE) for the existing Zone A flood plain at the west end of the property.
2. Street lighting shall be in accordance with ISPWC and the City of Star Supplementals.
3. Construction plans for a pressure irrigation system will be required. Plan approvals and license agreements from the affected irrigation and/or canal companies will be required.
4. Historic irrigation lateral, drain, and ditch flow patterns shall be maintained unless approved in writing by the local irrigation district or ditch company.
5. Potable water cannot be used for irrigation purposes. A separate pressure irrigation system will be required.
6. Finish grades at property boundaries shall match existing finish grades. Runoff shall be maintained on the developments property unless otherwise approved.
7. Landscape plans including fencing, buffer areas, and street trees will have to conform to the City ordinances.
8. Easements for sewer / water facilities will be required where placed outside of public right of way.

We recommend that the Certificate of Zoning Compliance be **APPROVED with the conditions listed above**. Any variance or waivers to the City of Star standards, ordinances, or policies must be specifically approved in writing by the City. Approval of the above referenced Certificate of Zoning Compliance does not relieve the Registered Professional Engineer, Registered Architect or Registered Landscape Architect of those responsibilities.

If you should have any questions, please feel free to call Keller Associates at (208) 288-1992.

Sincerely,

KELLER ASSOCIATES, INC.



Ryan V. Morgan, P.E.
City Engineer

cc: File



Project/File: **Josh Kinney Annexation/ SPP22-0002/ AZ-21-19/ DA-21-27/ PUD-21-002**
 This is an annexation and rezone application with a development agreement with the City of Star and a preliminary plat application to allow for the development of a combination of residential and mixed use areas on 25.15 acres.

Lead Agency: City of Star

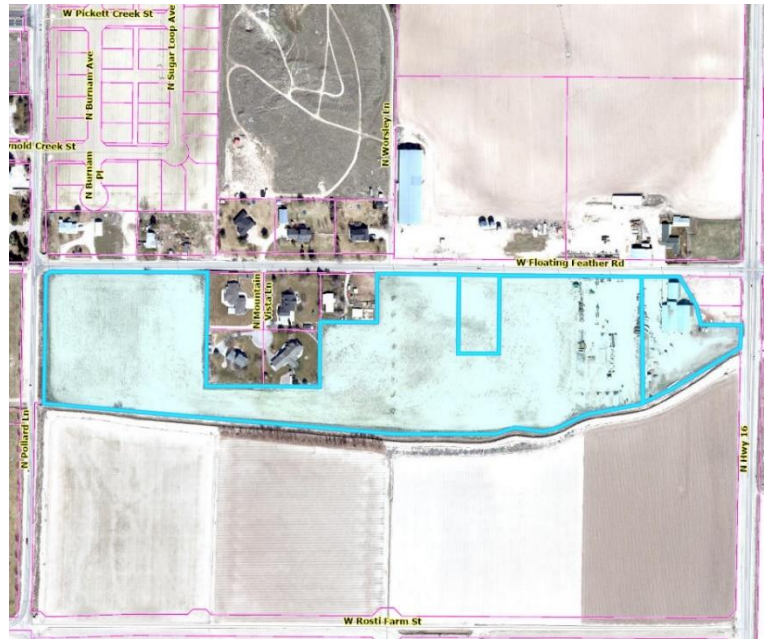
Site address: South of Floating Feather Rd.
 East of Pollard Lane and
 West of State Highway 16

Staff Approval: January XX, 2021

Applicant: Josh Kinney
 8675 W Floating Feather Rd.
 Star, ID 83669

Representative: Idaho Survey Group
 Cody McCammon
 9955 W Emerald Street
 Boise, ID 83704

Staff Contact: Brenna Garro
 Phone: 387-6346
 E-mail:
bgarro@achdidaho.org



A. Findings of Fact

- Description of Application:** The applicant is requesting annexation and rezone approval of 25.15 acres from RUT (Rural Urban Transition) to R-3-DA and M-U-DA (Residential and Mixed-Use with a development agreement). This application includes a development agreement with the City of Star. The applicant is also requesting preliminary plat approval for the future development of residential and mixed-use uses.

This application is consistent with the City of Star’s Future Lane Use Map which designates this area as neighborhood residential and mixed-use.

- Description of Adjacent Surrounding Area:**

Direction	Land Use	Zoning
North	Neighborhood Residential/ Compact Residential	RUT and MU
South	Neighborhood Residential/ Mixed Use	R-3 PUD/ DA
East	Neighborhood (Eagle)	R-2-DA-P (Eagle)
West	Existing Public Use/ Parks & Open Space	RUT

- Site History:** ACHD has not previously reviewed this site for a development application.

4. **Adjacent Development:** The following developments are pending or underway in the vicinity of the site:
- Milestone Ranch Subdivision, a 317 lot subdivision on 70.52 acres located directly north of the site, was approved by ACHD in August 2020.
 - Rosti Farms, a 493 lot subdivision located directly south of the site, was approved by ACHD in June 2020.
 - Treasure Valley Chevron, a 6,600 square foot convenience market/gas station located at the southeast corner of Beacon Light Road and SH-16, was approved by ACHD in May 2021.
5. **Transit:** Transit services are not available to serve this site.
6. **Impact Fees:** There will be an impact fee that is assessed and due prior to issuance of any building permits. The assessed impact fee will be based on the impact fee ordinance that is in effect at that time. The impact fee assessment will not be released until the civil plans are approved by ACHD.
7. **Capital Improvements Plan (CIP)/ Integrated Five Year Work Plan (IFYWP):**
- Pollard Lane is scheduled in the IFYWP for the construction of a 7-foot wide pathway on the west side of Pollard Lane from Floating Feather Road to Star Middle School in 2023.
 - Floating Feather Road is listed in the CIP to be constructed as a new 3-lane roadway from Plummer Road to State Highway 16 between 2036 and 2040.
 - Floating Feather Road is listed in the CIP to be constructed as a new 3-lane roadway from State Highway 16 to Palmer Lane between 2036 and 2040.
 - The intersection of Plummer Road and Floating Feather Road is listed in the CIP to be constructed as a single-lane roundabout with 0-lanes on the north leg, 2-lanes on the south, 2-lanes east, and 2-lanes on the west leg between 2036 and 2040.
8. **Roadways to Bikeways Master Plan:** ACHD’s Roadways to Bikeways Master Plan (BMP) was adopted by the ACHD Commission in May of 2009 and was update in 2018. The plan seeks to implement the Planned Bicycle Network to support bicycling as a viable transportation option for Ada County residents with a wide range of ages and abilities, maintain bicycle routes in a state of good repair in order to ensure they are consistently available for use, promote awareness of existing bicycle routes and features and support encouragement programs and to facilitate coordination and cooperation among local jurisdictions in implementing the Roadways to Bikeways Plan recommendations.

The BMP identifies Pollard Lane as a Level 3 facility that will be constructed as part of a future ACHD project.

B. Traffic Findings for Consideration

1. **Trip Generation:** Below is a list of land uses and estimated trip generation rates for uses that may be included within the site. Trip generation rates are based on the Institute of Transportation Engineers Trip Generation Manual, 11th edition.

Use	Avg. Daily Trips	Avg. PM Peak Hour
Single Family Detached Housing (unit)	9.43	0.94
General Office Building (1,000 sf)	10.84	1.44

Small Office Building (1,000 sf)	14.39	2.16
High-Turnover Sit-Down Restaurant (1,000 sf)	107.2	9.05
Nursery Garden Center (1,000 sf)	68.10	6.94

2. Condition of Area Roadways

Traffic Count is based on Vehicles per hour (VPH)

Roadway	Frontage	Functional Classification	PM Peak Hour Traffic Count	PM Peak Hour Level of Service
State Highway 16	83-feet	Expressway	772	N/A
Floating Feather Road	1,700-feet	Collector	100	Better than "D"
Pollard Lane	480-feet	Collector	39	Better than "D"

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

** ACHD does not set level of service thresholds for State Highways.

3. Average Daily Traffic Count (VDT)

Average daily traffic counts are based on ACHD's most current traffic counts.

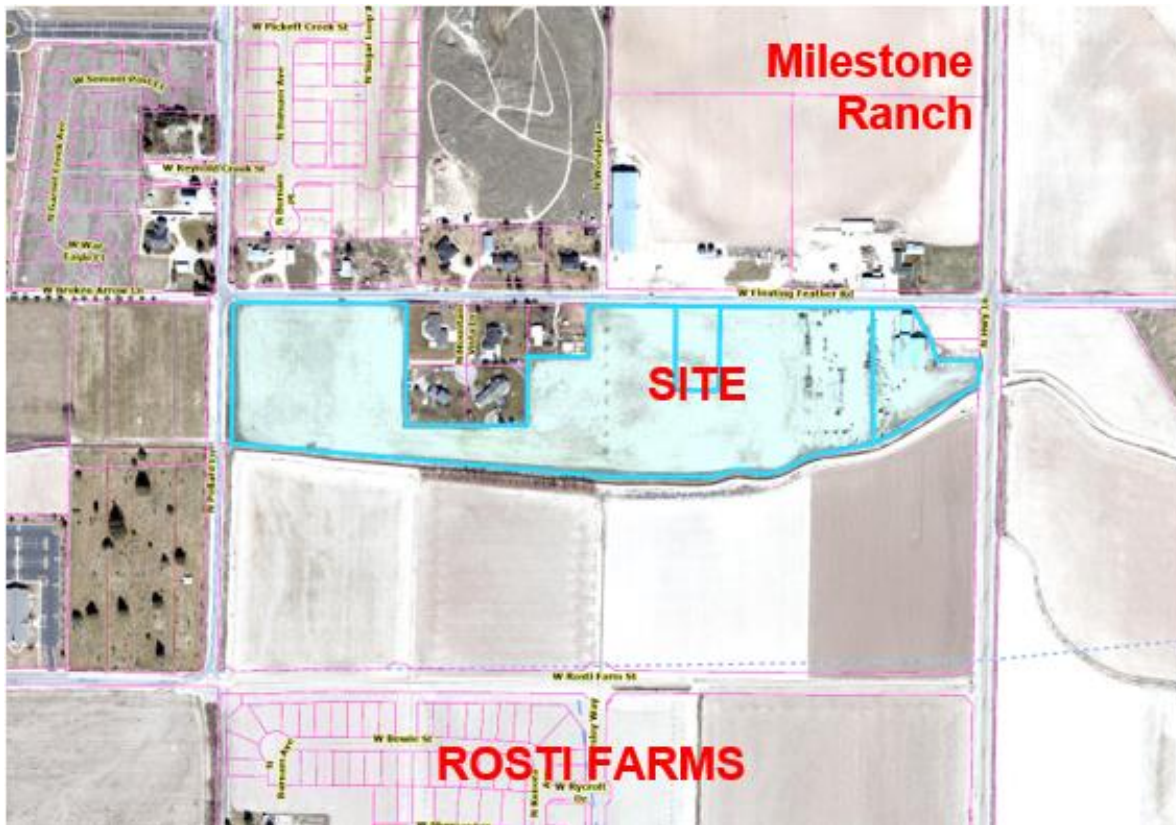
- The average daily traffic count for SH-16 north of SH-44 was 12,911 on April 5, 2018.
- The average daily traffic count for Floating Feather Road east of Pollard Lane was 1,729 on March 2, 2021.
- The average daily traffic count for Pollard Lane south of Beacon Light Road was 833 on July 7th, 2020.

C. Findings for Consideration

1. Plans and Studies

Adopted by the ACHD Commission in 2008, the Floating Feather Re-alignment Study established the preferred re-alignment of Floating Feather Road from Lanewood Road to Can-Ada Road, eliminating the "stair step" effect at Palmer Lane and Pollard Lane. The approved re-alignment of Floating Feather Road is shown on ACHD's Master Street Map (MSM), the blue dashed lines, and is listed in the Capital Improvements Plan (CIP). The re-alignment of Floating Feather Road from Pollard Lane to SH-16 is currently under construction as part of the Rosti Farms Subdivision located south of the site, as a 3-lane minor arterial roadway.

It is anticipated that when the realigned Floating Feather Road is extended and intersects SH-16, that the existing Floating Feather/SH-16 intersection would be closed and access onto or off of SH-16 at the existing Floating Feather would be eliminated.



2. State Highway 16

State Highway 16 is under the jurisdiction of the Idaho Transportation Department (ITD). The applicant, the City of Star, and ITD should work together to determine if additional right-of-way or improvements are necessary on State Highway 16.

3. Floating Feather Road

a. Existing Conditions: Floating Feather Road is improved with 2-travel lanes, 24-feet of pavement (12-feet from centerline), and no curb, gutter, or sidewalk abutting the site. There is 56 to 63-feet of right-of-way for Floating Feather Road (27 to 30-feet from centerline).

b. Policy:

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

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

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

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

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

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

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

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

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

- c. **Applicant Proposal:** The applicant is proposing to dedicate additional right-of-way to total 30-feet from the centerline of Floating Feather Road abutting the site.

The applicant is proposing to construct 5-foot wide detached concrete sidewalk located 30-feet from the from the centerline of Floating Feather Road abutting the site.

- d. **Staff Comments/Recommendations:** The applicant's proposal to dedicate 30-feet of right-of-way from the centerline of Floating Feather Road abutting the site meets District policy and should be approved, as proposed.

The applicant's proposal to construct 5-foot wide detached concrete sidewalk located 30-feet from the from the centerline of Floating Feather Road abutting the site does not meet District policy and should not be approved, as proposed. Due to the current construction of the Floating Feather Road Realignment located south of the site as part of the Rosti Farms Subdivision and consistent with ACHD policy, staff recommends that the applicant be required to construct Floating Feather Road as ½ of a 36-foot wide collector street section with pavement widening to total 18-feet from the centerline, vertical curb, gutter, and 5-foot wide detached or 7-foot wide attached concrete sidewalk abutting the site.

It is anticipated that when the realigned Floating Feather Road is extended and intersects SH-16, that the existing Floating Feather/SH-16 intersection would be closed and access onto or off of SH-16 at the existing Floating Feather would be eliminated.

The applicant should be required to dedicate additional right-of-way to extend to 2-feet behind the back of sidewalk or reduce the right-of-way to 2-feet behind the back of curb and provide a permanent right-of-way easement for Floating Feather Road.

This area is in the 2024 Chip-seal Zone.

4. Pollard Lane

a. **Existing Conditions:** Pollard Lane is improved with 2-travel lanes, 24-feet of pavement (11-feet from centerline), and no curb, gutter, or sidewalk abutting the site. There is 85-feet of right-of-way for Pollard Lane (44-feet from centerline).

b. **Policy:**

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

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

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

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

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

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

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

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

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

c. **Applicant Proposal:** The applicant is not proposing any improvements to Pollard Lane abutting the site.

- d. **Staff Comments/Recommendations:** There is a large irrigation ditch (Klondike Ditch) on the east of Pollard Lane adjacent to the site. At the time when the Star Middle School application to the west of the site was approved (2015) it was determined that Pollard Lane between Beacon Light Road and Floating Feather Road should be widened to the west, due to the size of the canal and the cost associated with relocating the canal outside of the right-of-way. In order to accommodate this shift, developments on the west side of Pollard Lane have been required to dedicate additional right-of-way to accommodate improvements consistent with the MSM for 54-feet of right-of-way, measured from the existing edge of pavement on the east side of Pollard Lane; and pavement widening, vertical curb, gutter, and 7-foot attached (5-foot wide detached) concrete sidewalk. Developments on the east side of Pollard Lane have been required to install vertical curb and gutter at the existing eastern edge of pavement for Pollard Lane and a detached 5-foot wide sidewalk along the east side of the canal.

District Street policy states that the developer is responsible for improving all collector frontages adjacent to the site with vertical curb, gutter, and 7-foot wide attached (5-foot wide detached) concrete sidewalk. The applicant should also be required to construct vertical curb and gutter along Pollard Lane at the existing edge of pavement abutting the site consistent with prior action.

The applicant should be required to dedicate additional right-of-way to extend to 2-feet behind the back of sidewalk or reduce the right-of-way to 2-feet behind the back of curb and provide a permanent right-of-way easement for Pollard Lane.

This area is in the 2024 Chip-seal Zone.

5. Driveways

5.1 Floating Feather Road

- a. **Existing Conditions:** There are no existing driveways from the site onto Floating Feather Road abutting the site.

b. **Policy:**

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

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

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

Driveway Location Policy (Stop Controlled Intersection): District policy 7206.4.4 requires driveways located on collector roadways near a STOP controlled intersection to be located outside of the area of influence; OR a minimum of 150-feet from the intersection, whichever is greater. Dimensions shall be measured from the centerline of the intersection to the centerline of the driveway.

Successive Driveways: District policy 7206.4.5 Table 1, requires driveways located on collector roadways with a speed limit of 40 MPH and daily traffic volumes less than 100 VTD to align or offset a minimum of 150-feet from any existing or proposed driveway.

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

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

c. **Applicant's Proposal:** The applicant is proposing to construct three driveways from the site onto Floating Feather Road. The driveways are located as follows:

- 58-foot wide paved driveway 213-feet east of Pollard Road to align with an existing driveway north of Floating Feather Road (measured centerline to centerline).
- 26-foot wide paved driveway 1,328-feet east of Pollard Road.
- 36-foot wide paved driveway 863-feet west of State Highway 16.

d. **Staff Comments/Recommendations:** The applicant's proposal to construct a 58-foot wide paved driveway 213-feet east of Pollard Road to align with an existing driveway north of Floating Feather Road does not meet the District's Driveway Width policy which restricts driveways on collector roadways to a maximum width of 30-feet. The applicant should construct a paved driveway from the site onto Floating Feather Road to align with the existing driveway north of Floating Feather Road approximately 213-feet east of Pollard Lane with a maximum width of 30-feet.

The applicant's proposal to construct a 26-foot wide paved driveway 1,328-feet east of Pollard Road does not meet the District's Successive Driveway policy which requires driveways located on collector roadways with a speed limit of 40 MPH to align or offset a minimum of 150-feet from any existing or proposed driveway. The applicant should be required to construct a 26-foot wide paved driveway from the site onto Floating Feather Road to align with Worsley Lane north of Floating Feather Road approximately 1,306-feet east of Pollard Lane.

The applicant's proposal to construct a 36-foot wide paved driveway 863-feet west of State Highway 16 does not meet the District's Driveway Width policy which restricts driveways on collector roadways to a maximum width of 30-feet. The applicant should construct a paved driveway from the site onto Floating Feather Road 863-feet west of State Highway 16 with a maximum width of 30-feet.

5.2 Pollard Lane

a. **Existing Conditions:** There are no existing driveways from the site onto Pollard Lane abutting the site.

b. **Policy:**

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

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

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

Driveway Location Policy (Stop Controlled Intersection): District policy 7206.4.4 requires driveways located on collector roadways near a STOP controlled intersection to be located outside of the area of influence; OR a minimum of 150-feet from the intersection, whichever is greater. Dimensions shall be measured from the centerline of the intersection to the centerline of the driveway.

Successive Driveways: District policy 7206.4.5 Table 1, requires driveways located on collector roadways with a speed limit of 40 MPH and daily traffic volumes less than 100 VTD to align or offset a minimum of 150-feet from any existing or proposed driveway.

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

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

- c. **Applicant's Proposal:** The applicant is proposing to construct a 42-foot wide paved driveway from the site onto Pollard Lane approximately 289-feet south of Floating Feather Road (measured centerline to centerline).
- d. **Staff Comments/Recommendations:** The applicant's proposal to construct a 42-foot wide paved driveway 289-feet south of Floating Feather Road does not meet the District's Driveway Width policy which restricts driveways on collector roadways to a maximum width of 30-feet. The applicant should construct a paved driveway from the site onto Pollard Lane 289-feet south of Floating Feather Road with a maximum width of 30-feet.

6. Tree Planters

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

7. Landscaping

Landscaping Policy: A license agreement is required for all landscaping proposed within ACHD right-of-way or easement areas. Trees shall be located no closer than 10-feet from all public storm drain facilities. Landscaping should be designed to eliminate site obstructions in the vision triangle at intersections. District Policy 5104.3.1 requires a 40-foot vision triangle and a 3-foot height restriction on all landscaping located at an uncontrolled intersection and a 50-foot offset from stop

signs. Landscape plans are required with the submittal of civil plans and must meet all District requirements prior to signature of the final plat and/or approval of the civil plans.

8. Other Access

Floating Feather Road and Pollard Lane are classified as collector roadways. Other than the access specifically approved with this application, direct lot access is prohibited to these roadways and should be noted on the final plat.

D. Site Specific Conditions of Approval

1. Dedicate 30-feet of right-of-way from the centerline of Floating Feather Road, as proposed.
2. Dedicate additional right-of-way to extend to 2-feet behind the back of sidewalk or reduce the right-of-way to 2-feet behind the back of curb and provide a permanent right-of-way easement for Floating Feather Road and Pollard Lane.
3. Construct Floating Feather Road as ½ of a 36-foot wide collector street section with pavement widening to total 18-feet from the centerline, vertical curb, gutter, and 5-foot wide detached or 7-foot wide attached concrete sidewalk abutting the site.
4. Construct vertical curb and gutter along the existing eastern edge of pavement for Pollard Lane within right-of-way abutting the site.
5. Construct a 5-foot wide detached concrete sidewalk along Pollard Lane on the east side of Klondike Ditch abutting the site.
6. Construct a paved driveway from the site onto Floating Feather Road to align with the existing driveway north of Floating Feather Road approximately 213-feet east of Pollard Lane with a maximum width of 30-feet.
7. Construct a 26-foot wide paved driveway from the site onto Floating Feather Road to align with Worsley Lane north of Floating Feather Road approximately 1,306-feet east of Pollard Lane.
8. Construct a paved driveway from the site onto Floating Feather Road 863-feet west of State Highway 16 with a maximum width of 30-feet.
9. Construct a paved driveway from the site onto Pollard Lane 289-feet south of Floating Feather Road with a maximum width of 30-feet.
10. Other than access specifically approved with this application, direct access to Floating Feather Road and Pollard Lane is prohibited and should be noted on the final plat.
11. Submit civil plans to ACHD Development Services for review and approval. The impact fee assessment will not be released until the civil plans are approved by ACHD.
12. Payment of impact fees is due prior to issuance of a building permit.
13. Comply with all Standard Conditions of Approval.

E. Standard Conditions of Approval

1. All proposed irrigation facilities shall be located outside of the ACHD right-of-way (including all easements). Any existing irrigation facilities shall be relocated outside of the ACHD right-of-way (including all easements).
2. Private Utilities including sewer or water systems are prohibited from being located within the ACHD right-of-way.
3. In accordance with District policy, 7203.3, the applicant may be required to update any existing non-compliant pedestrian improvements abutting the site to meet current Americans with Disabilities

Act (ADA) requirements. The applicant's engineer should provide documentation of ADA compliance to District Development Review staff for review.

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

F. Conclusions of Law

1. The proposed site plan is approved, if all of the Site Specific and Standard Conditions of Approval are satisfied.
2. ACHD requirements are intended to assure that the proposed use/development will not place an undue burden on the existing vehicular transportation system within the vicinity impacted by the proposed development.

G. Attachments

1. Vicinity Map
2. Site Plan
3. Utility Coordinating Council
4. Development Process Checklist
5. Appeal Guidelines

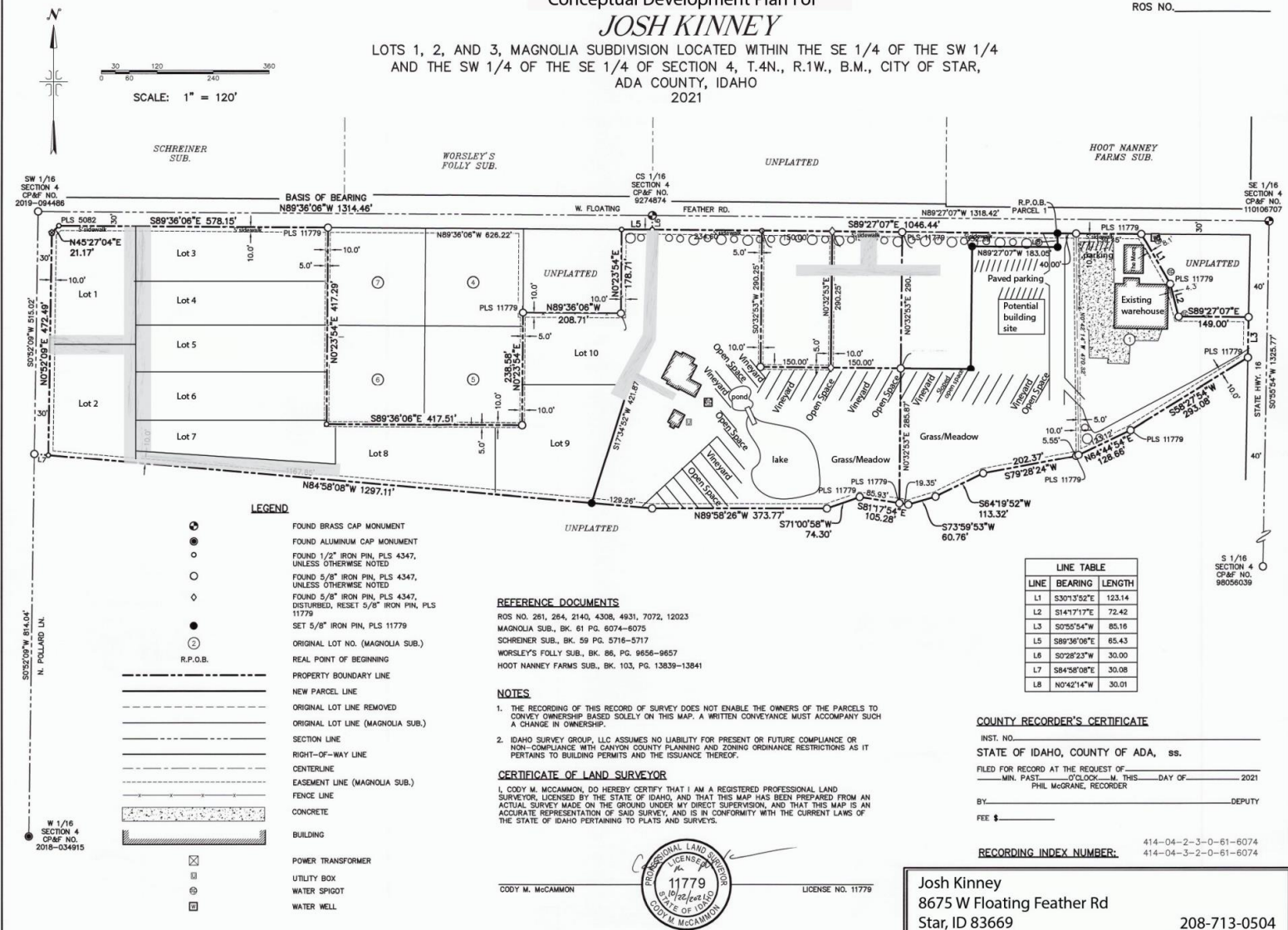
SITE PLAN

Conceptual Development Plan For

JOSH KINNEY

LOTS 1, 2, AND 3, MAGNOLIA SUBDIVISION LOCATED WITHIN THE SE 1/4 OF THE SW 1/4
AND THE SW 1/4 OF THE SE 1/4 OF SECTION 4, T.4N., R.1W., B.M., CITY OF STAR,
ADA COUNTY, IDAHO
2021

ROS NO. _____



- LEGEND**
- FOUND BRASS CAP MONUMENT
 - FOUND ALUMINUM CAP MONUMENT
 - FOUND 1/2" IRON PIN, PLS 4347, UNLESS OTHERWISE NOTED
 - FOUND 5/8" IRON PIN, PLS 4347, UNLESS OTHERWISE NOTED
 - FOUND 5/8" IRON PIN, PLS 4347, DISTURBED, RESET 5/8" IRON PIN, PLS 11779
 - SET 5/8" IRON PIN, PLS 11779
 - ② ORIGINAL LOT NO. (MAGNOLIA SUB.)
 - R.P.O.B.
- PROPERTY BOUNDARY LINE
 --- NEW PARCEL LINE
 --- ORIGINAL LOT LINE REMOVED
 --- ORIGINAL LOT LINE (MAGNOLIA SUB.)
 --- SECTION LINE
 --- RIGHT-OF-WAY LINE
 --- CENTERLINE
 --- EASEMENT LINE (MAGNOLIA SUB.)
 --- FENCE LINE
 --- CONCRETE
 --- BUILDING
 --- POWER TRANSFORMER
 --- UTILITY BOX
 --- WATER SPIGOT
 --- WATER WELL

REFERENCE DOCUMENTS

ROS NO. 261, 264, 2140, 4308, 4931, 7072, 12023
 MAGNOLIA SUB., BK. 61 PG. 6074-6075
 SCHREINER SUB., BK. 59 PG. 5716-5717
 WORSLEY'S FOLLY SUB., BK. 86, PG. 9656-9657
 HOOT NANNEY FARMS SUB., BK. 103, PG. 13839-13841

NOTES

1. THE RECORDING OF THIS RECORD OF SURVEY DOES NOT ENABLE THE OWNERS OF THE PARCELS TO CONVEY OWNERSHIP BASED SOLELY ON THIS MAP. A WRITTEN CONVEYANCE MUST ACCOMPANY SUCH A CHANGE IN OWNERSHIP.
2. IDAHO SURVEY GROUP, LLC ASSUMES NO LIABILITY FOR PRESENT OR FUTURE COMPLIANCE OR NON-COMPLIANCE WITH CANYON COUNTY PLANNING AND ZONING ORDINANCE RESTRICTIONS AS IT PERTAINS TO BUILDING PERMITS AND THE ISSUANCE THEREOF.

CERTIFICATE OF LAND SURVEYOR

I, CODY M. MCCAMMON, DO HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR, LICENSED BY THE STATE OF IDAHO, AND THAT THIS MAP HAS BEEN PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY DIRECT SUPERVISION, AND THAT THIS MAP IS AN ACCURATE REPRESENTATION OF SAID SURVEY, AND IS IN CONFORMITY WITH THE CURRENT LAWS OF THE STATE OF IDAHO PERTAINING TO PLATS AND SURVEYS.

LINE	BEARING	LENGTH
L1	S30°13'52"E	123.14
L2	S14°17'17"E	72.42
L3	S0°55'54"W	85.16
L5	S89°36'08"E	65.43
L6	S0°28'23"W	30.00
L7	S84°58'08"E	30.08
L8	N0°42'14"W	30.01

COUNTY RECORDER'S CERTIFICATE

INST. NO. _____
 STATE OF IDAHO, COUNTY OF ADA, ss.
 FILED FOR RECORD AT THE REQUEST OF _____
 _____ MIN. PAST _____ O'CLOCK _____ M. THIS _____ DAY OF _____ 2021
 PHIL McGRANE, RECORDER

BY: _____ DEPUTY
 FEE \$ _____

RECORDING INDEX NUMBER: 414-04-2-3-0-61-6074
 414-04-3-2-0-61-6074



CODY M. MCCAMMON LICENSE NO. 11779

Josh Kinney
 8675 W Floating Feather Rd
 Star, ID 83669
 208-713-0504

Ada County Utility Coordinating Council

Developer/Local Improvement District Right of Way Improvements Guideline Request

Purpose: To develop the necessary avenue for proper notification to utilities of local highway and road improvements, to help the utilities in budgeting and to clarify the already existing process.

- 1) **Notification:** Within five (5) working days upon notification of required right of way improvements by Highway entities, developers shall provide written notification to the affected utility owners and the Ada County Utility Coordinating Council (UCC). Notification shall include but not be limited to, project limits, scope of roadway improvements/project, anticipated construction dates, and any portions critical to the right of way improvements and coordination of utilities.
- 2) **Plan Review:** The developer shall provide the highway entities and all utility owners with preliminary project plans and schedule a plan review conference. Depending on the scale of utility improvements, a plan review conference may not be necessary, as determined by the utility owners. Conference notification shall also be sent to the UCC. During the review meeting the developer shall notify utilities of the status of right of way/easement acquisition necessary for their project. At the plan review conference each company shall have the right to appeal, adjust and/or negotiate with the developer on its own behalf. Each utility shall provide the developer with a letter of review indicating the costs and time required for relocation of its facilities. Said letter of review is to be provided within thirty calendar days after the date of the plan review conference.
- 3) **Revisions:** The developer is responsible to provide utilities with any revisions to preliminary plans. Utilities may request an updated plan review meeting if revisions are made in the preliminary plans which affect the utility relocation requirements. Utilities shall have thirty days after receiving the revisions to review and comment thereon.
- 4) **Final Notification:** The developer will provide highway entities, utility owners and the UCC with final notification of its intent to proceed with right of way improvements and include the anticipated date work will commence. This notification shall indicate that the work to be performed shall be pursuant to final approved plans by the highway entity. The developer shall schedule a preconstruction meeting prior to right of way improvements. Utility relocation activity shall be completed within the times established during the preconstruction meeting, unless otherwise agreed upon.

Notification to the Ada County UCC can be sent to: 50 S. Cole Rd. Boise 83707, or Visit iducc.com for e-mail notification information.

Development Process Checklist

Items Completed to Date:

- Submit a development application to a City or to Ada County
- The City or the County will transmit the development application to ACHD
- The ACHD **Planning Review Section** will receive the development application to review
- The **Planning Review Section** will do one of the following:
 - Send a **“No Review”** letter to the applicant stating that there are no site specific conditions of approval at this time.
 - Write a **Staff Level** report analyzing the impacts of the development on the transportation system and evaluating the proposal for its conformance to District Policy.
 - Write a **Commission Level** report analyzing the impacts of the development on the transportation system and evaluating the proposal for its conformance to District Policy.

Items to be completed by Applicant:

- For **ALL** development applications, including those receiving a **“No Review”** letter:
 - The applicant should submit one set of engineered plans directly to ACHD for review by the **Development Review Section** for plan review and assessment of impact fees. (Note: if there are no site improvements required by ACHD, then architectural plans may be submitted for purposes of impact fee assessment.)
 - The applicant is required to get a permit from Construction Services (ACHD) for **ANY** work in the right-of-way, including, but not limited to, driveway approaches, street improvements and utility cuts.
- Pay Impact Fees prior to issuance of building permit. Impact fees cannot be paid prior to plan review approval.

DID YOU REMEMBER:

Construction (Non-Subdivisions)

Driveway or Property Approach(s)

- Submit a “Driveway Approach Request” form to ACHD Construction (for approval by Development Services & Traffic Services). There is a one week turnaround for this approval.

Working in the ACHD Right-of-Way

- Four business days prior to starting work have a bonded contractor submit a “Temporary Highway Use Permit Application” to ACHD Construction – Permits along with:
 - a) Traffic Control Plan
 - b) An Erosion & Sediment Control Narrative & Plat, done by a Certified Plan Designer, if trench is >50’ or you are placing >600 sf of concrete or asphalt.

Construction (Subdivisions)

Sediment & Erosion Submittal

- At least one week prior to setting up a Pre-Construction Meeting an Erosion & Sediment Control Narrative & Plan, done by a Certified Plan Designer, must be turned into ACHD Construction to be reviewed and approved by the ACHD Stormwater Section.

Idaho Power Company

- Vic Steelman at Idaho Power must have his IPCO approved set of subdivision utility plans prior to Pre-Con being scheduled.

- Final Approval from Development Services is required** prior to scheduling a Pre-Con.

Request for Appeal of Staff Decision

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