



CITY OF STAR

LAND USE STAFF REPORT

TO: Mayor & Council

FROM: City of Star Planning Department

MEETING DATE: July 7, 2026 – PUBLIC HEARING

FILE(S) #: RZ-26-01 – Rezone
DA-26-02 – Development Agreement
PP-26-02 – Preliminary Plat – Rusty Flats Subdivision

OWNER/APPLICANT/REPRESENTATIVE

Representative:

Mike Washburn
FOCUS Consulting
1001 N. Rosario Street, Ste. 100
Meridian, Idaho 83642

Applicant:

Paul Hilbig
2667 E. Gala Ct., Ste. 120
Meridian, Idaho 83642

Owner:

Owen Hammond
3591 N. Hope Valley Ln
Eagle, Idaho 83616

REQUEST

Request: The Applicant is requesting approval of a Rezone (R-3), a Development Agreement, and Preliminary Plat for a proposed residential subdivision consisting of 18 residential lots and 3 common lots. The property is located at 10909 W New Hope Road in Star, Ada County, Idaho, and consists of 5.9 acres with a proposed density of 3 dwelling units per acre.

PROPERTY INFORMATION

Property Location: The subject property is generally located near the southwest corner of N. Brandon Road and W. New Hope Road. Ada County Parcel No. R7626810030.

Surrounding Land Use/Designations:

	Zoning Designation	Comp Plan Designation	Land Use
Existing	Residential (R-1-DA)	Estate Urban Residential	Agricultural/Vacant
Proposed	Residential (R-3-DA)	Estate Urban Residential	Single Family Residential
North of site	Residential (R-3-DA)	Estate Urban Residential	Stargazer Subdivision
South of site	Residential (R-1-DA)	Estate Urban Residential	Setting Sun Ranch Subdivision (Haven Ranch Subdivision)
East of site	Residential (R-1-DA)	Estate Urban Residential	Single Family Residential /Agricultural
West of site	Residential (R-4)	Neighborhood Residential	Greiners Hope Springs Subdivision

Existing Site Characteristics: The property is currently vacant.

Irrigation/Drainage District(s): Farmer's Union Ditch Company
P.O. Box 1474
Eagle, Idaho 83616

Flood Zone: This property is NOT currently located in a Special Flood Hazard Area.

FEMA FIRM Panel Number: 16001C0130J

Effective Date: 6/19/2020

Flood Zone: X

Special On-Site Features:

- ✧ Areas of Critical Environmental Concern – No.
- ✧ Evidence of Erosion – No evidence.
- ✧ Fish Habitat – No.
- ✧ Floodplain – No.
- ✧ Mature Trees – None.
- ✧ Riparian Vegetation – No.

- ★ Steep Slopes – No.
- ★ Stream/Creek – Yes (HRM Lateral).
- ★ Unique Animal Life – No unique animal life has been identified.
- ★ Unique Plant Life – No unique plant life has been identified.
- ★ Unstable Soils – No known issues.
- ★ Historical Assets – No historical assets have been observed.
- ★ Wildlife Habitat – No known sensitive wildlife habitat observed.

APPLICATION REQUIREMENTS

Pre-Application Meeting Held	November 6, 2026
Neighborhood Meeting Held	November 12, 2025
Application Submitted & Fees Paid	April 10, 2026
Application Accepted	May 4, 2026
Residents within 300' Notified	June 15, 2026
Agencies Notified	May 4, 2026
Legal Notice Published	June 18, 2026
Property Posted	June 24, 2026

HISTORY

February 15, 2022	Council approved applications for Annexation (AZ-21-15) and a Development Agreement (DA-21-23) for 10.9 acres. Property was zoned Residential (R-1).
May 12, 2022	Administrator approved an application for Lot Split (LS-21-09) creating 2 separate parcels out of the original 10.9 acres. New parcels are 5.0 and 5.9 acres in size.

ZONING ORDINANCE STANDARDS / COMPREHENSIVE PLAN

UNIFIED DEVELOPMENT CODE:

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

A. Process:

Annexation, Deannexation, and Zoning or Rezone Initiated By Property Owner: The applicant shall complete a pre-application conference with the administrator prior to submittal of an application for an annexation and zoning and/or rezone. An application and fees shall be submitted to the administrator on forms provided by the city.

B. Standards:

1. The subject property shall meet the minimum dimensional standards and/or density

standards_of the proper district.

2. The city shall 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, building elevations, including front and rear (when backing up to a collector or arterial street), and concept plan shall be required for any annexation or rezone to a commercial, mixed-use or residential zone or use, or land which includes steep slope (land over 25%) or floodway. An application for annexation or rezone shall not be accepted until any required traffic impact study is submitted and accepted by the appropriate transportation authority, or a letter from the transportation authority waiving said study is received by the administrator. A hearing date before the Council shall not be scheduled until any required traffic impact study has been approved and the transportation authority has issued a staff report on the development application. The administrator may waive these requirements in certain circumstances.

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 one hundred eighty (180) days of the issuance of a final written decision approving the development agreement. 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.

6. Applicant may be responsible to participate in reimbursement costs associated with traffic studies, in ITD proportionate share and/or additional mitigation contributions that may be established with transportation authorities, relative to traffic signals, access, or construction improvements associated with State Highways 16, 20/26 & 44, and/or with funding of police and fire protection as it relates to residential growth impacts, through mitigation measures as may be adopted by Council.

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.

D. Exclusion or deannexation/disannexation of land(s). Applications to exclude or deannex or disannex land from within the incorporated limits of the city shall be processed in the same manner as applications to annex. The council may choose to grant or deny such applications to deannex, in its sole discretion, as provided in Idaho Code section 50-225. Decisions to grant or deny any application for exclusion, deannexation/disannexation do not require that the council articulate or provide findings justifying its decision.

8-1E-1: TERMS DEFINED:

DEVELOPMENT AGREEMENT: A written agreement as a condition of annexation or rezone between the council and an owner or applicant concerning the use or development of a property in accord with Idaho Code section 67-6511A and chapter 1, "Administration", of this title.

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

The following zoning districts are hereby established for the interpretation of this title, the zoning districts have been formulated to realize the general purposes as set forth in this title. In addition, the specific purpose of each zoning district shall be as follows:

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

subdivided or split property. This district does allow for some non-residential uses as specified in 8-3A-3.

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

8-3A-3: USES WITHIN ZONING DISTRICTS

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

ZONING DISTRICT USES	R
Dwelling:	
Multi-Family	C
Secondary	A
Single Family Attached	P
Single Family Detached	P
Two-Family Duplex	P
Live/Work Multi-Use	N

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

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

Notes:

1. Front yard setback shall be measured from the face of the garage to the face of the sidewalk, allowing for 20' of parking on the driveway without overhanging onto the sidewalk.

2. Zero-Lot-Line, reduced street side yard setbacks and reduced front and rear setback waivers may be requested through the Development Agreement process. All other side yard setback requests for detached structures shall not be granted waivers, unless approved by Council as part of a Planned Unit Development.
3. All setbacks in the CBD, C-1, C-2, LO, LI, PS, RC and M-U zone shall maintain a minimum 15' when adjacent to a residential use or zone. A waiver may be requested if the adjacent property has the potential to redevelop as a non-residential use in the future.
4. As approved by the Fire District.
5. 35' height requirement unless a height exception is approved by Council through the Conditional Use Permit or Planned Unit Development Process.

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

J. Additional residential standards applying to all new residential subdivisions:

1. Residential Elevations:

- i. Building elevations for all residential uses shall be submitted with any development application and will be included as part of any preliminary plat, development agreement and/or any other condition of approval.
- ii. Single-Family Residential Building Front and Side Elevation Minimum Standards. These standards shall be reviewed for compliance with all submitted residential building permits under the Building Zoning Certificate process. Council may adopt these standards as part of a development agreement or preliminary plat approval. The following minimum standards shall be applied to all new residential structure elements in all zones:
 1. Exterior finishes shall be primarily horizontal/vertical wood or wood product siding, brick, stucco, stone, or other decorative masonry product. A minimum of three (3) architectural elements shall be provided for all single-family residential structures. These elements shall include, but are not limited to, shingled, horizontal or vertical siding, stone or brick highlights, garage door windows or hardware, colored window frames, or other architectural treatments deemed appropriate by the administrator.

8-3B-3 - FIGURE EXTERIOR ARCHITECTURAL ELEMENTS:



2. Two-story detached structures should provide a minimum of one, second story side window per side elevation, when appropriate.
 3. A minimum one (1) foot overhang shall be provided on all roof overhangs. Administrator may approve deviation from this standard.
 4. Dwellings backing up to collector or arterial streets shall have rear elevations and/or architectural designs that provide depth and dimension, avoiding the flat-wall appearance. These elements must be functional and may not be minimized or created solely for the purpose of compliance with this provision.
 5. Additional landscaping buffers may also be required.
2. Dwelling Unit Design. Building styles shall be spread throughout the entire development (including all contiguously owned and phased properties). Nowhere within the development shall any fewer than 5 different exterior elevation styles and/or floorplans be located adjacent to each other. The number of different dwelling styles within a development shall be as follows:
- a. 1 to 50 units = minimum of 5 architectural styles and/or floorplans
 - b. 51 to 100 units = minimum of 7 architectural styles and/or floorplans

- c. 101 and over units = minimum of 10 architectural styles and/or floorplans

3. Homeowners Associations. All subdivisions shall be maintained by a Homeowners Association with appropriate Conditions, Covenants and Restrictions (CC&R's). CC&R's are not enforceable by the City and are private contracts between the developer and the property owner.
4. Irrigation and drainage ditches shall not be covered, tiled or re-routed as part of any new residential development unless specifically approved by Council and the applicable irrigation and/or drainage district. Perforated piping may be considered as an option if tiling is allowed.

8-4A-18: SIDEWALKS AND PARKWAYS:

- A. All sidewalks shall adhere to the standards shown in the table below.

ROADWAY CLASSIFICATION	MINIMUM SIDEWALK AND PARKWAY PLANTER WIDTHS ¹	NOTES
Arterial	7 Foot (7') Detached Sidewalk with 8 Foot (8') Parkway Planter Strip Both Sides of Roadway	
Collector	7 Foot (7') Detached Sidewalk with 8 Foot (8') Parkway Planter Strip Both Sides of Roadway	
Local	5 Foot (5') Detached Sidewalk with Minimum 8 Foot (8') Parkway Planter Strip Both Sides of Roadway	All roadways not designated as an arterial, collector, or highway, in any form, on ACHD's Major Street Map or Canyon Highway District #4's map, shall be considered Local.
Highway 44 & Highway 20/26 Arterial	8 Foot (8') Detached Sidewalk with 8 Foot (8') Parkway Planter Strip Both Sides of Roadway	

Private Streets		See 8-4D for requirements
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8-4A-21: MAILBOXES:

All mailbox clusters shall be approved by the postmaster prior to installation. All clusters shall be covered with an architecturally designed cover, to be approved by the Administrator prior to final plat signature. All covers shall be provided with lighting and shall be stained/painted and kept in good condition at all times. The administrator may issue a letter of violation to the HOA when any mailbox cluster or cover falls into disrepair. Maintenance shall be included in the CC&R's. A turnout shall be installed adjacent to the mailbox cluster to provide community access, if approved by the transportation authority and postmaster. The design shall be included as part of the preliminary plat submittal.



8-4E-1: COMMON OPEN SPACE AND SITE AMENITY REQUIREMENTS - APPLICABILITY:

The standards for common open space and site amenities shall apply to all residential developments with a density exceeding one dwelling unit per acre.

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 total gross acreage of land area of the development. A minimum of 10% of the total gross acreage of the development shall be for useable area open space. Open space shall be designated as a total of 15% minimum for residential developments in all zones with densities of R-2 or greater.
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 1 dwelling unit per acre or less may request a waiver of open space and amenities to the Council. Developments with a density of 2 dwelling units per acre or less may request a 50% reduction in total required open space and amenities to the Council.

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

B. Qualified Usable Area Open Space: The following qualifies to meet the usable area 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, as determined by the Administrator;

c. Ponds or water features where active fishing, paddle boarding, or other activities are provided (50% qualifies towards total required usable area open space, must be accessible by all residents to qualify. Ponds must be aerated. All ponds shall be provided with safety floatation devices (rings) located at reasonable distances, as determined by the administrator;

d. A plaza.

e. Common lots that include a pathway providing local or regional connectivity that is a minimum of 20' in width.

f. Irrigation easements/ditches when a pathway is included (to be measured from the center of the ditch to the property line of the common lot).

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, as determined by the Administrator.

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 with an enlarged deck and changing and restroom facility (pools shall count towards 3 required site amenities).
 - b. Children's play structures.
 - c. Sports courts.
 - d. Additional open space in excess of 10% qualified 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;

h. Pond and/or waterway amenities including, but not limited to docks, shade structures, ADA access, and fish stocking.

6. Community Gardens.

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

E. Maintenance:

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

8-6A-3: PRELIMINARY PLAT PROCESS

A. Preapplication Conference: The applicant shall complete a preapplication conference with the administrator or designee prior to submittal of an application for a preliminary plat. The purpose of this meeting is to discuss early and informally the purpose and effect of this title, and the criteria and standards contained herein.

B. Neighborhood Meeting: Applicants are required to hold a neighborhood meeting, in conformance with Section 8-1A-6C to provide an opportunity for public review of the proposed project prior to the submittal of an application. The applicant shall provide a summary of the meeting, including questions and concerns of the neighbors and how the submitted application addresses those issues.

C. Application Requirements: A complete subdivision application form and preliminary plat data as required in this title, together with fees shall be submitted to the administrator. At the discretion of the administrator or city engineer, appropriate supplementary information may also be required to sufficiently detail the proposed development within any special development area, including, but not limited to, hillside, planned unit development, floodplain, cemetery, manufactured home parks, and/or hazardous or unique areas of development. Any unresolved access or traffic generation issues related to ACHD or ITD regulated roadways shall be resolved

by the applicant prior to acceptance of any application. A letter from the appropriate transportation agency or servient property owner shall be submitted with the application.

D. Required Information and Data: The contents of the preliminary plat and related information shall be in such a form as stipulated by the City Council, however, additional maps or data deemed necessary by the administrator may also be required. The applicant shall submit to the administrator the following:

1. Two (2) copies of the preliminary plat of the proposed subdivision, drawn in accordance with the requirements hereinafter stated. Each copy of the preliminary plat shall be submitted on good quality paper, be professionally drafted, shall have the dimensions of not less than twenty-four inches by thirty-six inches (24" x 36"), and shall be drawn to a scale of not less than one inch to one hundred feet (1"=100') and contain a drafting date and north arrow.
2. For hillside developments, one (1) bound copy of the preliminary engineering plans (not meant to be cross sections or detailed designs) showing streets, water, sewers, sidewalks, and other required public improvements, together with preliminary site grading, drainage and irrigation plans of the proposed subdivision. Such engineering plans shall contain sufficient information and detail to make a determination as to conformance of the proposed improvements to applicable regulations, ordinances and standards.
3. Two (2) copies of a landscape plan showing all open space, common areas, amenities, street trees and development signage;
4. Additional information on the preliminary plat and separately submitted information to include the following:
 - a. The name of the proposed subdivision, as approved in advance by the Ada County Engineering office;
 - b. The name, address, telephone and email of the applicant, developer, engineer and surveyor or drafter who prepared the preliminary plat;
 - c. The names and addresses of all adjoining property owners and recorded plats within three hundred feet (300') of the external boundaries of the land being considered for subdivision.
 - d. The land use and existing and proposed zoning of the proposed subdivision and the adjacent land;
 - e. Streets, street names, rights of ways and roadway widths, including adjoining streets or roadways;
 - f. Lot lines and blocks showing the dimensions and numbers of each, together with area of each lot in acres and square feet;
 - g. Contour lines, shown at five-foot (5') intervals where the land slope is greater than ten percent (10%) and at two-foot (2') intervals where land slope is ten

- percent (10%) or less, referenced to an established benchmark, including location and elevation;
- h. Any proposed or existing utilities, including, but not limited to, power poles, storm and sanitary sewers, irrigation laterals, ditches, bridges, culverts, water mains and fire hydrants;
 - i. Any flood zone information including FEMA FIRM panels;
 - j. The legal description of the boundary of the property being subdivided with the seal of the surveyor of record;
 - k. Phasing plan showing all proposed phases of the development;
 - l. Preliminary irrigation analysis showing availability of water rights and distribution of irrigation to the lots within the proposed subdivision, or waiver request;
 - m. One (1) copy of a site report of the highest seasonal groundwater elevation prepared by a licensed engineer;
 - n. narrative, signed by the applicant, fully describing the proposed subdivision, including such information as number and type of uses on the lots (residential single, two or multi-family, commercial, etc.), common lots and the proposed uses of those lots (open space, parks, playgrounds, landscaping, or other uses) and any other information deemed necessary to explain the intent of the development including how it relates to other concurrently submitted applications (annexations, rezones, PUD's, CUP's, etc.).
 - o. Neighborhood meeting information including sign-in sheet, copy of meeting letter, copy of mailing labels, and detailed summary of neighbor questions and concerns and how the development has been designed to address those concerns;
 - p. A vicinity map showing the relationship of the proposed plat to the surrounding area (1/2-mile radius);
 - q. Deeds, affidavit of legal interest, address labels, postal service location approval, ACHD traffic study review status, electronic copies, or any other required information deemed necessary by the administrator to allow for proper review of the application;
 - r. A conceptual site plan shall be submitted for any non-residential developments showing building locations, parking and loading areas, traffic access drives and traffic circulation and trash enclosure locations;
 - s. Any additional required information for special area of developments including, but not limited to hillsides, wetlands or as further specified in this Title.
5. Additional information in the application as determined by the administrator may include the following:
- a. Building elevations, including multi-family uses, non-residential uses, clubhouses, well houses, or other elevations deemed necessary to assist the Council in their decision regarding a development;
 - b. Colored site plan and renderings of a subdivision detailing residential lot locations, open space and common areas, buffers, roadways, waterways and

irrigation ditches, fencing, signs and landscaping.

E. Acceptance: Upon receipt of the preliminary plat, and compliance with all other requirements as provided for herein, the administrator shall certify the application as complete and shall affix the date of acceptance.

- c. F. Decision: A decision on a preliminary plat for a parcel of land is made by the City Council after receiving a recommendation from the administrator and a public hearing is held.

COMPREHENSIVE PLAN:

8.2.3 Land Use Map Designations:

Estate Urban Residential

Suitable primarily for single family residential use. Densities in this land use area are a maximum of 3 dwelling 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 immediately adjacent to existing residential lots of greater than one acre where those existing larger lots are not likely to be subdivided in the future. Clustering is allowed to preserve open space.

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:

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

8.5.3 Policies Related Mostly to the Urban Residential Planning Areas:

- A. The Estate and Neighborhood Residential Land Use is to encourage urban style development densities to limit urban sprawl.
- B. Low densities within the Estate and Neighborhood Residential Land Use are to be designed within the floodplain, ridgeline developable areas, hillside developable areas and where new residential lots are proposed adjacent to existing residential lots of one acre and larger where those existing larger lots are not likely to be subdivided in the future.
- C. Site layout adjacent to and within the Special Transition Overlay Area shall provide for a transition in density and lot sizing.
- D. High Density residential uses should be located in close proximity to commercial centers located near highway corridors and on upper floors within the Central Business District land use area. High Density residential uses otherwise should not be dispersed throughout the community and should not be located along the Boise River.
- E. High Density residential may be limited to ensure compatibility and transition between uses adjacent to the site.
- F. High Density residential design specifications may include increased setbacks for multi-story buildings and increased landscape buffers.

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 COMPREHENSIVE PLAN & DEVELOPMENT CODE COMPLIANCE
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REZONE:

The Rezone request of the approximately 5.9 acres from Residential (R-1-DA) to Residential (R-3-DA) will allow for the development of the property in a manner that will be consistent with the intent of the current Comprehensive Plan Map. The Future Land Use Map designates the property as Estate Urban Residential. The overall density of the development is 3.0 dwelling units per acre, which is consistent with the Estate Urban Residential (Maximum 3 Units per Acre) land use designation. The Comprehensive Plan encourages 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 (*Goal 8.3*). The Estate Urban Residential Land Use designation encourages urban style development densities to limit urban sprawl (*Policy 8.3*). The Plan also encourages flexibility in site design and innovative land uses and supports well-planned, pedestrian-friendly developments (*8.5.9*).

Primary access to the development will be from W. Campanula Drive via the Greiner's Hope Springs Subdivision.

PRELIMINARY PLAT:

The proposed Preliminary Plat submitted contains 18 residential lots and 3 common lots. The density of the proposed development is 3.0 dwelling units/acre. The residential lots range in size from 7,840 square feet to 15,140 square feet with the average buildable lot area of 9,845 square feet. The applicant has indicated in their Open Space Exhibit that the development will contain a total of 1.01 (17.1%) of overall open space, with .72 acres (12.2%) usable open space, which is greater than the minimum 10% required. Streets are proposed to be public throughout the development and will measure 36 ft from back of curb to back of curb and satisfy Section 8-4D-34B(4) of the UDC.

The Unified Development Code, Section 8-4E-2, requires a development of this size to have a minimum of one (1) site amenity. The development has a large open area that is proposed to be landscaped. The applicant should work with Staff to provide a specific amenity for the development in this common area.

ADDITIONAL DEVELOPMENT FEATURES:

- **Sidewalks:** - Internal sidewalks within the development are proposed at five-foot (5') widths and will be detached throughout the overall subdivision.

Sidewalks on New Hope Road: The applicant is proposing a 5' sidewalk along W. New Hope Road. ACHD is requiring 10' sidewalks to accommodate their multi-use pathway plan along this arterial roadway. The applicant shall submit an amended preliminary plat designating the required sidewalk width and improvement requirements per ACHD recommendations.

Sidewalk along New Hope Road/Brandon Road on Out-Parcel. When the Kirshner-Dill property was annexed in 2022, the recorded development agreement stated the following:

2.4 Additional Requirements:

Sidewalk shall be constructed on the future corner parcel (eastern parcel) at the time of redevelopment of the future western parcel, or through ACHD impact fees as New Hope Road is improved, whichever comes first.

The applicant is not showing the off-site sidewalk improvements as required by the original development agreement, which would indicate that they are requesting to waive this requirement. Should Council decide not to require these improvements, the original development agreement for the Kirshner-Dill annexation (DA-21-23) shall be amended to remove Condition 2.4.

- **Double Fronted Lots: Staff is concerned with Lots 11 & 12 being double fronted between Cecilia Court and W. Kenzie Lane private street to the south. Staff recommends a common lot be required on the south side of Lots 11 & 12 to prevent direct access of those lots to W. Kenzie Lane.**
- **Lighting:** - Streetlights shall reflect the "Dark Sky" criteria with all lighting. The same streetlight design shall continue throughout the entire development. The applicant has provided a streetlight plan that is missing a location. The applicant has not provided a streetlight model or cut sheet. **The City shall approve the streetlight plan and design prior to submittal of final plat.**
- **Landscaping:** - As required by the Unified Development Code, Chapter 8, Section 8-8C-2-M (2) Street Trees; A minimum of one street tree shall be planted for every thirty-five (35) linear feet of street frontage. The applicant shall use "Treasure Valley Tree Selection Guide", as adopted by the Unified Development Code. The landscape plan submitted

with the Preliminary Plat does not show street trees on both sides of the road. The open space also does not have the required number of trees as required in the Unified Development Code. **The City shall approve the landscape plan prior to submittal of final plat.**

- **Setbacks:** – The applicant has not requested waivers to setbacks as part of this development.
- **Block Length:** - Blocks do not exceed the maximum 750' in length.
- **Mailbox Cluster:** - Applicant has provided approval from the Star Postmaster for the location of the mailbox cluster. All clusters shall be covered and provide lighting as required in the Unified Development Code.
- **Subdivision Name:** - Applicant has provided documentation showing approval for the subdivision name.
- **Street Names:** - Applicant has not provided documentation showing approval for the street names. **This will be required prior to signing the final plat.**
- **Phasing:** - Applicant is proposing the development will be built out in a single phase.
- **Fence Plan:** - **Applicant shall provide a fencing plan for the development at final plat.**
- **Building Elevations:** **The applicant has not provided Staff with proposed building elevations for the future homes in the development. Staff recommends that applicant present Council with building elevations at the public hearing.**

DEVELOPMENT AGREEMENT:

Through the Development Agreement process, the applicant is proposing to work with the City and neighboring property owners to provide further insurances that the development will be built as presented and/or modified by the Council through the review process. Items that should be considered by the applicant and Council and included in the Development Agreement are as follows:

- 10' Sidewalk on New Hope Road
- Sidewalk extension on the Corner of New Hope Road & Brandon Road

- Potential Amendment to Original Kirshner-Dill Development Agreement
- Common Lot separating Lots 11 & 12 from W. Kenzie Lane
- Work with Staff on Amenity in Open Space
- Provide Council with Future Residential Building Elevations
- ITD Proportionate Share Fees;
- Emergency Mitigation Fees;

AGENCY/DEPARTMENT RESPONSES

City Engineer	June 8, 2026
ACHD	May 22, 2026
ITD	May 21, 2026
DEQ	May 11, 2026

PUBLIC RESPONSES

No public comments have been received on this application.

STAFF ANALYSIS & RECOMMENDATIONS

Based upon the information provided to staff in in the applications and agency comments received to date, the proposed rezone request and associated applications including the preliminary plat meets the requirements, standards and intent for development as they relate to the Comprehensive Plan and Unified Development Code. The proposed maximum allowed density of 3.0 dwelling units per acre is within the range of Estate Urban Residential Comprehensive Plan Land Use Map. Staff is supportive of proposed diversity in lot sizes, housing sizes and density that the (R-3) zoning designation will provide.

The Council should consider the entire record and testimony presented at their scheduled public hearing prior to rendering its decision on the matter. Should the Council vote to approve the applications, either as presented or with added or revised conditions of approval, Council shall direct staff to draft findings of fact and conclusions of law for the Council to consider at a future date. A development agreement will also be brought back to the Council for review of proposed Conditions of Approval for the rezone.

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 Council 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 Council 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.

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

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

PRELIMINARY PLAT FINDINGS:

1. The plat is in compliance with the Comprehensive Plan.

The City must find that this Plat follows designations, spirit and intent of the Comprehensive Plan regarding residential development and meets several of the objectives of the Comprehensive Plan such as:

- 1. Designing development projects that minimize impacts on existing adjacent properties, and*
- 2. Managing urban sprawl to protect outlying rural areas.*

2. Public Services are available or can be made available and are adequate to accommodate the proposed development.

The City must find that Agencies having jurisdiction on this parcel were notified of this action, and that it has not received notice that public services are not available or cannot be made available for this development.

3. There is public financial capability of supporting services for the proposed development;

The City must find that they have not been notified of any deficiencies in public financial capabilities to support this development.

4. The development will not be detrimental to the public health, safety or general welfare;

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

5. The development preserves significant natural, scenic or historic features;

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

COUNCIL DECISION

The Star City Council _____ File Numbers RZ-26-01, DA-26-02, PP-26-02 for Rusty Flats Subdivision on _____, 2026.

CONDITIONS OF APPROVAL

1. The approved Preliminary Plat for the Rusty Flats Subdivision shall comply with all statutory requirements of applicable agencies and districts having jurisdiction in the City of Star.
2. **The applicant shall enter into a Development Agreement with the City, agreeing to proportionate share assessment by ITD regarding impacts to the State Highway System. These fees are currently being calculated at \$1,000.00 per residential lot. These fees will be collected by the City of Star, by phase, prior to final plat signature.**
3. **The applicant shall submit a revised preliminary plat to Staff prior to submittal of final plat showing the approved sidewalk widths, off-site sidewalk improvements, and a common lot adjacent to Lots 11 & 12 to prevent double fronted lots.**
4. **The development shall be subject to additional Fire and Police emergency mitigation fees collected at the time of building permit for each residential dwelling. The fee shall be determined by City Council.**
5. **All sidewalks and planter strips shall be built to UDC and ACHD standards, unless otherwise approved by Council.**
6. **The applicant shall comply with the Residential Standards for all new houses, as required in Section 8-3B-3 of the UDC.**
7. **The Applicant shall provide approval from Ada County Street Naming Committee for the proposed street names, Names shall be reflected correctly on the final plat prior to signature.**
8. **A revised landscape plan shall be provided at final plat showing the required number of trees in the open area and the required street trees as outlined in the unified development code.**
9. **The applicant shall work with City Staff on the amenity for the development prior to the final plat application. The revised landscape plan shall show the amenity to be built.**
10. **The applicant shall provide a fencing plan for the development prior to final plat.**
11. Streetlights shall comply with the Star City Code and shall be of the same design throughout the entire subdivision. Streetlights shall be continuous throughout the subdivision and shall be maintained by the Homeowners Association. **Streetlights shall be installed and energized prior to issuing of building permits.** Design shall follow Code with requirements for light trespass and "Dark Skies" lighting. **Applicant/Owner shall submit a revised streetlight plan and design prior to Final Plat approval. Streetlights shall comply with the Star City Code regarding light trespass and "Dark Sky" initiative.**
12. **Street trees along all streets shall be installed per Chapter 8, including Section 8-8C-2-M(2) Street Trees. If the trees will be installed by the builder, Certificate of Occupancy may be withheld until trees have been verified they are installed per code.**
13. The property associated with this approved Preliminary Plat, in addition to the property of all future phases shall be satisfactorily weed abated at all times, preventing a public nuisance, per Star City Code Chapter 3, Section 3-1-1 through 3-1-7.
14. The property associated with this approved Preliminary Plat, in addition to the property of all future phases shall be properly maintained at all times, including throughout the

construction process to include trash picked up and trash receptacles emptied with regular frequency, streets swept and cleaned weekly, including any streets used to access the property and all debris shall be prevented from accumulating on any adjacent property or public right of way and shall remove all debris from public way at least daily. This shall also include, but is not limited to any trash, junk or disabled vehicles during any portion of the development process. The site shall be properly mitigated from fugitive dust at all times, including during construction, as determined by the Zoning Administrator. Failure to comply with any of the above may result in a stop work order being issued until the violations are remedied, and/or revocation of preliminary plat/final plat approvals.

15. All signed Irrigation District Agreements with the Irrigation Districts shall be provided to the City of Star with each subsequent Final Plat application.
16. Pressurized irrigation systems shall comply with the Irrigation District(s) and the City of Star Codes. Plans for pressurized irrigation systems shall be submitted to, and approved by the City of Star Engineer, prior to installation.
17. A plat note supporting the "Right to Farm Act" as per Idaho Code Title 22, Chapter 45, shall be shown on the Final Plat.
18. A copy of the CC&R's shall be submitted to the City of Star at Final Plat.
19. A form signed by the Star Sewer & Water District shall be submitted to the City prior to the signature of the Final Plat stating that all conditions of the District have been met, including annexation into the District.
20. A plat note shall state that development standards for residential development shall comply with the effective building and zoning requirements at time of building permit issuance, unless amended in the Development Agreement or CUP conditions.
21. Development standards for single family residential units shall comply with effective building and zoning requirements at time of building permit issuance, or as approved through the Development Agreement or as stated herein.
22. All common areas shall be owned and maintained by the Homeowners Association.
23. The applicant shall provide a sign, to be located at all construction entrances, indicating the rules for all contractors that will be working on the property starting at grading and running through home sales that addresses items including but not limited to dust, music, dogs, starting/stopping hours for contractors (7a.m. start time). **Sign shall be approved by the City prior to start of construction.**
24. A sign application is required for any subdivision signs.
25. **Any additional Condition of Approval as required by Staff and City Council.**

Rusty Flats Subdivision

Vicinity map



April 4, 2026

City of Star

Planning and Zoning Department
10769 W State Street
Star, ID 83669

RE: Proposed Rusty Flats Subdivision

Dear City of Star,

On behalf of our client, we are proposing to develop 18 residential lots and 3 common lots on approximately 5.9 acres. The site is located on the extension of Campanula Court, near New Hope Road. We are applying for approval of a preliminary plat as well as a rezone to R3 for this project.

We have coordinated with the Star Fire Protection District, the U.S. Postmaster, and city staff to ensure that the design provides for safe emergency access, functional postal delivery, and compliance with city development standards.

Rusty Flats Subdivision represents a high-quality residential neighborhood that is consistent with the City of Star's zoning and Comprehensive Plan. Our intention is for Rusty Flats be an asset to the community and contribute positively to the character of the surrounding area.

We respectfully request approval of the preliminary plat and rezone for this subdivision.

Sincerely,

Paul Hilbig



ANNEXATION & ZONING - REZONE - DEANNEXATION APPLICATION

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

FILE NO.: RZ-26-01
Date Application Received: 04/22/2026 Fee Paid: ☒
Processed by: City: _____

Applicant Information:

PRIMARY CONTACT IS: Applicant ___ Owner ___ Representative ___

Applicant Name: Paul Hilbig
Applicant Address: 2667 E Gala Ct, Ste 120, Meridian, ID Zip: 83642
Phone: 208-921-2506 Email: paulhilbig@gmail.com

Owner Name: Owen Hammond
Owner Address: 3591 N Hope Valley Lane, Eagle, ID Zip: 83616
Phone: 208-921-2506 Email: paulhilbig@gmail.com

Representative (e.g., architect, engineer, developer):
Contact: Mike Washburn Firm Name: Focus Consulting
Address: 1001 N Rosario St, Ste 100 Zip: 83642
Phone: 208-974-0075 Email: mwashburn@focus-es.com

Property Information:

Site Address: Rusty Flats Subdivision Parcel Number: Parcel D (ROS 2023-014161)
Total Acreage of Site: 5.90
Total Acreage of Site in Special Flood Hazard Area: 0
Proposed Zoning Designation of Site: R-3

Zoning Designations:

	Zoning Designation	Comp Plan Designation	Land Use	
Existing	R-1-DA	Estate Urban Residential	Rusty Spur Ranchettes	No.3
Proposed	R-3	Estate Urban Residential	Rusty Flats Sub	
North of site	R-3-DA	Estate Urban Residential	Hutton Ranchettes Sub	
South of site	R-1	Estate Urban Residential	Setting Sun Ranch Sub	
East of site	R-1-DA	Estate Urban Residential	Rusty Spur Ranchettes	No.3
West of site	R-4	Neighborhood Residential	Greiners Hope Springs	Sub No. 6

Special On-Site Features (Yes or No – If yes explain):Areas of Critical Environmental Concern - NoEvidence of Erosion - NoFish Habitat - NoFloodplain - NoMature Trees - NoRiparian Vegetation - NoSteep Slopes - NoStream/Creek - HRM LateralUnique Animal Life - NoUnique Plant Life - NoUnstable Soils - NoWildlife Habitat - NoHistorical Assets - No**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 (√)
	Pre-application meeting with the Planning Department required prior to neighborhood meeting. Date of Pre-App Meeting: <u>November 6, 2025</u>	✓
	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.) Date of Neighborhood Meeting: <u>November 12, 2025</u>	✓
	Completed and signed Annexation & Zoning/Rezone Application	✓
	All Annexations & Rezones require a Development Agreement *Applicant agrees to enter into a Development Agreement with this application. Applicant's Signature: <u>[Signature]</u>	✓
	An application for annexation or rezone shall not be accepted until any required traffic impact study is submitted and accepted by the appropriate transportation authority. A hearing date before the Council shall not be scheduled until the traffic impact study has been approved and the transportation authority (ACHD, ITD, Highway District #4) has issued a staff report/review on the development application.	
	If the Annexation & Zoning or Rezone request is accompanied by a preliminary plat and/or site plan, building elevations shall be included with the application.	
	Fee: (Include Development Agreement Fee). Please contact the City for current fees. 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.	✓
	Narrative fully describing the proposed project (must be signed by applicant)	✓
	Legal description of the property to be annexed and/or rezoned:	✓

	• 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.	✓
	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.	
	Vicinity map showing the location of the subject property with minimum 1-mile radius	✓
	Copy of any associated applications (i.e. CUP/PUD Site Plan/Preliminary Plat). If this application is not accompanied by a plat or site plan, <u>a conceptual development plan for the property is required.</u>	
	List of name(s) and address(es) of all canal or irrigation ditches within or contiguous to the proposed development.	✓
	One (1) copy of names and addresses printed on address labels, of property owners within three hundred feet (300') of the external boundaries of the entire property being considered as shown on record in the County Assessor's office. Please contact the City to request addresses and labels (additional fee required).	✓
	Electronic versions of all submitted application materials including neighborhood meeting information, signed application, narrative, legal description, warranty deed, vicinity map, preliminary plat/site plan or concept plan, irrigation district information, <u>shall be submitted in original pdf format (no scans for preliminary plat/site, concept plans) on a thumb drive only (no discs)</u> with the files named with project name and plan type.	✓
	Signed Certification of Posting with pictures (see attached posting requirements and certification form) – To be completed by applicant a minimum of 10-days prior to public hearing. Staff will notify applicant in writing of hearing and posting date.	
	Property shall be annexed into Star Sewer and Water District prior to Final Plat approval, building permits, if applicable. Please contact SSWD for details at 208-286-7388.	

APPLICANT ACKNOWLEDGEMENT**:

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


Applicant/Representative Signature

04/14/26

Date

AFFIDAVIT OF LEGAL INTEREST

STATE OF _____)
) ss
COUNTY OF _____)

I _____,
(name) (address)

(city) (state) (zip)

being first duly sworn upon oath, depose and say: That I am the record owner of the property described on the attached, and I grant my permission to _____,
(name)

(address) (state) (zip)

to submit the accompanying application pertaining to that property.

Address or location of property: _____

I agree to indemnify, defend and hold the City of Star and its employees harmless from any claim or liability resulting from any dispute as to the statements contained herein or as to the ownership of the property which is the subject of the application.

I understand there may be direct costs incurred by the City in obtaining a review of the application by architects, engineers, or other professionals necessary to enable the City to approve or disapprove the application. I understand that I will be billed on a monthly basis and will remit payment within 30 days.

I hereby grant permission to the City of Star staff to enter the subject property for the purpose of site inspections related to processing said application(s).

Type of application: _____



PRELIMINARY PLAT APPLICATION

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

FILE NO.: PP-26-02
Date Application Received: 04/10/2026 Fee Paid: ✓
Processed by: City: _____

Applicant Information:

PRIMARY CONTACT IS: Applicant Owner Representative X

Applicant Name: Paul Hilbig
Applicant Address: 2667 E Gala Ct, Ste 120 Meridian ID Zip: 83642
Phone: 208-921-2506 Email: paulhilbig@gmail.com

Owner Name: Owen Hammond
Owner Address: 3591 N hope Valley Lane, Eagle, ID Zip: 83616
Phone: 208-921-2506 Email: paulhilbig@gmail.com

Representative (e.g., architect, engineer, developer):
Contact: Mike Washburn Firm Name: Focus Consulting
Address: 1001 N Rosario St Ste. 100 Zip: 83642
Phone: 208-974-0075 Email: mwashburn@focus-es.com

Property Information:

Subdivision Name: Rusty Flats Subdivision
Site Location: In the Northwest Quarter of Section 5, T4N, R1W, BM
Approved Zoning Designation of Site: R-3
Parcel Number(s): Parcel D (ROS 2023-014161)

Zoning Designations:

	Zoning Designation	Comp Plan Designation	Land Use
Existing	<u>R-1-DA</u>	<u>Estate Urban Residential</u>	<u>Rusty Spur Ranchettes</u> No. 3
Proposed	<u>R-3</u>	<u>Estate Urban Residential</u>	<u>Rusty Flats Sub</u>
North of site	<u>R-3-DA</u>	<u>Estate Urban Residential</u>	<u>Hutton Ranchettes Sub</u>
South of site	<u>R-1</u>	<u>Estate Urban Residential</u>	<u>Setting Sun Ranch Sub</u>
East of site	<u>R-1-DA</u>	<u>Estate Urban Residential</u>	<u>Rusty Spur Ranchettes</u> No. 3
West of site	<u>R-4</u>	<u>Neighborhood Residential</u>	<u>Greiners Hope Springs</u> Sub No. 6

SITE DATA:

Total Acreage of Site - 5.90
Breakdown of Acreage of Land in Contiguous Ownership - N/A
Total Acreage of Site in Special Flood Hazard Area - 0
Dwelling Units per Gross Acre - 3.05
Minimum Lot Size - 7,840.00 sq ft
Minimum Lot Width - 70.00 ft

Total Number of Lots - 21
Residential - 18
Commercial - 0
Industrial - 0
Common - 3

Total Number of Units - 18
Single-family - 18
Duplex - 0
Multi-family - 0

Percent of Site and Total Acreage of Common Area - 12.7 % / .75 acres
Percent of Common Space to be used for drainage - _____
Describe Common Space Areas (amenities, landscaping, structures, etc.) - landscaping

Proposed Dedicated Lots & Acreage (school, parks, etc): _____

Public Streets - 2 Private Streets - _____
Describe Pedestrian Walkways (location, width, material) - _____

Describe Bike Paths (location, width, material) - _____

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

Total Acreage of Site in Special Flood Hazard Area - 0

- 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): #160xxxxxxC, 160xxxxxxE, etc.: #16001C0130J
FIRM effective date(s): mm/dd/year 06/19/2020
Flood Zone(s): Zone X, Zone A, Zone AE, Zone AH, etc.: Zone X
Base Flood Elevation(s): AE 0 .0 ft., etc.: _____
- c. Flood Zones are subject to change by FEMA and all land within a floodplain is regulated by Chapter 10 of the Star City Code.

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

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

Potable Water - Star Water District

Irrigation Water- Farmers Union Ditch Co

Sanitary Sewer- Star Sewer District

Fire Protection - Star fire

Schools - School District No. 2

Roads - Ada County Highway District

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

Areas of Critical Environmental Concern - No

Evidence of Erosion - No

Historical Assets - No

Riparian Vegetation - No

Stream/Creek - HRM Lateral

Unique Animal Life - No

Floodplain - No

Fish Habitat - No

Mature Trees - No

Steep Slopes - No

Unstable Soils - No

Unique Plant Life - No

Application Requirements:

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

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

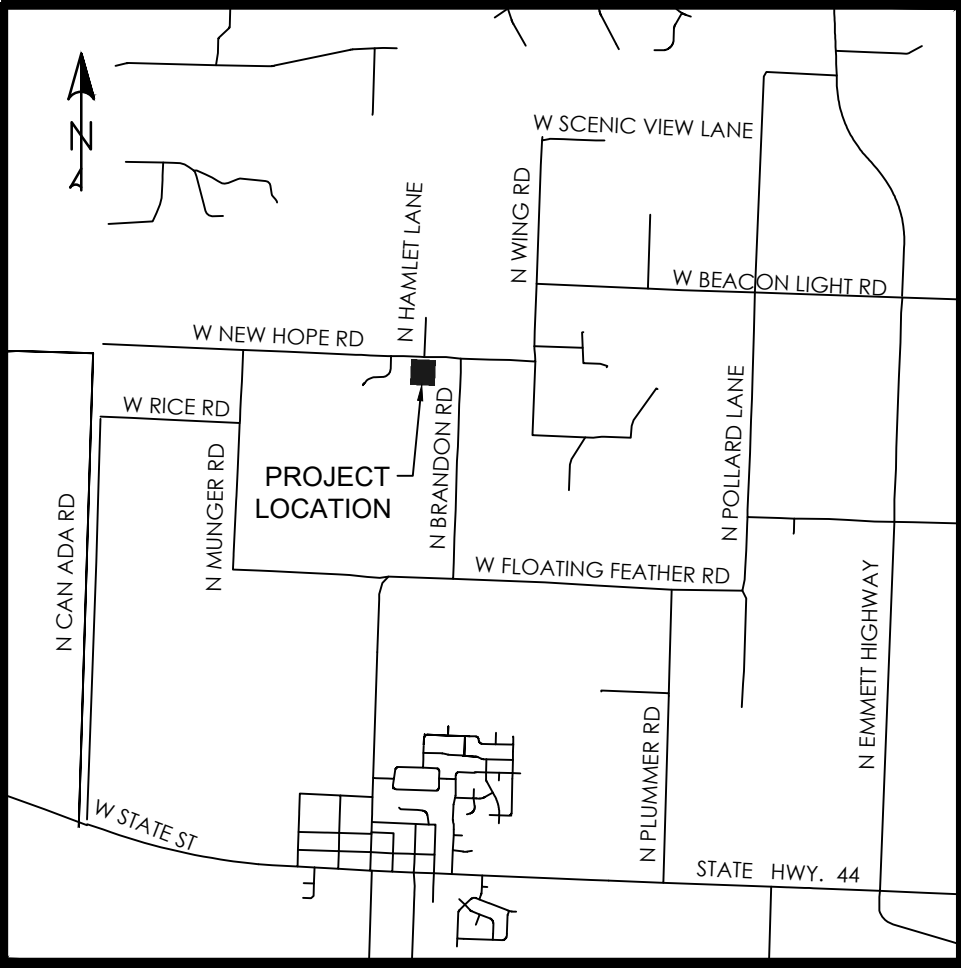
	Letter of authorization from the local Post Office approving mailbox delivery to subdivision including location(s) of mailbox clusters. Locations shall be indicated on Preliminary Plat.	✓
	List of name(s) and addresses of all canal or irrigation ditches within or contiguous to the proposed development.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

FEE REQUIREMENT:

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


Applicant/Representative Signature

3/26/26
Date



VICINITY MAP
N.T.S

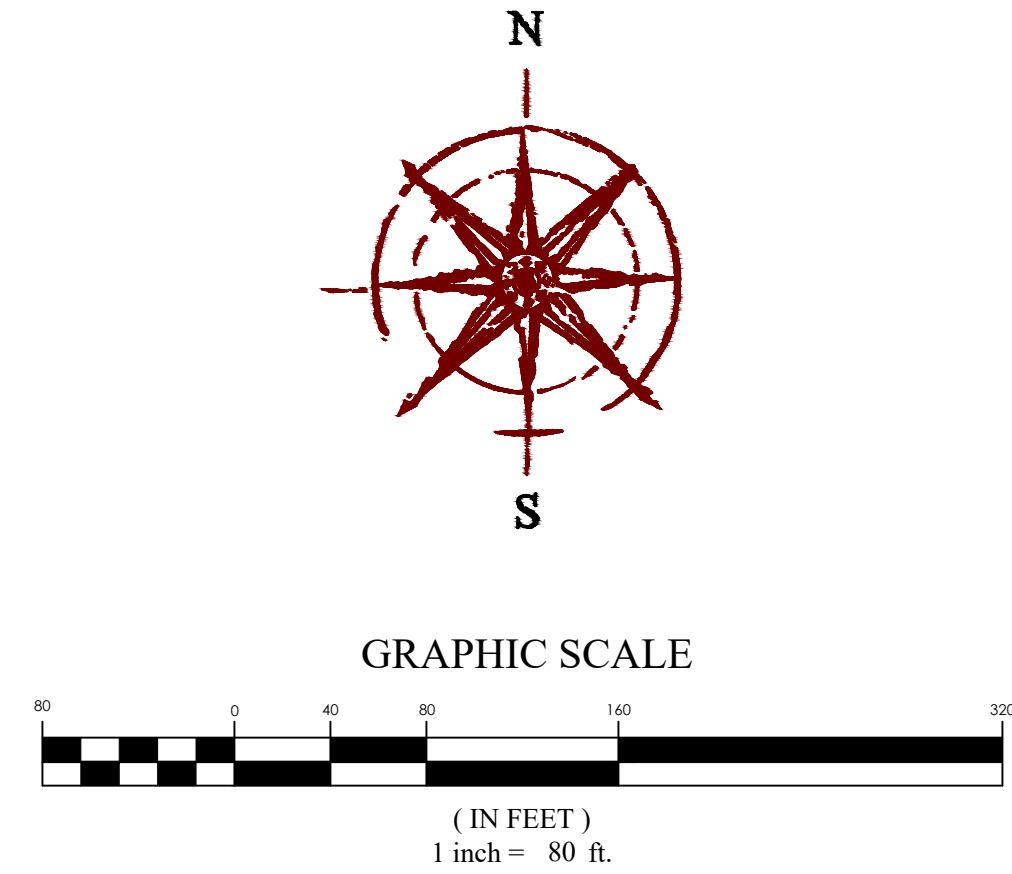
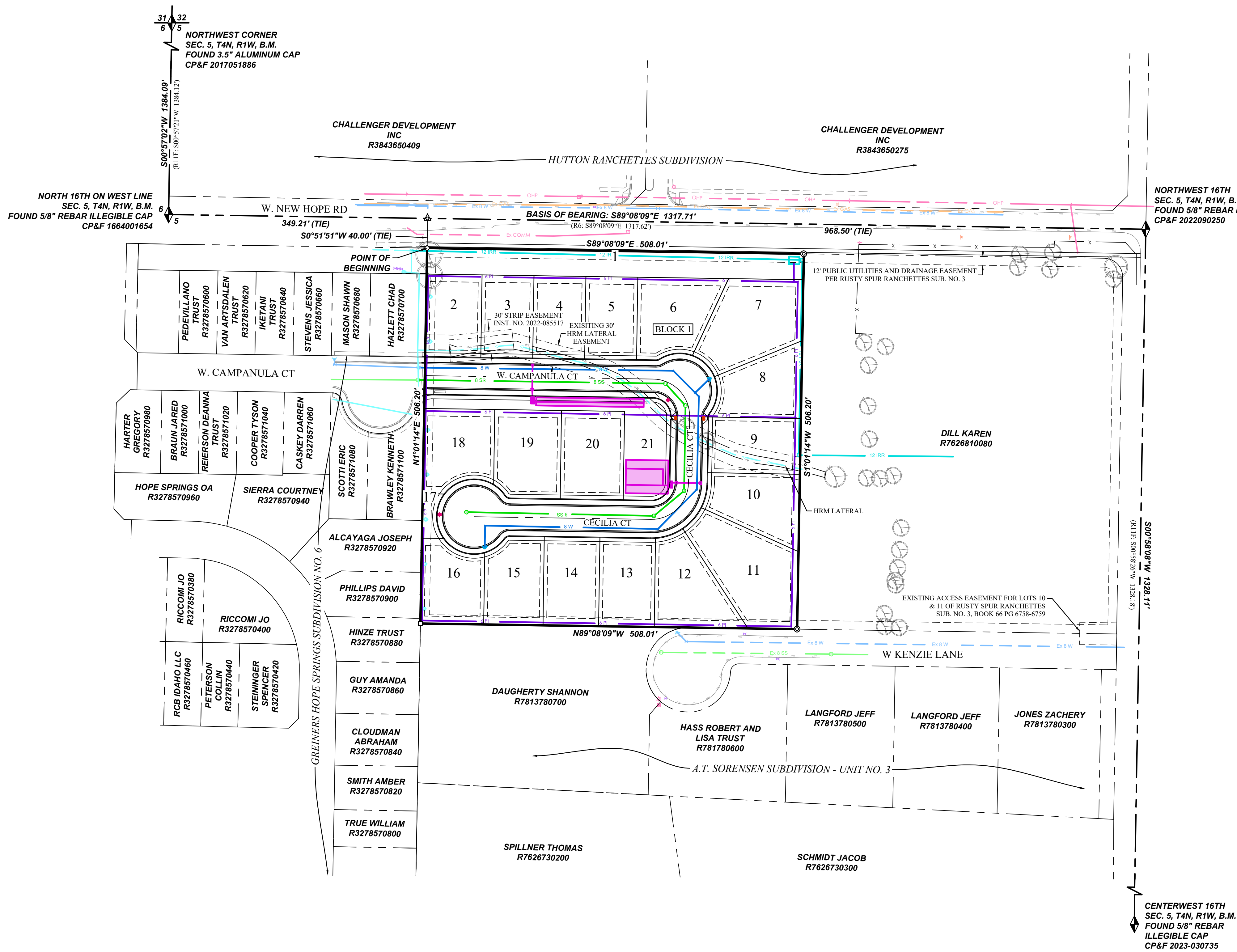
	BOUNDARY LINE
	SECTION LINE
	EXIST. EASEMENT LINE
	PUBLIC UTILITY EASEMENT
	SETBACK LINE
	EXIST. PROPERTY LINE
	EXIST. CONTOUR MAJOR
	EXIST. CONTOUR MINOR
	EXIST. SANITARY SEWER
	EXIST. CULINARY WATER
	EXIST. IRRIGATION
	EXIST. NATURAL GAS
	EXIST. COMMUNICATIONS
	EXIST. OVERHEAD POWER
	EXIST. FENCE
	EXIST. IRRIGATION DITCH FLOWLINE
	EXIST. CONCRETE, CURB & GUTTER, SIDEWALK
	EXIST. EDGE OF ASPHALT
	SECTION MONUMENT (FOUND)
	SECTION MONUMENT (NOT FOUND)
	SET 5/8" REBAR W/ PLASTIC CAP STAMPED "FOCUS ENGINEERING PL327164"
	FOUND 5/8" REBAR W/ PLASTIC CAP STAMPED "CSC 18780"
	FOUND 5/8" REBAR W/ BROKEN CAP "ISG"
	EXIST. SEWER MANHOLE
	EXIST. WATER VALVE & WATER METER
	EXIST. FIRE HYDRANT
	EXIST. IRRIGATION BOX & VALVE
	EXIST. STREET LIGHT
	EXIST. POWER POLE
	EXIST. ELECTRICAL BOX
	EXIST. COMMUNICATIONS BOX
	EXIST. SPOT ELEVATION
	XX" STORM DRAIN
	XX" SANITARY SEWER
	XX" WATER
	XX" PRESSURE IRRIGATION
	STREET LIGHT
	SD MH, INLET, and COMBO
	SEWER MANHOLE
	IRRIGATION BOX
	PRESSURIZED IRRIGATION METER, WATER M
	WATER VALVE, TEE & BEND
	PRESSURIZED IRRIGATION VALVE, TEE & BEND
	WATER BLOW-OFF
	FIRE HYDRANT

OWNER	DEVELOPER	ENGINEER	SURVEYOR
OWEN HAMMOND 3591 N HOPE VALLEY LN EAGLE, ID 83616	PAUL HILBIG 2667 E GALA CT, STE 120 MERIDIAN, ID 83642 208-921-2506 paulhilbig@gmail.com	TOM ROMNEY FOCUS CONSULTING 6949 S HIGH TECH DRIVE, SUITE 200 MIDVALE, UTAH 84047 (801) 633-4428 tromney@focus-es.com	TRENTON SMITH FOCUS CONSULTING 1001 N. ROSARIO AVE, STE 100 MERIDIAN, ID 83642 (208) 974-0075 tsmith@focus-es.com

RUSTY FLATS SUBDIVISION PRELIMINARY PLAT

A PORTION OF LOT 11, BLOCK 1, RUSTY SPUR RANCHETTES SUBDIVISION NO. 3
AS SHOWN ON RECORD OF SURVEY NO. 13864 AS PARCEL "D"

A PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 5
TOWNSHIP 4 NORTH, RANGE 1 WEST, BOISE MERIDIAN
CITY OF STAR, ADA COUNTY, IDAHO



FLOOD PLAIN DATA
TOTAL ACREAGE OF SITE IN SPECIAL FLOOD HAZARD AREA : 0 ACRES
THE CURRENT FLOOD ZONE FOR THIS PROPERTY IS ZONE X.
FIRM PANEL: 16001C0130J
EFFECTIVE DATE(S): 06/19/2020
PROPERTY DOES NOT FALL WITHIN SHOWN FLOOD ZONE

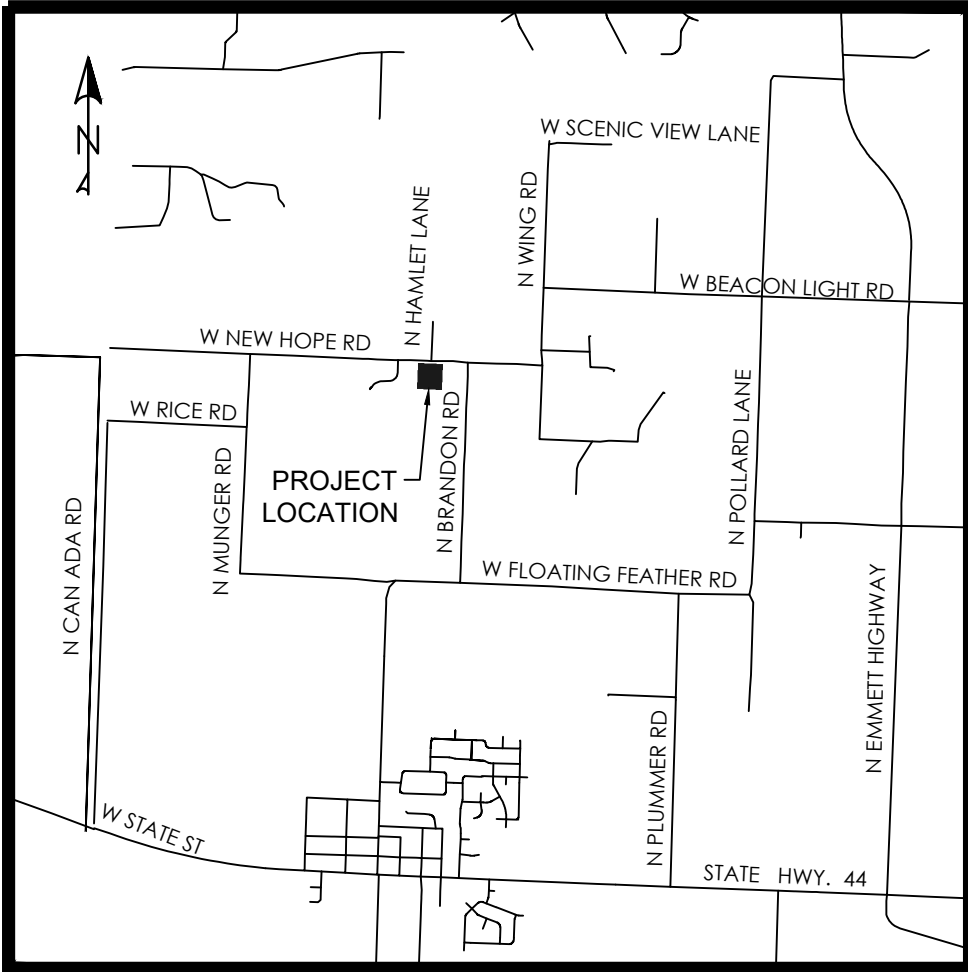
LEGAL DESCRIPTION
A PARCEL OF LAND BEING A PORTION OF LOT 11 OF BLOCK 1 OF RUSTY SPUR RANCHETTES SUBDIVISION NO. 3, FILED FOR RECORD IN THE OFFICE OF THE ADA COUNTY RECORDER, BOISE, IDAHO IN BOOK 66 OF PLATS AT PAGE 6758, AS SHOWN ON RECORD OF SURVEY NO. 13864, FILED FOR RECORD IN THE OFFICE OF THE ADA COUNTY RECORDER, BOISE, IDAHO, UNDER INSTRUMENT NO. 2023-01461 LYING IN THE NW 1/4 OF SECTION 5, T.4N., R.1W., B.M., ADA COUNTY, IDAHO AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTH 16TH CORNER ON THE WEST LINE OF SECTION 5, T.4N., R.1W., B.M., FROM WHICH THE NORTHWEST 16TH CORNER OF SAID SECTION 5 BEARS S89°08'09"E 1317.71 FEET; THENCE S89°08'09"E ALONG SAID 16TH LINE A DISTANCE OF 349.21 FEET TO A POINT; THENCE S0°51'51"W 40.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 11, MARKED BY A 5/8" IRON PIN, ALSO BEING THE POINT OF BEGINNING;
THENCE S89°08'09"E 508.01 FEET ALONG THE NORTH BOUNDARY OF SAID LOT 11 TO A POINT;
THENCE LEAVING SAID NORTH BOUNDARY S01°01'14"W 506.20 FEET ALONG A LINE EAST OF AND PARALLEL WITH SAID WEST BOUNDARY OF LOT 11 TO A POINT ON THE SOUTH BOUNDARY OF SAID LOT 11;
THENCE N89°08'09"W 508.01 FEET TO THE SOUTHWEST CORNER OF SAID LOT 11, MARKED BY A 5/8" IRON PIN;
THENCE ALONG THE WEST BOUNDARY OF SAID LOT 11 N01°01'14"E 506.20 FEET TO THE POINT OF BEGINNING.

CONTAINS: 5.90 ACRES +/-

RUSTY FLATS SUBDIVISION
A PART OF THE SW QUARTER OF THE NW QUARTER OF SECTION 5
TOWNSHIP 4 NORTH, RANGE 1 WEST, BOISE MERIDIAN
CITY OF STAR, ADA COUNTY, IDAHO

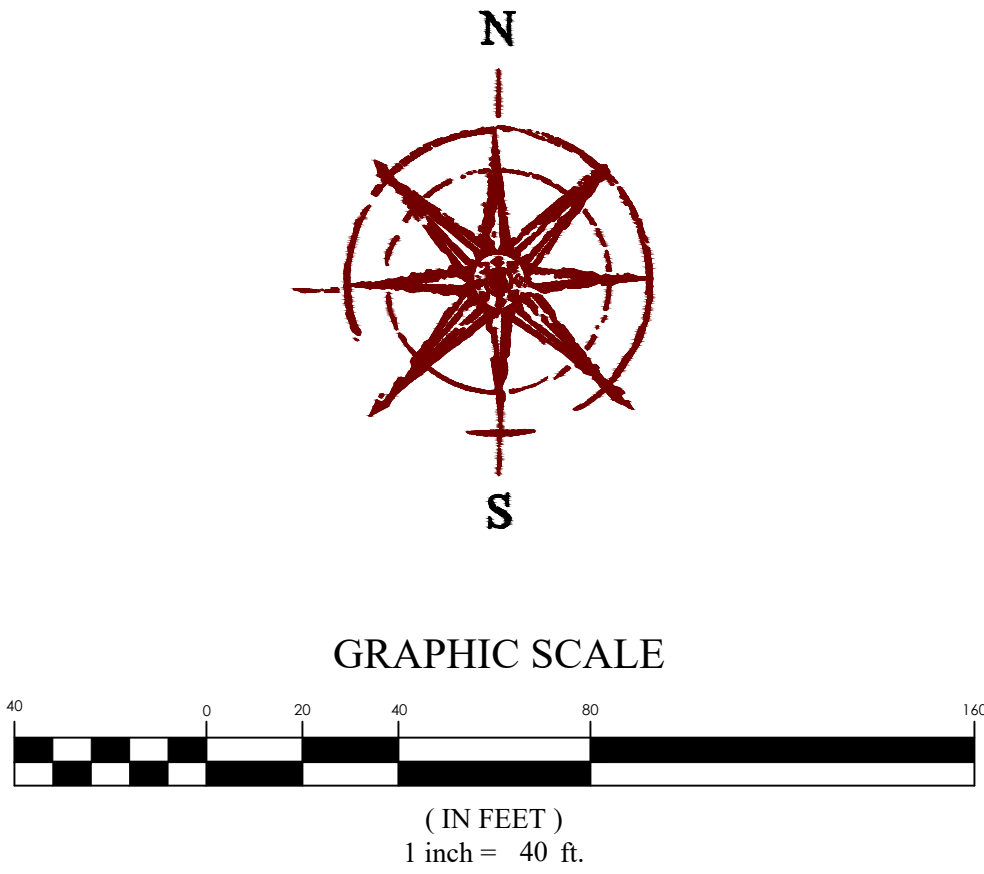
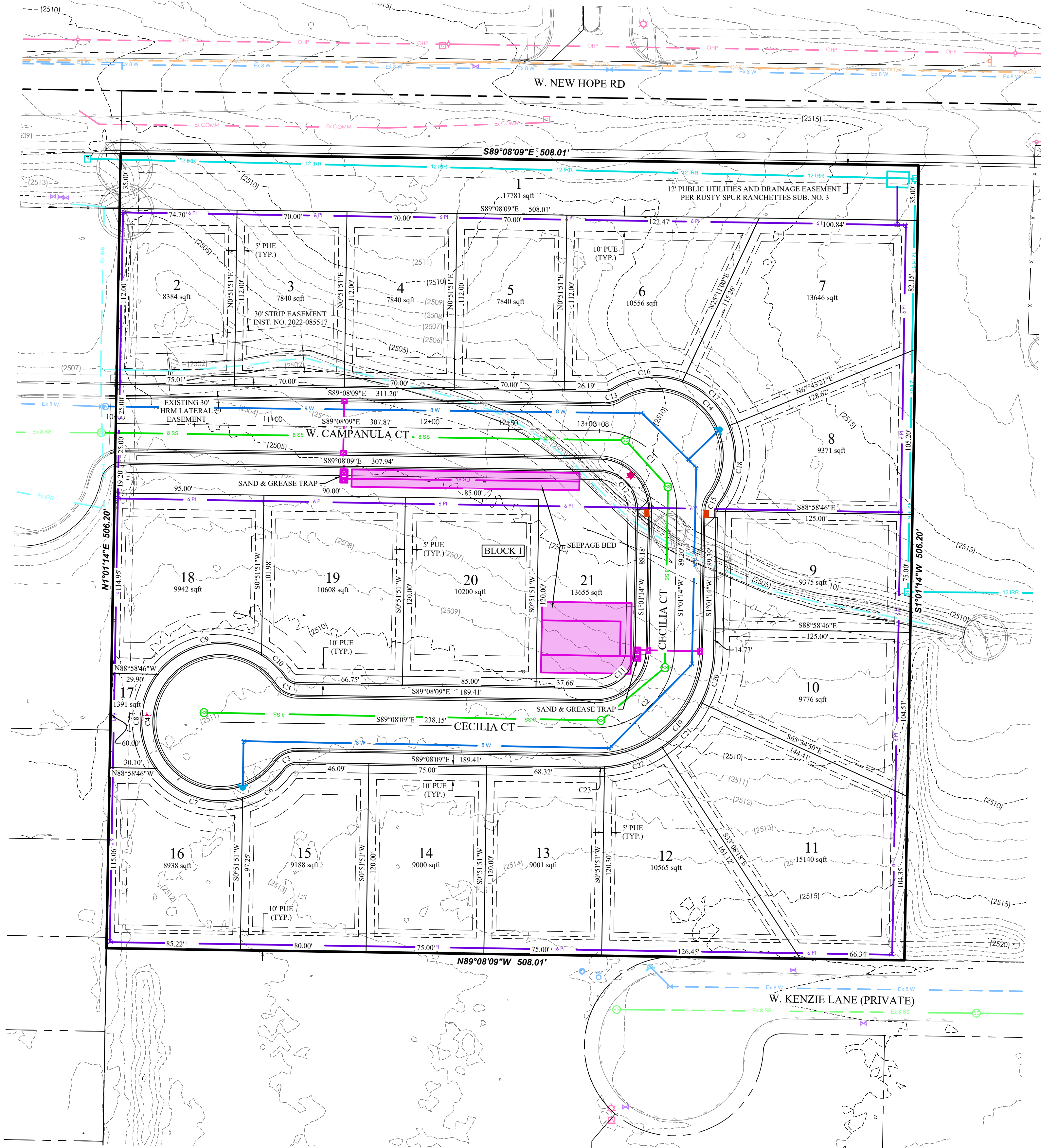
REVISION BLOCK	
#	DESCRIPTION
1	
2	
3	
4	
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6	
7	
8	
9	

Drawn: MLW	Checked: JTS
Scale: 1"=80'	Job #: 25-5068
Date: 04/01/2026	
Sheet:	



VICINITY MAP
NTS

- LEGEND**
- BOUNDARY LINE
 - SECTION LINE
 - SECTION LINE
 - EXIST. EASEMENT LINE
 - PUBLIC UTILITY EASEMENT
 - SETBACK LINE
 - EXIST. PROPERTY LINE
 - EXIST. CONTOUR MAJOR
 - EXIST. CONTOUR MINOR
 - EXIST. SANITARY SEWER
 - EXIST. CULINARY WATER
 - EXIST. IRRIGATION
 - EXIST. NATURAL GAS
 - EXIST. COMMUNICATIONS
 - EXIST. OVERHEAD POWER
 - EXIST. FENCE
 - EXIST. IRRIGATION DITCH FLOWLINE
 - EXIST. CONCRETE, CURB & GUTTER, SIDEWALK
 - EXIST. EDGE OF ASPHALT
 - SECTION MONUMENT (FOUND)
 - SECTION MONUMENT (NOT FOUND)
 - SET 5/8" REBAR W/ PLASTIC CAP STAMPED
"FOCUS ENGINEERING PLS3271644"
 - FOUND 5/8" REBAR W/ PLASTIC CAP STAMPED
"CSC 18780"
 - FOUND 5/8" REBAR W/ BROKEN CAP "ISG"
 - EXIST. SEWER MANHOLE
 - EXIST. WATER VALVE & WATER METER
 - EXIST. FIRE HYDRANT
 - EXIST. IRRIGATION BOX & VALVE
 - EXIST. STREET LIGHT
 - EXIST. POWER POLE
 - EXIST. ELECTRICAL BOX
 - EXIST. COMMUNICATIONS BOX
 - EXIST. SPOT ELEVATION
 - XX SD
 - XX SS
 - XX W
 - XX P
 - SD MH, INLET, AND COMBO
 - SEWER MANHOLE
 - IRRIGATION BOX
 - PRESSURIZED IRRIGATION METER, WATER METER
 - WATER VALVE, TEE & BEND
 - PRESSURIZED IRRIGATION VALVE, TEE & BEND
 - WATER BLOW-OFF
 - FIRE HYDRANT



Curve Table					
CURVE	RADIUS	DELTA	LENGTH	CHORD DIRECTION	CHORD LENGTH
C1	50.00'	90°09'23"	78.68'	N44°03'28"W	70.81'
C2	50.00'	89°50'37"	78.40'	N45°56'33"E	70.61'
C3	10.00'	54°18'53"	9.48'	S63°42'25"W	9.13'
C4	50.00'	288°37'46"	251.88'	S00°51'51"W	58.33'
C5	10.00'	54°18'53"	9.48'	S61°58'43"E	9.13'
C6	50.00'	37°03'47"	32.34'	S55°04'52"W	31.78'
C7	50.00'	70°20'33"	61.39'	N71°12'59"W	57.60'
C8	50.00'	73°44'25"	64.35'	N00°49'30"E	60.00'
C9	50.00'	83°49'03"	73.14'	N79°36'14"E	66.79'
C10	50.00'	23°39'58"	20.65'	S46°39'15"E	20.51'
C11	25.00'	89°50'37"	39.20'	N45°56'33"E	35.31'
C12	25.00'	90°09'23"	39.34'	N44°03'28"W	35.40'
C13	10.00'	32°57'27"	5.75'	N74°23'07"E	5.67'
C14	50.00'	158°16'24"	138.12'	N42°57'25"W	98.21'
C15	10.00'	35°09'33"	6.14'	S18°36'01"W	6.04'
C16	50.00'	51°49'09"	45.22'	N83°48'58"E	43.70'
C17	50.00'	47°59'48"	41.88'	S46°16'33"E	40.67'
C18	50.00'	58°27'27"	51.01'	S06°57'04"W	48.83'
C19	75.00'	89°50'37"	117.61'	N45°56'33"E	105.92'
C20	75.00'	25°54'31"	33.91'	S13°57'52"W	33.63'
C21	75.00'	28°56'19"	37.88'	S41°23'17"W	37.48'
C22	75.00'	29°53'42"	39.13'	S70°48'17"W	38.69'
C23	75.00'	5°06'43"	6.69'	S88°18'29"W	6.69'

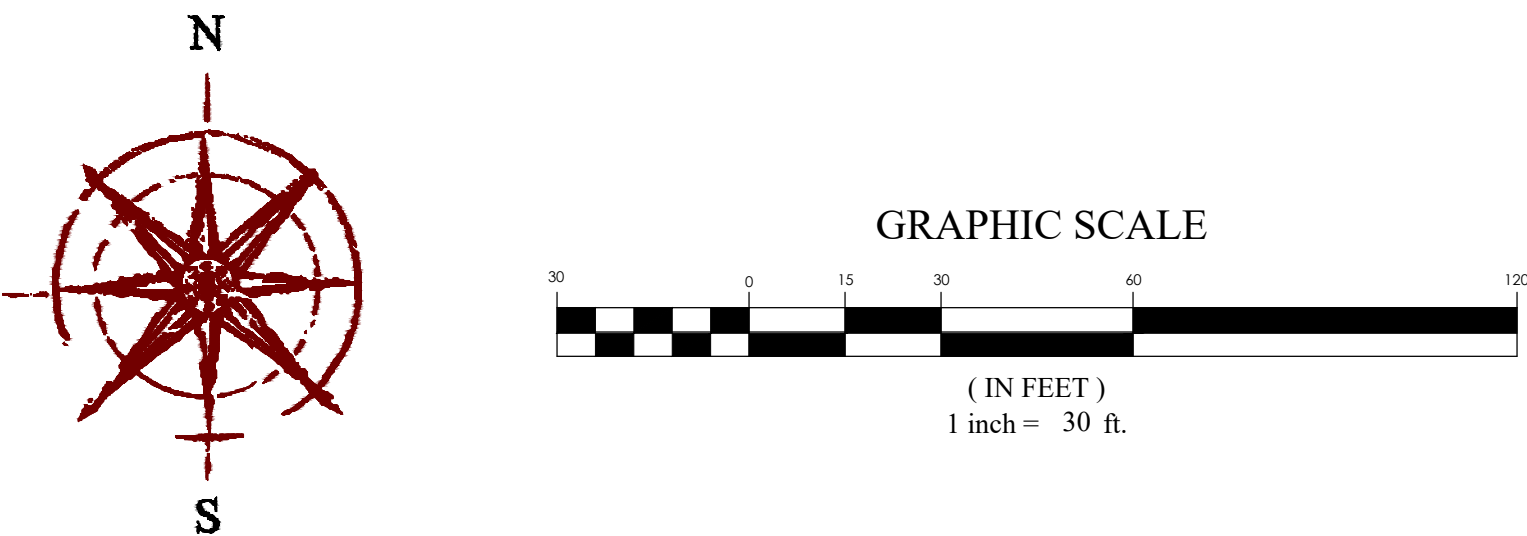
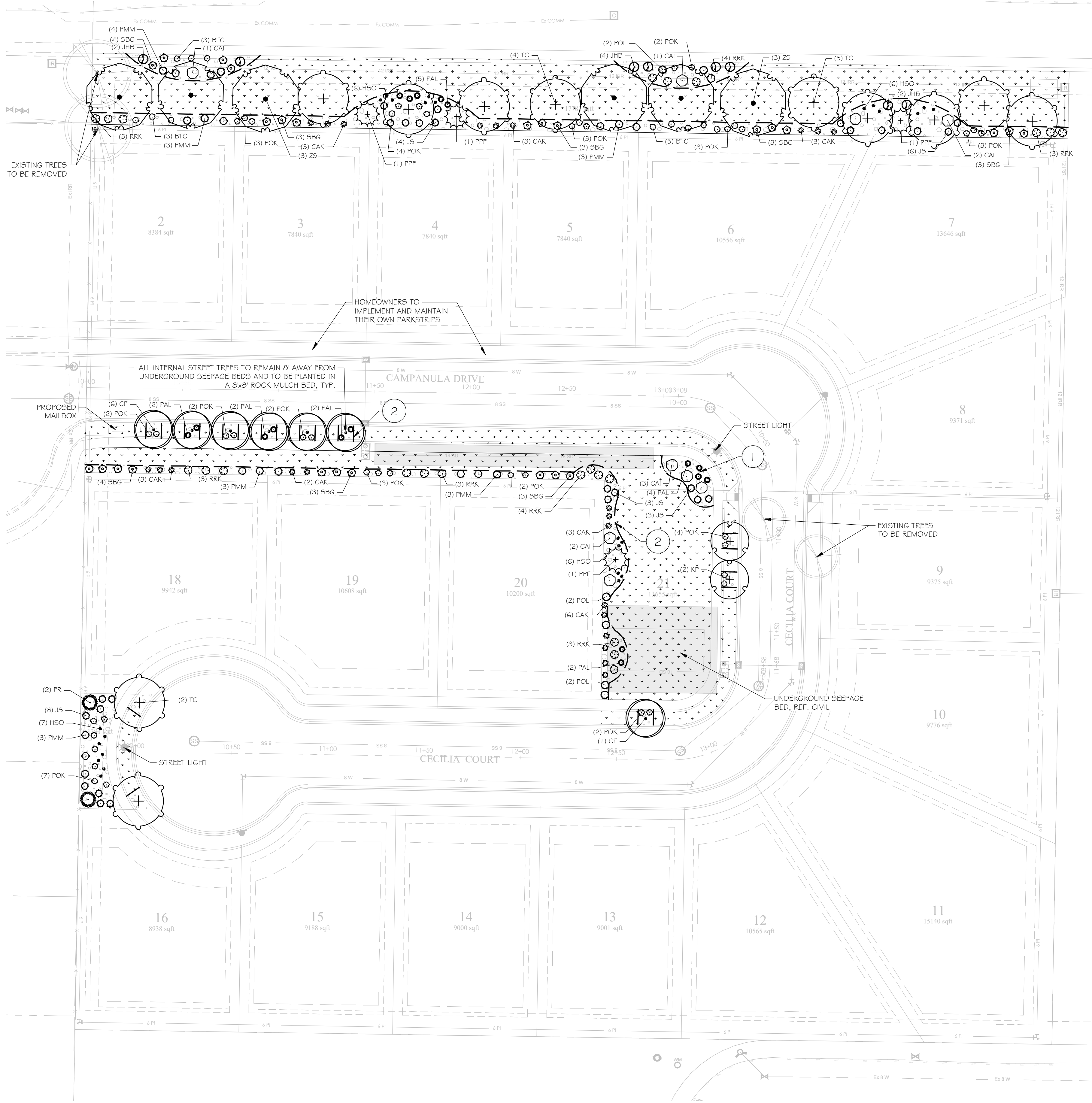
RUSTY FLATS SUBDIVISION
A PART OF THE SW QUARTER OF THE NW QUARTER OF SECTION 5
TOWNSHIP 4 NORTH, RANGE 1 WEST, BOISE MERIDIAN
CITY OF STAR, ADA COUNTY, IDAHO

REVISION BLOCK		DESCRIPTION
#	DATE	
1		
2		
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4		
5		
6		

Drawn: MLW
Scale: 1"=40'
Date: 04/01/2026
Sheet:

Checked: JTS
Job #: 25-5068

FOR
REVIEW
ONLY



LANDSCAPE TABLE		
ITEM		
TOTAL PARK STRIP AREA	507 LINEAR FEET	
	CITY REQUIREMENT	PROPOSED
SHADE TREES	15	15
EVERGREEN TREES	15	15
SHRUBS	40	61

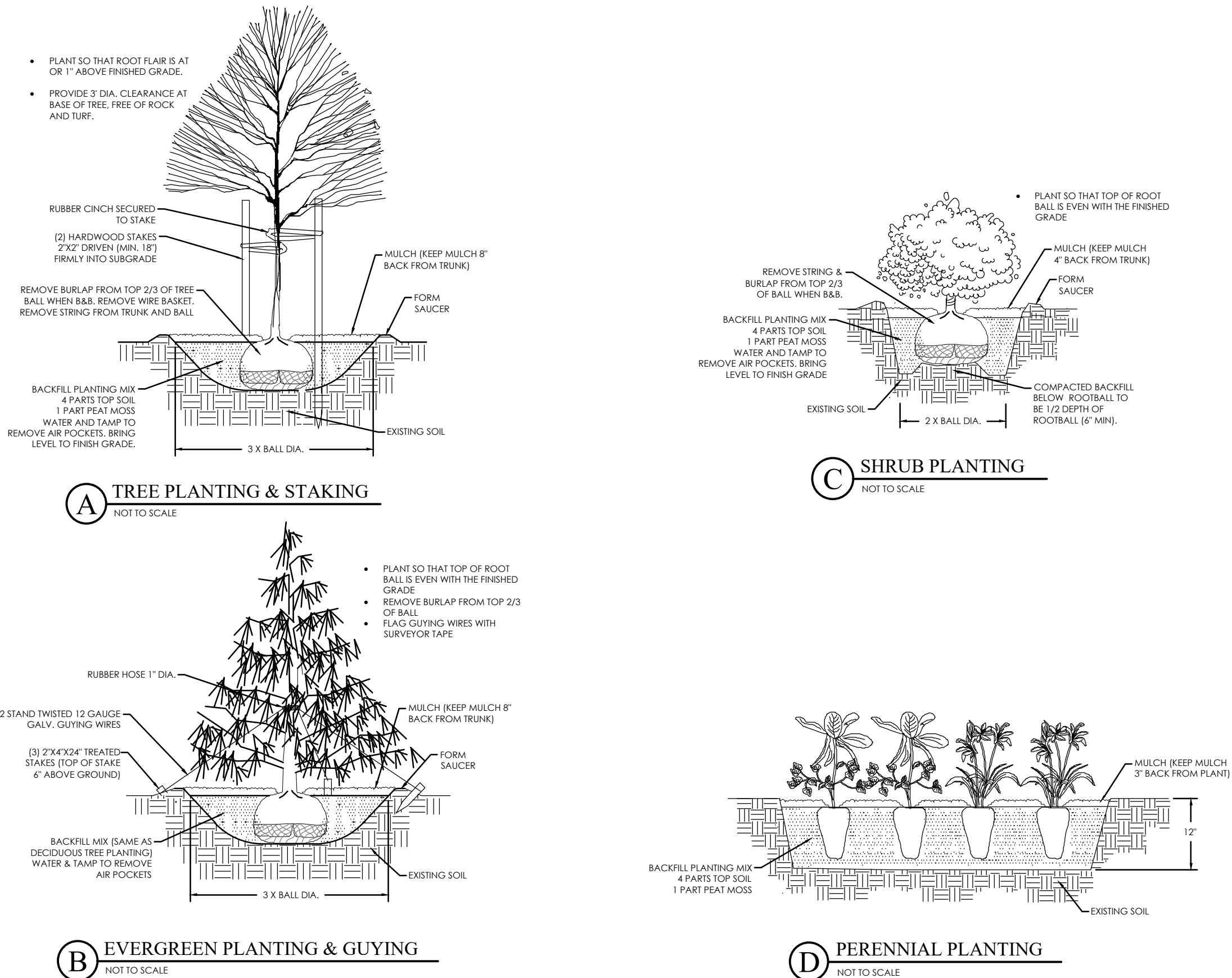
PLANT SCHEDULE

CODE	BOTANICAL NAME	COMMON NAME	SIZE	QTY
TREES				
CF	CERCIS CANADENSIS 'FOREST PANSY'	EASTERN REDBUD	1.5" CAL.	7
FR	FAGUS SYLVATICA 'RED OBELISK'	RED OBELISK EUROPEAN BEECH	1.5" CAL.	2
KP	KOELREUTERIA PANICULATA	GOLDEN RAIN TREE	1.5" CAL.	2
TC	TILIA CORDATA	LITTLELEAF LINDEN	1.5" CAL.	11
ZS	ZELKOVA SERRATA 'GREEN VASE'	GREEN VASE JAPANESE ZELKOVA	1.5" CAL.	6
EVERGREEN TREES				
J5	JUNIPERUS SCOPULORUM 'SKYROCKET'	SKYROCKET JUNIPER	6" HT.	24
PFF	PICEA PUNGENS 'FASTIGIATA'	COLUMNAR COLORADO SPRUCE	6" HT.	4
SHRUBS				
BTC	BERBERIS THUNBERGII 'CONCORDE'	CONCORDE JAPANESE BARBERRY	5 GAL.	11
CAI	CORNUS ALBA 'BAILHALO' TM	IVORY HALO DOGWOOD	5 GAL.	9
JHB	JUNIPERUS HORIZONTALIS 'BLUE CHIP'	BLUE CHIP JUNIPER	5 GAL.	8
POL	PHYSCARPUS OPULIFOLIUS 'DONNA MAY' TM	LITTLE DEVIL NINEBARK	5 GAL.	6
PMM	PINUS MUGO 'MOPS'	MOPS MUGO PINE	5 GAL.	19
RRK	ROSA X 'RED KNOCK OUT'	RED KNOCK OUT ROSE	5 GAL.	23
SBG	SPIRAEA X BUMALDA 'GOLDFLAME'	GOLDFLAME SPIREA	5 GAL.	26
ORNAMENTAL GRASSES				
CAK	CALAMAGROSTIS X ACUTIFLORA 'KARL FOERSTER'	KARL FOERSTER FEATHER REED GRASS	1 GAL.	23
POK	PENNISETUM ALOPECUROIDES 'KARLEY ROSE'	KARLEY ROSE FOUNTAIN GRASS	1 GAL.	42
PERENNIALS				
H50	HEMEROCALLIS X 'STELLA DE ORO'	STELLA DE ORO DAYLILY	1 GAL.	25
PAL	PEROVSKIA ATRIFLICOLIA 'LITTLE SPIRE'	LITTLE SPIRE RUSSIAN SAGE	1 GAL.	17
SYMBOL				
CODE	BOTANICAL NAME	COMMON NAME	SIZE	QTY
GROUND COVERS				
RTF	TURF SOD	RYZOMATIOUS TALL FESCUE	SOD	25,104 SF

REFERENCE NOTES SCHEDULE

SYMBOL	CODE	DESCRIPTION	QTY
	1	DECORATIVE ROCK, TYPE T.B.D.	9,969 SF
	2	STEEL EDGING	1,286 LF

- LANDSCAPE NOTES
- LAWN AREAS WILL BE SODED WITH RYZOMATIOUS TALL FESCUE BLEND OVER 4 INCHES GOOD GRADE TOPSOIL.
 - TOP DRESS ALL SHRUB BED AREAS AND OTHER AREAS LABELED ROCK MULCH WITH 4" DEEP OF ROCK TYPE(S) SPECIFIED IN THE REFERENCE NOTE SCHEDULE. PLACE ROCK OVER DEWITT PRO-S WEED BARRIER FABRIC. FABRIC SHALL BE INSTALLED AFTER PRE-EMERGENT HAS BEEN APPLIED.
 - INSTALL STEEL EDGING FOR MOW STRIPS BETWEEN LAWN AREAS AND PLANTING BEDS.
 - CONTRACTOR TO CONDUCT THEIR OWN QUANTITY TAKE-OFFS IN THE PLAN AND VERIFY ANY DISCREPANCIES WITH THE LANDSCAPE ARCHITECT.
 - CONTRACTOR SHALL VERIFY ALL UTILITIES SHOWN ON THE PLANS AS WELL AS HAVE THE SITE UTILITIES LOCATED ON THE GROUND PRIOR TO THE START OF CONSTRUCTION ACTIVITIES. IN THE EVENT THAT THE CONTRACTOR DISCOVERS AN UNDERGROUND UTILITY THAT IS NOT REPRESENTED WITHIN THE CONSTRUCTION DOCUMENTS OR AS MARKED ON THE SITE, HE SHALL IMMEDIATELY CONTACT THE OWNERS REPRESENTATIVE TO DETERMINE NEXT STEPS PRIOR TO ANY CONSTRUCTION ACTIVITIES WITHIN THE AREA OF THE NEWLY DISCOVERED UNDERGROUND UTILITY.
 - THE CONTRACTOR SHALL ENSURE POSITIVE DRAINAGE THROUGHOUT CONSTRUCTION ACTIVITIES FOR THE PROJECT. ACCUMULATION OF STANDING WATER WILL NOT BE PERMITTED.



RUSTY FLATS SUBDIVISION
STAR, IDAHO
LANDSCAPE PLAN

REVISION BLOCK		DESCRIPTION
#	DATE	
1	----	----
2	----	----
3	----	----
4	----	----
5	----	----
6	----	----

LANDSCAPE PLAN

Scale: 1"=30' Drawn: AH
Date: 04/02/26 Job #: 25-5068
Sheet: L1.0



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www.focus-es.com



City of Star

P.O. Box 130
Star, Idaho 83669
208-286-7247
Fax 208-286-7569

www.staridaho.org



Mayor:
Trevor A. Chadwick

Council:
Kevin Nielsen
Jennifer Salmonsens
Kevan Wheelock
Steve Day

8 June 2026

Paul Hilbig
2667 E. Gala Ct.
Ste 120
Meridian, ID 83642

Re: Rusty Flats Subdivision – Preliminary Plat Application

Dear Mr. Hilbig

The City of Star Engineering Department has reviewed the Preliminary Plat for the Rusty Flats Subdivision dated April 14, 2026. We reviewed the applicant's package to check conformance with the City's Subdivision Ordinance and coordinated our review with Shawn L. Nickel. We have the following comments and question based on our review.

1. Please include notes on the face of the plat, to include methods of handling easements for irrigation, utilities, water, and sewer.
2. Drawings and plats submitted for official engineering review are required to be stamped, signed, and dated by a licensed professional per the state of Idaho requirements.
3. Street lighting shall be in accordance with ISPWC and the City of Star Supplementals. Cut sheet for lights and light poles shall be approved in writing by the City prior to installation. Street lighting is required at all cul-de-sacs, intersections, and corners.
4. Historic irrigation lateral, drain, and ditch flow patterns shall be maintained unless approved in writing by the local irrigation district or ditch company, provide additional information about maintaining existing flow patterns.
5. Tree species must meet the City of Boise acceptable species guidelines, for location within or adjacent to right-of-way, as adopted by Star City code. Street trees must be placed every 35 feet along street frontage.

6. Potable water cannot be used for irrigation purposes. A separate pressure irrigation system will be required. Construction plans for a subdivision-wide pressure irrigation system will be required for each final plat. Plan approvals and license agreements from the affected irrigation and/or canal companies will be required.
7. Finish grades at subdivision boundaries shall match existing finish grades. Runoff shall be maintained on subdivision property unless otherwise approved.
8. 10-foot easements for pressure irrigation lines will need to be shown once the applicant determines the alignment location(s) for the facilities. Show all ditch and drainage easements.
9. Easements for sewer/water facilities will be required where placed outside of public right of way.
10. This subdivision will need to be annexed into the Star Sewer and Water District to provide water and sewer to the site.

We recommend that the conditions 1 through 5 listed above be addressed prior to approval of the Preliminary Plat. 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 Preliminary Plat does not relieve the Registered Professional Land Surveyor or the Registered Professional Engineer of those responsibilities.

If you have any questions, please do not hesitate to contact City Hall

Sincerely,



Ryan V. Morgan, P.E.
City Engineer

Enclosures

Shawn Nickel

From: D3 Development Services <D3Development.Services@itd.idaho.gov>
Sent: Thursday, May 21, 2026 10:21 AM
To: Shawn Nickel
Subject: RE: Agency Transmittal - Rusty Flats Subdivision

Hello,

After careful review of the transmittal submitted to ITD on May 4, 2026, regarding, Rusty Flats Subdivision, the Department has no comments or concerns to make at this time. This application does not meet thresholds for a Traffic Impact Study, nor does it pose any safety concerns. If you have any questions, please contact Kendra Conder at 208-334-8377 /Kendra.Conder@itd.idaho.gov

Thank you

Mila Kinakh

D3 Planning and Development

From: Barbara Norgrove <bnorgrove@staridaho.org>
Sent: Monday, May 4, 2026 2:02 PM
To: sheriff@adaweb.net; Daniel.Weed@cableone.biz; Terence.Alsup@cableone.biz; Lbadigian@cdhd.idaho.gov; Gloria Stokes <drain.dist.2@gmail.com>; rbeck@adacounty.id.gov; GIS@tax.idaho.gov; D3 Development Services <D3Development.Services@itd.idaho.gov>; Ryan Morgan <rmorgan@staridaho.org>; rmorgan@starswd.com; bryce@sawtoothlaw.com; gtiminsky@midstarfire.org; Melvin.B.Norton@usps.gov; harp.kimberly@westada.org; farmers.union.ditch@gmail.com; ERIC.GRZEBINSKI@mdu.com; planningreview@achdidaho.org; hday@starswd.com; BRO.Admin@deq.idaho.gov; samuel.flores@sparklight.biz; PDickerson@idahopower.com; permits@midstarfire.org; info@pioneerirrigation.com; irrigation.mm.mi@gmail.com; syarrington@adacounty.id.gov; gmpdrtim@gmail.com; Andy Waldera <andy@sawtoothlaw.com>; brandon.flack@idfg.idaho.gov; Ryan Field <rfield@staridaho.org>; file@idwr.idaho.gov; data@landprodata.com; Cheryl.imlach@intgas.com; irr.water.3@gmail.com; Mwallace@achdidaho.org; Richard Girard <rgirard@starp pathways.org>; sheriff@adaweb.net; Daniel.Weed@cableone.biz; Terence.Alsup@cableone.biz; Lbadigian@cdhd.idaho.gov; Gloria Stokes <drain.dist.2@gmail.com>; rbeck@adacounty.id.gov; GIS@tax.idaho.gov; D3 Development Services <D3Development.Services@itd.idaho.gov>; Ryan Morgan <rmorgan@staridaho.org>; rmorgan@starswd.com; bryce@sawtoothlaw.com; gtiminsky@midstarfire.org; Melvin.B.Norton@usps.gov; harp.kimberly@westada.org; farmers.union.ditch@gmail.com; ERIC.GRZEBINSKI@mdu.com; planningreview@achdidaho.org; hday@starswd.com; BRO.Admin@deq.idaho.gov; samuel.flores@sparklight.biz; PDickerson@idahopower.com; permits@midstarfire.org; info@pioneerirrigation.com; irrigation.mm.mi@gmail.com; syarrington@adacounty.id.gov; gmpdrtim@gmail.com; Andy Waldera <andy@sawtoothlaw.com>; brandon.flack@idfg.idaho.gov; Ryan Field <rfield@staridaho.org>; file@idwr.idaho.gov; data@landprodata.com; Cheryl.imlach@intgas.com; irr.water.3@gmail.com; Mwallace@achdidaho.org; Kerry.schmidt@intgas.com; Chris Todd <ctodd@starp pathways.org>; gis@compassidaho.org; Vincent Trimboli <Vincent.Trimboli@itd.idaho.gov>; zsmith@adacounty.id.gov; Brian Duran <Brian.Duran@itd.idaho.gov>; gmpdclerk@gmail.com; carson.miranda@westada.org; reinhart.david@westada.org; RKlein@republicservices.com; Bcopes@cdh.idaho.gov; Dunn, Taylor <TDunn@idahopower.com>; Tammy.middletonirrigation@gmail.com; file@idwr.idaho.gov; JMaffuccio@idahopower.com
Subject: FW: Agency Transmittal - Rusty Flats Subdivision

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.



May 11, 2026

Shawn L. Nickel, Planning Director and Zoning Administrator
Star City Hall
P.O. Box 130, Star, Idaho 83669
snickel@staridaho.org

Subject: Rusty Flats Subdivision

Dear Shawn L. Nickel:

Thank you for the opportunity to respond to your request for comment. While DEQ does not review every project on a project-specific basis, we attempt to provide the best review of the information provided. DEQ encourages agencies to review and utilize the Idaho Environmental Guide to assist in addressing project-specific conditions that may apply. This guide can be found at:
<https://www2.deq.idaho.gov/admin/LEIA/api/document/download/15083>.

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

1. AIR QUALITY

- Please review IDAPA 58.01.01 for all rules on Air Quality, especially those regarding fugitive dust (58.01.01.651), and trade waste burning (58.01.01.600-617).
- For new development projects, all property owners, developers, and their contractors must ensure that reasonable controls to prevent fugitive dust from becoming airborne are utilized during all phases of construction activities per IDAPA 58.01.01.651.
- DEQ recommends the city/county require the development and submittal of a dust prevention and control plan for all construction projects prior to final plat approval. Dust prevention and control plans incorporate appropriate best management practices to control fugitive dust that may be generated at sites.
- Citizen complaints received by DEQ regarding fugitive dust from development and construction activities approved by cities or counties will be referred to the city/county to address under their ordinances.
- Per IDAPA 58.01.01.600-617, the open burning of any construction waste is prohibited. The property owner, developer, and their contractors are responsible for ensuring no prohibited open burning occurs during construction.
- For questions, contact David Luft, Air Quality Manager, at (208) 373-0550.

2. WASTEWATER AND RECYLED WATER

- DEQ recommends verifying that there is adequate sewer to serve this project prior to approval. Please contact the sewer provider for a capacity statement, declining balance report, and willingness to serve this project.
- IDAPA 58.01.16 and IDAPA 58.01.17 are the sections of Idaho rules regarding wastewater and recycled water. Please review these rules to determine whether this or future projects will require DEQ approval. IDAPA 58.01.03 is the section of Idaho rules regarding subsurface disposal of wastewater. Please review this rule to determine whether this or future projects will require permitting by the local public health district.
- All projects for construction or modification of wastewater systems require preconstruction approval. Recycled water projects and subsurface disposal projects require separate permits as well.
- DEQ recommends that projects be served by existing approved wastewater collection systems or a centralized community wastewater system whenever possible. Please contact DEQ to discuss potential for development of a community treatment system along with best management practices for communities to protect groundwater.
- DEQ recommends that cities and counties develop and use a comprehensive land use management plan, which includes the impacts of present and future wastewater management in this area. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.
- For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0459.

3. DRINKING WATER

- DEQ recommends verifying that there is adequate water to serve this project prior to approval. Please contact the water provider for a capacity statement, declining balance report, and willingness to serve this project.
- DEQ recommends verifying if the current and/or proposed drinking water system is a regulated public drinking water system. A drinking water system is a Public Water System (PWS) if it has at least 15 service connections or regularly serves an average of 25 or more people per day for at least 60 days per year (refer to the DEQ website at: <https://www.deq.idaho.gov/water-quality/drinking-water/>). For non-regulated systems, DEQ recommends annual testing for total coliform bacteria, nitrate, and nitrite.
- IDAPA 58.01.08 is the section of Idaho rules regarding public drinking water systems. Please review these rules to determine whether this or future projects will require DEQ approval.
- All projects for construction or modification of public drinking water systems require preconstruction approval.
- If any private wells will be included in this project, we recommend that they be tested for total coliform bacteria, nitrate, and nitrite prior to use and retested annually thereafter.
- DEQ recommends using an existing drinking water system whenever possible or construction of a new community drinking water system. Please contact DEQ to discuss this project and to explore options to both best serve the future residents of this development and provide for protection of groundwater resources.
- DEQ recommends cities and counties develop and use a comprehensive land use management plan which addresses the present and future needs of this area for adequate, safe, and sustainable drinking water. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.
- For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0459.

4. SURFACE WATER

- A Construction General Permit from DEQ may be required for projects that meet the eligibility criteria and have an allowable discharge of storm water or authorized non-storm water associated with construction activities. For questions, contact Emily Montague, IPDES Compliance Supervisor, at (208) 813-0872.
- Please contact DEQ to determine whether this project will require an Idaho Pollutant Discharge Elimination System (IPDES) Permit. A Multi-Sector General Permit from DEQ may be required for facilities that have an allowable discharge of storm water or authorized non-storm water associated with the primary industrial activity and co-located industrial activity.
- For questions, contact Emily Montague, IPDES Compliance Supervisor, at (208) 373-0433.
- If this project is near a source of surface water, DEQ requests that projects incorporate construction best management practices (BMPs) to assist in the protection of Idaho's water resources. Additionally, please contact DEQ to identify BMP alternatives and to determine whether this project is in an area with Total Maximum Daily Load stormwater permit conditions.
- The Idaho Stream Channel Protection Act requires a permit for most stream channel alterations. Please contact the Idaho Department of Water Resources (IDWR), Western Regional Office, at 2735 Airport Way, Boise, or call (208) 334-2190 for more information. Information is also available on the IDWR website at:
<https://idwr.idaho.gov/streams/stream-channel-alteration-permits.html>
- The Federal Clean Water Act requires a permit for filling or dredging in waters of the United States. Please contact the US Army Corps of Engineers, Boise Field Office, at 10095 Emerald Street, Boise, or call 208-345-2155 for more information regarding permits.
- For questions, contact Lance Holloway, Surface Water Manager, at (208) 373-0564.

5. SOLID WASTE, HAZARDOUS WASTE AND GROUNDWATER CONTAMINATION

- **Solid Waste.** No trash or other solid waste shall be buried, burned, or otherwise disposed of at the project site. These disposal methods are regulated by various state regulations including Idaho's Solid Waste Management Regulations and Standards (IDAPA 58.01.06), Rules and Regulations for Hazardous Waste (IDAPA 58.01.05), and Rules and Regulations for the Prevention of Air Pollution (IDAPA 58.01.01). Inert and other approved materials are also defined in the Solid Waste Management Regulations and Standards.
- **Hazardous Waste.** The types and number of requirements that must be complied with under the federal Resource Conservation and Recovery Act (RCRA) and the Idaho Rules and Standards for Hazardous Waste (IDAPA 58.01.05) are based on the quantity and type of waste generated. Every business in Idaho is required to track the volume of waste generated, determine whether each type of waste is hazardous, and ensure that all wastes are properly disposed of according to federal, state, and local requirements.
- **Water Quality Standards.** Site activities must comply with the Idaho Water Quality Standards (IDAPA 58.01.02) regarding hazardous and deleterious-materials storage, disposal, or accumulation adjacent to or in the immediate vicinity of state waters (IDAPA 58.01.02.800); and the cleanup and reporting of oil-filled electrical equipment (IDAPA 58.01.02.849); hazardous materials (IDAPA 58.01.02.850); and used-oil and petroleum releases (IDAPA 58.01.24.060 and 58.01.24.061). Petroleum releases must be reported to DEQ in accordance with IDAPA 58.01.24.060.01 and 58.01.24.061.04. Hazardous material releases to state waters, or to land such that there is likelihood that it will enter state waters, must be reported to DEQ in accordance with IDAPA 58.01.02.850.

- **Groundwater Contamination.** DEQ requests that this project comply with Idaho's Ground Water Quality Rules (IDAPA 58.01.11), which states that "No person shall cause or allow the release, spilling, leaking, emission, discharge, escape, leaching, or disposal of a contaminant into the environment in a manner that causes a ground water quality standard to be exceeded, injures a beneficial use of ground water, or is not in accordance with a permit, consent order or applicable best management practice, best available method or best practical method."
- For questions, contact Matthew Pabich, Waste & Remediation Manager, at (208) 373-0510.

6. ADDITIONAL NOTES

- If an underground storage tank (UST) or an aboveground storage tank (AST) is identified at the site, additional regulations may apply. If an UST is present, the site should be evaluated to determine whether the UST is regulated by DEQ. If an AST is identified, EPA may have additional requirements. Both UST and AST sites should be assessed to determine whether there is potential soil and ground water contamination. Please call DEQ at (208) 373-0550, or visit the DEQ website <https://www.deq.idaho.gov/waste-management-and-remediation/storage-tanks/leaking-underground-storage-tanks-in-idaho/> for assistance. If applicable to this project, DEQ recommends that BMPs be implemented for any of the following land uses: wash water from cleaning vehicles, fertilizers and pesticides, animal facilities, composted waste, ponds and outdoor gun ranges. Please contact DEQ for more information on any of these conditions.

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

Sincerely,



Troy Smith
Regional Administrator



Miranda Gold, President
Alexis Pickering, Vice-President
Kent Goldthorpe, Commissioner
Dave McKinney, Commissioner
Patricia Nilsson, Commissioner

Date: May 22, 2026

To: Paul Hilbig

Staff Contact: Matt Pak, Planner

Project Description: Rusty Flats

Trip Generation: This development is estimated to generate 164 vehicle trips per day, 17 vehicle trips per hour in the PM peak hour, based on the Institute of Transportation Engineers Trip Generation Manual, 12th edition.

Proposed Development Meets	
All ACHD Policies	
Requires Revisions to meet ACHD Policies	X

Area Roadway Level of Service	
Do area roadways meet ACHD's LOS Planning Thresholds?	
Yes	X
No	
Area roads will meet ACHD's LOS Planning Thresholds in the future with planned improvements?	
Yes	
No	

Traffic Impact Study	
Yes	
No	X
If yes, is mitigation required	

ACHD Planned Improvements	
FYP	X
CIP	X

Livable Street Performance Measures	
Pedestrian	LTS 1
Cyclist	LTS 1

Is Transit Available?	
Yes	
No	X

connecting you to more



Project/File: **Rusty Flats / SPP26-0002 / RZ-26-01 / DA-26-02 / PP-26-02**
This is a rezone application from R-1-DA to R-3 and a preliminary plat application to allow for the development of 18 single-family residential lots and 3 common lots on 5.9 acres. This application includes a development agreement with the City of Star.

Lead Agency: City of Star

Site address: 10909 W New Hope Rd

Staff Approval: May 22, 2026

Applicant: Paul Hilbig
2667 E Gala Ct, Ste 120
Meridian, ID 83642

Representative: Mike Washburn
Focus Consulting
1001 N Rosario St, Ste 100
Meridian, ID 83642

Staff Contact: Matt Pak
Phone: 208-387-6171
E-mail: mpak@achdidaho.org

Report Summary:

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ACHD Planned Improvements

1. Capital Improvements Plan (CIP)/ Five Year Plan (FYP):

- Floating Feather Road is scheduled in the FYP to be widened to 3-lanes from Munger Road to Pollard Lane with a design year of 2028-2029 and a construction year yet to be determined.
- New Hope Road is listed in the CIP to be widened to 3-lanes from Can Ada Road to Brandon Road between 2041 and 2045.
- Beacon Light Road is listed in the CIP to be widened to 3-lanes from Brandon Road to Pollard Road between 2041 and 2045.

Level of Service Planning Thresholds

1. 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
* New Hope Road	509-feet	Minor Arterial	380	Better than "E"
** Brandon Road	N/A	Collector	135	Better than "D"
*** Campanula Court	51-feet	Local	N/A	N/A

* Acceptable level of service for a two-lane minor arterial is "E" (575 VPH).

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

***ACHD does not set level of service thresholds for local streets.

2. Average Daily Traffic Count (VDT)

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

- The average daily traffic count for New Hope Road west of Brandon Road was 6,056 on June 12, 2024.
- The average daily traffic count for Brandon Road south of New Hope Road was 2,795 on May 16, 2024.
- There are no existing traffic counts for Campanula Court.

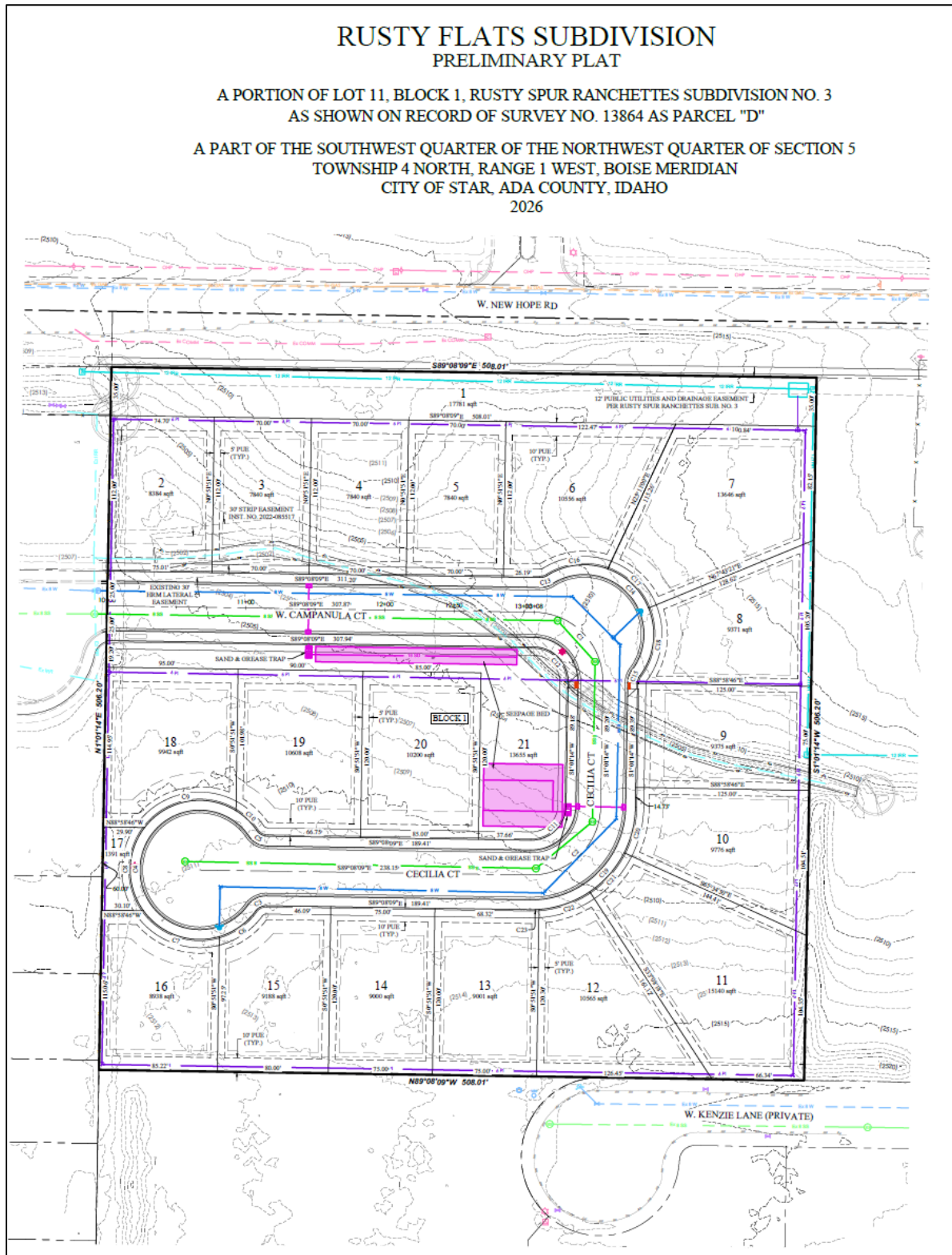
A. Site Specific Conditions of Approval

1. Improve New Hope Road with pavement widening to total a minimum of 17-feet from the section line of the roadway, a 3-foot wide gravel shoulder and 10-foot wide detached concrete sidewalk abutting the site. Locate the sidewalk a minimum of 27-feet from the section line of the roadway and tie into the existing sidewalk to the west.
2. Dedicate additional right-of-way on New Hope Road to total a minimum of 39-feet from the section line of the roadway abutting the site.
3. Extend Campanula Court into the site and construct Cecilia Court as 36-foot wide local street sections with curb, gutter, an 8-foot wide landscape strip and 5-foot wide detached concrete sidewalk on both sides of the roadway.
4. Dedicate right-of-way to 2-feet behind back of sidewalk on Campanula Court and Cecilia Court, or for detached sidewalk, dedicate right-of-way to 2-feet behind back of curb and provide a permanent right-of-way easement from the right-of-way line to 2-feet behind back of sidewalk. Sidewalk shall be located wholly within right-of-way or wholly within an easement
5. Construct a knuckle at the intersection of Campanula Court and Cecilia Court.
6. Construct a cul-de-sac turnaround at the terminus of Cecilia Court with a minimum turning radius of 50-feet.
7. Other than the access specifically approved with this application, direct lot access is prohibited to New Hope Road and should be noted on the final plat.
8. If a multi-use pathway is to be constructed within or adjacent to the site, then the design of those facilities shall be consistent with ACHD's Multi-Use Path & Raised Bike Lane Tool Kit. Additional right-of-way dedication may be required at all intersections (streets and driveways) to accommodate setbacks. Contact Development Review with questions prior to plan submittal.
9. 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.
10. 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.
11. Comply with all Standard Conditions of Approval.

B. Vicinity Map



C. Site Plan



D. Findings for Consideration

1. New Hope Road

- a. **Existing Conditions:** New Hope Road is improved with 2-travel lanes and no curb, gutter or sidewalk abutting the site. There is 66-feet of right-of-way for New Hope Road (48-feet from centerline).
- b. **Applicant Proposal:** The applicant is proposing to improve New Hope Road with 5-foot wide detached concrete sidewalk abutting the site.
- c. **Staff Comments/Recommendations:** The applicant's proposal does not meet District policy and should not be approved, as proposed. Consistent with District Frontage Improvements and Pedestrian Facilities policies, the applicant should be required to improve New Hope Road with pavement widening to total a minimum of 17-feet from the section line of the roadway, a 3-foot wide gravel shoulder and 10-foot wide detached concrete sidewalk abutting the site. The sidewalk should be located a minimum of 27-feet from the section line of the roadway and tie into the existing sidewalk to the west.

The applicant should be required to dedicate additional right-of-way on New Hope Road to total a minimum of 39-feet from the section line of the roadway abutting the site, consistent with the MSM.

2. Internal Local Streets

- a. **Existing Conditions:** There is a local street, Campanula Court, stubbing to the site's west property line.
- b. **Applicant's Proposal:** The applicant is proposing to extend Campanula Court into the site and construct Cecilia Court as 36-foot wide local street sections with curb, gutter, an 8-foot wide landscape strip and 5-foot wide detached concrete sidewalk on both sides of the roadway.

The applicant is proposing to construct a knuckle at the intersection of Campanula Court and Cecilia Court.

The applicant is proposing to construct a cul-de-sac turnaround at the terminus of Cecilia Court.

- c. **Staff Comments/Recommendations:** The applicant's proposals meet District policy and should be approved, as proposed.

The applicant should be required to dedicate right-of-way to 2-feet behind back of sidewalk on Campanula Court and Cecilia Court, or for detached sidewalk, the applicant may dedicate right-of-way to 2-feet behind back of curb and provide a permanent right-of-way easement from the right-of-way line to 2-feet behind back of sidewalk. Sidewalk shall be located wholly within right-of-way or wholly within an easement.

The applicant should be required to construct the proposed cul-de-sac turnaround at the terminus of Cecilia Court with a minimum turning radius of 50-feet.

3. Other Access

New Hope Road is classified as a minor arterial roadway. Other than the access specifically approved with this application, direct lot access is prohibited to this roadway and should be noted on the final plat.

E. Policy

1. Federal Accessibility Design Guidelines and Standards

District policy 7203.1.1 states that developers shall follow the current version of the U.S. Access Board's Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way (PROWAG), 36 CFR Part 1190, September 7, 2023; (Also see, <https://www.access-board.gov/prowag> and <https://www.access-board.gov/files/prowag/planning-and-design-for-alternatives.pdf> for additional information).

2. Minor Improvements

Minor Improvements Policy: District Policy 7203.3 states that minor improvements to existing Highways adjacent to a proposed development may be required. These needed transportation facilities are to correct deficiencies or replace deteriorated facilities. Included are sidewalk and/or bike lane construction or replacement (with physical buffers if missing and needed); construction of transitional sidewalk segments; crosswalk construction or replacement; curb and gutter construction or replacement; repair, replacement or expansion of curb extensions; replacement of unused driveways with curb, gutter, sidewalk, repair or addition of traffic calming or speed mitigation features; installation or reconstruction of pedestrian ramps; pavement repairs; signs, motor vehicle, pedestrian and bicycle traffic control devices; and other similar items. The current version of PROWAG will determine the applicable accessibility requirements for alterations and elements added to existing streets. ACHD staff is responsible for identifying the minor improvements that would be proportionate to the size and complexity of the development.

3. Livable Street Performance Measures

District policy 7203.8 states that ACHD has adopted performance measures (level of stress) for evaluating the experience of bicyclists and pedestrians. ACHD seeks to create a transportation network that serves all ages and abilities. Bike and pedestrian facilities built through development should achieve a bike and pedestrian level of traffic stress 1 or 2, with no new bike lane below a minimum of 5-feet.

4. New Hope Road

Arterial Roadway Policy: District Policy 7205.2.1 states that the developer is responsible for improving all street frontages adjacent to the site regardless of whether or not access is taken to all of the adjacent streets. Improvements shall include transitional segments in accordance with the current version of PROWAG.

Master Street Map and Typology Policy: District Policy 7205.5 states that the design of improvements for arterials shall be in accordance with District standards, including the Master Street Map, Livable Streets Design Guide, and the most current ACHD Livable Streets Performance Measures Plan as adopted by the ACHD Commission. The developer or engineer should contact the District before starting any design.

Street Section and Right-of Way Width Policy: District Policy 7205.2.1 & 7205.5.2 states that the standard 3-lane street section shall be 37-feet (back-of-curb to back-of-curb). This width typically accommodates a single travel lane in each direction, and a continuous center left-turn lane, and curbs and gutters. A 3-lane road shall also include a minimum 10-foot wide multi-use path on both sides with at 8-foot wide buffer from back-of-curb. Other bike facility treatments as defined in the ACHD Bike Master plan may be approved at the discretion of the ACHD Development Review Supervisor. If an interim on-street bike lane is required in order to connect to existing facilities, the street section shall be 53-feet to allow for a 5-foot wide bike lane and 3-foot wide painted buffer. Landscaped medians with intermittent turn lanes may be allowed when a minimum of 20-feet of pavement on both sides of the median is provided.

If a landscaped median is included in any of these cross sections, the landscaping shall be maintained by license agreement with the adjacent HOA, property owner, or by interagency agreement with the corresponding land use jurisdiction.

At the discretion of Traffic Engineering staff, adjustments may be made to the street section, including removal of the continuous center turn lanes or modification to lane widths, where no driveways or intersections are present or to ensure adequate space for pathway and buffers.

Right-of-Way Dedication: District Policy 7205.2 states that The District will provide compensation for additional right-of-way dedicated beyond the existing right-of-way along arterials listed as impact fee eligible in the adopted Capital Improvements Plan using available impact fee revenue in the Impact Fee Service Area.

No compensation will be provided for right-of-way on an arterial that is not listed as impact fee eligible in the Capital Improvements Plan.

The District may acquire additional right-of-way beyond the site-related needs to preserve a corridor for future capacity improvements, as provided in Section 7300.

Pedestrian Facilities: District Policy 7205.5.7 requires a concrete sidewalk at least 5-feet wide are required on both sides of all arterial streets. A parkway strip at least 8-feet wide between the back-of-curb and street edge of the sidewalk is required to provide increased safety and protection of pedestrians. Alternatively, on roadways identified for improvement in the Capital Improvement Plan, a minimum 10-foot wide multi-use path may be required. The path shall be placed in accordance with planned buildout in the Master Street Map with a minimum 8-foot wide planter strip as measured to the closest edge of the path. Street trees are encouraged between the pedestrian facility and the roadway when irrigation and maintenance will occur by the adjacent property owner or HOA through an approved license agreement. Consult the District's planter width policy if trees are to be placed within the parkway strip. In some instances, to match existing conditions, a minimum 7-foot wide sidewalk may be constructed next to the back-of-curb. ACHD Development Review staff will be responsible for determining the required facility. Vertical hardscape alternatives to street trees may be considered in the buffer space when street trees are not practicable.

Detached sidewalks and multi-use paths are encouraged and should be parallel to the adjacent roadway. Pedestrian facilities will only be allowed to deviate from a straight line parallel to the roadway when authorized by Development Review staff to accommodate site specific conditions (i.e., street trees, utilities, etc.).

Appropriate easements shall be provided if public pedestrian facilities are placed out of the 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 pedestrian facility. Pedestrian facilities shall either be located wholly within the public right-of-way or wholly within an easement.

Curb ramps or blended transitions shall be provided to connect the pedestrian access route at each pedestrian street crossing in accordance with the current version of PROWAG. Provide detectable warning surface in accordance with the current version of PROWAG.

Frontage Improvements Policy: District Policy 7205.2.1 states that the developer shall widen the pavement to a minimum of 17-feet from centerline plus a 3-foot wide gravel shoulder adjacent to the entire site. Curb, gutter and additional pavement widening may be required (See Section 7205.5.5).

ACHD Master Street Map: ACHD Policy Section 3111.1 requires the Master Street Map (MSM) guide the right-of-way acquisition, arterial street requirements, and specific roadway features required through development. This segment of New Hope Road is designated in the MSM as a Residential Arterial with 3-lanes and a 37-foot street section within 78-feet of right-of-way.

5. Internal Local Streets

Local Roadway Policy: District Policy 7207.2.1 states that the developer is responsible for improving all local street frontages adjacent to the site regardless of whether or not access is taken to all of the adjacent streets.

Street Section and Right-of-Way Policy: District Policy 7207.5 states that right-of-way widths for all local streets shall generally not be less than 47-feet wide and that the standard street section shall be 33-feet (back-of-curb to back-of-curb).

Standard Urban Local Street—33-foot Street Section and Right-of-way Policy: District Policy 7207.5.2 states that the standard street section shall be 33-feet (back-of-curb to back-of-curb) for developments with any buildable lot that is less than 1 acre in size. This street section shall include curb, gutter, and minimum 5-foot wide concrete sidewalks on both sides and shall typically be constructed within 47-feet of right-of-way.

For the City of Kuna and City of Star: Unless otherwise approved by Kuna or Star, the standard street section shall be 36-feet (back-of-curb to back-of-curb) for developments with any buildable lot that is less than 1 acre in size. This street section shall include curb, gutter, and minimum 5-foot wide concrete sidewalks on both sides and shall typically be constructed within 50-feet of right-of-way.

Continuation of Streets Policy: District Policy 7207.2.4.2 states that an existing street, or a street in an approved preliminary plat, which ends at a boundary of a proposed development shall be extended in that development. The extension shall include provisions for continuation of storm drainage facilities. Benefits of connectivity include but are not limited to the following:

- Reduces vehicle miles traveled.
- Increases pedestrian and bicycle connectivity.
- Increases access for emergency services.
- Reduces need for additional access points to the arterial street system.
- Promotes the efficient delivery of services including trash, mail and deliveries.
- Promotes appropriate intra-neighborhood traffic circulation to schools, parks, neighborhood commercial centers, transit stops, etc.
- Promotes orderly development.

Sidewalk Policy: District Policy 7207.5.7 states that five-foot wide concrete sidewalk is required on both sides of all local street, except those in rural developments with net densities of one dwelling unit per 1.0 acre or less, or in hillside conditions where there is no direct lot frontage, in which case a sidewalk shall be constructed along one side of the street. Some local jurisdictions may require wider sidewalks.

The sidewalk may be placed next to the back-of-curb. Where feasible, a parkway strip at least 8-feet wide between the back-of-curb and the street edge of the sidewalk is recommended to provide increased safety and protection of pedestrians and to allow for the planting of trees in accordance with the District's Tree Planting Policy. If no trees are to be planted in the parkway strip, the applicant may submit a request to the District, with justification, to reduce the width of the parkway strip.

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.

Cul-de-sac Streets Policy: District policy 7207.5.8 requires cul-de-sacs to be constructed to provide a minimum turning radius of 50-feet; in rural areas or for temporary cul-de-sacs the emergency service providers may require a greater radius. Landscape and parking islands may be constructed in turnarounds if a minimum 29-foot street section is constructed around the island. The pavement width shall be sufficient to allow the turning around of a standard AASHTO SU design vehicle without backing. The developer shall provide written approval from the appropriate fire department for this design element.

The District will consider alternatives to the standard cul-de-sac turnaround on a case-by-case basis. This will be based on turning area, drainage, maintenance considerations and the written approval of the agency providing emergency fire service for the area where the development is located.

6. Roadway Offsets

Local Offset Policy: District policy 7207.4.2, requires local roadways to align or provide a minimum offset of 125-feet from any other street (measured centerline to centerline).

7. 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.

8. 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.

9. Pathway Crossings

United States Access Board R304.5.1.2 Shared Use Paths. In shared use paths, the width of curb ramps runs and blended transitions shall be equal to the width of the shared use path.

AASHTO's Guidelines for the Development of Bicycle Facilities 5.3.5 Other Intersection Treatments: The opening of a shared use path at the roadway should be at least the same width as the shared use path itself. If a curb ramp is provided, the ramp should be the full width of the path, not including any flared sides if utilized. . . . Detectable warnings should be placed across the full width of the ramp.

FHWA's "Designing Sidewalks and Trails for Access" (1999) reflected common ADA-related concepts: Chapter 6, Page 16-6: The width of the ramp should be at least as wide as the average width of the trail to improve safety for users who will be traveling at various speeds. In addition, the overall width of the trail should be increased, so the curb ramp can be slightly offset to the side. The increased width reduces conflict at the intersection by providing more space for users at the bottom of the ramp.

F. 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), Public Right-of-Way Accessibility Guidelines (PROWAG), ISPWC, or ACHD requirements. The applicant's engineer should provide documentation of 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.

G. 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.

Request for Appeal of Staff Decision

To request an appeal of a staff level decision, see District policy 7101.6.7 at <https://www.achdidaho.org/home/showpublisheddocument/452/638243231708370000>

Request for Reconsideration of Commission Action

To request reconsideration of a Commission Action, see District policy 1006.11 at <https://www.achdidaho.org/home/showpublisheddocument/452/638243231708370000>

**ORDINANCE NO. 365-2022
(KIRSHNER-DILL ANNEXATION)**

AN ORDINANCE ANNEXING TO THE CITY OF STAR CERTAIN REAL PROPERTY LOCATED IN THE UNINCORPORATED AREA OF ADA COUNTY, IDAHO; MORE SPECIFICALLY LOCATED AT 2689 N. BRANDON ROAD, IN STAR, IDAHO (ADA COUNTY PARCEL R7626810020) AND CONTIGUOUS TO THE CITY OF STAR; THE PROPERTY IS OWNED BY KAREN KIRSHNER-DILL; ESTABLISHING THE ZONING CLASSIFICATION OF THE ANNEXED PROPERTY AS RESIDENTIAL WITH A DEVELOPMENT AGREEMENT (R-1-DA) OF APPROXIMATELY 10.9 ACRES; DIRECTING THAT CERTIFIED COPIES OF THIS ORDINANCE BE FILED AS PROVIDED BY LAW; PROVIDING FOR RELATED MATTERS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

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

WHEREAS, the Mayor and Council, held a public hearing on February 15, 2022 on the proposed annexation and zoning of the property described in Section 2 below, as required by Section 67-6525, Idaho Code, and determined that the requested annexation should be granted and that the annexed property should be zoned Residential with a Development Agreement (R-1-DA) pursuant to the Unified Development Code of the City of Star.

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

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

Section 2: The real property, described in the attached “Exhibit A”, including adjacent right of way, situated in Ada County, Idaho, is hereby annexed into the City of Star. From and after the effective date of this Ordinance, the residents and other occupants and property owners

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

Section 3: The zoning land use classification of the land described in Section 2 above, is hereby established as Residential with a Development Agreement (R-1-DA), as provided by the Unified Development Code of the City of Star. The Zoning Map of the City is hereby amended to include the real property described in Section 2 above in the Residential with a Development Agreement (R-1-DA) land use classification.

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

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

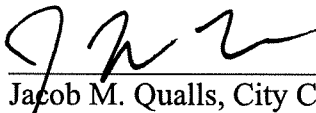
DATED this 5th day of April, 2022.

CITY OF STAR
Ada and Canyon County, Idaho

BY: 

Trevor A. Chadwick, Mayor

ATTEST:


Jacob M. Qualls, City Clerk



DEVELOPMENT AGREEMENT KIRSHNER-DILL ANNEXATION

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

WHEREAS, Owner owns parcels of land of approximately 10.9 acres in size, currently located within the City of Star and Ada County, zoned RUT, and more particularly described in **Exhibit A**, which is attached hereto and incorporated by reference herein (the "Property");

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

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

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

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

WHEREAS, the parties agree to the zoning designations for the Property as provided in Exhibit A;

WHEREAS, a Request for Annexation and Zoning of the Property to R-1-DA was made as File No. AZ-21-15/DA-21-23, so that the City can review all the applications affecting the use and development of the Property in an integrated manner consistent with the City's Comprehensive Plan and land use ordinances, which applications were approved;

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

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

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

Section 2. Development/Uses/Standards.

2.1 Development Acreage and Uses Permitted. As to the Property described on **Exhibit A**, Owner is allowed to develop the 10.9 acres as follows:

- **Zoning Classification:** The zoning classification of the Property shall be a R-1-DA.
- The Owner shall comply with all city ordinances relating to the Property except as otherwise provided herein.

2.2 Uses. The Property is hereby approved for a maximum of 1 dwelling unit per acre. Any additional density shall require submittal and approval of a rezone application.

2.3 Setbacks. The development shall comply with the standard setbacks for the R-1 zone that are in place at the time of building permit.

2.4 Additional Requirements:

- Sidewalk shall be constructed on the future corner parcel (eastern parcel) at the time of redevelopment of the future western parcel, or through ACHD impact fees as New Hope Road is improved, whichever comes first.

2.5 Proportionate Share Agreement for ITD Improvements. Developer agrees to participate in the costs of construction or improvements to the portions of the State Highway System within the City of Star and/or City of Star Area of City Impact. The Developer will pay the traffic mitigation fee determined by the Idaho Transportation Department as follows: the Developer will pay the City the determined amount per buildable lot within each phase prior to signature on the final plat for the applicable phase. The City will allocate the funds to roadway improvements in the vicinity of the project. The Developer shall pay this amount (unless otherwise revised by ITD) directly to the City of Star. The City will maintain this contribution in a specific Development Contributions account, to be distributed to ITD when requested for use with a specific Idaho Transportation Improvement Plan (ITIP) project within the City of Star Area of City Impact or City Limits in accordance with the terms of the Intergovernmental Agreement between the Idaho Transportation Department and the City of Star dated April 22, 2020.

2.6 Changes and Modifications. No change in the use or restrictions specified in this Agreement shall be allowed or changed without modification of this Agreement pursuant to the requirements of the Star City Ordinances. In the event Owner changes or expands the use permitted by this Agreement or fails to comply with the restrictions without formal modification of this Agreement as allowed by the Star City Ordinances, Owners shall be in default of this Agreement.

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

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

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

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

Section 6. Assignment and Transfer. After its execution, this Agreement shall be recorded in the office of the County Recorder at the expense of Owner. Each commitment

and restriction on the development subject to this Agreement, shall be a burden on the Property, shall be appurtenant to and for the benefit of the Property and shall run with the land. This Agreement shall be binding on the City and Owner, and their respective heirs, administrators, executors, agents, legal representatives, successors and assigns: provided, however, that if all or any portion of the Property is divided, each owner of a legal lot shall only be responsible for duties and obligations associated with an owner's parcel and shall not be responsible for duties and obligations or defaults as to other parcels of lots within the Property. The new owners of the Property or any portion thereof (including, without limitation, any owner who acquires its interest by foreclosure, trustee's sale or otherwise) shall be liable for all commitments and other obligations arising under this Agreement with respect only to such owner's lot or parcel.

Section 7. General Matters.

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

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

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

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

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

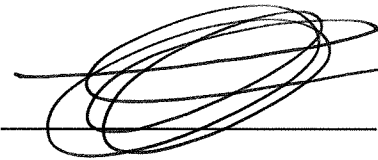
Owner: Karen Kirshner-Dill
2689 N. Brandon Road
Star, Idaho 83669

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

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

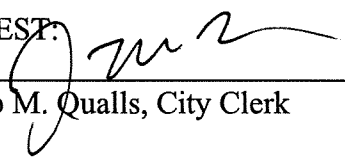
IN WITNESS WHEREOF, the parties have hereunto caused this Agreement to be executed on the day and year set forth below.

Dated this 5th day April, 2022.

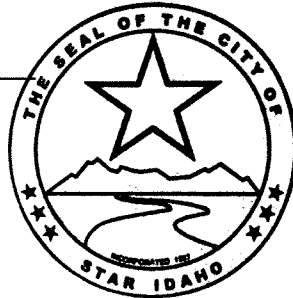


Trevor A. Chadwick, Mayor

ATTEST:



Jacob M. Qualls, City Clerk



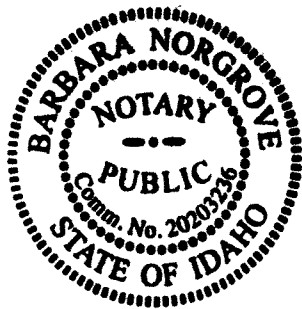
OWNER:

Karen Kirshner-Dill
Karen Kirshner-Dill

STATE OF IDAHO)
) ss.
County of Ada)

On this 28 day of March, 2022, before me the undersigned, a Notary Public in and for said state, personally appeared Karen Kirshner-Dill, known or identified to me to be the person who subscribed her name to the foregoing instrument, and acknowledged to me that she executed the same.

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



Barbara Norgrove
Notary Public for Idaho
Residing at City of Star
My Commission expires 8-21-2026