



# CITY OF STAR

## LAND USE STAFF MEMO

**TO:** Mayor & Council

**FROM:** City of Star Planning Department *Shawn T. Smith*

**MEETING DATE:** **August 5, 2025 COUNCIL AGENDA – REQUEST FOR RECONSIDERATION**

**FILE(S) #:** AZ-25-01 Annexation & Zoning  
PP-25-01 Preliminary Plat for **Milestone Ranch South Subdivision**

### REQUESTED RECONSIDERATION

Staff has received a request from Councilmember Nielsen for Reconsideration of the City Council decision on July 1, 2025 approving the applications for Milestone Ranch South Subdivision. A copy of the request is included as an attachment to this memo. Included in the request by the applicant is a reconsideration of the following specific condition of approval:

- 3. The applicant shall design the subdivision and construct the new houses in a manner that prevents any side windows from aligning with those windows of the neighboring house.**

The applicant states that the required condition of approval may present difficulties to City Staff and the applicant to administer, and would prefer to update the City Code to address concerns raised by the community regarding setbacks, grading and transition between houses and subdivisions.

The requesting party has provided the following information to Staff as part of their Request for Reconsideration, as per Section 8-1A-9 of Code:

- The request was presented in writing to the Planning Department within 14 calendar days after the Council action and final decision was rendered;
- The request states the basis for the reconsideration request with a brief statement of issues and decision that the requesting party is asking to be reconsidered;
- The requesting party has provided relevant information that they believe was not previously presented and is in response to something brought up at the previous hearing, and the information was not previously available.

The Council should follow the procedures below when considering the request for reconsideration:

*Section 8-A-9A. Unified Development Code: Any applicant or affected person seeking judicial review of compliance with the provisions of this section must first seek reconsideration of the final decision within fourteen (14) days, as required by Idaho Code 67-6535.*

*To request reconsideration, an applicant or affected person must meet the following criteria:*

- 1. The requesting party must have been a party in the underlying action in one of the following: the city; the property owner of the subject property; the applicant for the project; or other affected party; and*
- 2. The request must be in writing, accompanied by the appropriate fee, and presented to the City no more than fourteen (14) calendar days after the council action and final decision have been rendered; and*
- 3. The request must state a basis for the request and a brief statement of issues and decision that the requesting party is asking to be reconsidered; and*
- 4. The request must include but is not limited to: the party requesting reconsideration has relevant information; and the relevant information was not previously presented and is in response to something brought up at the previous hearing; and the information was not previously available.*

*Section 8-A-9B. **Consideration:** The council will consider the request and provide a written decision to the requesting party within sixty (60) days of receipt of the request for reconsideration.*

*Section 8-A-9BD. **If The City Council Approves The Request:** The requesting party must pay the fee for a new public hearing within ten (10) calendar days of council's reconsideration. If the payment is not made to the city clerk within the specified time frame, the city council shall be notified at their next regularly scheduled meeting and the request for reconsideration shall be rescinded.*

Staff recommends that the Council review the documents provided as attachments to this memo when deliberating on a decision regarding this reconsideration request. Should the **Council vote to approve** the request for reconsideration, staff will place the item on an upcoming City Council agenda. Should the **Council vote to deny** the request for reconsideration, the existing Findings of Fact, Conclusions of Law previously approved by Council on July 15, 2025 will apply.

#### **Attachments:**

1. Request for Reconsideration.
2. Approved Findings of Fact, Conclusions of Law

## Shawn Nickel

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**From:** Kevin Nielsen  
**Sent:** Wednesday, July 30, 2025 4:44 PM  
**To:** Shawn Nickel  
**Subject:** Reconsideration- Milestone Ranch

Dear Planning & Zoning Director.

I would like to formally request a reconsideration to the Council decision regarding Milestone Ranch South Subdivision (AZ-25-01/DA-25/03/PP-25-01). Per Section 8-A-9A of the Star Unified Development Code, the City is considered a party in the underlying action and may request reconsideration of a Council decision. Specifically, I would like to re-examine the condition of approval placed on the application, and referenced in the approved Findings of Fact, Conclusions of Law (approved July 15, 2025) as follows:

3. **The applicant shall design the subdivision and construct the new houses in a manner that prevents any side windows from aligning with those windows of the neighboring house.**

Upon further reflection of the specifically required condition of approval, I feel that this condition, as presented, may potentially raise some difficulties for Staff to administer and the applicant to administer. I would prefer to look at the upcoming development code amendment that the City is in the process of completing to address concerns raised by the community regarding setbacks, grading and transition between houses and subdivisions.

Thank you for the opportunity for reconsideration.

Sincerely,

Kevin Nielsen  
Star City Councilman  
Sent from my iPhone

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**  
**MILESTONE RANCH SOUTH SUBDIVISION ANNEXATION & PRELIMINARY PLAT**  
**AZ-25-01/DA-25-03/PP-25-01**

The above-entitled Annexation, Development Agreement and Preliminary Plat application came before the Star City Council for action on July 1, 2025, at which time public testimony was taken, and the public hearing was closed. The Star City Council, having requested and taken oral and written testimony, and having duly considered the matter, does hereby make the following Findings of Fact and Conclusions of Law.

**Procedural History:**

***A. Proposed Project Summary:***

The Applicant is requesting approval of an Annexation & Zoning Rezone (R-4-DA), a Development Agreement, and a Preliminary Plat for a proposed residential subdivision consisting of 34 residential lots and 3 common lots. The property is located on the northwest corner of W. Broken Arrow Street and N. Milestone Way in Star, Ada County, Idaho, and consists of 10.01 acres with a proposed density of 3.4 dwelling units per acre. The subject property is generally located on the north side of W. Broken Arrow Street, west of Hwy 16 and east of N. Pollard Lane. Ada County Parcel No. S0404427800.

***B. Application Submittal and Agency Transmittal:***

A neighborhood meeting was held on March 11, 2025, in compliance with the application submittal requirement of the Star Unified Development Code (Section 8-1A-6C). The Land Use applications were accepted by the City on April 28, 2025. Original notice was sent to agencies having jurisdiction in the City of Star on April 28, 2025.

***C. Notice of Public Hearing:***

Notice of Public Hearing on the application for the City of Star City Council was published in accordance with the requirements of Title 67, Chapter 65, Idaho Code, and the Star Unified Development Code on June 7, 2025. Notice of this public hearing was mailed to property owners within three-hundred feet (300') of the subject property in accordance with the requirements of Title 67, Chapter 65, Idaho Code and Star Unified Development Code on June 4, 2025. The property was posted in accordance with the Star Unified Development Code on June 19, 2025.

***D. Property History:***

There have been no previous requests through the City for development of this property.

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

	<b>Zoning Designation</b>	<b>Comp Plan Designation</b>	<b>Land Use</b>
<b>Existing</b>	Agricultural (County)	Neighborhood Residential	Vacant/Agricultural
<b>Proposed</b>	Residential (R-4-DA/PUD)	Neighborhood Residential	Single Family Residential
<b>North of site</b>	Mixed Use (MU)	Neighborhood Residential	Milestone Ranch Subdivision
<b>South of site</b>	Residential (R-1)	Mixed Use (MU), Low Density Residential	Magnolia Subdivision
<b>East of site</b>	Mixed Use (MU)	Neighborhood Residential	Milestone Ranch Subdivision
<b>West of site</b>	Residential (R-3)	Estate Urban Residential	Iron Mountain Vista Subdivision

**F. Development Features.**

**PRELIMINARY PLAT:**

The applicant is requesting approval of the Preliminary Plat for Milestone Ranch South Subdivision on 10.01 acres. The plat includes a total of 37 lots, including 34 single family detached residential lots and 3 common/open space lots.

Sewer and Water will be provided by the Star Sewer and Water District and is in close proximity to the property. Annexation into the Sewer and Water District will be required.

The development will be accessed from the existing N. Milestone Way off of W. Broken Arrow Street. All proposed roads will be public. Applicant is proposing all internal roads to be a minimum of 36 feet wide from back of curb to back of curb, built within a 50-foot wide right of way. This phase of the development will have access to the amenities in Milestone Ranch Subdivision. The preliminary plat total open space equates to 2.56 acres or 25.6%. The preliminary plat qualified open space area is 2.07 acres or 20.7%.

**ADDITIONAL DEVELOPMENT FEATURES:**

- Sidewalks

Internal sidewalks are proposed at five-foot (5') widths and will be detached throughout the subdivision with an eight (8') foot landscape strip. Sidewalks along W. Broken Arrow Road will be seven-foot-wide and detached. There will be a 40-foot landscape buffer along W. Broken Arrow Street.

- Lighting

Streetlights shall reflect the "Dark Sky" criteria with all lighting. The same streetlight design shall continue throughout the entire development. The applicant has submitted a streetlight plan and design with the application packet. The proposed design satisfies City code. **The proposed plan and light fixtures are aligned with city code/standards. The streetlights should be the same in all phases of Milestone Ranch.**

- Street Names  
**Applicant has not provided approval from Ada County that the proposed street names are approved. This will be required at final plat.**
- Subdivision Name  
Applicant has provided approval from Ada County that the proposed subdivision name is approved.
- Landscaping - As required by the Unified Development Code, Chapter 8, Section 8-8C-2-M (2) Street Trees; A minimum of one street tree shall be planted for every thirty-five (35) linear feet of street frontage. The applicant shall use "Treasure Valley Tree Selection Guide", as adopted by the Unified Development Code. Section 8-8C-2, J5 states that a minimum of one deciduous shade tree per four thousand (4,000) square feet of common area shall be provided. **The submitted landscape plan appears to satisfy these requirements. If street trees are to be placed by the builder, Certificate of Occupancy may be withheld until trees are verified in place per code.**
- Setbacks – The applicant is proposing setbacks that are compliant with current Code standards.
- Block lengths – All blocks appear to meet the 750' or less block length requirement and will not require a waiver from the Council.
- Mailbox Cluster – Applicant has provided approval from the Star Postmaster to use the existing Milestone Ranch mailbox clusters for this development. That approval is part of the application. Mailbox clusters shall be covered and provided with lighting.
- Phasing – The Applicant is proposing build out in a single phase.
- Mitigation fees – All future building permits shall be subject to emergency service mitigation fees, as determined by Council.
- Future Home Elevations/Building Permits – The applicant shall meet all future residential building standards associated with Section 8-3B-3J of the UDC. **The applicant has submitted building elevations for review by Staff and Council. Not all of the**

**submitted elevations satisfy UDC Section 8-3B-3 by having a minimum of 3 architectural elements on the front of the home. Houses that back up top W. Broken Arrow Road will also need to have architectural elements on the rear of the home.**

- **Structure Height** – Applicant is proposing that all residential structures will be thirty-five (35') in height or less.
- **Fencing** – Applicant is proposing all fencing along residential lots that border a common/open area be 5 feet high open vision fence. Wrought Iron or other approved equal fence. **The applicant shall provide a fencing plan for the perimeter of the property to include fence location and type, prior to signing the mylar.**

#### **DEVELOPMENT AGREEMENT:**

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

- Future Development;
- ITD Proportionate Share Fees;
- Street Trees;
- Compliance With Weed Abatement Code;
- Emergency Mitigation Fees;
- Future Residential Building Elevations;

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

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



#### **H. Agencies Responding:**

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

ACHD	January 8, 2024
Star Fire District	February 28, 2024
Idaho Transportation Dept.	January 8, 2024

#### **I. Staff received the following letters & emails in support and opposition of the development application:**

Susan Kelly Purves

#### **J. Comprehensive Plan and Unified Development Code Provisions:**

##### **COMPREHENSIVE PLAN:**

##### **8.2.3 Land Use Map Designations:**

###### **Neighborhood Residential**

Suitable primarily for single family residential use. Densities in the majority of this land use area are to range from 3.01 units per acre to 5 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 one acre and larger where those existing larger lots are not likely to be subdivided in the future.

##### **8.3 Goal:**

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

##### **8.4 Objectives:**

- Implement the Land Use Map and associated policies as the official guide for development.
- Work to create a vibrant Central Business District.
- 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.
- Encourage commercial development that is consistent with a family friendly feel, not overburdening the community with big box and franchise uses and discourage the development of strip commercial areas.

#### 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.

### **UNIFIED DEVELOPMENT CODE (UDC):**

#### **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:**

**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-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.

<b>ZONING DISTRICT USES</b>	<b>R</b>
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:

<b>Zoning District</b>	<b>Maximum Height</b>	<b>Minimum Yard Setbacks</b>			
		<b>Note Conditions</b>			
		<b>Front (1)</b>	<b>Rear</b>	<b>Interior Side</b>	<b>Street Side</b>
R-4	35'	15' to living area/side load garage 20' to garage face	15'	<u>7.5' <sup>(2)</sup></u>	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

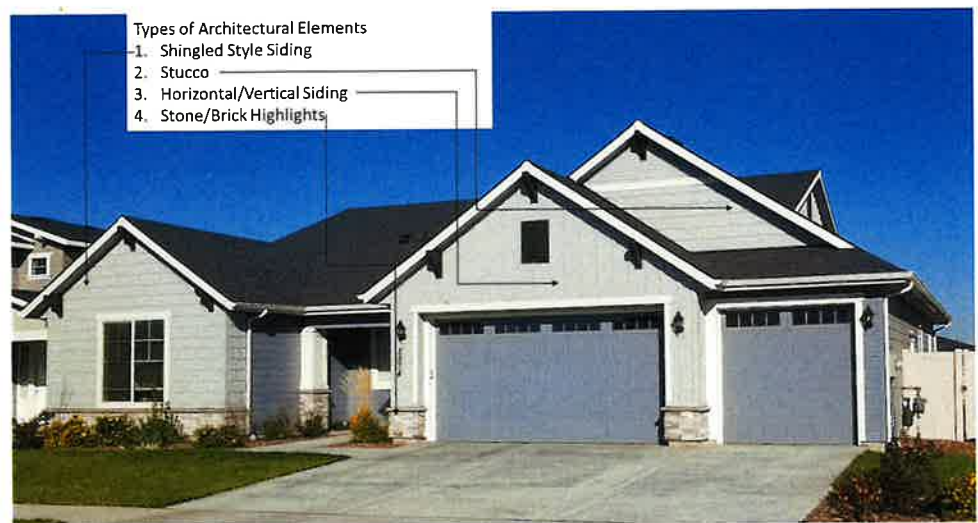


J. Additional residential standards applying to all new residential subdivisions:

a. 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.
- b. 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
- c. 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.
- d. 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-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,



- 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.

- 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.

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.

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

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

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

*The goal of the Comprehensive Plan for Residential Districts is to encourage the development of a diverse community that provides a mixture of land uses, housing types, and a variety of employment options, social and recreational opportunities, and where possible provides an assortment of amenities within walking distance of a residential development. The Council finds that this annexation and zoning is in compliance with the Comprehensive Plan.*

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

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

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

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

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

*The Council finds that the City has not been presented with any information from agencies having jurisdiction that public services will be adversely impacted other than traffic, which will continue to be impacted as the City grows. Emergency services were reviewed and mitigation recommended by the Star Fire District.*

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



*The Council finds the annexation and rezone request proposed is reasonably necessary for the continued, orderly development of the City.*

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

1. The plat is in conformance with the Comprehensive Plan;  
*The Council finds that the Preliminary Plat, as approved and conditioned, meets all requirements associated with Section 8-6A-3 of the UDC and is consistent with the Comprehensive Plan and will meet the intent of the Land Use designation. Further, the property is required to develop under the guidelines of the Comprehensive Plan and requirements of the Unified Development Code.*
2. Public Services are available or can be made available and are adequate to accommodate the proposed development;  
*The Council finds that Agencies having jurisdiction on this parcel were notified of this action. The City has not received notice that public services are not available or cannot be made available for this development. Emergency services were reviewed, and mitigation recommended by the Star Fire District.*
3. There is public financial capability of supporting services for the proposed development;  
*The Council finds that the City has not received notice from any jurisdictional agency that there are any problems with public financial capability for this development.*
4. The development will not be detrimental to the public health, safety, or general welfare;  
*The Council finds that the City has not been made aware of any known detriment that will be caused by this development. Residential uses are a permitted use and are compatible with other residential uses in the immediate area.*
5. The development preserves significant natural, scenic, or historic features;  
*The Council finds that there are no known natural, scenic, or historic features that have been identified with this Preliminary Plat. The property has been in previous agricultural production.*

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

- a. A public hearing on the application was heard by the City Council on July 1, 2025, at which time testimony was heard, and the public hearing was closed. The City Council made their decision at that time.
- b. Shawn L Nickel, City of Star Planning and Zoning Director presented the application.
- c. Oral testimony in favor of or opposing the application was presented to the City Council by:

- Kyle Prewett, Applicant
- Gary Arfsten
- Bob White
- Lori Bllaud
- Anna Herning
- Martin Taylor, Applicant

d. Public sign-ins that did not testify:

- Lucy & Michael Pope
- Debarah & Jerry Crawford
- Trish & Jery Harmon
- Kerry Arfsten
- Debra McDonald
- Tricia Lind
- Sandra Blackwell

e. Additional testimony from City Staff, Agencies

- Ryan Morgan, City Engineer
- Ryan Field, City Planner

f. Written testimony in favor of or opposing the application was presented to the City Council at the hearing by:

None

**Deliberations and Conclusions of Law:**

The Council reviewed the particular facts and circumstances of this proposed preliminary plat application and development agreement modification in accordance with the City of Star Title 8 (Unified Development Code), deliberated on the matter, resulting in review of the record, including the staff report, and discussions on the platting of the development. Review and discussion included development layout, access and street configuration, setbacks, open space, pathways and landscaping. The Council concluded that the Applicant's request, as conditioned, meets the requirements for annexation and preliminary plat. Council hereby incorporates the staff report dated July 1, 2025, together with the hearing minutes into the official decision as part of these Findings of Fact, Conclusions of Law.

## Statement of Compliance:

Council finds and concludes that the Applicant has met all requirements of the applicable Unified Development Code and the intent and purpose of the applicable Comprehensive Plan and Map requirements for an annexation and preliminary plat.

Council added the following requirements to their decision to approve the annexation and preliminary plat that will be part of the Development Agreement and Preliminary Plat conditions of approval to include the following:

1. **The grading of the property along the north property line shall match the back yard lot grades of the neighborhood to the north.**
2. **The applicant shall include a 20' landscape buffer with pathway along the northern property line. A revised preliminary plat and landscape plan shall be submitted to Staff for approval prior to submittal of first phase of the final plat.**
3. **The applicant shall design the subdivision and construct the new houses in a manner that prevents any side windows from aligning with those windows of the neighboring house.**
4. **The Council waives the rear yard setback on the lots along the northern property line to a minimum of 10'.**
5. **Fencing within the development shall be consistent in style with the existing Milestone Subdivision.**

## CONDITIONS OF APPROVAL

1. The approved Preliminary Plat for the Milestone Ranch South 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 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.**
4. **All sidewalks and planter strips shall be built to UDC standards, unless otherwise approved by Council.**
5. **The applicant shall comply with the Residential Standards for all new houses, as required in Section 8-3B-3 of the UDC, unless otherwise approved by Council.**
6. **The applicant shall provide approval from Ada County for the proposed street names. This will be required prior to signing the final plat.**

7. **The applicant shall provide a fencing plan for Staff review and approval prior to submittal of final plat.**
8. 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. **Streetlights shall comply with the Star City Code regarding light trespass and "Dark Sky" initiative.**
9. Street trees 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.
10. 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.
11. 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.
12. All signed Irrigation District Agreements with the Irrigation Districts shall be provided to the City of Star with each subsequent Final Plat application.
13. 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.
14. A plat note supporting the "Right to Farm Act" as per Idaho Code Title 22, Chapter 45, shall be shown on the Final Plat.
15. A copy of the CC&R's shall be submitted to the City of Star at Final Plat.
16. Approval 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.
17. 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 Preliminary Plat conditions.
18. 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.
19. All common areas shall be owned and maintained by the Homeowners Association.

20. 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.**
21. A sign application is required for any subdivision signs.
22. **Any additional Condition of Approval as required by Staff and City Council.**
- Council Decision:**

Councilmember Nielson made a motion, seconded by Councilmember Hershey, for approval. The Council voted 4-0 to approve the Annexation and Preliminary Plat on July 1, 2025.

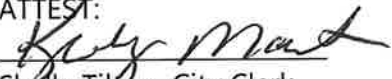
Dated this 15<sup>th</sup> day of July, 2025.

Star, Idaho

By: 

Trevor A. Chadwick, Mayor

ATTEST:

  
Shelly Tilton, City Clerk  
*Deputy City Clerk*

