



CITY OF STAR

LAND USE STAFF REPORT

TO: Mayor & Council

FROM: City of Star – Planning & Zoning *Shen J. Smith*

MEETING DATE: January 3, 2023 – PUBLIC HEARING (tabled from 11/15/22 & 12/6/22)

FILE(S) #: **PP-22-09 Preliminary Plat for Colt Heights Subdivision**
PR-22-03 Private Road

OWNER/APPLICANT/REPRESENTATIVE

Representative:

Becky McKay
Engineering Solutions, LLP
1029 N Rosario Street
Meridian, Idaho 83642

Property Owner/Applicant:

Cory Barton
Challenger Development Inc.
1977 E. Overland Road
Meridian, Idaho 83642

REQUEST

Request: The Applicant is seeking approval of a Preliminary Plat and Private Street for a proposed residential subdivision consisting of 5 residential lots and 2 common lots. The property is located on the north side of the existing Colt Place Subdivision in Star, Idaho and consists of 10.96 acres with a proposed density of .46 dwelling units per acre.

PROPERTY INFORMATION

Property Location: The subject property is generally located north of Floating Feather Road, west of N. Plummer Road and will be accessed from W. Wyatt Earp Drive. Ada County Parcel Number S0405438440.

Existing Site Characteristics: The property is currently vacant.

Irrigation/Drainage District(s): - Middleton Irrigation Association, Inc.
Middleton Mill Ditch Company
P.O. Box 848
Middleton, Idaho 83644

Flood Zone: This property is located in an area of minimal flood hazard, Zone X.
 FEMA FIRM panel: 16001C0130J
 Effective Date: 6/19/2020

Special On-Site Features:

- ✪ Areas of Critical Environmental Concern – No critical environmental concerns identified, per Idaho Department of Fish and Game and Army Corp of Engineers documents received.
- ✪ Evidence of Erosion – No known areas.
- ✪ Fish Habitat – No known areas.
- ✪ Mature Trees – Yes. Trees in eastern section of property to be preserved within open space proposed to be dedicated to the City.
- ✪ Riparian Vegetation – No.
- ✪ Steep Slopes – Yes.
- ✪ Stream/Creek – None. Existing irrigation/drainage ditches.
- ✪ Unique Animal Life – No “Special Status” animal life has been identified, per Idaho Fish and Game documentation received.
- ✪ Unique Plant Life – No “Special Status” plant life has been identified, per Idaho Fish and Game documentation received.
- ✪ Unstable Soils – No known issues.
- ✪ Wildlife Habitat – Yes. Approximately 43% of overall property to be permanently preserved for habitat.
- ✪ Historical Assets – No historical assets have been observed.

APPLICATION REQUIREMENTS

Pre-Application Meeting Held	March 24, 2022
Neighborhood Meeting Held	July 13, 2022
Application Submitted & Fees Paid	July 19, 2022
Application Accepted	August 11, 2022
Residents within 300’ Notified	October 27, 2022; December 21, 2022
Agencies Notified	August 11, 2022
Legal Notice Published	November 1, 2022
Property Posted	December 21, 2022

HISTORY

January 17, 2006 Council approved applications for annexation and zoning (AZ-06-01) and Preliminary Plat (PP-06-01) for the Connor-Carson Property. Property size is 47.26 acres, zoned R-3 with a development agreement. The Preliminary Plat consisted of 122 single family residential lots with 14 common lots on 47.26 acres with a density of 2.6 units per acres. The Development Agreement

included a condition of approval restricting no more than 5 lots north of Foothill Canal.

- June 6, 2006 Council approved Final Plat (FP-06-10) for Phase 1 of Colt Place, formerly known as Connor-Carson property. Phase 1 has 49 residential lots, reduced from 53 originally proposed.
- April 2, 2013 Council approved Final Plat (FP-13/01) for Phase 2 of Colt Place consisting of 30 residential lots, reduced from 34 originally proposed.
- June 17, 2014 Council approved Final Plat (FP-14-05) for Phase 3 of Colt Place consisting of 29 residential lots, reduced from 30 originally proposed.

SURROUNDING ZONING/COMPREHENSIVE PLAN MAP/LAND USE DESIGNATIONS

	Zoning Designation	Comp Plan Designation	Land Use
Existing	Residential (R-3-DA)	Estate Urban Residential	Vacant
Proposed	Residential (R-3-DA)	Estate Urban Residential	Single-Family Residential
North of site	RUT (County)	Rural Residential	Star Acres Subdivision
South of site	Residential (R-3-DA)	Estate Urban Residential	Colt Place Sub. No. 2
East of site	Residential (R-4-DA)	Neighborhood Residential	Approved Langtree Bungalows
West of site	RUT (County)	Estate Urban Residential	Vacant

CODE DEFINITIONS / COMPREHENSIVE PLAN

UNIFIED DEVELOPMENT CODE:

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

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

Health Department. Private streets may be approved in this district for access to newly subdivided or split property. This district does allow for some non-residential uses as specified in 8-3A-3.

8-3A-3: USES WITHIN ZONING DISTRICTS

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

Zoning District Uses	A	RR	R
Dwelling:			
Multi-Family	N	N	C
Secondary	A	A	A
Single-Family Attached	N	N	P
Single-Family Detached	P	P	P
Two-Family Duplex	N	N	P
Live/Work Multi-Use	N	N	N

Notes:

1. Indicates uses that are subject to specific use standards in accord with chapter 5 of this title.

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

Zoning District	Maximum Height Note Conditions	Minimum Yard Setbacks Note Conditions			
		Front ⁽¹⁾	Rear	Interior Side	Street Side
R-1	35'	30'	30'	10'	20'
R-2	35'	20'	20'	10'	20'
R-3	35'	15' to living area/side load garage 20' to garage face	15'	7.5' ⁽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 overhang onto the sidewalk.
2. Zero-Lot-Line 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 as part of a Planned Unit Development.
3. All setbacks in the CBD, C-1, C-2, LO, IL, PS, RC and M-U zone shall maintain a minimum 15' when adjacent to a residential use or zone.
4. As approved by the Fire District.

8-3B-3: RESIDENTIAL DISTRICTS:

- A. Comply with Section 8-3A-1: ZONING DISTRICTS AND PURPOSE ESTABLISHED.
- B. When development is planned with lots that directly abut existing lots within a Rural Residential area, or "Special Transition Overlay Area" as shown on the Comprehensive Plan Land Use map, an appropriate transition shall be provided for the two abutting residential lot types. A transition shall take into consideration site constraints that may exist and may include clustering of the urban lots in order to provide an open space area avoiding urban lots directly abutting rural residential lots, or may include the provision of a buffer strip avoiding urban lots directly abutting rural residential lots, or may include setbacks within the urban lots similar to the rural residential lots directly abutting, or may include the provision of one half to one acre size lots directly abutting the rural residential lots.
- C. Urban style development, as guided by provisions within the comprehensive plan and this Title, is required to limit urban sprawl, however, densities of no more than 1 to 2 dwelling units per acre are to be designed within the floodplain, ridgeline developable areas and hillside developable areas (both as defined within the comprehensive plan).
- D. Housing developments with densities of R-11 and higher shall be designed to limit height, increase setbacks and/or provide additional landscaping along the perimeter of the development, if determined by the council, where abutting areas are planned for lower densities.
- E. Rezoning to R-11 and higher shall not be allowed unless adequate ingress/egress to major transportation corridors is assured.
- F. All new residential, accessory uses or additions/remodels within the residential zones shall pave all unpaved driveways to the home.
- G. Spite strips, common lots, unreasonable development phasing, or other means of any type purposely or unintentional that may result in the blocking of services or development, including but not limited to sewer, water, streets, or utilities are prohibited in any zoning district within the City of Star.
- H. In any development that requires a traffic signal as part of the approval process, the developer shall be responsible for providing an Emergency Opticom System to the intersection.
- I. Transitional Lots. For proposed residential developments located adjacent to a Special Transition Area only, as determined on the current Comprehensive Plan Land

Use Map, transitional standards listed below shall be required if reasonable evidence is presented that adjacent properties will not be further subdivided in the future. This shall be through a legal encumbrance that prevents the adjacent land from being further subdivided. These encumbrances shall include:

- a. Property with a Future Comprehensive Plan Land Use Map designation that does not allow future redevelopment to densities lower than one dwelling unit per acre.
- b. Subdivision CC&R's preventing further redevelopment;
- c. Easements granted to municipal or other political entities, voluntary development easements granted to conservation land trusts, or other, legal encumbrances conserving the property in perpetuity, such as deed restrictions.

This specifically excludes statements from landowners regarding future intent without proof of legal encumbrance.

The allowed Transitional Density for new development adjacent to Special Transition Areas, shall be as follows:

Existing Transitional Lot Sizes	Allowed Immediately Adjacent Minimum Lot Size	Allowed Immediately Across the Road from Transitional Lot
Lots larger than 1.1-acre	1 acre lots	½ acre lots
Lots of 1 to 1.1-acre	½ acre lots	1/3 acre lots
Lots smaller than 1-acre	1/3 acre lots	R-3 density Maximum

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

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

A. Design Standards:

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

B. Construction Standards:

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

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

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

1. Private Road Reserve Study Requirements.
 - a. At least once every three years, the board shall cause to be conducted a reasonably competent and diligent visual inspection of the private road components that the association is obligated to repair, replace, restore, or maintain as part of a study of the reserve account requirements of the common interest development, if the current replacement value of the major components is equal to or greater than one-half of the gross budget of the association, excluding the association's reserve account for that period. The board shall review this study, or cause it to be reviewed, annually and shall consider and implement necessary adjustments to the board's analysis of the reserve account requirements as a result of that review.
 - b. The study required by this section shall at a minimum include:
 - i. Identification of the private road components that the association is obligated to repair, replace, restore, or maintain.
 - ii. Identification of the probable remaining useful life of the components identified in paragraph (1) as of the date of the study.

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

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

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

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

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

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

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

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

1. Any open space that is active or passive in its intended use, and accessible or visible by all residents of the development, including, but not limited to:
 - a. Open grassy area of at least fifty feet by one hundred feet (50' x 100') in area;
 - b. Qualified natural areas;
 - c. Ponds or water features where active fishing, paddle boarding or other activities are provided (50% qualifies towards total required open space, must be accessible by all residents to qualify.) ponds must be aerated;
 - d. A plaza.
 2. Additions to a public park or other public open space area.
 3. The buffer area along collector and arterial streets may be included in required overall common open space for residential subdivisions.
 4. Parkway along local residential streets with detached sidewalks that meet all the following standards may count toward the common open space requirement:
 - a. The parkway is a minimum of eight feet (8') in width from street curb to edge of sidewalk and includes street trees as specified otherwise herein.
 - b. Except for alley accessed dwelling units, the area for curb cuts to each residential lot or common driveway shall be excluded from the open space calculation. For purposes of this calculation, the curb cut area shall be a minimum area of twenty-six feet (26') by the width of the parkway.
 - c. Stormwater detention facilities do not qualify to meet the common area open space requirements, unless all of the following is met:
 1. Must be at least fifty feet by one hundred feet (50' x 100') in area;
 2. Specifically designed as a dual use facility, as determined by the administrator, to include minimal slopes, grass throughout, and guarantee of water percolation within 24 hours of storm event.
 3. Is located in a development that has a second usable open space area that contains a qualified site amenity as herein defined.
 5. Visual natural space, including open ditches, wetlands, slopes or other areas that may not be readily accessible to residents, and is provided with open style fencing, may qualify for up to 20% of the required open space total.
- C. Qualified Site Amenities: Qualified site amenities shall include, but not be limited to, the following:
1. Clubhouse;
 2. Fitness facilities, indoors or outdoors;

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

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:

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

8.5.3 Policies Related Mostly to the Urban Residential Planning Areas:

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

B. Low densities within the Neighborhood Residential Land Use are to be designed within the floodplain, ridgeline developable areas, hillside developable areas and where new residential lots are proposed adjacent to existing residential lots of one acre and larger where those existing larger lots are not likely to be subdivided in the future.

8.5.9 Additional Land Use Component Policies:

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

PROJECT OVERVIEW

PRELIMINARY PLAT & PRIVATE STREET:

Colt Heights Subdivision consists of 5 single-family detached residential lots and 2 common lots for a total of 7 lots on 10.96 acres. Residential lots range in size from 1.0 acres to 1.39 acres with an average buildable lot size of 1.23 acres. The gross density of the development is 0.46 dwelling units per acre.

Primary access and frontage for the lots will be from W. Wyatt Earp Drive using proposed Wooden Wagon Lane and proposed Silverpeak Lane, which will be a private street. Silverpeak Lane will provide access to each residential lot. A hammerhead, on the west end of Silverpeak Lane will provide turn around access for the fire department. The access and turn-around shall be approved by the Fire District.

As earlier stated, the City Council originally approved five (5) residential lots on this property located north of the Foothills Ditch as part of the Colt Place Subdivision annexation in 2006. Included in the original conditions of approval in the Development Agreement was the following:

- 3.1.1 Future development at a density not to exceed three (3) du/acre and not more than five (5) lots north of the Foothills Ditch;
- 3.1.2 Developer must meet the requirements, if any, of Idaho Fish and Game and the Army Corps of Engineers prior to final plat of any subject ground north of Foothills ditch;
- 3.1.3 Developer must continue the historic path of the irrigation drainage through the subject property from Star Acres.

In July of 2022, the applicant submitted a preliminary plat with five 1 plus acre lots encompassing the entire 10.98 acres. Staff required the applicant to notify both the Army Corps of Engineers and Idaho Fish and Game to address issues related to the original concerns by the City Council that were part of the three conditions of approval. On October 13, 2022, City Staff, including the City Engineer met on-site with the applicant's representative and representatives from Army Corp of Engineers and walked the entire site. A correspondence addressing that visit is included within this record and indicates that there may be some areas on the property that could require further wetland delineation be studied, based on the original site layout. In discussions with the Army Corp representatives on-site, it was Staff's understanding that future wetlands delineation may be required in small areas of the development, mostly in the eastern portions of the property and as a result of the proposed private street (The applicant has recently provided Staff with a copy of a Delineation report dated December 28, 2006). Based upon the site visit and meeting with the Army Corp representatives, Staff met with the applicant and made a suggestion that the preliminary plat be redesigned to cluster the residential lots to the west and leave the eastern portion of the property as open space, thus reducing the amount of disturbance to the more sensitive area of the property. It was also suggested that the eastern area may make for an excellent community park.

As redesigned and resubmitted to Staff, Lot 1 of the development is 4.63 acres or approximately 43% of the parcel and is being set aside as an open area to address the comments from the Army Corp of Engineers and help with the concerns of the neighbors regarding wildlife habitat and drainage. The future use and ownership of this lot will need to be determined by Council. The applicant suggests that the area be dedicated to the City as natural park area. The applicant has agreed to provide a passive pathway within the property to connect to any future pathway

along the Foothill Ditch and also to connect to the natural pathway to the east within the Langtree Bungalows development.

On November 17, 2022, Staff arranged a meeting between the property owner and his representatives and several neighboring property owners to review the proposed concept of clustering the residential lots to the west and leaving the eastern portion as open space.

Section 8-4E-2 of the UDC allows Council to waive landscaping requirements for subdivisions with densities of 1 acre or less. Given the large lot size and density of this development, and with the potential protection of Lot 1, staff is supportive of the waiver for open space.

The Unified Development Code, Section 8-6B-2 requires public and private street widths to be a minimum of thirty-six feet (36') wide, unless specifically approved by Council. The applicant is proposing 28-foot-wide private roads with no sidewalks. Staff is supportive of the street width and waiver of sidewalks, given the low density and number of homes served by the private road and recommends no parking on either side of the street. **The reduced width and sidewalk waiver will also minimize disturbance of the property, which was a request by neighboring property owners.**

ADDITIONAL DEVELOPMENT FEATURES:

- 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 design that is in compliance with city requirements. The Applicant has provided streetlight locations. Staff will require a light at the intersection of W. Wyatt Earp Dr. and Wooden Wagon Lane. Applicant shall provide streetlight style/design to City Staff for approval, prior to installation. **Shielding of streetlights may be required to protect adjacent properties from fugitive light.**
- Mailbox Clusters
Applicant has not provided approval from the Star Postmaster for the indicated location of the mailbox cluster. This will be required prior to signing the final plat. The applicant shall work with the Postmaster on relocation of the cluster if a private gate is utilized on the private street.
- Street Names
Applicant has not provided documentation from Ada County that the street names are acceptable and have been approved. This will be required prior to signing the final plat.
- Subdivision Name
Applicant has provided a letter from Ada County that the subdivision name has been approved and reserved for this development.

- Setbacks – The applicant has not proposed changes to the current setbacks of the R-3 zone. **Staff recommends that the five residential lots be required to adhere to the R-1 setbacks to further protect adjacent rural residences.**
- Block lengths – The single block meet the 750’ block length requirement.

ADDITIONAL ITEMS FOR COUNCIL CONSIDERATION Items that should be considered by the applicant and Council include the following:

- Private Street Width of 28’ with no parking or sidewalks;
- Private Gate for Private Street;
- R-1 Setbacks
- ITD Proportionate Share Fees;
- Dedication of Open Space to City including initial preparation of pathways, tree cleanup, etc.;
- Fencing along northern boundary of development
- Additional landscaping to address fugitive car headlights

AGENCY RESPONSES

City Engineer	December 20, 2022
Star Trans. & Pathway Committee	August 29, 2022
ACHD	August 24, 2022
Idaho Dept of Fish & Game	November 1, 2022
US Army Corps of Engineers	November 4, 2022 Email

PUBLIC RESPONSES

Katy Slater	Email	November 18, 2022
	Email	December 26, 2022
Carol Ward	Email	December 26, 2022
Robert Fehlau	Letter	December 26, 2022
Peggy Fahy	Email	December 27, 2022

STAFF ANALYSIS & RECOMMENDATIONS

Staff is supportive of the initially submitted five lot preliminary plat without the set aside open space that was originally approved and conditioned by Council as part of the annexation and overall design of the Colt Place Subdivision. The submittal matches what was originally approved and expected by the surrounding community at the time of approval. The applicant has satisfied the original Development Agreement conditions of approval by working with the Army Corp of Engineers and Fish and Game. Any

disturbance of sensitive wetland areas would be required to be delineated under the supervision of the Army Corp.

Staff is also supportive of the revised preliminary plat with the preserved open space and believes that it is a superior design that addresses as many of the concerns from the Army Corp of Engineers regarding potential wetland delineation, Fish and Game on the protection of wildlife and the concerns of the neighboring property owners.

Based upon the information provided to staff in the applications and agency comments received to date, staff finds that either proposed preliminary plat meets the requirements, standards and intent for development as they relate to the Unified Development Code and the Comprehensive Plan. The Council should consider the entire record and testimony presented at their scheduled public hearing prior to rendering its decision on the matter. Should the Council vote to approve the applications, either as presented or with added conditions of approval, Council shall direct staff to draft findings of fact and conclusions of law for the Council to consider at a future date.

FINDINGS

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

PRELIMINARY PLAT FINDINGS:

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

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

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

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

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

PRIVATE STREET FINDINGS:

- A. The design of the private street meets the requirements of this article;
The City must find that the proposed private street meets the design standards in the Code.

- B. Granting approval of the private street would not cause damage, hazard, or nuisance, or other detriment to persons, property, or uses in the vicinity:

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

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

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

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

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

CONDITIONS OF APPROVAL

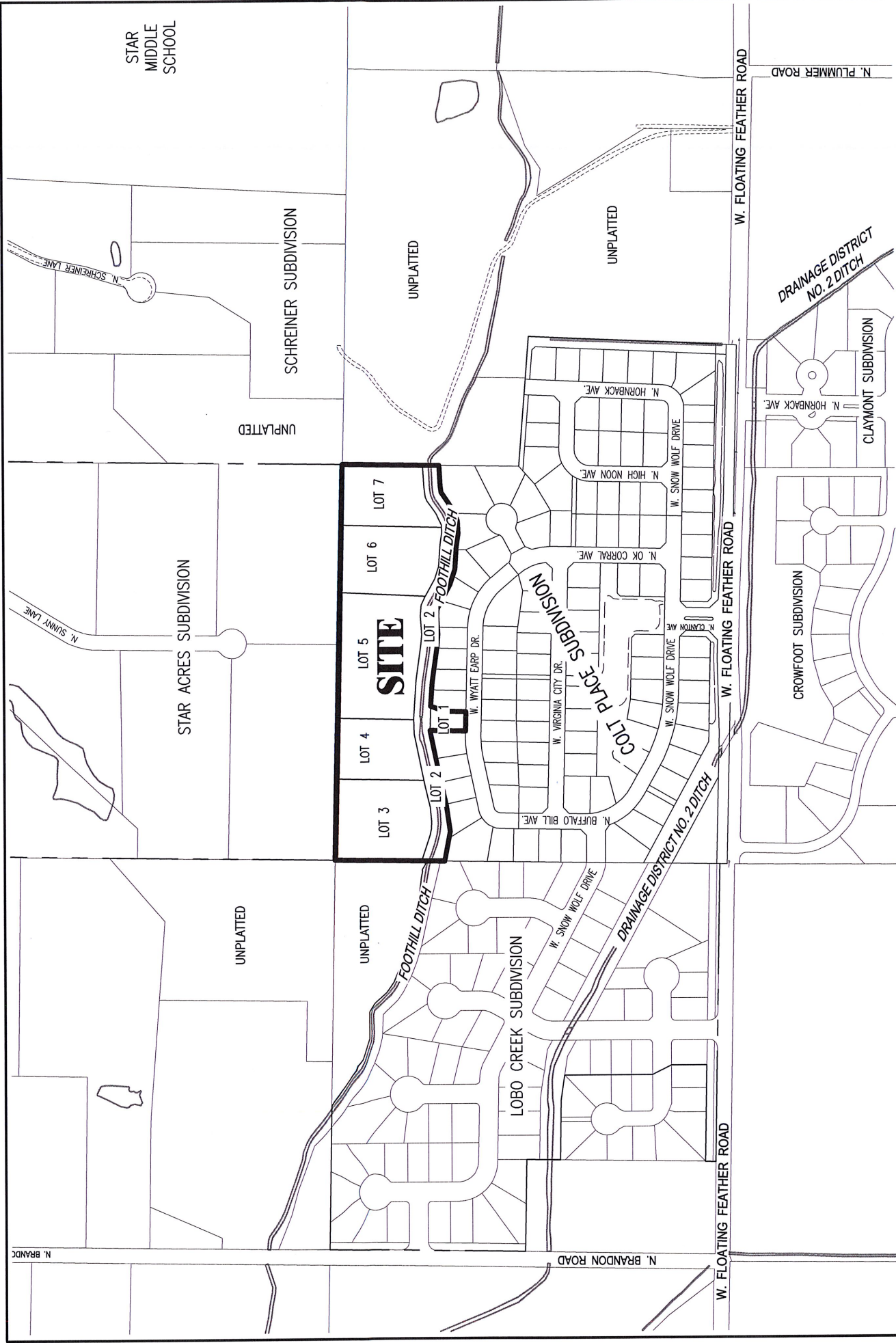
1. The approved Preliminary Plat for the Colt Heights Subdivision shall comply with all statutory requirements of applicable agencies and districts having jurisdiction in the City of Star.

2. **Applicant shall work with the Army Corp of Engineers regarding any wetland delineation associated with construction of the subdivision, including street and building pad locations.**
3. **Applicant shall meet all requirements of the City Engineer regarding development within the Hillside and/or sloped areas of the property.**
4. **The applicant agrees to a proportionate share assessment by ITD regarding impacts to the State Highway System. ITD has calculated the fees to be \$1,000.00 per residential unit. These fees will be collected by the City of Star, by phase, prior to final plat signature.**
5. **Applicant shall meet all the setback requirements in the Unified Development Code Section 8-3A-4 for the R-3 zone, unless modified by Council.**
6. Streetlights shall comply with the Star City Code and shall be of the same design throughout the entire subdivision and shall be maintained by the Homeowners Association. Streetlights shall be installed prior to any building occupancy. Design shall follow Code with requirements for light trespass and "Dark Skies" lighting. **Applicant/Owner shall add a streetlight at the intersection of W. Wyatt Earp Drive and Wooden Wagon Lane. Applicant shall also provide streetlight style/design to City Staff for approval, prior to installation. Streetlights shall comply with the Star City Code regarding light trespass and "Dark Sky" initiative and may require additional screening to protect neighboring properties.**
7. All signed Irrigation District Agreements with the Irrigation Districts shall be provided to the City of Star with each subsequent Final Plat application.
 1. **Applicant shall provide A letter from the US Postal Service shall be given to the City at Final Plat stating the subdivision is in compliance with the Postal Service.**
 2. Private street must be built to fire district standards and pass an inspection by the Fire Marshall prior to use.
 3. **The Applicant/Owner shall submit a private street maintenance plan, including future funding, in compliance with Section 8-4D-3C of the UDC, with the submittal of the final plat application.**
 4. The property with the approved Preliminary Plat shall be satisfactorily weed abated, preventing a public nuisance, per Star City Code.
 5. The property associated with this approved Final Plat, in addition to the property of all future phases shall be properly maintained 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.
 6. **A letter from Ada County shall be provided approving the street names in the development and all names shall be reflected correctly on all pages of the final plat, before the mylar will be signed.**
 7. Pressurized irrigation systems shall comply with the Irrigation District(s) and the City of Star Codes. Plans for pressurized irrigation systems shall be submitted to, and approved by the City of Star Engineer, prior to installation.

8. A plat note supporting the "Right to Farm Act" as per Idaho Code Title 22, Chapter 45, shall be shown on the Final Plat.
9. A copy of the CC&R's shall be submitted to the City of Star at Final Plat.
10. A 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.
11. 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.
12. 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.
13. All common areas shall be owned and maintained by the Homeowners Association.
14. 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.**
15. A sign application is required for any subdivision signs.
- 16. Unless otherwise provided, Owner/Developer will agree to install a 2" (High Density Polyethylene) HDPE SDR-11 roll pipe in the shared utility trench to be used for future fiber optic, high speed internet connectivity.**
17. Any additional Condition of Approval as required by Staff and City Council.

COUNCIL DECISION

The Star City Council _____ File #PP-22-09 and PR-22-03 for Colt Heights Subdivision on _____, 2023.



COLT HEIGHTS SUBDIVISION

NTS

LOCATED IN THE SE 1/4 OF SECTION 5, T. 4N., R. 1W., B.M.

STAR, ADA COUNTY, IDAHO

**Colt Heights Subdivision
(Preliminary Plat Application)
Project Narrative
12/15/2022**

Corey Barton Homes, Inc., hereby applies for a preliminary plat consisting of five (5) single-family residential lots and two (2) common lots on 10.96 acres of land located approximately 1/2 mile west of N. Plummer Road and north of W. Floating Feather Road. The gross density of the proposed development is 0.46 unit per acre. The minimum lot size is 1.00 acre with an average proposed lot size of 1.23 acres. The subject site is located north of the Foothills Ditch with public street frontage on W. Wyatt Earp Drive. A 55-foot-wide easement is associated with the canal and is delineated on the preliminary plat.

The parcel is currently zoned R-3-DA (Residential with a Development Agreement) and was approved in 2005 as part of a 47.26-acre preliminary plat called Colt Place Subdivision. The City of Star approved the annexation, rezone, and development agreement under Ordinance No. 142, dated February 9, 2006. Colt Place Subdivision No. 1 was recorded on May 24, 2007. Colt Place Subdivision No. 2 was recorded on September 25, 2013. Colt Place Subdivision No. 3 was recorded on February 9, 2015. Due to the amount of time since recording of the last final plat, a new preliminary plat is required to complete the final phase of the development.

A neighborhood meeting was held at the subject site on July 13, 2022. Approximately 24 residents were in attendance at the meeting. Comments received at the meeting were as follows: Concerns about protecting the existing trees and nests in the trees; continuing the natural drainage from the north, evaluation of any wetlands or sensitive areas, additional traffic in the area, impact on the pressure irrigation system, impact on the Star Acres Subdivision views; and concerns about the grading disruption of the site.

The property is currently vacant with existing trees, pond, and sagebrush. The parcel has varying elevation sloping from north to south. The topography of the property allows for a natural drainage channel on the west side of the parcel to the Foothills Ditch. The Star Acres Subdivision, located north of the subject property, has a ditch within their development that flows west into a pipe that discharges into the westerly drainage channel. The existing off-site ditch overflows onto a portion of the subject site and creates ponding within the eastern area of the site. It appears a wastewater ditch traverses the east side of the property. There are four discharge points of wastewater and drainage into the Foothills Ditch.

The 2005 Development Agreement stipulated the parcel could be developed with five (5) single-family residential lots. The agreement also required the developer to continue the historic path of the irrigation drainage through the property. The developer was also required to meet the requirements, if any, of Idaho Fish and Game and Army Corps of Engineers prior to final plat approval. The applicant's representative, the City Engineer and Planner met with Christen Marve Griffith from the Army Corps of Engineers at the site. A site investigation was performed reviewing the ditches, vegetation, trees, ponds, and wetland areas. The description of the property by Mr. Griffith was the project area is considered uplands with exception of distinct wetland drainages which flow north to south. The hydrology is manipulated by the presence of ditches, impoundments, and berms.

Portions of the constructed ditches have a riparian canopy, and cross topography to connect to the drainages. The quality of the possible wetland area was determined to be marginal. A request was sent to Idaho Fish and Game along with documentation of the project. Brandon Flack of Fish and Game stated that, considering the footprint of the project is surrounded by other suburban developments and agricultural lands, IDFG would not anticipate negative effects of the proposed activities on native plants or terrestrial wildlife populations.

Based on the site observations and recommendations from the Army Corps of Engineers, City engineer and planning staff, the lots have been clustered in the western portion of the site. The larger estate lots are one acre or greater in size and are intended to provide adequate transition from the adjacent rural acreages located to the north within Star Acres Subdivision. The cluster development will reduce the amount of street, minimize the disturbance of the parcel, and preserve the riparian area on the eastern portion of the subject site. A common lot consisting of 4.63 acres has been provided that includes the larger pond, vegetation, trees, and Foothills Ditch. It is the desire of the applicant to donate the land to the City of Star for a nature area. It is our understanding the city intends to create a multi-use pathway in the future along the Foothills ditch which would provide linkage to the nature area. We believe this area could benefit the Star community.

The property can be served adequately by essential public facilities and services are in W. Wyatt Earp Drive and stubbed outside the right-of-way to the subject site. The developer will extend Star Sewer and Water District sanitary sewer and water mains into the proposed development. Foothills Ditch Company and Middleton Irrigation Association provide irrigation water to the property. An existing pressure irrigation pump station is located adjacent to the Foothills Ditch and will provide service to the five lots. The Colt Place Subdivision homeowner's association Board Member, Stacey Harris, indicates maintenance is needed for the pump house and a second pump needs to be added to serve the upper parcel. The developer will coordinate with the HOA to make the necessary improvements and upgrades to properly serve the proposed lots. The proposed Colt Heights Subdivision will be subject to the HOA dues of the Colt Place Subdivision for maintenance of the common areas and the pressure irrigation system.

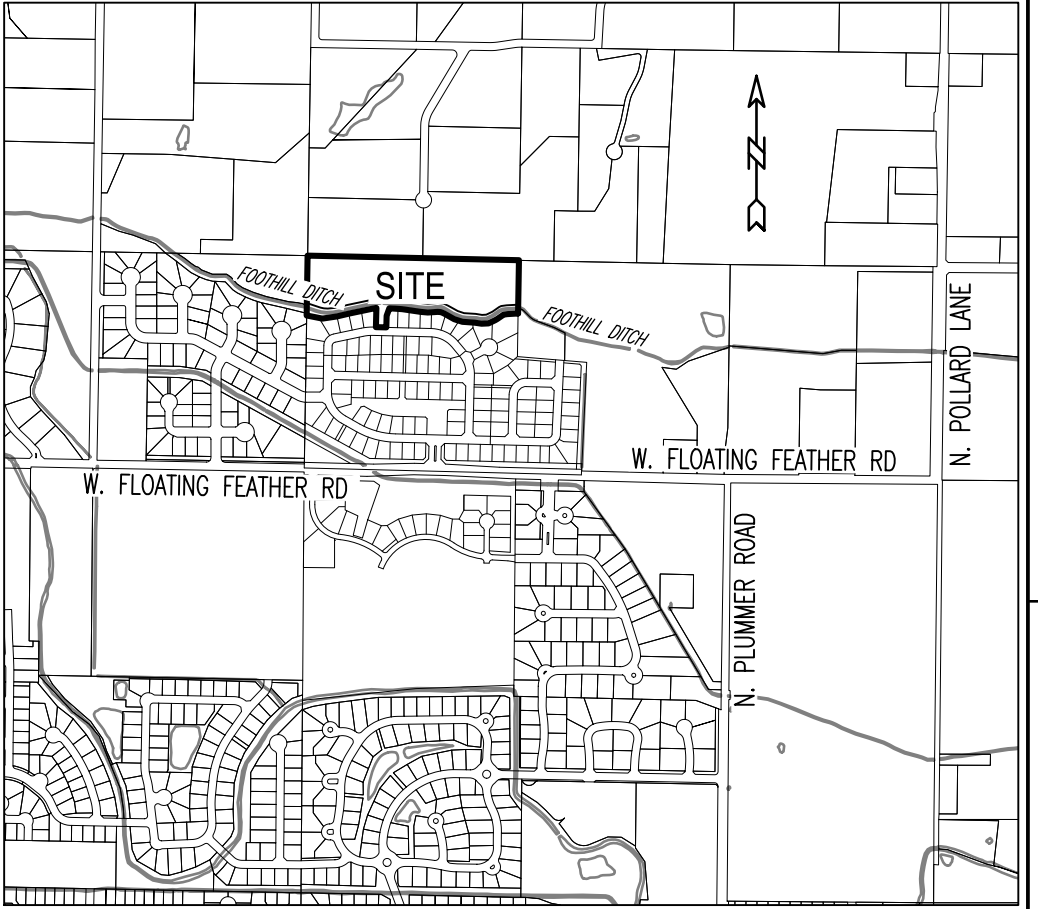
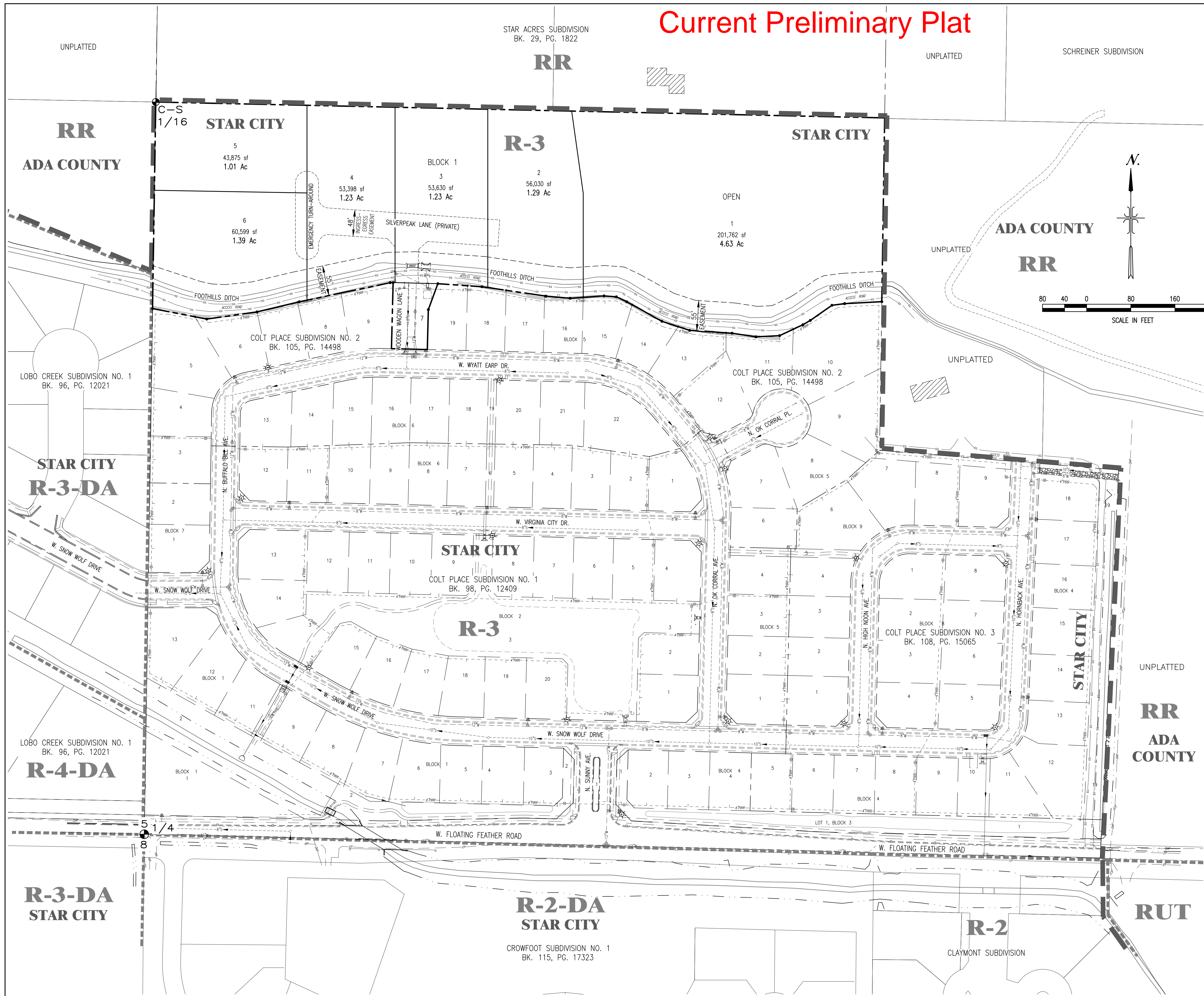
A 28-foot-wide private street is proposed to serve the development which will originate at W. Wyatt Earp Drive. A culvert will be required to cross the Foothills Ditch. Construction plans will require approval by the Ditch Company along with a license agreement for any improvements within the 55-foot-wide easement. The total width of the private road will be 28 feet with two-foot-wide ribbon curb on both sides and will be owned and maintained by the Colt Heights Homeowners Association. No sidewalks are proposed along the private street considering the minimal number of lots. The applicant respectfully requests a waiver from the Council to allow the 28-foot-wide private street with no parking on either side of the roadway. This request is based on the fact the roadway will only serve five lots and it is our desire to minimize the disturbance to the area. The location of the private road is based on the location of the Foothills Ditch and the amount of area necessary to provide proper grading and improvements outside the easement of the ditch without negatively effecting the waterway.

An engineered grading and drainage plan will be submitted to the City Engineer delineating building pads for the proposed homes. The building pads for the homes will be a minimum of 40 feet from the north boundary of the subject property to reduce the impact on the Star Acres lots.

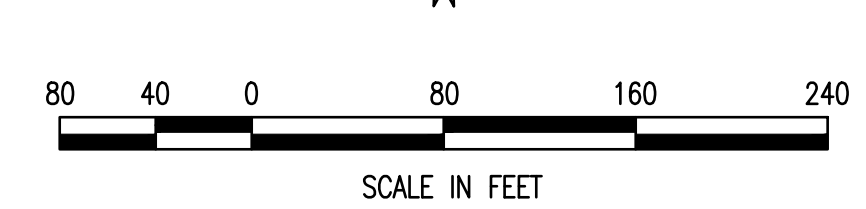
This estate lot development will complete the diversity of housing types and lot sizes originally approved and envisioned for this area. The transitional estate lots will be compatible with the existing Colt Place and Star Acres Subdivisions.

We request the City Council review and approve the applications for private road and preliminary plat.

Current Preliminary Plat



VICINITY MAP
1" = 1200'
LOCATED IN THE SE 1/4 OF SECTION 5, TOWNSHIP 4 NORTH, RANGE 1 WEST, B.M. STAR, ADA COUNTY, IDAHO



BUILDING SETBACK DATA

R-3 (ZONE)	
FRONT GARAGE:	20'
FRONT LIVING:	15'
REAR:	15'
INTERIOR SIDE:	7.5'
STREET SIDE:	20'

PRELIMINARY PLAT DATA

SITE AREA	10.96 ACRES
SINGLE-FAMILY RESIDENTIAL (56.11%)	6.15 ACRES
ACCESS/UTILITY LOTS (1.73%)	0.19 ACRES
COMMON LOT (42.16%)	4.63 ACRES
SINGLE-FAMILY RESIDENTIAL LOTS	5
ACCESS/UTILITY LOT	1
COMMON LOT	1
TOTAL LOTS	7
GROSS DENSITY:	0.46 DU/ACRE
MINIMUM RESIDENTIAL LOT SIZE	1.00 ACRES
AVERAGE RESIDENTIAL LOT SIZE	1.23 ACRES
EXISTING ZONING	R-3

- PRELIMINARY PLAT NOTES**
- SANITARY SEWER AND DOMESTIC WATER SERVICE TO BE PROVIDED BY STAR SEWER AND WATER DISTRICT.
 - SUBJECT PROPERTY DOES NOT FALL WITHIN FEMA FLOOD HAZARD ZONES A AND X. SEE FRM PANEL 16000100130A, DATED JUNE 19, 2020.
 - ALL LOTS ARE HEREBY DESIGNATED AS HAVING A PERMANENT EASEMENT FOR PUBLIC UTILITIES, IRRIGATION, AND LOT DRAINAGE OVER THE TEN (10) FEET ADJACENT TO ANY PRIVATE STREET. THIS EASEMENT SHALL NOT PRECLUDE THE CONSTRUCTION OF HARD-SURFACED DRIVEWAYS AND WALKWAYS TO EACH LOT.
 - UNLESS OTHERWISE SHOWN AND DIMENSIONED, ALL LOTS ARE HEREBY DESIGNATED AS HAVING A PERMANENT EASEMENT FOR PUBLIC UTILITIES, IRRIGATION AND LOT DRAINAGE OVER THE FIVE (5) FEET ADJACENT TO ANY INTERIOR SIDE LOT LINE, AND OVER THE TWELVE (12) FEET ADJACENT TO ANY REAR LOT LINE OR SUBDIVISION BOUNDARY.
 - THIS SUBDIVISION FALLS WITHIN THE MIDDLETON IRRIGATION ASSOCIATION, INC. AND FOOHILLS DITCH COMPANY IRRIGATION DISTRICTS AND ALL LOTS REMAIN SUBJECT TO THE ASSESSMENT OF SAID DISTRICTS.
 - BUILDING SETBACKS AND DIMENSIONAL STANDARDS IN THIS SUBDIVISION SHALL BE IN COMPLIANCE WITH THE APPLICABLE ZONING REGULATIONS OF THE CITY OF STAR.
 - LOTS 1 AND 7, BLOCK 1, SHALL BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION AND SHALL BE MAINTAINED BY THE COLT HEIGHTS HOMEOWNERS ASSOCIATION OR ITS ASSIGNS.
 - A STAR SEWER & WATER DISTRICT EASEMENT WILL BE PROVIDED ON LOTS 2-7, BLOCK 1 AND WITHIN THE PRIVATE ROAD EASEMENT.
 - LOTS 2-4 AND 6, BLOCK 1 ARE SUBJECT TO A BLANKET EASEMENT FOR MAINTENANCE BY FOOHILLS DITCH COMPANY.
 - IRRIGATION WATER HAS BEEN PROVIDED BY FOOHILLS DITCH COMPANY IN COMPLIANCE WITH IDAHO CODE SECTION 31-3805(1)(B). LOTS WITHIN THE SUBDIVISION WILL BE ENTITLED TO IRRIGATION WATER RIGHTS AND/OR SHARES AND INDIVIDUAL LOTS WILL REMAIN SUBJECT TO ASSESSMENTS FROM THE APPLICABLE IRRIGATION ENTITIES, TO BE PAID THROUGH FEES ASSESSED BY THE COLT PLACE HOA. THE PRESSURE IRRIGATION SYSTEM SHALL BE OWNED AND MAINTAINED BY THE COLT PLACE/COLT HEIGHTS HOA'S OR ITS ASSIGNS.
 - THIS DEVELOPMENT RECOGNIZES SECTION 22-4503, IDAHO CODE, RIGHT-TO-FARM, WHICH STATES THAT NO AGRICULTURAL OPERATION, AGRICULTURAL FACILITY OR EXPANSION THEREOF SHALL BE OR BECOME A NUISANCE, PRIVATE OR PUBLIC, BY ANY CHANGED CONDITIONS IN OR ABOUT THE SURROUNDING NON-AGRICULTURAL ACTIVITIES AFTER IT HAS BEEN IN OPERATION FOR MORE THAN ONE (1) YEAR, WHEN THE OPERATION, FACILITY OR EXPANSION WAS NOT A NUISANCE AT THE TIME IT BEGAN OR WAS CONSTRUCTED PROVIDED THAT THE PROVISIONS OF THIS SECTION SHALL NOT APPLY WHEN A NUISANCE RESULTS FROM THE IMPROPER OR NEGLIGENT OPERATION OF AN AGRICULTURAL OPERATION, AGRICULTURAL FACILITY OR EXPANSION THEREOF.

LEGEND

---	BOUNDARY LINE
- - - -	PROPOSED LOT LINE
---	EXISTING LOT LINE
---	EXISTING CITY LIMITS
---	ZONING BOUNDARY

OWNERS OF RECORD
CORY BARTON HOMES, INC.
1977 E. OVERLAND ROAD
MERIDIAN, IDAHO 83642
Phone (208) 288-5560

DEVELOPER
CHALLENGER DEVELOPMENT INC.
1977 E. OVERLAND ROAD
MERIDIAN, IDAHO 83642
Phone (208) 938-0980
Fax (208) 938-0941

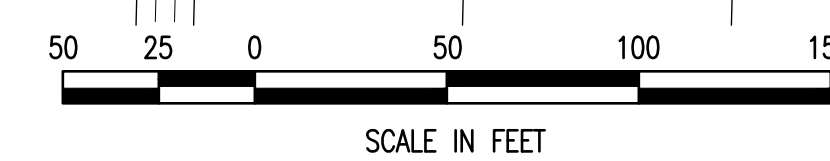
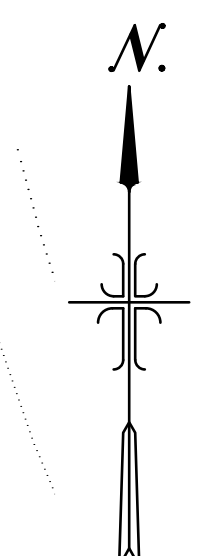
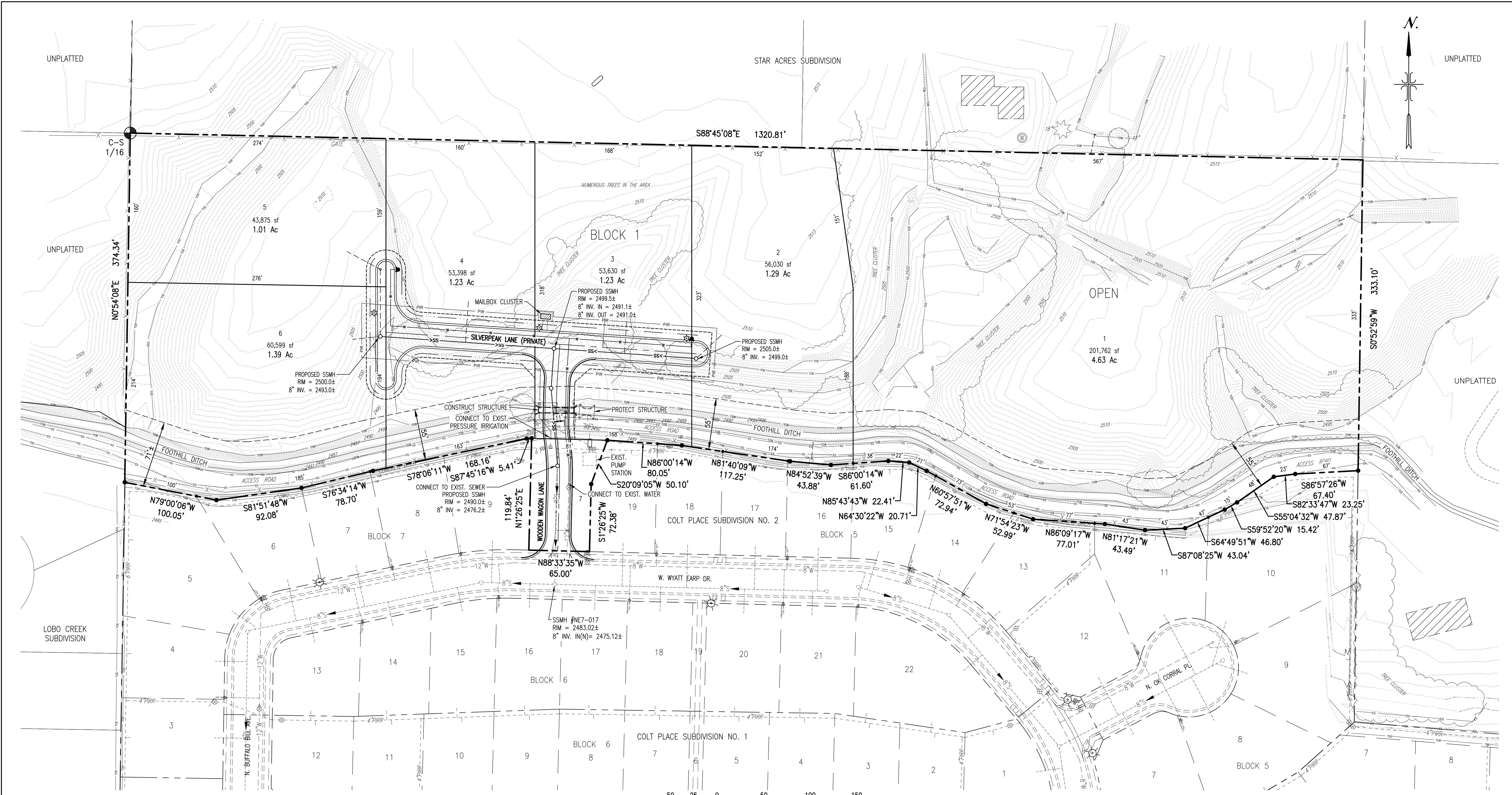
PLANNER / CONTACT
BECKY MCKAY
1029 N. ROSARIO STR., STE. 100
MERIDIAN, IDAHO 83642
Phone (208) 938-0980
Fax (208) 938-0941

REVISIONS
12-13-22, ITS

ENGINEERING SOLUTIONS, LLP
1029 N. ROSARIO STR., SUITE 100
MERIDIAN, IDAHO 83642
Phone (208) 938-0980 Fax (208) 938-0941

COLT HEIGHTS SUBDIVISION PRELIMINARY PLAT
LOCATED IN A PORTION OF THE SE 1/4 OF SECTION 5 TOWNSHIP 4 NORTH, RANGE 1 WEST, B.M. CITY OF STAR, ADA COUNTY, IDAHO

SCALE 1"=80'
DWG. DATE 07/06/22
PROJ. NO. 220622
SHEET 1 OF 2
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PRELIMINARY PLAT DATA

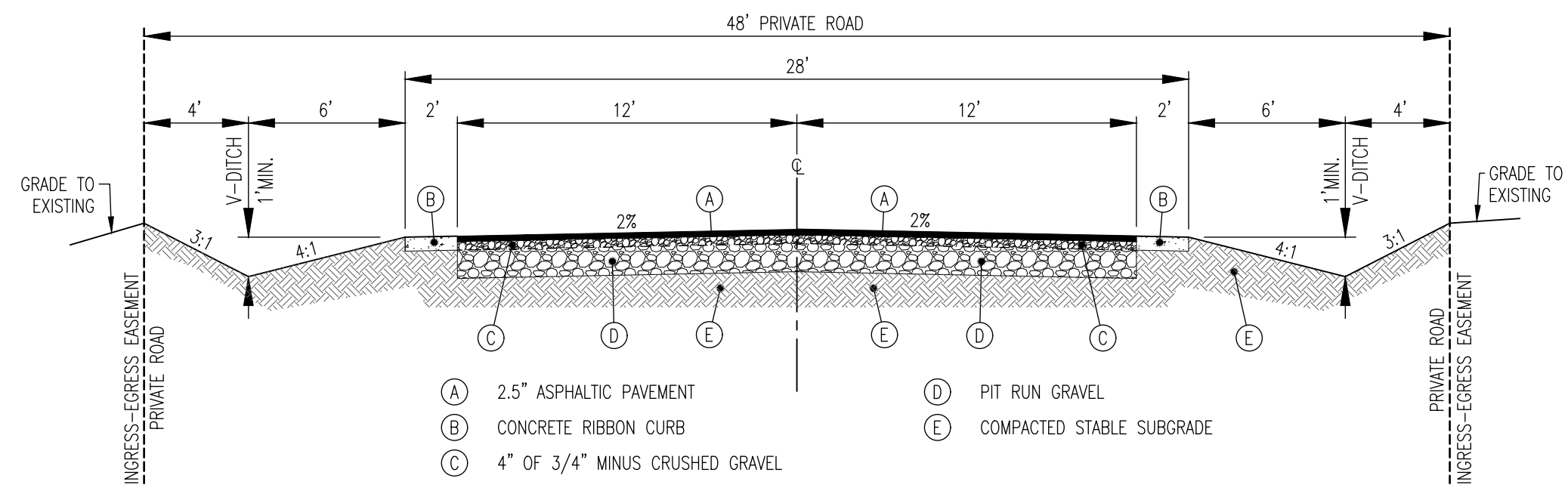
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ACCESS/UTILITY LOT	1
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TOTAL LOTS	7
GROSS DENSITY:	0.46 DU/ACRE
MINIMUM RESIDENTIAL LOT SIZE	1.00 ACRES
AVERAGE RESIDENTIAL LOT SIZE	1.23 ACRES
EXISTING ZONING	R-3

LEGEND

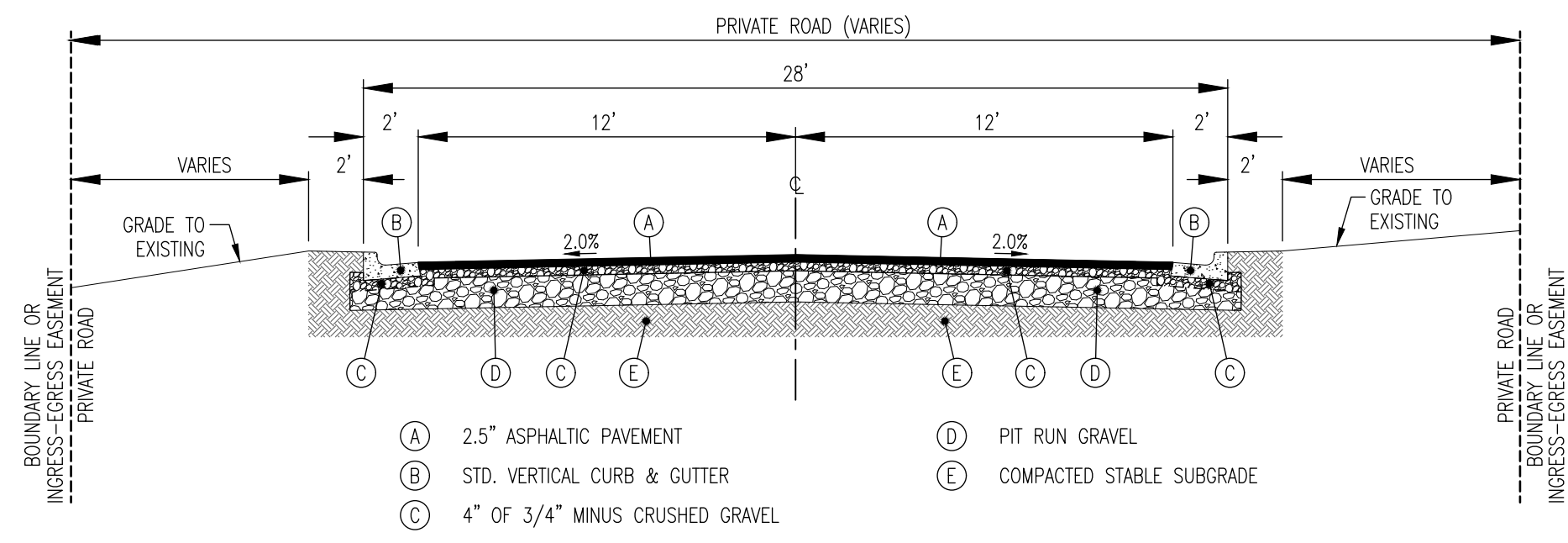
- BOUNDARY LINE
- - - EASEMENT INGRESS-EGRESS
- LOT LINE
- CENTERLINE
- - - PRIVATE DRIVE EASEMENT LINE
- - - EXIST. CONTOUR LINE
- W PROPOSED WATER LINE & FIRE HYDRANT
- - - PROPOSED SANITARY SEWER LINE
- - - PROPOSED PRESSURE IRRIGATION
- ☀ PROPOSED STREET LIGHT
- PROPOSED CURB FLOW
- PROPOSED VERTICAL CURB & GUTTER
- PROPOSED RIBBON CURB

BUILDING SETBACK DATA

R-3 (ZONE)	
FRONT GARAGE:	20'
FRONT LIVING:	15'
REAR:	15'
INTERIOR SIDE:	7.5'
STREET SIDE:	20'



28' WIDE PRIVATE ROAD SECTION - RIBBON CURB
SILVERPEAK LANE
N.T.S.



28' PRIVATE ROAD SECTION - VERTICAL CURB & GUTTER
WOODEN WAGON LANE
N.T.S.

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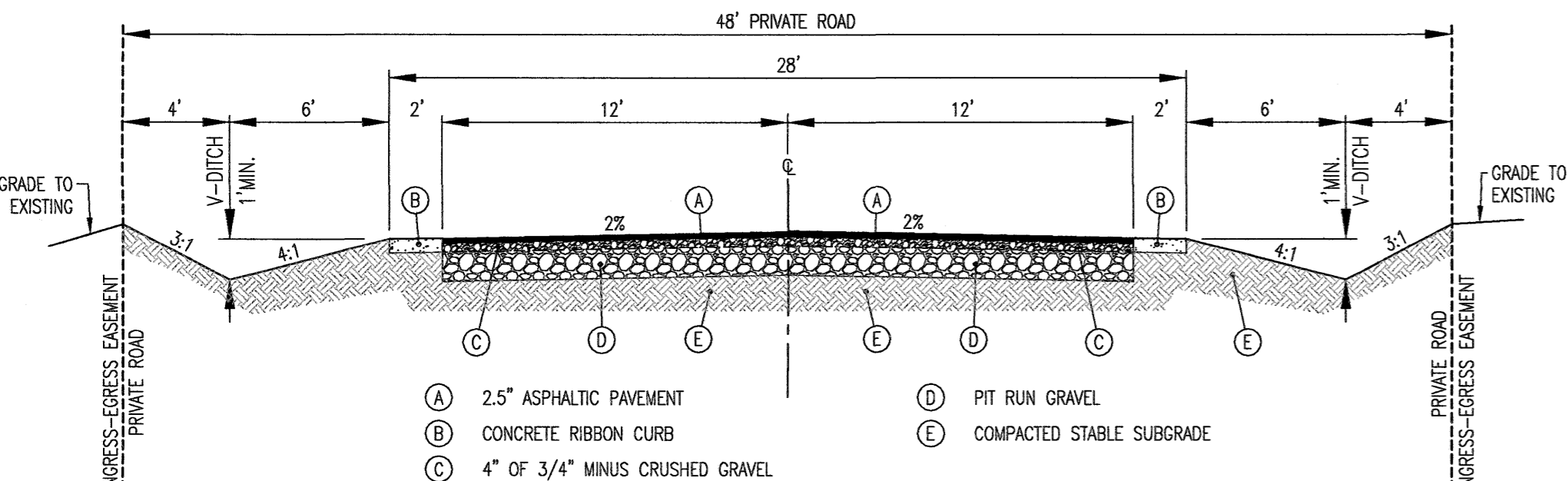
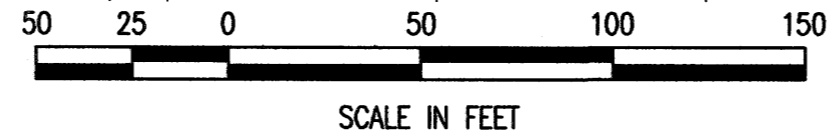
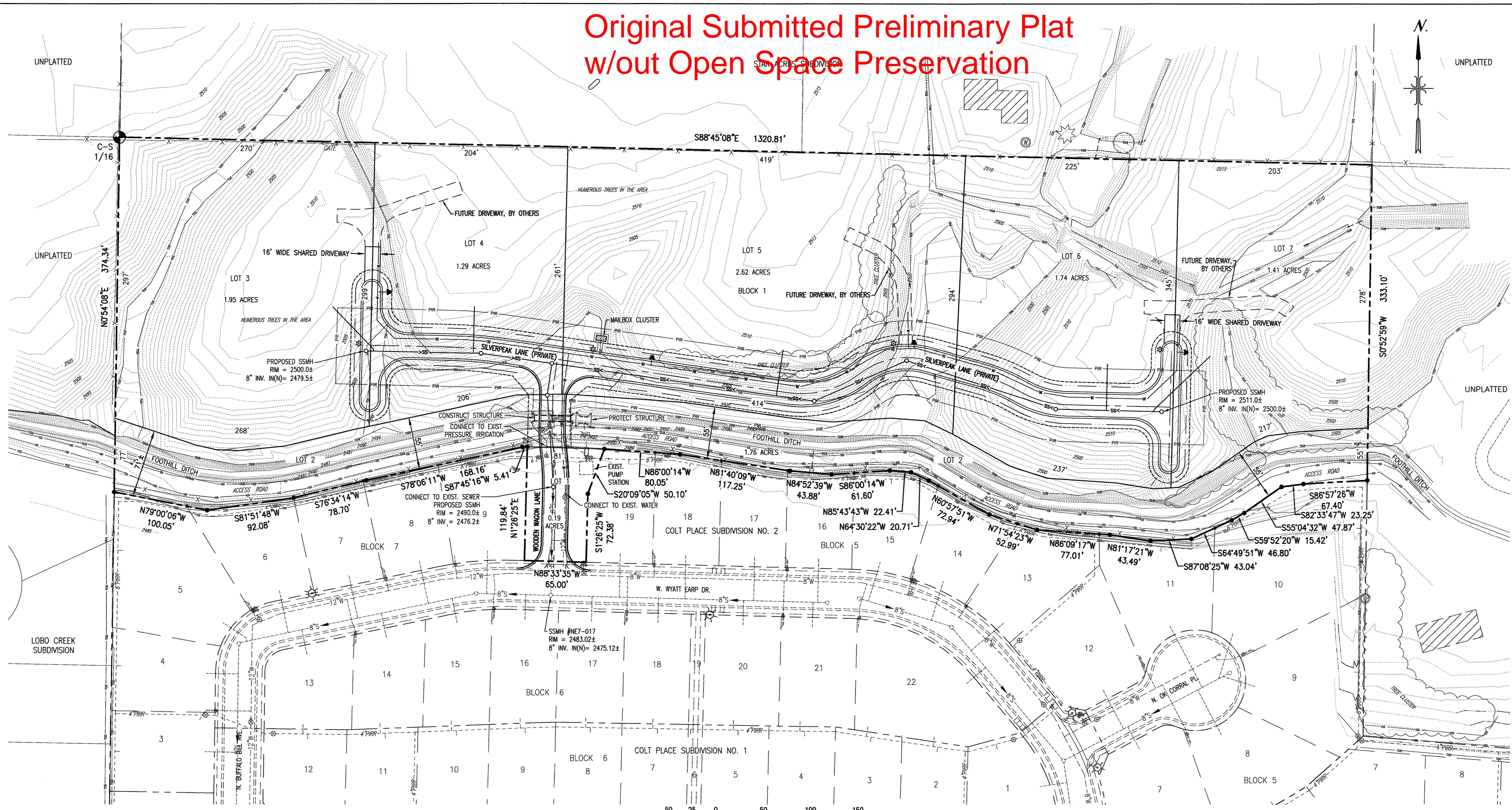
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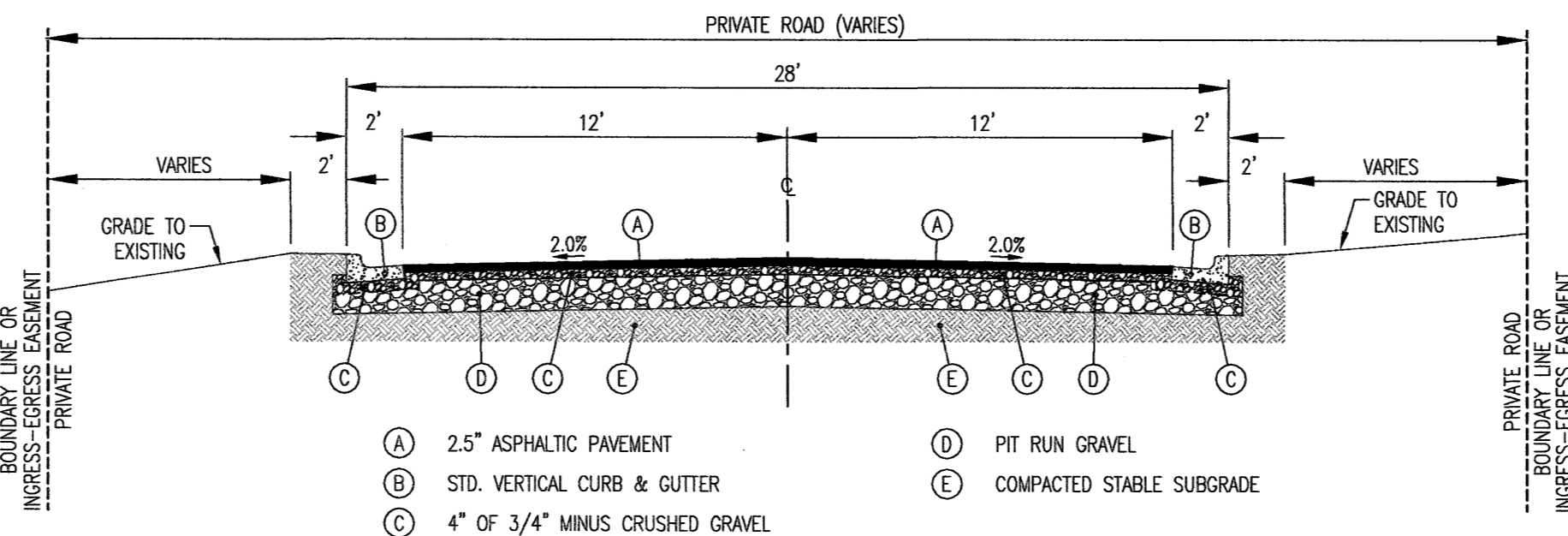
COLT HEIGHTS SUBDIVISION PRELIMINARY PLAT
LOCATED IN PORTIONS OF THE NE 1/4 OF SECTION 9 AND THE W 1/2 OF SECTION 10, T. 4N., R. 1W., B.M. ADA COUNTY, IDAHO

SCALE 1"=50'
DWG. DATE 07/06/22
PROJ. NO. 220622
SHEET 2 OF 2
PRE-1
/220622-PRE.DWG

Original Submitted Preliminary Plat w/out Open Space Preservation



28' WIDE PRIVATE ROAD SECTION - RIBBON CURB
SILVERPEAK LANE
N.T.S.



28' PRIVATE ROAD SECTION - VERTICAL CURB & GUTTER
WOODEN WAGON LANE
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PRELIMINARY PLAT DATA

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FOOTHILLS DITCH LOT (16.06%)	1.76 ACRES
SINGLE-FAMILY RESIDENTIAL LOTS	5
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AVERAGE RESIDENTIAL LOT SIZE	1.80 ACRES
EXISTING ZONING	R-3

BUILDING SETBACK DATA

R-3 (ZONE)	
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INTERIOR SIDE:	7.5'
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COLT HEIGHTS SUBDIVISION PRELIMINARY PLAT

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SCALE 1"=50'
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SHEET 2 OF 2
PRE-1



N Brandon Rd

N Brandon Rd

N Brandon Rd

N Wood Rd

Rolling Hills Dr

N Sunny Hill

Star Middle School

Iron Mountain Ridge

W Lateral



W Wat Har Pl Dr

Football Dr

Black Horse Pl

W Snow Wolf Dr

Floating Feather Rd

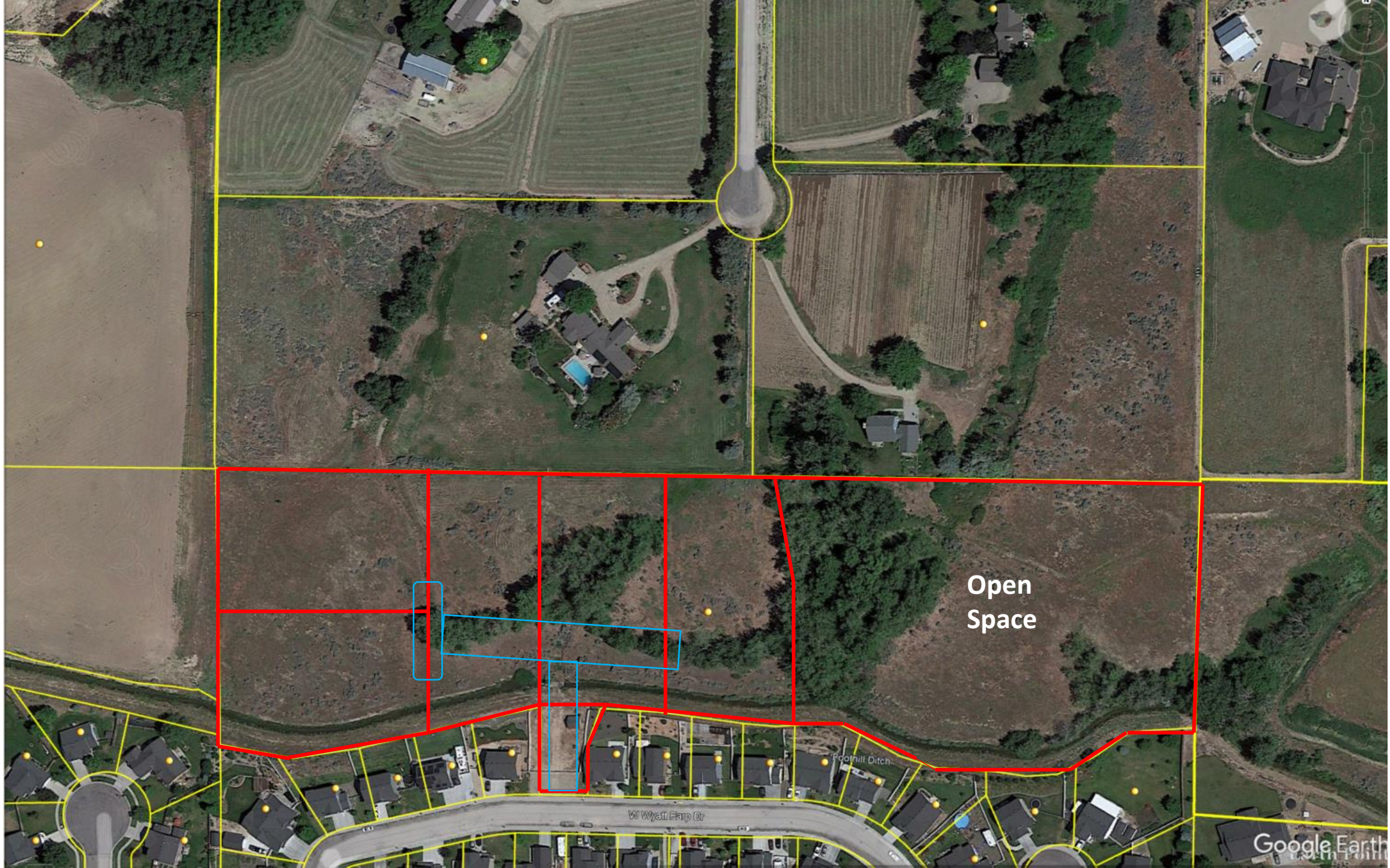
Colt Place Subdivision

N Dollard Ln

Star Cemetery MA

Tom Eriebach Skatepark

Google Earth



Open
Space

W Wyatt Farm Dr

Google Earth

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 Salmonsén
Kevan Wheelock
David Hershey

20 December 2022

Becky McKay
Engineering Solutions
1029 N. Rosario Street
Meridian, ID 83642

Re: Colt Heights Subdivision – Preliminary Plat Application

Dear Ms. McKay

The City of Star Engineering Department has reviewed the Preliminary Plat for the Colt Heights Subdivision dated July 19, 2022. 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. Silverpeak Lane longer than 150 feet (approximately 160') to the east Wooden Wagon Lane. A turnaround is required at the east end of Silverpeak Lane unless the shortened to 150 feet or less.
2. How will stormwater from the proposed improvements be handled? a final stormwater report will be required prior to construction drawing approval.
 - a. Stormwater report must include all items outlined in the City Hillside Ordinance.
3. New residential pads are located between 16 and 22 feet above the existing irrigation pump station. A final irrigation report is required prior to construction drawing approval and final plat signature.
4. The City has recently adopted new hillside regulations. Please review these regulations and provide additional information required for by these regulations.
5. City requires 36-foot-wide roadways. Please update plans or request waiver from this requirement.

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. 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.
8. Historic irrigation lateral, drain, and ditch flow patterns shall be maintained unless approved in writing by the local irrigation district or ditch company.
9. Finish grades at subdivision boundaries shall match existing finish grades. Runoff shall be maintained on subdivision property unless otherwise approved.
10. 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.
11. Propose a long-term plan for protection and maintenance of grassed swales (i.e. planting of trees, filling / regrading swale,) CC&Rs and/or private road agreement shall address long term maintenance of drainage swales.

We recommend that the condition 1 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: Griffith, Christen CIV USARMY CENWW (USA) <Christen.M.Griffith@usace.army.mil>
Sent: Friday, November 4, 2022 12:20 PM
To: Becky McKay
Cc: Shawn Nickel; Ryan Morgan
Subject: RE: Colt Heights Subdivision (Star) - City Contact Information

Thank you for having me out to the site. And sorry for the delayed response.

Here is a short summary of what I observed on site. Generally the project area is uplands with the exception of a distinct wetland drainages which flow north to south. Hydrology is pretty manipulated by the presence of ditches, impoundments, and berms, with significant runoff from irrigation coming from the northern boundary. Portions of the constructed ditches have a riparian canopy, and cross topography to connect to the drainages

Although Irrigation is heavily influencing the main features, there is a smaller area towards the southwestern boundary that does not receive upstream irrigation water and had similar character of cottonwoods and other wetland species. That generally implies that the geomorphic position and depth of the drainages likely could naturally sustain wetlands, but would likely be of a different character absent the irrigation water.

In an ideal scenario, the process for determining what is irrigation induced or naturally sustained is for the wetland boundaries to be delineated, piezometers to be installed within the area and then irrigation water turned off for a minimum of a two full seasons, while monitoring the site for any changes. From our discussions in the field the ability to control the irrigation (turn it off) doesn't appear to be available at this time as it mostly enters the property from a uncontrolled ditch running parallel to the northern boundary and not at a discrete point.

Given that, The first step I would recommend is having a wetland delineation done to clearly mark the boundaries of where the wetlands boundaries area. Those boundaries are generally more refined than the canopy, as they require wetland hydrology, soils, and vegetation indicators to be present. Generally from the plat you shared, it appears impacts are associated with roadway crossings to reach development pads, so once the boundaries are identified, you can overly the project and see what the preliminary impacts would be. Depending on what the impacts are, that may influence whether you assume all delineated resources are jurisdictional, or complete further investigation and request an Approved Jurisdictional Determination to formally determine what may be regulated by the Corps.

Should you wish to assume the resources are jurisdictional, you would look at the impacts and start planning on avoiding or minimizing impacts. We discussed common ways to do that which may serve multiple purposes such as spanning the drainages instead of culverts, which may support less maintenance and conveyance issues with the irrigation over time.

Thank you and please reach back with any questions.

Marve

Christen Marve Griffith
US Army Corps of Engineers
Boise Regulatory Office
720 E. Park Blvd, Suite 245
Boise Idaho, 83712
Christen.m.griffith@usace.army.mil
(208) 433-4470

Shawn Nickel

From: Flack,Brandon <brandon.flack@idfg.idaho.gov>
Sent: Tuesday, November 1, 2022 10:44 AM
To: Becky McKay
Cc: Shawn Nickel
Subject: RE: Colt Heights - Preliminary Plat and Grading Plan

Dear Becky,

The Idaho Department of Fish and Game (IDFG) has received your request for information related to the preliminary plat and grading plan for a 5 lot housing subdivision known as Colt Heights on roughly 10.29 acres located north of Floating Feather Road and west of Pollard Lane within the City of Star. This email serves as an IDFG letter addressing fish, wildlife, and plant resources as a component of the natural features of the property, including any sensitive plant and wildlife species recorded in the project vicinity.

IDFG has not conducted specific wildlife surveys on the property. The Idaho Fish and Wildlife Information System (IFWIS) database contains no records of special-status plant or animal species on the project property or within 0.5 miles of the property boundary. Considering the footprint of the project is surrounded by other suburban development or agricultural lands, IDFG would not anticipate effects of the proposed activities on native plant or terrestrial wildlife populations.

In addition, IDFG recommends the following practices for residential subdivisions:

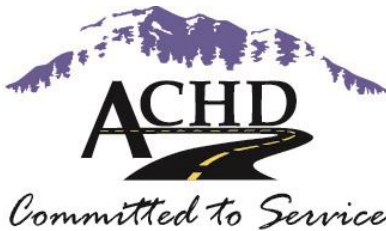
- Residents should control pets, including cats, at all times (fenced yard, keep indoors, kenneled, leashed, etc.). Pets, at-large, dramatically increase a residential subdivision's negative effects on wildlife.
- Prohibit the feeding of wildlife and require that potential wildlife attractants (pet food, garbage, gardens, etc.) be maintained in a way to reduce wildlife conflicts (skunks, foxes, raccoons, magpies, etc.). Eliminating or minimizing the potential for wildlife depredations is the responsibility of the property owner.
- Native vegetation should be retained to the extent possible during project implementation to support birds, small mammals, and pollinator species.
- Retain buffers of riparian vegetation that surround any wetland resources on the property.

Thank you for your interest in the state's fish, wildlife, and plant resources. Please feel free to contact me with additional information needs or other questions.

Best regards,

Brandon Flack
Environmental Staff Biologist
Idaho Dept. of Fish and Game
Southwest Region
15950 N. Gate Blvd.
Nampa, ID 83687
Ph: (208) 854-8947





Mary May, President
Alexis Pickering, Vice-President
Jim D. Hansen, 2nd Vice President
Kent Goldthorpe, Commissioner
Dave McKinney, Commissioner

August 24, 2022

To: Challenger Development, Inc.
1977 E. Overland Road
Meridian, Idaho 83462

Representative: Engineering Solutions, LLP
Becky McKay
1029 N. Rosario St., Suite 100
Meridian, Idaho 83642

Subject: SPP22-0010/ PP-22-09, PR-22-03
West Ok Corral Way
Parcel # S0405438440
Colt Heights Subdivision

This is a staff level approval of a preliminary plat for Colt Heights Subdivision, SPP22-0010/ PP-22-09, PR-22-03.

On August 22, 2022 the Ada County Highway District reviewed and approved the submitted application for the preliminary plat referenced above and has determined that there are no requirements required to the adjacent streets. The proposed preliminary plat is approved without conditions.

District improvements and the creation of the private street that this subdivision will be using as the primary access were constructed as part of the 2005 Colt Place Subdivision, which final platted in October of 2017.

The applicant will be required to pay all applicable platting and review fees prior to final approval.

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

Sincerely,

Renata Ball-Hamilton
Planner
Development Services

cc: City of Star (Shawn L. Nickel), Via Email
Owner/Rep (Challenger Development Inc./Corey Barton Homes, Inc.), Via Email

Request for Appeal of Staff Decision

Appeal of Staff Decision: The Commission shall hear and decide appeals by an applicant of the final decision made by the Development Services Manager when it is alleged that the Development Services Manager did not properly apply this section 7101.6, did not consider all of the relevant facts presented, made an error of fact or law, abused discretion or acted arbitrarily and capriciously in the interpretation or enforcement of the ACHD Policy Manual.

a) Filing Fee: The Commission may, from time to time, set reasonable fees to be charged the applicant for the processing of appeals, to cover administrative costs.

b) Initiation: An appeal is initiated by the filing of a written notice of appeal with the Secretary and Clerk of the District, which must be filed within ten (10) working days from the date of the decision that is the subject of the appeal. The notice of appeal shall refer to the decision being appealed, identify the appellant by name, address and telephone number and state the grounds for the appeal. The grounds shall include a written summary of the provisions of the policy relevant to the appeal and/or the facts and law relied upon and shall include a written argument in support of the appeal. The Commission shall not consider a notice of appeal that does not comply with the provisions of this subsection.

c) Time to Reply: The Development Services Manager shall have ten (10) working days from the date of the filing of the notice of appeal to reply to the notice of the appeal, and may during such time meet with the appellant to discuss the matter, and may also consider and/or modify the decision that is being appealed. A copy of the reply and any modifications to the decision being appealed will be provided to the appellant prior to the Commission hearing on the appeal.

d) Notice of Hearing: Unless otherwise agreed to by the appellant, the hearing of the appeal will be noticed and scheduled on the Commission agenda at a regular meeting to be held within thirty (30) days following the delivery to the appellant of the Development Services Manager's reply to the notice of appeal. A copy of the decision being appealed, the notice of appeal and the reply shall be delivered to the Commission at least one (1) week prior to the hearing.

e) Action by Commission: Following the hearing, the Commission shall either affirm or reverse, in whole or part, or otherwise modify, amend, or supplement the decision being appealed, as such action is adequately supported by the law and evidence presented at the hearing.

STAR TRANSPORTATION AND PATHWAY COMMITTEE DEVELOPMENT REVIEW

August 29, 2022

BARON PRO. REZONE

Recommend: No comments, at this time.

CHERISHED ESTATES

Recommend: 8' sidewalk along Floating Feather
All internal pathways should be Public (open to)

FALLBROOK Phase 6

Recommend: No Comments

INSPIRADO SUBDIVISION

Recommend: Streets Inspirado Dr. and Sunset Springs Way should be classified as Collector streets with 8' sidewalks.
Easement, if not constructed, for pathway along the Phyllis cancel

SAUNDERE RIDGE ESTATES

Review: Lot No. 2 has questionable access.

GLENDORA

Recommend: 5' sidewalks within subdivision
Question do we need pathway to Mid-School on East side?

MADENFORD ESTATES

Recommend: 5' sidewalks in subdivision (as standard)

COLT HEIGHTS No. 6

Recommend: Pathway along cancel (consider requiring construction)

MADENFORD ESTATES

Recommend: All pathways should be Public (open to)

Shawn Nickel

From: Katy Slater <kds.katy@gmail.com>
Sent: Friday, November 18, 2022 10:52 AM
To: Shawn Nickel
Subject: Colt Heights
Attachments: Weir-n- Ditch.JPG; Google - Headlights.png

Hi Shawn,

Thank you for hosting the meeting with Cory Barton, it was a good progress meeting. I really feel like you heard what we were saying about the development and are seeking a solution that can fit somewhere into everyone's requirements. Thank you!

I am going to give you bullet points about what I would hope to achieve. Under any circumstance, this new plat is better as far as impact and I agree we should move forward with the new proposal. 12/06/222 is the 18th anniversary since I approached the City Council regarding this land.

Plat Comments

- **Please show the home at 2091 N Sunny Ln on the Plat Map** for Reference now that all the building is adjacent to this property.
- **Please, four (4) lots instead of five (5).** Although half of the project land may be going to the City for a park, I am now absorbing the entire development impacts from my property. Please encourage Cory to consider the option of removing Lot 5, and/or shifting homes around leaving that space open.

It can be argued that while Cory may be entitled to 5 Lots, the Plat expired. The land was litigated, and involved bankruptcy, recession and real estate rock bottom which means that he got a bargain price on the land. It has been abandoned for at least 18 years to the date of 12/06/05 when I first approached the City Council. Lot 5 is in direct view of every room in my home. I am going to plead this with him and the City Council one more time.

- **Lot setbacks from the North property line** equal to my home home at 80'. Please don't put the homes in a straight line against the North property line. Random placement is preferred.
- **Absolutely no headlights, or the light array** shall enter my house. I propose that berming and planting take place with the civil engineering/build. Please see attachment 1. If the road approach after the bridge can stay below the elevation gain, before the left turn into the development, it will help mitigate the instance of entry headlights.
- **Strategic use of berms and contouring of the land to fully screen rooflines & headlights.** This includes planting of trees and shrubs on the berms. Please, no solid berm from one end of the development to the other. This sculpting should not be contrived, but natural and random to effectively screen headlights and rooflines (in time).

Specification of the landscape: should be of mass planting of evergreen Firs, Pines, Willows and Larch trees @ 10' on center, and shrubs @ 5"- 3' on center which will create a cascade effect on the berm over time.

Future/Final Plat Request

- Add to Final Plat Map: "RIGHT TO FARM" (Related to irrigation run-off)

- Single story homes, with structure height limit for single story. (i.e. Don't leave a lot of head room in the attics. These should be in the style of Ranch homes, not subdivision towering roofs). Please consider a second story on lot 7
- Minimum street lights that are dim and directed to a limited area. (Currently it is DARK in Star Acres and we want to leave it that way.)
- Reasonable homebuilding footprints stipulated (80*80)
- Stipulations for out buildings (minimum 40' set back)

Canals and Pond: Understanding what really happens with the flows to East & West.

I am aware that IDWR & local canal and waterway people need to be involved with the implementation of irrigation changes. Tiling or piping water on the development site only partially solves the water flow issue.

Please see attachment #2. I am a dry lot, but assist, in two ways with care of Star Acres irrigation run off as a result of canal mitigation made 10 years ago. These two issues are on our property and will touch on the development site which must be considered with the civil engineering.

- Control of the weir between Carol and I prior to entering Barton's site. Although rudimentary, it works and we manage the gates. Again, I am not responsible for flooding.
- Lot 7 will get flooded from upstream irrigation runoff issues. This condition exists today. An irrigation waste ditch to an original canal section of the cottonwood trees on our property is an open ditch. which will need to be piped to protect Barton's property from rodent erosion and subsequent flooding. The burden of cost to pipe this section is not my responsibility.

The ultimate responsibility for maintenance are the Star Acres Water Users. I am in no way responsible for any flooding created to Barton's property for any cause.

Slater Well & Point of Diversion. As part of the City's comprehensive plan and consideration for this development, I request that well depth and service of water discussions be documented in the fact & finding or development agreement or wherever that is appropriate. The discussion with the City Engineer has determined that there will be no impact to my well for the development impacts due to the fact that my well is 125' deep.

Although this seems like a lot, none of this is extremely difficult if considered now instead of down stream when I have to get involved again. :-). In other words, I will be done and gone if this is done correctly now. I really do not want to spend any more time deliberating over irrigation or basic human rights for peace and tranquility that I have enjoyed over the past 20 years.

Thank you for your help with this, especially dropping Lot 5.

Katy Slater, PMP®
208-340-1107 mobile

<http://katyslater.squarespace.com>
<http://www.linkedin.com/in/katyslater>



Foothill Ditch

Foothill Ditch

Foothill Ditch

W Wyatt Earp Dr

W Wyatt Earp Dr

W Wyatt Earp Dr

February 8, 2006

Ms. Kathleen D. Slater
440 Woodward Boulevard
Pasadena, California 91107

SUBJECT: Slater Wetland and Wildlife Values Assessment

Dear Ms. Slater:

Please find enclosed the official color copy of the Slater Wetland and Wildlife Values Assessment. This assessment is the final product of Maxim's wetland and wildlife functions and values survey conducted on the Conner property south of your residential property. This assessment represents the conclusion of Maxim's service under the present contract.

As we had discussed, there was a calculation error in the previous rough report pertaining to the Value of the wetlands in the Assessment Area. This calculation has been corrected and a full color report will be delivered directly to Greg Martinez of the USACOE.

It was a genuine pleasure to provide services to you. Please feel free to contact me with any future questions, concerns, and/or services. I look forward to speaking with you again soon. Good luck with your future endeavors.

Respectfully submitted,



Chris Colson
Ecologist

KATHLEEN D SLATER, PMP

440 WOODWARD BOULEVARD, PASADENA, CA 91107 TEL (208) 340-1107

January 25, 2006

Greg Martin ~~Esq.~~
Army Corp. of Engineers
304 Nth 8th Street
Room 140
Boise, ID 83702

Re: Colt Carson Subdivision, City of Star
PUD-PP-06-01

I'm enclosing a Wetlands and Wildlife Values Assessment prepared by Maxim Technologies for me of January 13, 2006. In absence of anything from the developer for approval of their preliminary plat map, I had hoped the City Council would not approve their proposal. This was not effective, and the City Council took NO action to preserve this sensitive area.

You will see from the assessment this nine acre area (above the Foothill's Ditch) scored 48% for its richness in wildlife and wetlands ecosystem.

Anything you can do to help preserve this site for future generations, albeit small, is appreciated.

Sincerely,

Katy Slater
c.c. Eric Lightsmager, Dept. of Fish+Game

**SLATER WETLAND
AND
WILDLIFE VALUES ASSESSMENT**

6540065.100

**SLATER WETLAND
AND
WILDLIFE VALUES ASSESSMENT**

6540065.100

Prepared for:

Kathleen D. Slater
440 Woodward Boulevard
Pasadena, California 91107

Prepared by:

Maxim Technologies
3380 Americana Terrace
Suite 201
Boise, Idaho 83706

February 7, 2006

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- APPENDIX B – WETLAND FUNCTIONS AND VALUES ASSESSMENT

1.0 INTRODUCTION

In early January 2006, Maxim was contacted by Kathleen Slater requesting biological services in support of a preliminary assessment of wetlands, wildlife, and wildlife habitat on a parcel of land located at SE1/4 Sec. 5 T4N R1W, in Ada County, Idaho (**Figure 1**). The parcel of land, or Assessment Area (AA), is owned by Connors Development Company and is planned for the future development of a residential community. Miss Slater desires an evaluation of the AA for its preliminary wetland and wildlife functions and values. Maxim personnel visited the AA on January 10th, 12th and 16th, 2006.

2.0 DESCRIPTION OF ASSESSMENT AREA

The AA is hydrologically supported by a historical irrigation ditch and settling pond to the North. The ditch exits the property of Ted Simmerman to the south. The ditch then turns west as it approaches the edge of an alluvial fan to the south and Slater's property to the north. The ditch travels approximately 200' further before turning north and terminating in a settling pond on the Slater property. Simmerman claims to be the end user of the irrigation and is responsible for discharging surplus water not consumed by him or previous users. As a result, the volume of water carried through and discharged by the irrigation ditch may vary significantly. However, Simmerman states that a daily flow of water is continuously discharged during the irrigation season (Simmerman, personal communication, 1/10/06). This discharge hydrologically supports the AA well into the later summer months, typically indicative of hot dry weather. Several groves of mature *Populus trichocarpa* (black cottonwood) exist within and along the ditch and surround the terminating settling pond adjacently south of the Slater property. An additional depression, adjacently east to the ditch, just south of the Simmerman property, is occupied by a thick stand of black cottonwood that is likely hydrologically augmented from subsurface flow originating from the upslope irrigation ditch. Collectively, the black cottonwood dominated potential wetland area encompasses approximately 1 acre of land concentrated near the irrigation ditch. An area of potential wetland occurs adjacently southeast of the Simmerman property comprised of emergent vegetation and indicating that the area is at least semi-permanently flooded, despite the area being dry during the site visits. This wetland is undoubtedly sustained by the irrigation.

Simmerman states that the ditch was in existence and operating when he moved onto the property 25 years ago and that many of the cottonwood trees were already well established at that time. While their age may be only 30 years, the majority of trees exhibit closed canopies and it is estimated many exceed a height of 100' and a diameter at breast height of >15". Two major groves of cottonwood trees exist within the AA. The larger of the two is located south of the Simmerman property and the second south of the Slater property. Both contain mature cottonwood trees, an understory of shrubs, and are likely hydrologically supported by the irrigation ditch well into and through the dry season.

The ditch itself, outside of the cottonwood groves, consists of a variety of shrubs including *Rosa woodsii* (Wood's rose), *Salix* sp. (willows), and *Ribes aureum* (golden currant). Identification of grass and forb species was not possible due to seasonality. It is likely that many more additional species would be observed if the survey was conducted during the growing season. This vegetative community is narrow and restricted to the interface of the ordinary high water of the ditch and the upland.

As previously mentioned, the ditch exits the Simmerman property and flows through an area of emergent vegetation and a semi-permanently flooded hydrologic regime. This regime is evidenced by the occurrence of *Typha latifolia* (cattails), and *Scirpus* and *Schoenoplectus* sp. (bulrushes). It appears that standing water may occur during periods of irrigation.

The irrigation ditch then flows west, supporting further groves of black cottonwood, including a depression area directly south of the Slater property. During times of high irrigation flow it is likely that standing water may accumulate in this depression. Finally, the irrigation ditch continues west and turns toward the north where it terminates in the settling pond on the Slater property, an additional area of black cottonwood.

The AA consists of three types of upland habitat that surround the potential wetland areas. Immediately surrounding the majority of the potential wetland areas, old-growth *Artemisia tridentata* (basin sagebrush) occurs to the east, west, and south. Beyond the sagebrush to the south, a large tract of agricultural land occurs. To the north are residential properties, including that of Slater and Simmerman.

3.0 NATIONAL WETLANDS SURVEY

The United States Fish and Wildlife Service National Wetlands Inventory (USFWS NWI) was consulted for the presence of historically surveyed wetlands within or directly adjacent to the AA (**Figure 2**). Two wetlands were mapped; one northwest of the AA, and the second was the previously discussed wetland area consisting of emergent vegetation and a semi-permanently flooded hydrologic regime off of the southeast corner of the Simmerman property. The NWI does not provide details of the mapped wetlands in its database, therefore it is unknown whether the rest of the AA was surveyed for wetlands or determined not to be wetlands. Regardless, assuming the irrigation ditch originates from a Water of the United States (WUS), likely the Boise River, the entire irrigation ditch, and any adjacent and/or connected habitat determined to be wetlands are subject to the regulations of the Clean Water Act. The jurisdictional status of the cottonwood groves cannot be determined presently due to seasonality restrictions; however the establishment of cottonwoods requires a relatively substantial source of hydrology, often indicating the presence of a wetland. To date, no formal wetland delineation has been conducted on the AA (Martinez, personal communication, 1/12/06).

4.0 WILDLIFE SURVEY

Several features on the property have potential to provide habitat for wildlife. The structurally diverse vegetation, consisting of tree, shrub and herbaceous layers, can supply food and cover for a range of wildlife species. Many plant species identified on the property have potential food value to game birds, song birds, small mammals and deer; several examples are black cottonwood, Wood's rose, willow species, golden currant, and basin sagebrush. The mature cottonwood groves may provide cover and habitat for avian and mammal species. Two raptor nests were observed on the property and Simmerman reports they have been occupied by reproductive red-tailed hawks and great horned owls in recent years. Two additional raptor nests were seen on nearby properties. Large cottonwood snags near the Slater property provide hunting and feeding perches for both species as made evident by pellets and droppings observed at the base of several trees. Many large snags and coarse woody debris on and near the Slater property provide habitat for cavity nesters, insect prey and hiding cover for a variety of wildlife. Irrigation water, when present, provides a notable water resource to present wildlife, especially during the late summer where water availability is typically low.

Observations of wildlife and/or signs of their presence made during the site visit include: visual/auditory observations of red-tailed hawk (*Buteo jamaicensis*) and possible nest, great horned owl (*Bubo virginianus*) and possible nest, barn owl (*Tyto alba*), black-billed magpie (*Pica pica*) and nest, American kestrel (*Falco sparverius*), large flock of European starlings (*Sturnus vulgaris*), morning doves (*Zenaida macroura*), dark-eyed junco (*Junco hyemalis*), covey of approximately 30 California quail (*Callipepla californica*), deer tracks, raccoon (*Procyon lotor*) tracks, and several red fox (*Vulpes vulpes*) dens, scat, and signs of fox predation – bones (avian, rabbit, ground squirrel, and mice), and feathers (magpie, Canada geese, and unknown avian species). The abundance of common prey species in the vicinity is evident by the many animal remains left by both fox and raptor. The property does not provide quality habitat for any

threatened/endangered or special concern species. Photographs of wildlife use and habitat are provided in **Appendix A**.

The red fox is an abundant and widespread species occurring throughout the United States. Their presence in urban areas is increasing as they frequently inhabit yards, parks, and golf courses. Adult territory size varies depending on habitat quality and species density, and can range between 5-12 square kilometers in good habitat, and up to 50 square kilometers in poorer habitat (Fox, D. 2003. "*Vulpes vulpes*", Animal Diversity Web. Accessed online on January 12, 2006 at:

http://animaldiversity.ummz.umich.edu/site/accounts/information/Vulpes_vulpes.html).

Adults remain in the same home range throughout their lives. Ranges are occupied by an adult male and one or two breeding females. The same den is often used over a number of generations although females create several dens to be used in case of disturbance to others. Wildlife corridors throughout the home range connect the main den to favored hunting grounds, food storage areas, and resting sites.

Wildlife habitat attributes of the surrounding land that may lend to the habitat value of this parcel include surrounding farm fields (flock of grazing Canada geese observed), small acre residential ranches provide potential habitat and travel corridors, several small (<1 acre) ponds [one with approximately 50 mallards (*Anas platyrhynchos*) and American widgeons (*Anas americana*)], many irrigation ditches, two large raptor nests in the surrounding residential community, Middleton Canal approximately ¼ mile south, and the Boise River approximately 2 ½ miles south of the parcel. It is likely that the cottonwood groves and potential wetlands within the AA provide a wildlife travel corridor between larger areas of suitable habitat.

Factors that likely exclude the occurrence of many species are the parcel's small size, surrounding residential housing, and moderate disturbance levels. The area is approximately 1 ½ miles north of downtown Star, Idaho and additional housing development in the area will most likely isolate the property. Although the overall wetland value of the property is relatively low, as wildlife habitat features present on the property are common locally, the parcel does support breeding habitat for red-tailed hawk, great horned owl, barn owl and red fox. These animals, however, must at least partially rely on surrounding habitat for hunting grounds and additional home range habitat.

The cottonwood groves, potential wetlands, and mature sagebrush of the AA, in combination with the larger open water habitat and the riparian system of the intermittent drainage to the northwest, and the surrounding agricultural land provide a pocket of high wildlife habitat diversity threatened by encroaching residential development. Many of the species observed within the AA depend on one habitat type for cover and/or shelter, and use adjacent habitat types for hunting and/or forage. The loss of the habitat communities within the AA will likely result in the displacement of the residential wildlife outside of the immediate area, as similar habitat is not necessarily available.

5.0 WETLAND FUNCTIONS AND VALUES ASSESSMENT

A Montana Department of Transportation Wetland Functions and Values Assessment (MDTWFV) was conducted on the AA. The MDTWFV is a widely accepted technique for assessing the functions and values of wetlands in the interior Northwest. The USACOE often uses the functional rating from the MDTWFV to assess the mitigation requirements for wetlands that will be impacted by development (Martinez, personal communication, 1/12/06).

The assessment of the AA resulted in the potential wetland areas being classified as Type III wetlands exhibiting 57% wetland functionality (**Appendix B**). While 57% appears mediocre, it should be viewed relatively higher for a wetland of such small size. Additional elements that contributed to its mediocre score include its minimal capability to provide short and long-term water storage and its low potential to serve as a recreational and/or educational site. However, low scores for both of those elements are directly related to its small size.

Elements of the AA that should be highlighted as adding to its relative value include its general wildlife habitat, its potential ability to filter sediment and toxicants associated with adjacent agriculture, and its function as a source for groundwater recharge. Although, its functional rating for uniqueness was not necessarily high, professional experience suggests its uniqueness is greater than yielded in the assessment.

As described in Appendix B, the irrigation ditch, prior to reaching the AA, runs adjacent to large tracts of agricultural land. The preceding ditches are mostly composed of unconsolidated banks which do not prevent the leaching of sediment and pesticides associated with local agriculture. Additionally, the local irrigation district likely uses a pesticide to manage algae within the irrigation system. The issuing of the irrigation water into the AA provides a filter, recognized as a function provided by wetlands, to sediment and toxicants.

The AA also provides a recharge to groundwater. The irrigation ditch likely draws its water from the Boise River. Upon its discharge into the AA, the water slowly percolates through soil, while providing the moisture required for the hydrophytic vegetation existing within the AA, and is slowly introduced into the groundwater.

The uniqueness of the AA deserves further discussion. The small size of the AA was the greatest limiter of the functional rating of uniqueness applied to the AA by the MDTWFV. Additionally, cottonwood groves, at least broadly, are a common wetland habitat. However, upland groves of cottonwoods, not associated with riverine systems are fairly uncommon, and due to wetland disturbance associated with development, have been drastically reduced in recent years. The presence of three unique potential wetland habitats within the AA also adds to its uniqueness. Although the AA is relatively small in size, the distribution of these potential wetland habitats across the entire AA is an attribute to its uniquely diverse wildlife habitat. The AA consists of both upland and riparian habitat which is inherently correlated to the high occurrence of wildlife actively using such a small area.

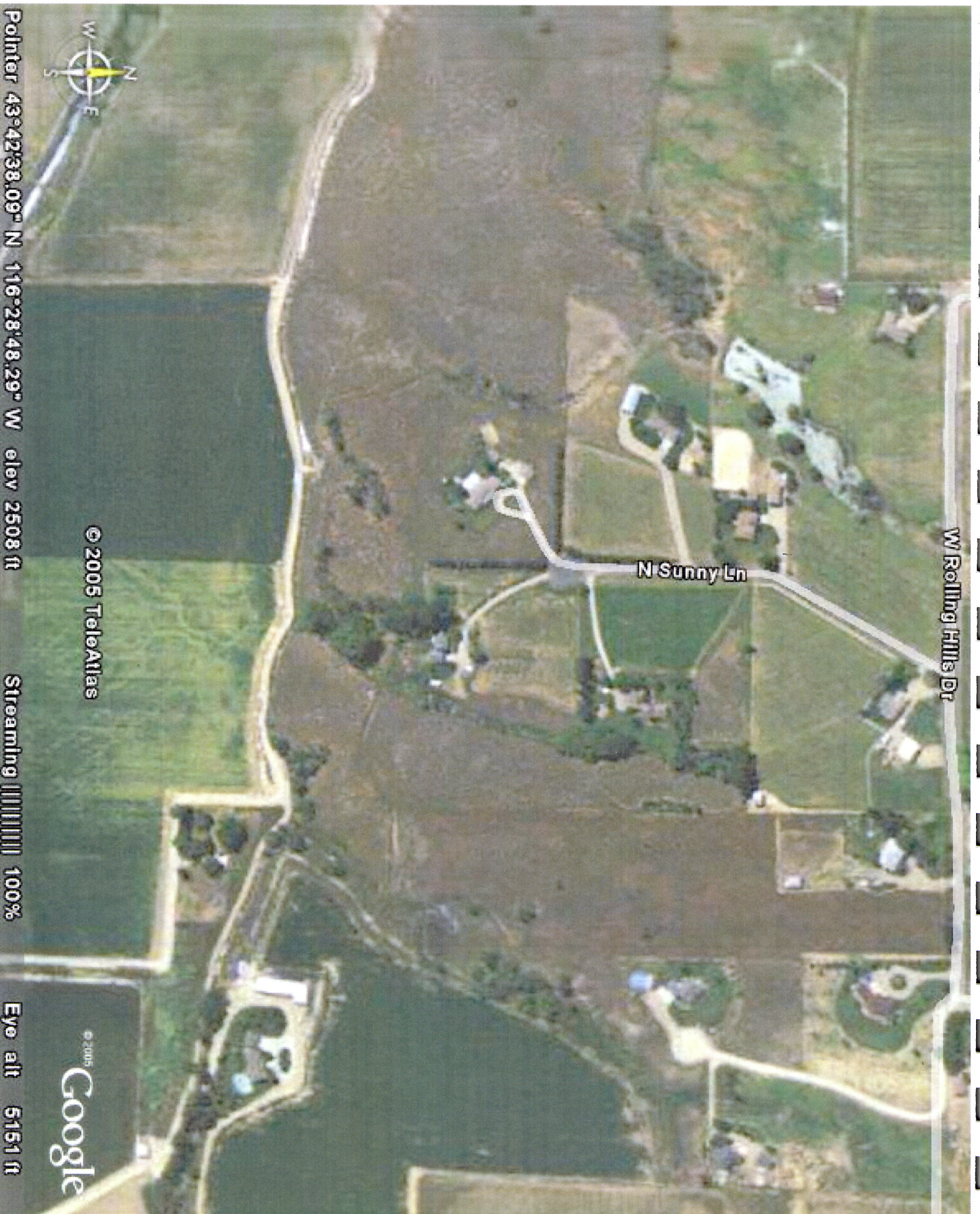
6.0 SUMMARY

The minimal size of the AA drives the mediocre value of the potential wetland areas within the AA, as determined by the MDTFV. However, the unique wetland habitats and high wildlife occurrence throughout the AA, in an upland location, is a tribute to the uniqueness and value of the wetland. The interconnectedness of the potential wetland habitats, and the observed wildlife use, across the entire AA illustrates the importance of the occurrence of the wetland and upland areas as critical habitat for the local wildlife, despite their regionally common occurrence. The sustained hydrologic input during the late summer months adds significant value to the AA, especially given its upland location in such an arid climate. The observance of several large raptors and the occurrence of several nesting sites suggest the area is actively used for breeding by a variety of avian species. Such a value can be difficult to replicate and/or mitigate. The potential wetlands in the AA also serve a valuable role as a sediment and nutrient filter. The importance of this role is increased when considering the irrigation ditch's contribution to groundwater recharge. Local residents are dependent upon groundwater for the local drinking water supply. The wetland may be a contributor to local groundwater quality. This represents another wetland value that can be difficult to replicate and/or mitigate.

9.0 REFERENCES

Martinez, Greg. 2006. Personal Communication. United States Army Corps of Engineers, Regulatory Field Office, Boise, Idaho. January 12.

Simmerman, Ted. 2006. Personal Communication. Resident of Star, Idaho. January 10.



W Rolling Hills Dr

N Sunny Ln



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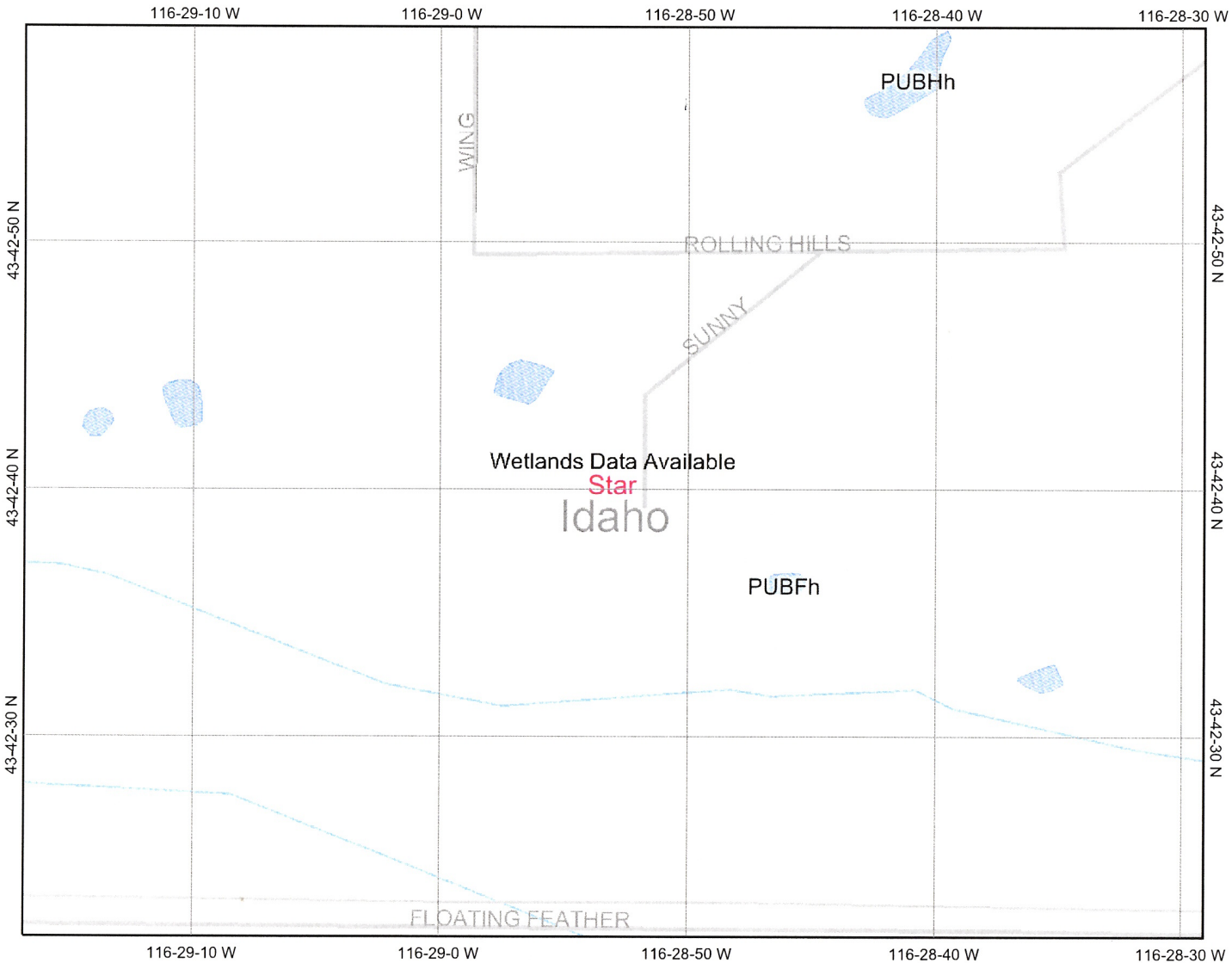
Pointer 43°42'38.09" N 116°28'48.29" W elev 2508 ft

Streaming 100%

Eye alt 5151 ft

© 2005 Google

USFWS NWI Wetlands



Legend

- Interstate
- Major Roads
- Other Road
- Interstate
- State highway
- US highway
- Roads
- CONUS Cities
- CONUS USGS Quad Index 24K
- Lower 48 Wetland Polygons
- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other
- Riverine
- Lower 48 Available Wetland Data
- No Wetlands Data Available
- Wetlands Data Available
- NHD Waterbodies
- NHD Streams
- Canadian Waterbodies
- CONUS Counties 100K
- Urban Areas 300K
- CONUS States 100K
- South America
- North America

Map center: 43° 42' 40.3" N, 116° 28' 52.9" W



Scale: 1:10,577

This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

APPENDIX A

**Photographs of Wildlife Use and Habitat
Observed in Assessment Area**



Mammal scat



Red fox den with scat



Second entry to red fox den



Residual bones from predation



Wildlife trailing



Black cottonwood grove along irrigation ditch south of Slater property



Mature sagebrush / black cottonwood interface



Depressional black cottonwood grove south of Slater property

APPENDIX B

**Montana Department of Transportation
Wetland Functions and Values Assessment
For
Assessment Area**

MDT Montana Wetland Assessment Form (revised 5/25/1999)

1. Project Name: Slater Wetland Assessment 2. Project #: _____ Control #: _____

3. Evaluation Date: Mo. 1 Day 12 Yr 2006 4. Evaluator(s): Colson, Trese 5. Wetlands/Site #(s) _____

6. Wetland Location(s): i. Legal: T 4N R 1W S 5 SE 1/4 & T _____ R _____ S _____

ii. Approx. Stationing or Mileposts: _____

iii. Watershed: Boise River GPS Reference No. (if applies): _____

Other Location Information: _____

7. a. Evaluating Agency: USACOE 8. Wetland size: (total acres) <1 acre (visually estimated)
 b. Purpose of Evaluation: _____ (measured, e.g. by GPS [if applies])

1. Wetlands potentially affected by MDT project
 2. Mitigation wetlands; pre-construction
 3. Mitigation wetlands; post-construction
 4. Other: potential disturbance of wetland
9. Assessment area (AA): <1 acre (visually estimated)
 (tot., ac., see instructions on _____ (measured, e.g. by GPS [if applies])
 determining AA)

10. Classification of Wetland and Aquatic Habitats in AA (HGM according to Brinson, first col.; USFWS according to Cowardin [1979], remaining cols.)

HGM Class	System	Subsystem	Class	Water Regime	Modifier	% of AA
Riverine	P		EM	A	I	25
Riverine	P		SS	J	A	40
Depressional / Slope	P		FO	B	A	35

(Abbreviations: **System:** Palustrine(P)/ **Subsyst.:** none/ **Classes:** Rock Bottom (RB), Unconsolidated bottom (UB), Aquatic Bed (AB), Unconsolidated Shore (US), Moss-lichen Wetland (ML), Emergent Wetland (EM), Scrub-Shrub Wetland (SS), Forested Wetland (FO) **System:** Lacustrine (L)/ **Subsyst.:** Limnetic (2)/ **Classes:** RB, UB, AB/ **Subsystem:** Littoral (4)/ **Classes:** RB, UB, AB, US, EM/ **System:** Riverine (R)/ **Subsyst.:** Lower Perennial (2)/ **Classes:** RB, UB, AB, US, EM/ **Subsystem:** Upper Perennial (3)/ **Classes:** RB, UB, AB, US/ **Water Regimes:** Permanently Flooded (H), Intermittently Exposed (G), Semipermanently Flooded (F), Seasonally Flooded (C), Saturated (B), Temporarily Flooded (A), Intermittently Flooded (J) **Modifiers:** Excavated (E), Impounded (I), Diked (D), Partly Drained (PD), Farmed (F), Artificial (A) **HGM Classes:** Riverine, Depressional, Slope, Mineral Soil Flats, Organic Soil Flats, Lacustrine Fringe.

11. Estimated relative abundance: (of similarly classified sites within the same Major Montana Watershed Basin, see definitions)
 (Check one) Unknown Rare Common Abundant
 Comments: However, the occurrence of mature cottonwood groves on non-riverine sites are fairly uncommon

12. General condition of AA:
 i. Regarding disturbance: (use matrix below to determine [check] appropriate response)

Conditions within AA	Predominant conditions adjacent to (within 500 feet of) AA		
	Land managed in predominantly natural state; is not grazed, hayed, logged, or otherwise converted; does not contain roads or buildings.	Land not cultivated, but moderately grazed or hayed or selectively logged; or has been subject to minor clearing; contains few roads or buildings.	Land cultivated or heavily grazed or logged; subject to substantial fill placement, grading, clearing, or hydrological alteration; high road or building density.
AA occurs and is managed in predominantly natural state; is not grazed, hayed, logged, or otherwise converted; does not contain roads or occupied buildings.	<input type="checkbox"/> low disturbance	<input type="checkbox"/> low disturbance	<input checked="" type="checkbox"/> moderate disturbance
AA not cultivated, but moderately grazed or hayed or selectively logged; or has been subject to relatively minor clearing, fill placement, or hydrological alteration; contains few roads or buildings.	<input type="checkbox"/> moderate disturbance	<input type="checkbox"/> moderate disturbance	<input type="checkbox"/> high disturbance
AA cultivated or heavily grazed or logged; subject to relatively substantial fill placement, grading, clearing, or hydrological alteration; high road or building density.	<input type="checkbox"/> high disturbance	<input type="checkbox"/> high disturbance	<input type="checkbox"/> high disturbance

Comments: (types of disturbance, intensity, season, etc.): Agriculture to the south, and residential neighborhood to the north

ii. Prominent weedy, alien, & introduced species (including those not domesticated, feral): (list)
Nothing above what is typically observed in the area.

iii. Provide brief descriptive summary of AA and surrounding land use/habitat:
AA is hydrologically supported by historical irrigation ditch, however the ditch has existed and maintained hydrology long enough to establish and sustain emergent vegetation and several mature cottonwood groves

13. Structural Diversity: (based on number of "Cowardin" vegetated classes present [do not include unvegetated classes], see #10 above)

# of "Cowardin" vegetated classes present in AA (see #10)	≥ 3 vegetated classes (or ≥ 2 if one is forested)	2 vegetated classes (or 1 if forested)	≤ 1 vegetated class
Rating (check)	<input checked="" type="checkbox"/> High	<input type="checkbox"/> Moderate	<input type="checkbox"/> Low

Comments: _____

SECTION PERTAINING to FUNCTIONS & VALUES ASSESSMENT

14A. Habitat for Federally Listed or Proposed Threatened or Endangered Plants or Animals:

I. AA is Documented (D) or Suspected (S) to contain (check one based on definitions contained in instructions):

- Primary or critical habitat (list species) D S _____
- Secondary habitat (list species) D S _____
- Incidental habitat (list species) D S _____
- No usable habitat D S _____

II. **Rating** (use the conclusions from i above and the matrix below to arrive at [check] the functional points and rating [H = high, M = moderate, or L = low] for this function)

Highest Habitat Level	doc./primary	sus./primary	doc./secondary	sus./secondary	doc./incidental	sus./incidental	None
Functional Points and Rating	<input type="checkbox"/> 1 (H)	<input type="checkbox"/> .9 (H)	<input type="checkbox"/> .8 (M)	<input type="checkbox"/> .7 (M)	<input type="checkbox"/> .5 (L)	<input type="checkbox"/> .3 (L)	<input type="checkbox"/> 0 (L)

Sources for documented use (e.g. observations, records, etc):

14B. Habitat for plant or animals rated S1, S2, or S3 by the Montana Natural Heritage Program: (not including species listed in 14A above)

I. AA is Documented (D) or Suspected (S) to contain (check one based on definitions contained in instructions):

- Primary or critical habitat (list species) D S _____
- Secondary habitat (list species) D S _____
- Incidental habitat (list species) D S could possibly support Cyperus bipartitus (shining flatsedge)
- No usable habitat D S _____

II. **Rating** (use the conclusions from i above and the matrix below to arrive at [check] the functional points and rating [H = high, M = moderate, or L = low] for this function)

Highest Habitat Level	doc./primary	sus./primary	doc./secondary	sus./secondary	doc./incidental	sus./incidental	None
Functional Points and Rating	<input type="checkbox"/> 1 (H)	<input type="checkbox"/> .8 (H)	<input type="checkbox"/> .7 (M)	<input type="checkbox"/> .6 (M)	<input type="checkbox"/> .2 (L)	<input checked="" type="checkbox"/> .1 (L)	<input type="checkbox"/> 0 (L)

Sources for documented use (e.g. observations, records, etc):

14C. General Wildlife Habitat Rating:

I. **Evidence of overall wildlife use in the AA** (check substantial, moderate, or low based on supporting evidence):

Substantial (based on any of the following [check]):

- observations of abundant wildlife #'s or high species diversity (during any period)
- abundant wildlife sign such as scat, tracks, nest structures, game trails, etc.
- presence of extremely limiting habitat features not available in the surrounding area
- interviews with local biologists with knowledge of the AA

Low (based on any of the following [check]):

- few or no wildlife observations during peak use periods
- little to no wildlife sign
- sparse adjacent upland food sources
- interviews with local biologists with knowledge of the

Moderate (based on any of the following [check]):

- observations of scattered wildlife groups or individuals or relatively few species during peak periods
- common occurrence of wildlife sign such as scat, tracks, nest structures, game trails, etc.
- adequate adjacent upland food sources
- interviews with local biologists with knowledge of the AA

II. **Wildlife habitat features** (working from top to bottom, check appropriate AA attributes in matrix to arrive at exceptional (E), high (H), moderate (M), or low (L) rating. Structural diversity is from #13. For class cover to be considered evenly distributed, vegetated classes must be within 20% of each other in terms of their percent composition of the AA (see #10). Abbreviations for surface water durations are as follows: P/P = permanent/perennial; S/I = seasonal/intermittent; T/E = temporary/ephemeral; and A = absent [see instructions for further definitions of these terms].)

Structural diversity (see #13)	High								Moderate								Low		
	Even				Uneven				Even				Uneven				Even		
Class cover distribution (all vegetated classes)																			
Duration of surface water in ≥ 10% of AA	P/P	S/I	T/E	A	P/P	S/I	T/E	A	P/P	S/I	T/E	A	P/P	S/I	T/E	A	P/P	S/I	T/E
Low disturbance at AA (see #12i)	<input type="checkbox"/> E	<input type="checkbox"/> E	<input type="checkbox"/> E	<input type="checkbox"/> H	<input type="checkbox"/> E	<input type="checkbox"/> E	<input type="checkbox"/> H	<input type="checkbox"/> H	<input type="checkbox"/> E	<input type="checkbox"/> H	<input type="checkbox"/> H	<input type="checkbox"/> M	<input type="checkbox"/> E	<input type="checkbox"/> H	<input type="checkbox"/> M	<input type="checkbox"/> M	<input type="checkbox"/> E	<input type="checkbox"/> H	<input type="checkbox"/> M
Moderate disturbance at AA (see #12i)	<input type="checkbox"/> H	<input type="checkbox"/> H	<input type="checkbox"/> H	<input type="checkbox"/> H	<input type="checkbox"/> H	<input checked="" type="checkbox"/> H	<input type="checkbox"/> H	<input type="checkbox"/> M	<input type="checkbox"/> H	<input type="checkbox"/> H	<input type="checkbox"/> M	<input type="checkbox"/> M	<input type="checkbox"/> H	<input type="checkbox"/> M	<input type="checkbox"/> M	<input type="checkbox"/> L	<input type="checkbox"/> H	<input type="checkbox"/> M	<input type="checkbox"/> L
High disturbance at AA (see #12i)	<input type="checkbox"/> M	<input type="checkbox"/> M	<input type="checkbox"/> M	<input type="checkbox"/> L	<input type="checkbox"/> M	<input type="checkbox"/> M	<input type="checkbox"/> L	<input type="checkbox"/> L	<input type="checkbox"/> M	<input type="checkbox"/> M	<input type="checkbox"/> L	<input type="checkbox"/> L	<input type="checkbox"/> M	<input type="checkbox"/> L	<input type="checkbox"/> L	<input type="checkbox"/> L	<input type="checkbox"/> L	<input type="checkbox"/> L	<input type="checkbox"/> L

iii. **Rating** (use the conclusions from i and ii above and the matrix below to arrive at [check] the functional points and rating [E = exceptional, H = high, M = moderate, or L = low] for this function)

Evidence of wildlife use (i)	Wildlife habitat features rating (ii)			
	Exceptional	High	Moderate	Low
Substantial	<input type="checkbox"/> 1 (E)	<input type="checkbox"/> .9 (H)	<input type="checkbox"/> .8 (H)	<input type="checkbox"/> .7 (M)
Moderate	<input type="checkbox"/> .9 (H)	<input checked="" type="checkbox"/> .7 (M)	<input type="checkbox"/> .5 (M)	<input type="checkbox"/> .3 (L)
Minimal	<input type="checkbox"/> .6 (M)	<input type="checkbox"/> .4 (M)	<input type="checkbox"/> .2 (L)	<input type="checkbox"/> .1 (L)

Comments: apparent breeding habitat for great horned owl and red-tailed hawk in mature cottonwood trees, red fox (likely reproductive) dens adjacent to wetland.

14D. General Fish/Aquatic Habitat Rating: (Assess this function if the AA is used by fish or the existing situation is "correctable" such that the AA could be used by fish [i.e., fish use is precluded by perched culvert or other barrier, etc.]. If the AA is not or was not historically used by fish due to lack of habitat, excessive gradient, etc., check N/A here and proceed to the next function. If fish use occurs in the AA but is not desired from a resource management perspective [such as fish use within an irrigation canal], then Habitat Quality [i below] should be marked as "Low", applied accordingly in ii below, and noted in the comments.)

i. **Habitat Quality** (check appropriate AA attributes in matrix to arrive at exceptional (E), high (H), moderate (M), or low (L) quality rating.

Duration of surface water in AA	Permanent / Perennial			Seasonal / Intermittent			Temporary / Ephemeral		
Cover - % of waterbody in AA containing cover objects such as submerged logs, large rocks & boulders, overhanging banks, floating-leaved vegetation, etc.	>25%	10-25%	<10%	>25%	10-25%	<10%	>25%	10-25%	<10%
Shading - >75% of streambank or shoreline within AA contains riparian or wetland scrub-shrub or forested communities	<input type="checkbox"/> E	<input type="checkbox"/> E	<input type="checkbox"/> H	<input type="checkbox"/> H	<input type="checkbox"/> H	<input type="checkbox"/> M	<input type="checkbox"/> M	<input type="checkbox"/> M	<input type="checkbox"/> M
Shading - 50 to 75% of streambank or shoreline within AA contains rip. or wetland scrub-shrub or forested communities	<input type="checkbox"/> H	<input type="checkbox"/> H	<input type="checkbox"/> M	<input type="checkbox"/> M	<input type="checkbox"/> M	<input type="checkbox"/> M	<input type="checkbox"/> M	<input type="checkbox"/> L	<input type="checkbox"/> L
Shading - < 50% of streambank or shoreline within AA contains rip. or wetland scrub-shrub or forested communities	<input type="checkbox"/> H	<input type="checkbox"/> M	<input type="checkbox"/> M	<input type="checkbox"/> M	<input type="checkbox"/> L	<input type="checkbox"/> L	<input type="checkbox"/> L	<input type="checkbox"/> L	<input type="checkbox"/> L

ii. **Modified Habitat Quality** (Check the appropriate response to the following question. If answer is Y, then reduce rating in i above by one level [E = H, H = M, M = L, L = L]). Is fish use of the AA precluded or significantly reduced by a culvert, dike, or other man-made structure or activity or is the waterbody included on the MDEQ list of waterbodies in need of TMDL development with listed "Probable Impaired Uses" including cold or warm water fishery or aquatic life support? Y N Modified habitat quality rating = (check) E H M L

iii. **Rating** (use the conclusions from i and ii above and the matrix below to arrive at [check] the functional points and rating [E = exceptional, H = high, M = moderate, or L = low] for this function)

Types of fish known or suspected within AA	Modified Habitat Quality (ii)			
	Exceptional	High	Moderate	Low
Native game fish	<input type="checkbox"/> 1 (E)	<input type="checkbox"/> .9 (H)	<input type="checkbox"/> .7 (M)	<input type="checkbox"/> .5 (M)
Introduced game fish	<input type="checkbox"/> .9 (H)	<input type="checkbox"/> .8 (H)	<input type="checkbox"/> .6 (M)	<input type="checkbox"/> .4 (M)
Non-game fish	<input type="checkbox"/> .7 (M)	<input type="checkbox"/> .6 (M)	<input type="checkbox"/> .5 (M)	<input type="checkbox"/> .3 (L)
No fish	<input type="checkbox"/> .5 (M)	<input type="checkbox"/> .3 (L)	<input type="checkbox"/> .2 (L)	<input type="checkbox"/> .1 (L)

Comments:

14E. Flood Attenuation: (applies only to wetlands subject to flooding via in-channel or overbank flow. If wetlands in AA are not flooded from in-channel or overbank flow, check N/A here and proceed to next function.)

i. **Rating** (working from top to bottom, use the matrix below to arrive at [check] the functional points and rating [H = high, M = moderate, or L = low] for this function)

Estimated wetland area in AA subject to periodic flooding	≥ 10 acres			<10, >2 acres			≤2 acres		
	% of flooded wetland classified as forested, scrub/shrub, or both	<input type="checkbox"/> 75%	<input type="checkbox"/> 25-75%	<input type="checkbox"/> <25%	<input type="checkbox"/> 75%	<input type="checkbox"/> 25-75%	<input type="checkbox"/> <25%	<input checked="" type="checkbox"/> 75%	<input type="checkbox"/> 25-75%
AA contains no outlet or restricted outlet	<input type="checkbox"/> 1(H)	<input type="checkbox"/> .9(H)	<input type="checkbox"/> .6(M)	<input type="checkbox"/> .8(H)	<input type="checkbox"/> .7(H)	<input type="checkbox"/> .5(M)	<input checked="" type="checkbox"/> .4(M)	<input type="checkbox"/> .3(L)	<input type="checkbox"/> .2(L)
AA contains unrestricted outlet	<input type="checkbox"/> .9(H)	<input type="checkbox"/> .8(H)	<input type="checkbox"/> .5(M)	<input type="checkbox"/> .7(H)	<input type="checkbox"/> .6(M)	<input type="checkbox"/> .4(M)	<input type="checkbox"/> .3(L)	<input type="checkbox"/> .2(L)	<input type="checkbox"/> .1(L)

ii. Are residences, businesses, or other features which may be significantly damaged by floods located within 0.5 miles downstream of the AA (check)? Y N

Comments: Following heavy rain events during the irrigation season, users will take less irrigation and the settling ponds and adjacent wetlands will be required to collect the surplus water.

14F. Short and Long Term Surface Water Storage: (Applies to wetlands that flood or pond from overbank or in-channel flow, precipitation, upland surface flow, or groundwater flow. If no wetlands in the AA are subject to flooding or ponding, check N/A here and proceed with the evaluation.)

i. **Rating** (working from top to bottom, use the matrix below to arrive at [check] the functional points and rating [H = high, M = moderate, or L = low] for this function. Abbreviations for surface water durations are as follows: P/P = permanent/perennial; S/I = seasonal/intermittent; and T/E = temporary/ephemeral [see instructions for further definitions of these terms].)

<i>Estimated maximum acre feet of water contained in wetlands within the AA that are subject to periodic flooding or ponding</i>	<input type="checkbox"/> >5 acre feet			<input type="checkbox"/> <5, >1 acre feet			<input checked="" type="checkbox"/> ≤1 acre foot		
<i>Duration of surface water at wetlands within the AA</i>	<input type="checkbox"/> P/P	<input type="checkbox"/> S/I	<input type="checkbox"/> T/E	<input type="checkbox"/> P/P	<input type="checkbox"/> S/I	<input type="checkbox"/> T/E	<input type="checkbox"/> P/P	<input checked="" type="checkbox"/> S/I	<input type="checkbox"/> T/E
Wetlands in AA flood or pond ≥ 5 out of 10 years	<input type="checkbox"/> 1(H)	<input type="checkbox"/> .9(H)	<input type="checkbox"/> .8(H)	<input type="checkbox"/> .8(H)	<input type="checkbox"/> .6(M)	<input type="checkbox"/> .5(M)	<input type="checkbox"/> .4(M)	<input checked="" type="checkbox"/> .3(L)	<input type="checkbox"/> .2(L)
Wetlands in AA flood or pond < 5 out of 10 years	<input type="checkbox"/> .9(H)	<input type="checkbox"/> .8(H)	<input type="checkbox"/> .7(M)	<input type="checkbox"/> .7(M)	<input type="checkbox"/> .5(M)	<input type="checkbox"/> .4(M)	<input type="checkbox"/> .3(L)	<input type="checkbox"/> .2(L)	<input type="checkbox"/> .1(L)

Comments:

14G. Sediment/Nutrient/Toxicant Retention and Removal: (Applies to wetlands with potential to receive excess sediments, nutrients, or toxicants through influx of surface or ground water or direct input. If no wetlands in the AA are subject to such input, check N/A here and proceed with the evaluation.)

i. **Rating** (working from top to bottom, use the matrix below to arrive at [check] the functional points and rating [H = high, M = moderate, or L = low] for this function.)

<i>Sediment, nutrient, and toxicant input levels within AA</i>	AA receives or surrounding land use with potential to deliver low to moderate levels of sediments, nutrients, or compounds such that other functions are not substantially impaired. Minor sedimentation, sources of nutrients or toxicants, or signs of eutrophication present.				Waterbody on MDEQ list of waterbodies in need of TMDL development for "probable causes" related to sediment, nutrients, or toxicants or AA receives or surrounding land use with potential to deliver high levels of sediments, nutrients, or compounds such that other functions are substantially impaired. Major sedimentation, sources of nutrients or toxicants, or signs of eutrophication present.			
<i>% cover of wetland vegetation in AA</i>	<input type="checkbox"/> ≥ 70%		<input checked="" type="checkbox"/> < 70%		<input type="checkbox"/> ≥ 70%		<input type="checkbox"/> < 70%	
<i>Evidence of flooding or ponding in AA</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
AA contains no or restricted outlet	<input type="checkbox"/> 1 (H)	<input type="checkbox"/> .8 (H)	<input checked="" type="checkbox"/> .7 (M)	<input type="checkbox"/> .5 (M)	<input type="checkbox"/> .5 (M)	<input type="checkbox"/> .4 (M)	<input type="checkbox"/> .3 (L)	<input type="checkbox"/> .2 (L)
AA contains unrestricted outlet	<input type="checkbox"/> .9 (H)	<input type="checkbox"/> .7 (M)	<input type="checkbox"/> .6 (M)	<input type="checkbox"/> .4 (M)	<input type="checkbox"/> .4 (M)	<input type="checkbox"/> .3 (L)	<input type="checkbox"/> .2 (L)	<input type="checkbox"/> .1 (L)

Comments: Much of the irrigation preceding the AA is adjacent to agricultural fields and consists of an unconsolidated natural bank. Additionally the ditch may be managed for algae through the use of pesticides.

14H Sediment/Shoreline Stabilization: (applies only if AA occurs on or within the banks or a river, stream, or other natural or man-made drainage, or on the shoreline of a standing water body which is subject to wave action. If does not apply, check N/A here and proceed to next function)

i. **Rating** (working from top to bottom, use the matrix below to arrive at [check] the functional points and rating [E = exceptional, H = high, M = moderate, or L = low] for this function.)

<i>% Cover of wetland streambank or shoreline by species with deep, binding rootmasses</i>	<i>Duration of surface water adjacent to rooted vegetation</i>								
	permanent / perennial			seasonal / intermittent			temporary / ephemeral		
≥ 65%	<input type="checkbox"/> 1 (H)	<input type="checkbox"/> .7 (M)	<input type="checkbox"/> .3 (L)	<input checked="" type="checkbox"/> .9 (H)	<input type="checkbox"/> .6 (M)	<input type="checkbox"/> .2 (L)	<input type="checkbox"/> .7 (M)	<input type="checkbox"/> .5 (M)	<input type="checkbox"/> .1 (L)

Comments:

14I. Production Export/Food Chain Support:

i. **Rating** (working from top to bottom, use the matrix below to arrive at [check] the functional points and rating [H = high, M = moderate, or L = low] for this function. Factor A = acreage of vegetated component in the AA; Factor B = structural diversity rating from #13; Factor C = whether or not the AA contains a surface or subsurface outlet; the final three rows pertain to duration of surface water in the AA, where P/P = permanent/perennial; S/I = seasonal/intermittent; T/E / A= temporary/ephemeral or absent [see instructions for further definitions of these terms].)

A	Vegetated component >5 acres						Vegetated component 1-5 acres						Vegetated component <1 acre					
B	High		Moderate		Low		High		Moderate		Low		High		Moderate		Low	
C	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
P/P	<input type="checkbox"/> 1H	<input type="checkbox"/> .9H	<input type="checkbox"/> .9H	<input type="checkbox"/> .8H	<input type="checkbox"/> .8H	<input type="checkbox"/> .7M	<input type="checkbox"/> .9H	<input type="checkbox"/> .8H	<input type="checkbox"/> .8H	<input type="checkbox"/> .7M	<input type="checkbox"/> .7M	<input type="checkbox"/> .6M	<input type="checkbox"/> .7M	<input type="checkbox"/> .6M	<input type="checkbox"/> .6M	<input type="checkbox"/> .4M	<input type="checkbox"/> .4M	<input type="checkbox"/> .3L
S/I	<input type="checkbox"/> .9H	<input type="checkbox"/> .8H	<input type="checkbox"/> .8H	<input type="checkbox"/> .7M	<input type="checkbox"/> .7M	<input type="checkbox"/> .6M	<input checked="" type="checkbox"/> .8H	<input type="checkbox"/> .7M	<input type="checkbox"/> .7M	<input type="checkbox"/> .6M	<input type="checkbox"/> .6M	<input type="checkbox"/> .5M	<input type="checkbox"/> .6M	<input type="checkbox"/> .5M	<input type="checkbox"/> .5M	<input type="checkbox"/> .3L	<input type="checkbox"/> .3L	<input type="checkbox"/> .2L
T/E/A	<input type="checkbox"/> .8H	<input type="checkbox"/> .7M	<input type="checkbox"/> .7M	<input type="checkbox"/> .6M	<input type="checkbox"/> .6M	<input type="checkbox"/> .5M	<input type="checkbox"/> .7M	<input type="checkbox"/> .6M	<input type="checkbox"/> .6M	<input type="checkbox"/> .5M	<input type="checkbox"/> .5M	<input type="checkbox"/> .4M	<input type="checkbox"/> .5M	<input type="checkbox"/> .4M	<input type="checkbox"/> .4M	<input type="checkbox"/> .2L	<input type="checkbox"/> .2L	<input type="checkbox"/> .1L

Comments:

14J. Groundwater Discharge/Recharge: (Check the indicators in i & ii below that apply to the AA)

i. Discharge Indicators

- Springs are known or observed
- Vegetation growing during dormant season/drought
- Wetland occurs at the toe of a natural slope

ii. Recharge Indicators

- Permeable substrate present without underlying impeding layer
- Wetland contains inlet but no outlet
- Other AA supported by irrigation inflow during normal mid-summer drought conditions

- Seeps are present at the wetland edge
- AA permanently flooded during drought periods
- Wetland contains an outlet, but no inlet
- Other _____

iii. Rating: Use the information from i and ii above and the table below to arrive at [check] the functional points and rating [H = high, L = low] for this function.

Criteria	Functional Points and Rating
<input checked="" type="checkbox"/> AA is known Discharge/Recharge area or one or more indicators of D/R present	1 (H)
<input type="checkbox"/> No Discharge/Recharge indicators present	.1 (L)
<input type="checkbox"/> Available Discharge/Recharge information inadequate to rate AA D/R potential	N/A (Unknown)

Comments: Groundwater discharge is likely minimal, however recharge is likely fairly substantial

14K. Uniqueness:

i. Rating (working from top to bottom, use the matrix below to arrive at [check] the functional points and rating [H = high, M = moderate, or L = low] for this function.

Replacement potential	AA contains fen, bog, warm springs or mature (>80 yr-old) forested wetland or plant association listed as "S1" by the MNHP			AA does not contain previously cited rare types and structural diversity (#13) is high or contains plant association listed as "S2" by the MNHP			AA does not contain previously cited rare types or associations and structural diversity (#13) is low-moderate		
	rare	common	abundant	rare	common	abundant	rare	common	abundant
Estimated relative abundance (#11)									
Low disturbance at AA (#12i)	<input type="checkbox"/> 1 (H)	<input type="checkbox"/> .9 (H)	<input type="checkbox"/> .8 (H)	<input type="checkbox"/> .8 (H)	<input type="checkbox"/> .6 (M)	<input type="checkbox"/> .5 (M)	<input type="checkbox"/> .5 (M)	<input type="checkbox"/> .4 (M)	<input type="checkbox"/> .3 (L)
Moderate disturbance at AA (#12i)	<input type="checkbox"/> .9 (H)	<input type="checkbox"/> .8 (H)	<input type="checkbox"/> .7 (M)	<input type="checkbox"/> .7 (M)	<input checked="" type="checkbox"/> .5 (M)	<input type="checkbox"/> .4 (M)	<input type="checkbox"/> .4 (M)	<input type="checkbox"/> .3 (L)	<input type="checkbox"/> .2 (L)
High disturbance at AA (#12i)	<input type="checkbox"/> .8 (H)	<input type="checkbox"/> .7 (M)	<input type="checkbox"/> .6 (M)	<input type="checkbox"/> .6 (M)	<input type="checkbox"/> .4 (M)	<input type="checkbox"/> .3 (L)	<input type="checkbox"/> .3 (L)	<input type="checkbox"/> .2 (L)	<input type="checkbox"/> .1 (L)

Comments:

14L. Recreation/Education Potential: i. Is the AA a known rec./ed. site: (check) Y N (If yes, rate as [check] High [1] and go to ii; if no go to iii)

ii. Check categories that apply to the AA: Educational/scientific study; Consumptive rec.; Non-consumptive rec.; Other _____

iii. Based on the location, diversity, size, and other site attributes, is there strong potential for rec./ed. use? Y N

(If yes, go to ii, then proceed to iv; if no, then rate as [check] Low [0.1])

iv. Rating (use the matrix below to arrive at [check] the functional points and rating [H = high, M = moderate, or L = low] for this function.

Ownership	Disturbance at AA (#12i)		
	low	moderate	high
public ownership	<input type="checkbox"/> 1 (H)	<input type="checkbox"/> .5 (M)	<input type="checkbox"/> .2 (L)
private ownership	<input type="checkbox"/> .7 (M)	<input checked="" type="checkbox"/> .3 (L)	<input type="checkbox"/> .1 (L)

Comments: If undisturbed, AA could serve well as a community natural area in the future.

FUNCTION & VALUE SUMMARY & OVERALL RATING

Function & Value Variables	Rating	Actual Functional Points	Possible Functional Points	Functional Units; (Actual Points x Estimated AA Acreage)
A. Listed/Proposed T&E Species Habitat	NA	0.0	0	0.0
B. MT Natural Heritage Program Species Habitat	L	0.1	1.0	0.1
C. General Wildlife Habitat	M	0.7	1.0	0.7
D. General Fish/Aquatic Habitat	NA	0.0	0	0.0
E. Flood Attenuation	M	0.4	1.0	0.4
F. Short and Long Term Surface Water Storage	L	0.3	1.0	0.3
G. Sediment/Nutrient/Toxicant Removal	M	0.7	1.0	0.7
H. Sediment/Shoreline Stabilization	H	0.9	1.0	0.9
I. Production Export/Food Chain Support	H	0.8	1.0	0.8
J. Groundwater Discharge/Recharge	H	1.0	1.0	1.0
K. Uniqueness	M	0.5	1.0	0.5
L. Recreation/Education Potential	L	0.3	1.0	0.3
Totals: (in electronic form, right click on total field for sum)		5.7	10	5.7

Total actual functional as a percentage of total possible functional points: 57%

OVERALL ANALYSIS AREA (AA) RATING: (Check appropriate category based on the criteria outlined below)

I II III IV

<p>Category I Wetland: (Must satisfy one of the following criteria; if does not meet criteria, go to Category II)</p> <p><input type="checkbox"/> Score of 1 functional point for Listed/Proposed Threatened or Endangered Species; or</p> <p><input type="checkbox"/> Score of 1 functional point for Uniqueness; or</p> <p><input type="checkbox"/> Score of 1 functional point for Flood Attenuation and answer to Question 14E.ii is "yes"; or</p> <p><input type="checkbox"/> Total actual functional points > 80% (round to nearest whole #) of total possible functional points.</p>
<p>Category II Wetland: (Criteria for Category I not satisfied and meets any one of the following criteria; if not satisfied, go to Category IV)</p> <p><input type="checkbox"/> Score of 1 functional point for Species Rated S1, S2, or S3 by the MT Natural Heritage Program; or</p> <p><input type="checkbox"/> Score of .9 or 1 functional point for General Wildlife Habitat; or</p> <p><input type="checkbox"/> Score of .9 or 1 functional point for General Fish/Aquatic Habitat; or</p> <p><input type="checkbox"/> "High" to "Exceptional" ratings for both General Wildlife Habitat and General Fish/Aquatic Habitat; or</p> <p><input type="checkbox"/> Score of .9 functional point for Uniqueness; or</p> <p><input type="checkbox"/> Total Actual Functional Points > 65% (round to nearest whole #) of total possible functional points.</p>
<p><input checked="" type="checkbox"/> Category III Wetland: (Criteria for Categories I, II or IV not satisfied)</p>
<p>Category IV Wetland: (Criteria for Categories I or II are not satisfied and all of the following criteria are met; if does not satisfy criteria go to Category III)</p> <p><input type="checkbox"/> "Low" rating for Uniqueness; and</p> <p><input type="checkbox"/> "Low" rating for Production Export/Food Chain Support; and</p> <p><input type="checkbox"/> Total actual functional points < 30% (round to nearest whole #) of total possible functional points</p>

Comments:

SCIENTISTS AND ENGINEERS
COMMITTED TO CLIENT SATISFACTION



Slater
2091 N Sunny Lane, Star ID 83669

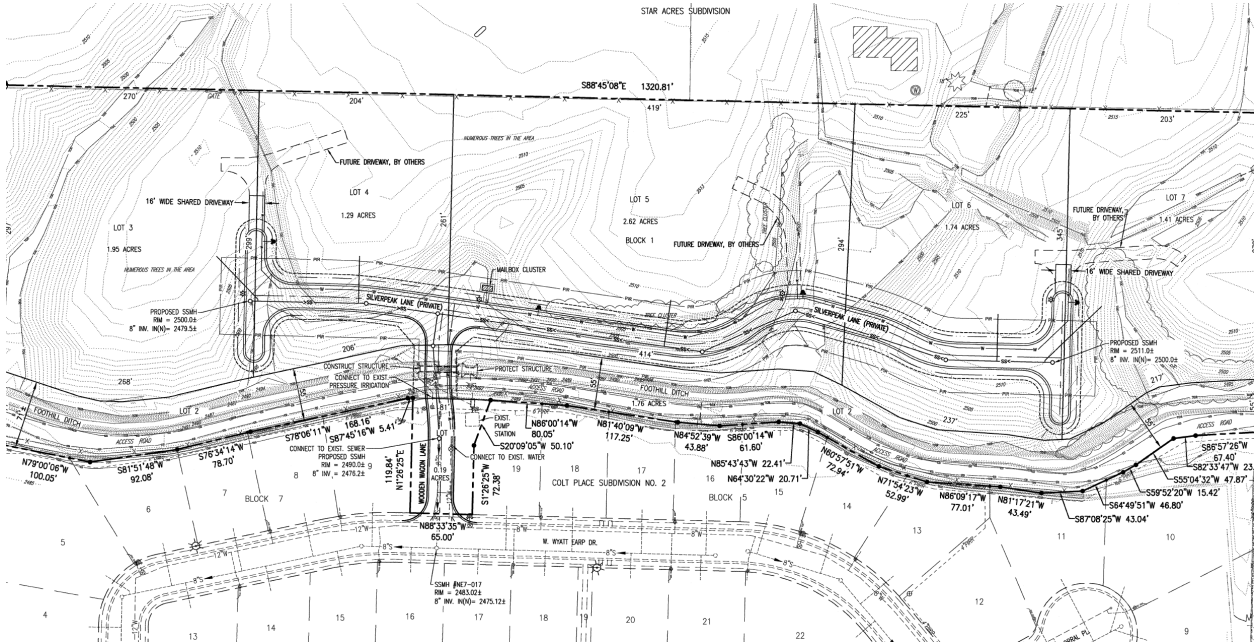
RESPONSE TO
Colt Heights Subdivision
(Preliminary Plat Application)
Project Narrative

Katy and Jack Slater hereby respond to Corey Barton Homes Inc. application for a preliminary plat on 10.96 acres of land located adjacent to our South property line at 2091 N. Sunny Lane in Star Acres.

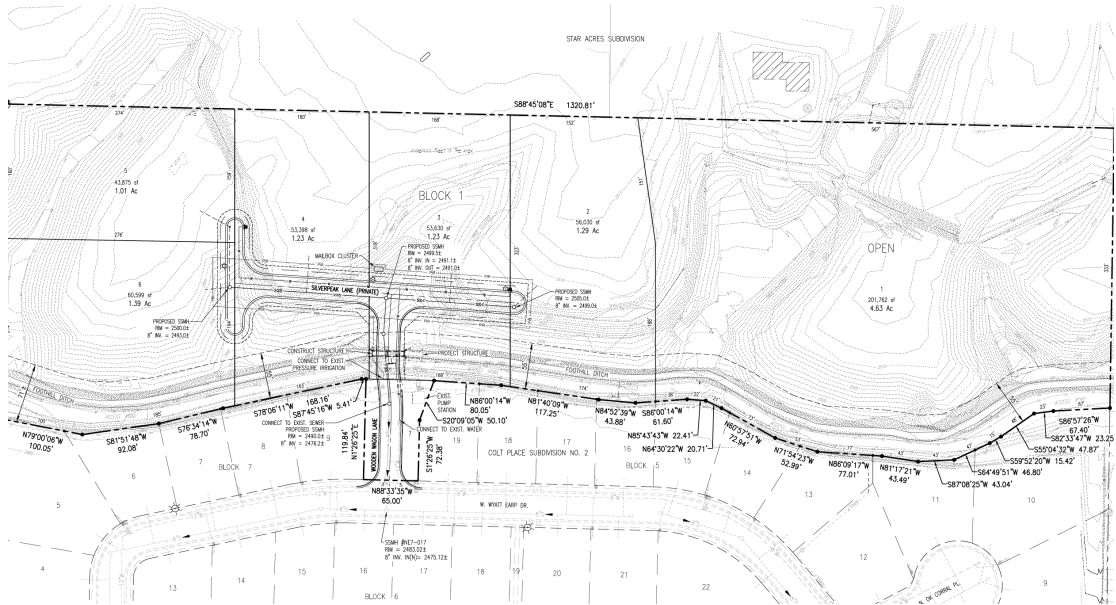


Residents of proposed plat Lot 2
Four Hawks
Landmark Stag and Cotton Wood Tree (typical)

Slater
2091 N Sunny Lane, Star ID 83669
Exhibit A: Colt Heights Plat Changes



1. Approved Final Plat - September 25, 2015 - 5 residential lots, average 1.8 acres



2. Preliminary plat: December 15, 2022 - 5 residential lots, average 1.23 acres

Slater
2091 N Sunny Lane, Star ID 83669

REQUEST

Request 1. We request that the City Council and Mr Barton reduce the number of residential lots to Four (4) residential lots, Two (2) road lots Silverpeak Ln Lane with property south to Foothill Ditch, and Wooden Wagon Lane, and (1) open space lot of 4.65 acres.

In Exhibit A1: Notice the 2005 Approved Plat with (5) five lots approved for development. These were spread out along the full width of (2) two existing rural residential properties of 5-6 acres in Ada County, Star Acres. The proposed lots were spacious, with 1.8 average acreage.

In Exhibit A2 the entire proposed development has been placed only along Slater's property line. This is next to my rural residential property with 6 acres in Ada County, Star Acres. The new proposed lots are an average of 1.23 acres. Lots 3&4 has the Silverpeak Ln and infrastructure as part of these 1.23 acreage counting. It is not spacious, and pushes the building pads against my property line and unduly impacts my views. In addition, my home which is most impacted is not shown shown in any of the engineered drawings.

Request 2. We request that the City Council preserve Slater property value. Our home was built in 1975 by a US National forester in a specific manner to capture views and make use of passive heating & cooling. The factors below will help preserve the value of my home.

1. First, require the building pads, drive entries, and my residence be shown on the plat so impacts can be considered.
2. Secondly, request that Mr Barton takes consideration for building placement that preserves a specific view from the Slater residence, and makes provisions for night darkness preventing shining headlights on Slater residence.
3. That all the planned custom homes for these sites have binding requirements based on these hearings and my requests so that expectations are met with recourse to the City of Star building department.

Compare Exhibit A1 above, the building pads and drive entries were shown previously on the approved plat map. This proposal does not follow suit, and states in the narrative the grading plan will delineate the building pads and be submitted to the City Engineer. This does not allow for approvals in the final plat. The City Engineer does not have any guidelines or restrictions for a good neighbor process which I am describing.

This plat request has been in existence for 18 years. Please do not rush this public This plat has been in existence for 18 years. This land is unique and highly differentiated in aspects that can not be appreciated at a meeting. Please do not rush this public process and help to achieve a solution for not only the

Slater
2091 N Sunny Lane, Star ID 83669

preservation of this land, but what would be mutually beneficial to the City, the developer and the neighbors. I invite you to come see what this treasure holds.

We request that the City Council not approve the application for private road as configured and preliminary plat. Further that the Council request a re-configuration of lots as described in Request One, and address all existing proposed features as described in Request Two.

NARRATIVE

The City Council should recognize that lack of due diligence on the part of the part of all parties related to this proposed plat which has been a wind fall of a 4.65 acre City park and recognize the Council's duty to negotiate justly and in good will for all parties involved. I am respectfully requesting your consideration to the following:

1. I alone should not have to bare the full burden of the impacts created by this proposed plat of 5 homes clustered adjacent to my property
2. The aspects of this complex land, it's life giving habitat with water flows and wildlife were documented and available as public information since 2005. The sensitivities were certainly known to the Developers who traded hands. (See Background on page 5 below)
3. There are a number of ways to configure the proposed plat, or argue against reconfiguration, but I offer this: Lots 3&4 make up 2.4 acres. First combine the open space of lots 3&4 as one residential lot (approximately 1.5 acres), then separate out the remaining infrastructure into it's own lot (approximately .9 acres).

The land south of the Silverpeak Ln will not be maintained by the homeowner, becoming a contentious weed patch. Silverpeak Ln itself should be a common lot with this land South to the Foothill Ditch so that all residents share in the ownership and maintenance.

4. We have stewarded this land over 18 years, to the point that 4.65 acres of open space are being donated to the City. I expect reciprocal results be made to me on the part of the City and Mr. Barton.

BACKGROUND

On February 7, 2006 a wetlands and wildlife study was completed by Maxim Technologies, a division of Tetra Tech, Boise ID on the parcel of land under consideration. I retained this firm to support the concerns I had over the proposed development. The study concluded:

"...the unique wetland habitats and high wildlife occurrence throughout the project, in an upland location, is a tribute to the uniqueness and value of the wetland. The interconnectedness of the potential wetland habitats, and the observed wildlife use, across the entire project illustrates the importance of the occurrence of the wetland and upland areas as critical habitat for the local wildlife, despite their regionally common occurrence. The sustained hydrologic

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input during the late summer months adds significant value to the project, especially given its upland location in such an arid climate. The observance of several large raptors and the occurrence of several nesting sites suggest the area is actively used for breeding by a variety of avian species. ... The potential wetlands in the project also serve a valuable role as a sediment and nutrient filter. The importance of this role is increased when considering the irrigation ditch's contribution to groundwater recharge... The wetland may be a contributor to local groundwater quality...”.

(The full report is attached as Appendix A)

In 2005 several City of Star public hearings, a request for mediation with Carson/Conner developer, and the plat approval was not favorable for protecting the habitat. It took an attorney's voice and litigation to force the hand of government to make stipulations that have influenced the new developer.

Corey Barton has requested a change in the platting of Colt Heights. This being the acknowledgement and compliance by City Staff that the Department of Fish and Game and the Army Corp of Engineers review the site.

On one hand, I am thrilled that finally the City enforced the stipulations of Ordinance 142, development agreement resulting in the confirmation of Wetlands on the site. Fantastic, the developer is willing to donate 4.65 acres of land to the City.

On the other hand I am not accepting of all 5 lots being shifted and clustered on my side of the North property line of the development area.

December 6, 2022 was the 18th anniversary since I had approached the City Council regarding this land. My husband and I have stewarded the wetlands, conducted fire management and weed abatement for an absentee owner. This has been a considerable amount of our money spent over the years, in addition to effort and time.

On November 17th 2022 the City of Star, Shawn Nickel, hosted a meeting with Corey Barton and his support team, and neighbors of Colt Heights. At this meeting a new plat map was unveiled that resulted from the Army of Corp on-site project review. I was shocked to see that all the building lots were shifted to my side of the remaining buildable land along the North property line.

At the end of this meeting, Shawn asked me to provide my concerns to him in writing. While the timing for these may be early in the process, I am including them here. They cover things such as set-backs, height limits, right to farm & irrigation issues, my water well priority (IDR) & requested project documentation, also berms and landscape. There has been no affirmation on any of the points.

This plat has been in existence for 18 years. This land is unique and highly differentiated in aspects that can not be appreciated at a meeting. Please do not

Slater
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rush this public process and help to achieve a solution for not only the preservation of this land, but what would be mutually beneficial to the City, the developer and the neighbors. I invite you to come see what this treasure holds.

We request that the City Council not approve the application for private road as configured and preliminary plat. Further that the Council request a re-configuration of lots as described in Request One, and address all existing proposed features as described in Request Two.

COMMENTS SUBMITTED TO PLANNING & DEVELOPMENT, CITY OF STAR

11/18/2022

TO SHAWN NICKEL by e-mail (Updated/revised).

All conditions approved, such as “single story home restrictions”, must be placed in a legal document that places such conditions on the land, continuing in perpetuity after the sale of the land from Mr. Barton to future home builders, etc.

Plat Comments

Future/Final Plat Request

- Reasonable homebuilding footprints stipulated (80*80)
- Single story homes, with structure height limit for single story.
- Height Limitation of 20' for all buildings.
- Stipulations for out buildings (minimum 40' set back)
- "RIGHT TO FARM" Add to Final Plat Map (See below)
- Minimum street lights that are dim and directed to a limited area.

Slater Well & Point of Diversion Impact. Project impacts include removal of a significant water percolation pond and established canals which are in the range of 50-70 years old. These serve to replenish the earth's water table. The discussion with the City Engineer has claimed that there will be no effect on my well for the development impacts due to the fact that my well is 125' deep. Regardless of this, I request that these assessments be documented by the City as part of the development documentation. This may be in a REVISED fact & finding of law or an addendum to the development agreement or where appropriate. This request for documentation would fall under the City's comprehensive plan guidelines and consideration for this development. (Star Comprehensive Plan Section: Hydrology 9.2.2)

Canals and Pond “RIGHT TO FARM”: Flooding is a common occurrence over a large portion of my pasture onto Lot 2 of the proposed development. Tiling or piping water on the development site only partially solves the water flow issue. (Understand what really happens with the flows to East & West. I am aware that IDWR & local canal and waterway people need to be involved with the implementation of Star Acres irrigation changes.)

Slater
2091 N Sunny Lane, Star ID 83669

I am a dry lot, but assist, with care of Star Acres irrigation run off as a result of canal mitigation made 10 years ago. These two issues are on our property and will touch on the development site which must be considered with the civil engineering.

- Weir control between Carol and I prior to entering Mr. Barton's site. Although rudimentary, it works and we manage the gates. Again, I am not responsible for flooding.
- Open irrigation ditch to cottonwoods of the original canal section (referenced in the project narrative) is often undermined by rodents and floods. Piping will be necessary to protect Barton's property additional flooding.
- Lot 2-new plat will get flooded from upstream irrigation runoff issues, and the open ditch. The burden of cost to pipe this section is not my responsibility.

The ultimate responsibility for maintenance are the Star Acres Water Users. I am in no way responsible for any flooding created to Barton's property for any cause.

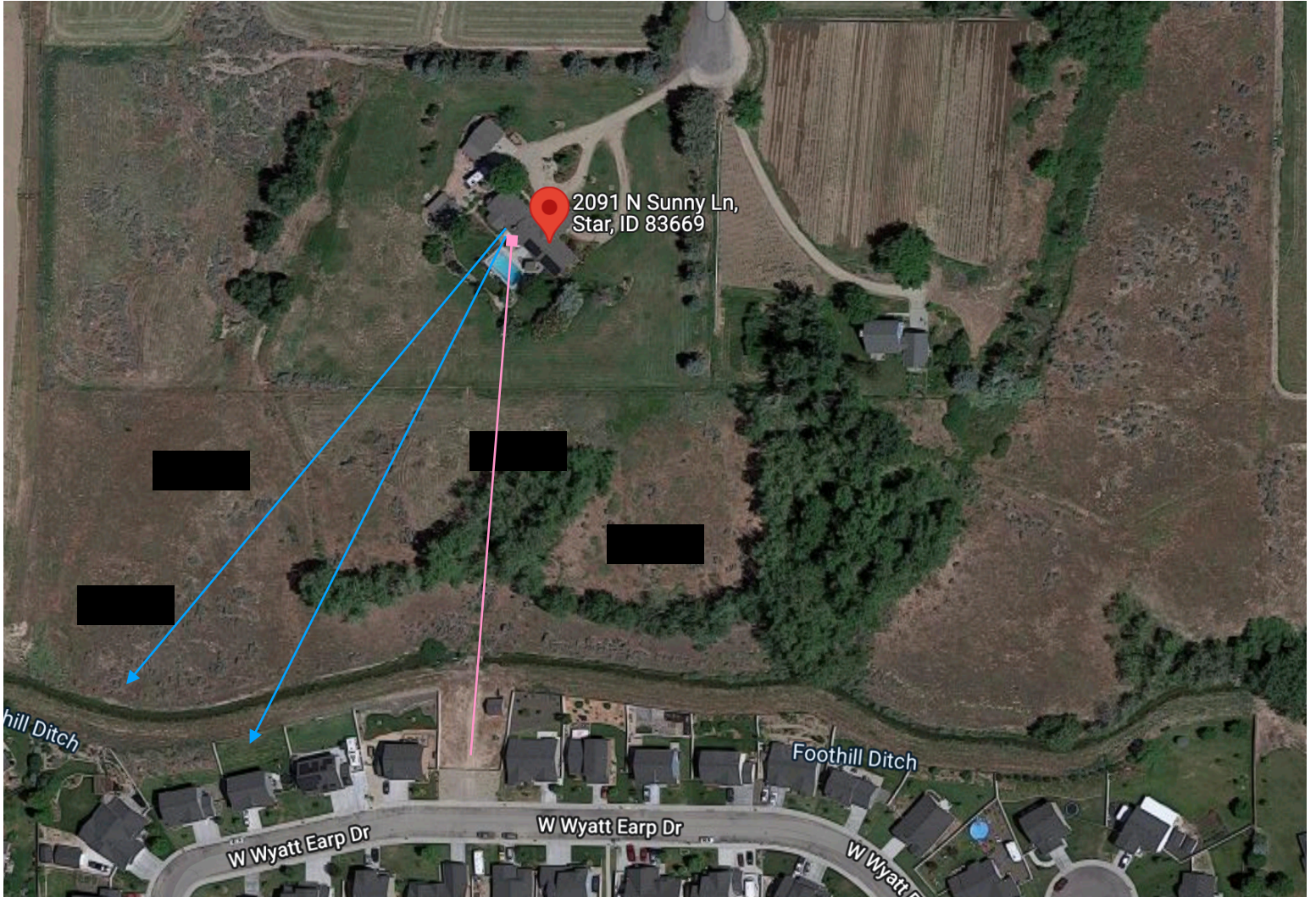
Comments Related to Response Herein




- **Please show the home at 2091 N Sunny Ln on the Plat Map** for Reference now that all the building is adjacent to this property.
- **Please, four (4) lots instead of five (5).** Although half of the project land may be going to the City for a park, I am now absorbing the entire development impacts from my property. Please encourage Corey to consider the option of removing a lot, and/or shifting homes around leaving more open space.

It can be argued that while Corey may be entitled to 5 Lots, the Plat expired. The land was litigated, and involved bankruptcy, recession and real estate rock bottom which means that he got a bargain price on the land. It has been abandoned for at least 18 years to the date of 12/06/05 when I first approached the City Council. Lot 4 is in direct view of every room in my home. I am going to plead this with him and the City Council.

- **Lot setbacks from the North property line** equal to my home home at 80'. Please don't put the homes in a straight line against the North property line. Random placement is preferred.
- **Absolutely no headlights, or the light array** shall enter my house. I propose that berming and planting take place with the civil engineering/build. Please see attachment 4. If Silverpeak Ln is constructed below the elevation gain, before the left turn into the development, it will help mitigate the instance of entry headlights.
- **Strategic use of berms and contouring of the land to allow landscape to fully screen rooflines & headlights.** This includes planting of trees and shrubs on the berms. Please, no solid berm from one end of the development to the other. This sculpting should not be contrived, but natural and random to effectively screen headlights and rooflines (in time).
- **Specification of the landscape:** should be of mass planting of evergreen Firs, Pines, Willows and Larch trees @ 10' on center, and shrubs @ 5"- 3' on center which will create a cascade effect on the berm over time.

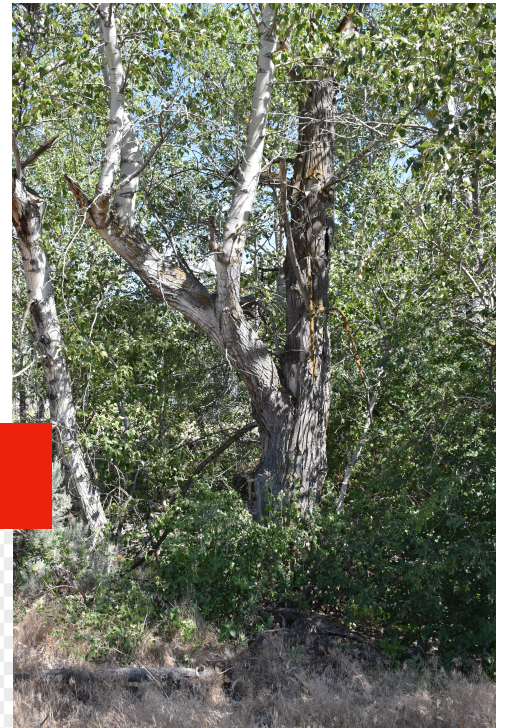
Slater
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-  Demonstration of headlights from drive entry
-  Request to preserve Slater's View
-  Proposed building pad (Note: pad is typical to Slater, other restrictions requested i.e. height limitations)

Slater
2091 N Sunny Lane, Star ID 83669

Colt Heights: Summer 2022
Lot 2 - 3 - 4 Water surface flow, canals, old growth trees
large percolation pond



Right to Farm



Written Response for Colt Heights proposal 1/3/2023 Council meeting

Robert Fehlau 2203 N. Sunny Lane, Star, Id. 83669 rfehlau@hotmail.com

Mayor, Council and Staff,

This proposal is sited on very important and sensitive wetlands and is one of the last remaining wildlife areas in this part of Star. Preserving areas like this is critical to reach the comp plan's first stated goal of maintaining the rural quality of Star. The fact that the developer has chosen to "preserve the riparian area on the eastern portion of the subject site" (project narrative) shows that they are aware that there are access issues across existing wetlands. We thank the developer for making some of the necessary changes that they have so far. With some further refinements, I believe that it could be a successful agreement for all and a responsible plan for a difficult and critical site.

There is very pertinent information that was not included in the Project Narrative. The following specific comments and concerns should have been shared with the council by the developer as per the UDC requirements of the Neighborhood meetings.

The lack of responsible planning created the resulting need for "the lots to be clustered in the western portion of the site" (Project narrative) This puts the undue burden of this lack of foresight against the Slater property. The orientation of their existing home is directed towards this area. Therefore, we request that the number of lots directly abutting the Slater property be reduced from 4 to 3 and there be a height restriction. Prior to the 2005 Development Agreement, the Slaters (owners of the lot directly to the north of proposed building sites) made extensive efforts to inform council of the sensitive areas on this parcel. They contracted to have a wetlands study done which found considerable sensitive areas throughout the site. At this time, Parson Conner was the owner/developer and this parcel was to be a future Phase of the Colt Place Subdivision. When Cory Barton purchased the property, Colt Place Subdivision was not fully built out and the northern streets were not developed. Wetland areas, per recommendations of the Army Corps of Engineers, block access to the northeastern area from the single existing stub road, Wooden Wagon Lane. Changes could have been made, prior to CBH buildout to include a second access into this 10.96 acre parcel on the north side of the canal. Either Parson Conner did not inform Cory Bartton of the issues in this parcel, CB Homes did not do their diligence prior to purchase, or they indeed had previous knowledge of this problem. In any case, the Slaters should not have to accommodate the lack of foresight.

The size and total number of the lots must also be clarified before approval. It appears that the area of the road, Silverpeak Lane, is included in each lot acreage. The Project Narrative clearly states that the road "will be owned and maintained by the Colt Heights Homeowners Association." Therefore, Silverpeak Lane and areas between this road and the canal should not be included to meet the one acre minimum parcels abutting the Special Transition Area, which the Slater Lot is in. The supplied "Preliminary Grading Plan 7/19/22" shows a total of 8 lots. One of these is Silverpeak Lane and another is the area between this road and the canal, including the required buffer against the canal for the entire south side. What the final total number of lots are and who maintains them is critical to ensure this proposal meets the requirements of the 2005 Development Agreement.

We have had two meetings with Staff and the developer in addition to the 7/13/22 neighborhood meeting which were also not mentioned in their project narrative. The letter below, in response after the last meeting, was emailed to Shawn 11/21/22 and was to be shared with the developer. The proposed plat plan has not changed after the last meeting and these requests. Nor was there any written or verbal response to our questions and suggestions. Therefore, we still request that the 6 points below be addressed.

"I believe that the changes in the revised plan are working towards a better outcome. I have spoken with Katy and agree with the following requests:

1. We request that the buildable lots be reduced to four, with only three on the north property line.
2. We ask for single story and height restrictions on structures along the Slater lot to be in kind with their single-story home and because of the great visual impact to them and the orientation of their existing home. Height restrictions are important because of so many single-story RV garages being built that are as tall as two-story structures.
3. We ask Shawn for the setback requirements from the canal to the new road so that the road may be shifted down and south to reduce the impact to the existing trees and wetland area directly north of the existing stub road. There is approximately 70 feet from the center of the canal to most of those trees. This 70-foot area is also lower in elevation to minimize the impact of grading in that area. Trees and landscaping should be planted and irrigated by the developer between the canal and new road to give a visual barrier to Colt Place homes in the area that is now lot 2.
4. We ask for a smaller permanent open space directly north of the "T" in the tree area of now lot 6 (now 3), to preserve as many existing trees and wetland area as possible in that area and reduce grading. (as per USACE request to "clearly delineate wetland areas" and per IDFG recommendation to: "retain buffers of riparian vegetation that surround any wetland resources)
5. We ask that specific visual barriers of berming and landscaping be required in the Development Agreement to protect the visual buffers along the north property line toward the Slater lot, to the north east near the Ward lot and to the south toward lots 5-9, block 7 and 19-15, block 5 in Colt Place. These should be able to be defined and located on the Plat Map. None of us want to need to deal with each lot owner, one at a time, as they submit plans. Perhaps any berming needed could be required by developers in the process of developing the road and infrastructure as they will likely have the equipment and excess material available. Landscaping on the berms in the buildable lots would be the responsibility of the lot owner, for they will be doing the landscape irrigation.
6. We ask that any fencing be of an open rail style to allow for wildlife movement.

With these requests met, I believe that it would be a successful agreement for all and a responsible plan for a difficult site. It would be helpful if these points could be addressed before the council meeting. Please give me any feedback you would like."

Respectfully, Bob Fehlau

Shawn Nickel

From: Peggy <plfahy23@gmail.com>
Sent: Tuesday, December 27, 2022 1:39 AM
To: Shawn Nickel
Subject: Peggy Fahy Response to Colt Heights Proposed Development - To be submitted to Council Members for review.
Attachments: Peggy Fahy_Response to Colt Heights Proposal.docx; Colt Place Petition of Opposition_with Signatures.pdf

Hi Shawn,

I am submitting a written response to the upcoming Colt Heights Proposal that will be considered during the Public Hearing scheduled for Jan 3, 2023. I am also attaching a Petition with approximately 40 signatures of Colt Place residents who are opposed to this development. And finally, I am attaching a short video of the view from my backyard, which showcases this highly unique open space in its present state. I think it's important for the Council members to have some idea of what it looks like.

I request all of this info to be submitted into the public record, and I will be providing a thumb drive with the video to be shown when it's my turn to speak before the Council members.

Thank you,

Peggy Fahy



**Peggy Fahy
10274 W. Wyatt Earp Dr.
Star, ID 83669
Colt Place Subdivision Resident**

**RESPONSE TO
Colt Heights Proposed Development
(Preliminary Plat Application)**

Peggy Fahy hereby responds to Corey Barton Homes Inc. application for a preliminary plat on 10.96 acres of land abutting the Northern property line of my residence at 10274 W. Wyatt Earp Dr., in Colt Place Subdivision. Please submit this document into the public record.

View of the subject property from my Backyard:





Wild Turkeys in and around Neighboring Properties



Aerial View of Proposed Development and all impacted residents:



Corey Barton Homes is seeking approval to develop a 10.96-acre parcel of land directly north of the Foothill Ditch in Colt Place Subdivision. He is requesting to build five (5) "estate" homes with a private road to access all 5 homesites. However, this particular parcel of land is not just another piece of flat land. It is highly unique in that it is varied and sloping terrain, lined and bordered by majestic cottonwood trees estimated to be 100 feet in height and 70 years old or greater, and surrounded by natural vegetation which provides a natural habitat, refuge, and breeding area for (among others) Red-Tailed Hawks, Eagles, Great Horned Owls, and Quail. In addition, the presence of migratory Canadian Geese, Deer, Red Fox, Raccoons, Skunks, and other small mammals, as well as naturally occurring and seasonal wetlands characterize this open space as a valuable ecosystem and provides Colt Place residents a beautiful and scenic backdrop to our quiet and peaceful community.

On February 7, 2006 a wetlands and wildlife study was completed by Maxim Technologies on this parcel of land when Katy Slater opposed and litigated the original annexation, rezoning, and Development Agreement put forth by Connor/Carson, who was the original Developer of Colt Place Subdivision (he subsequently sold the development to CBH). Reference Katy Slater's comments and response to the City for the full Maxim Studies report. At that time, the study concluded:

"...the unique wetland habitats and high wildlife occurrence throughout the project, in an upland location, is a tribute to the uniqueness and value of the wetland. The interconnectedness of the potential wetland habitats, and the observed wildlife use, across the entire project illustrates the importance of the occurrence of the wetland and upland areas as critical habitat for the local wildlife, despite their regionally common occurrence. The sustained hydrologic input during the late summer months adds significant value to the project, especially given its upland location in such an arid climate. The observance of several large raptors and the occurrence of several nesting sites suggest the area is actively used for breeding by a variety of avian species. ... The potential wetlands in the project also serve a valuable role as a sediment and nutrient filter. The importance of this role is increased when considering the irrigation ditch's contribution to groundwater recharge... The wetland may be a contributor to local groundwater quality..."

My rear property line abuts the Foothill Ditch that runs East and West and shares the southern border of the proposed Development, and is directly west of the open lot that will be used to build a connecting road from Wyatt Earp Drive up to the new Development. See yellow highlighted lot in Exhibits A, B, and C below for reference. ***I am arguably THE MOST impacted resident of this entire project.***

As you view Exhibits A, B, and C, you will notice that right now, I have an open lot directly East of me, and no rear neighbors. I purchased this home specifically for those reasons. I placed a high value on the beautiful and scenic view from my backyard and the sense of privacy afforded by the lack of neighbors on my Eastern and Northern property lines.

With the Colt Heights proposed development, that all goes away, and you will notice that both connecting roads will run alongside both of my property lines. Instead of having the privacy afforded by open space around me, now I will have a view of 5 homes and two access roads. As you can imagine, I am very concerned about the negative impact this will have on my property value, not to mention the general disruption I will be subjected to throughout the entire developmental and construction phase if this proposal is approved. On a daily basis, I'll be subjected to the noise, disruption, and dust generated by Heavy Equipment and Construction vehicles as they are traversing up and down Wyatt Earp Dr and utilizing the open lot right next to my house to gain access to the development area. Just imagine the dozens of heavy equipment and construction type vehicles running up and down through that open lot day after day, week after week, month after month. Then the Excavation and mechanized land-clearing operations and activities at the development site itself will further impact and disrupt not only myself, but ALL of the residents and homeowners along Wyatt Earp Drive.

I urge all City Council members to view this site with your own eyes before approving ANY application for Development. This land is highly unique and anyone who sees it up close is instantly struck by the desirable and dramatic scenic backdrop north of the Foothill Ditch, the natural wildlife habitat, and the large open space areas which lend themselves to providing abutting properties with a sense of privacy not afforded to most "subdivision" property owners.

I am also certain you would be greatly impacted by the dramatic destruction and disruption of these desirable qualities if this proposed development was approved.

Exhibit A: Initial Preliminary Plat and my property highlighted in yellow

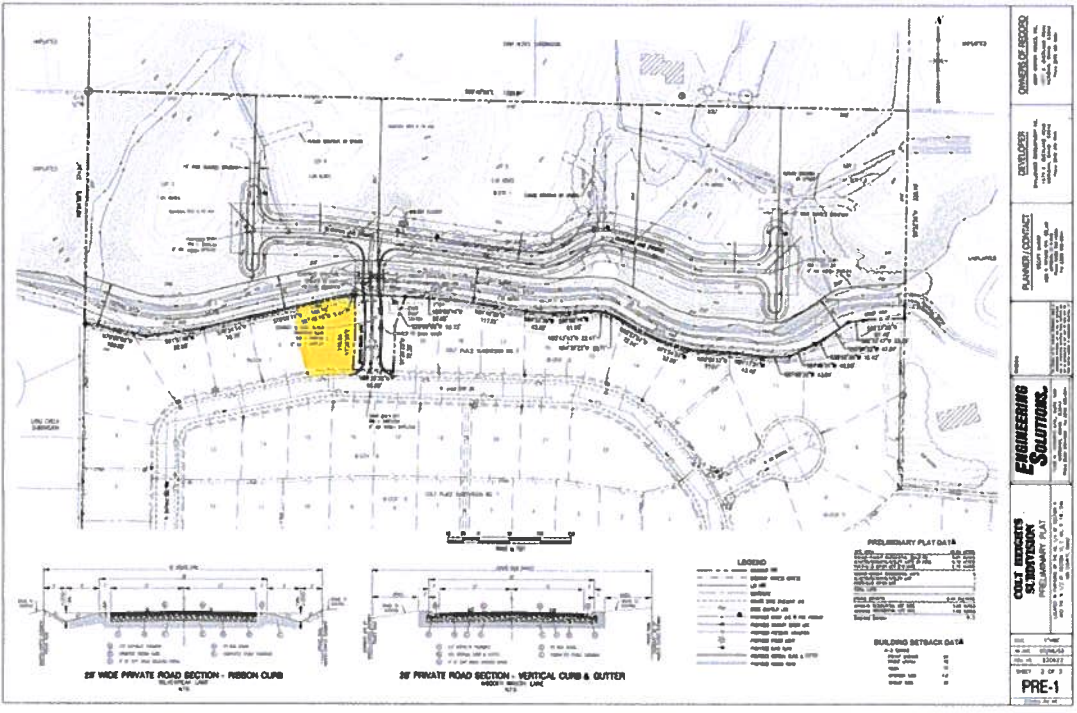


Exhibit B: Current "Revised" Plat showing "Clustering" of homesites

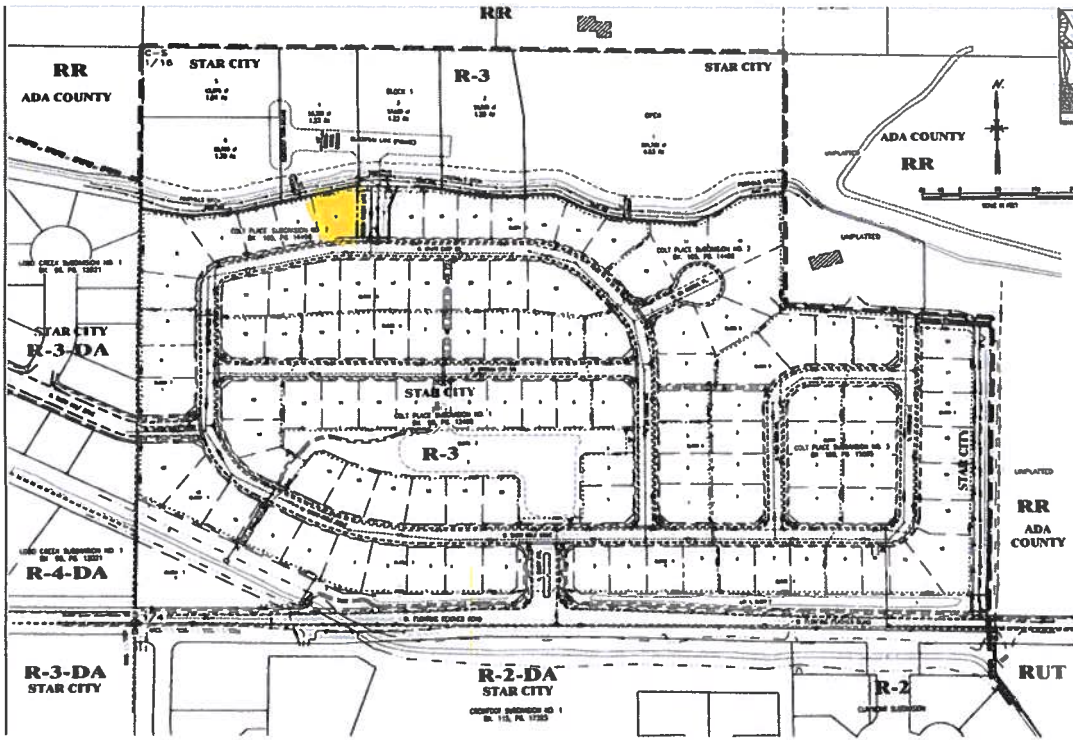


Exhibit C: Topographical Representation of Proposed Development:

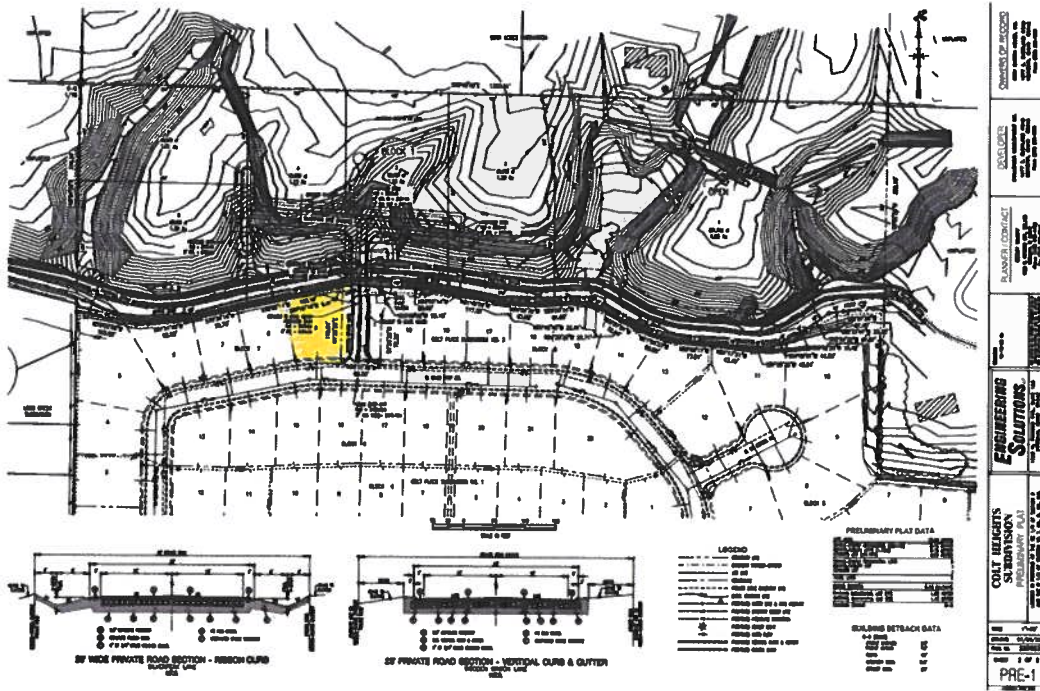


Exhibit A represents the initial preliminary plat submitted by CBH to the City of Star on August 11, 2022. The project narrative states *“these larger, estate lots that are greater than one acre in size were intended to provide transitional densities adjacent to rural acreages located to the north within Star Acres Subdivision.”*

My response: *This naturally beautiful, scenic area does not NEED “transitional housing” between Colt Place and Star Acres Subdivisions. It IS the transition, in and of itself. It’s a natural buffer.*

In response to receiving Exhibit A as the proposed development along with the Project narrative, concerned and impacted residents met with CBH and Shawn Nickel on November 17th, 2022 in which we attempted to negotiate a solution that would benefit CBH, the City, and the residents. The conduct of both Corey Barton and City officials during this meeting was abhorrent. Corey Barton refused to discuss or engage with us at all, and it’s not an understatement when I say he spoke fewer words than you’ve just read in the preceding three sentences. And rather than remaining neutral, it seemed as if City Officials were arguing and advocating for an outcome that had already been determined and decided, perhaps “behind closed doors” between Corey Barton and themselves, unbeknownst to us.

During this meeting, a new “revised” plat was presented to us (see Exhibits B and C), in which all 5 homesites were “clustered” on the Western portion of the parcel, leaving the Eastern portion open and intact. The explanation given was that the “clustering” allowed the more sensitive areas of the wetlands and wildlife habitat to remain protected and untouched. I was immediately struck by how this new “revised” plat specifically impacted the two residents...Katy Slater and myself...who had been most outspoken in our opposition during this entire process, from the initial neighborhood meeting in July up to present date. Based on Corey Barton’s demeanor and open hostility exhibited during the meeting, this felt like retaliation against the opposition. During this meeting, I also asked the following 3 very specific questions:

1. Has Corey Barton and the City discussed the possibility of **TERMINATING** the existing Development Agreement and leaving the land in its present unmolested state.
2. I asked Shawn Nickel if the City had considered purchasing the land from Barton and/or if he was agreeable to that option. The City of Star has ~18 million in its bank accounts and zero debt...it could afford to purchase this land if Barton agreed.
3. Has Corey Barton considered placing the land in a Land Trust, which would protect it from future development. I stated that this option would benefit all impacted parties.

In reviewing the Star City Comprehensive Plan, section 8.4 Objectives, and the highly unique characteristics of this 10.96-acre parcel of land, I think all of those questions are perfectly valid and should be given serious consideration as options that will ***“encourage land uses that are in harmony with existing resources, scenic areas, natural wildlife areas, and surrounding land uses.”***

This proposed development fails to comply with Star’s Comprehensive Plan for all the following reasons:

Chapter 9 – Natural Resources, Section 9.2 and 9.4 of the Comprehensive Plan states ***“a review of development proposals should consider the purpose for which the land is best suited, as defined by a combination of its natural characteristics, location, and goals of the City...to preserve and protect open space, unique natural areas, wetlands, water and woodland resources, scenic views, and areas of natural beauty.”***

My response: This development fails to comply with the Comprehensive Plan’s Goals and objectives for preserving and protecting natural resources. Instead, it will have a catastrophic and destructive impact on the land, the wildlife, and the surrounding community. Whether it’s building 5 homesites equally spread out across the parcel, or

clustering them and leaving half the area open, the effect is the same. Most of the trees and natural vegetation will be destroyed by the development, and the wildlife will be displaced and dispersed by the disruption. Property values of Colt Place residents will be negatively impacted as will our right to quiet enjoyment.

Section 8.5.8 – Policies related to Open Space and Special Areas stipulates *“Open space should be designed to capitalize on and expand the open space areas around natural features and environmentally sensitive areas. Priorities for preservation include: The most sensitive resources – floodways and floodplains (including riparian and wetland areas), slopes in excess of 25%, locally significant features, and scenic viewpoints. Fragmentation of open space areas should be minimized so that resource areas are able to be managed and viewed as an integrated network.”*

My response: For all the same reasons above, this parcel of land is **HIGHLY unique**, so much so that **WE CANNOT and SHOULD NOT RUSH this decision**. IN FACT, I request ANY decision makers be required to visit this site and see it in person, and consider it in tandem with all other documentation provided by all parties.

Section 9.2.4 - Wildlife states *“Various types of wildlife have been sighted in Star and the area of city impact includes deer, foxes, coyotes, raccoons, skunks, rabbits, squirrels, muskrats, beavers, minks, and many other mammals. The wide variety of songbirds, game birds, eagles, great blue herons, and other waterfowl are notable features of the skyline...Each individual species has specific habitat needs including the basic requirements of food, cover, shelter, and space. Loss of critical habitats or landscape diversity can lead to relocation to other less desirable habitats or extinction. Key habitats are the product of slope, soil type, physical features, and available water. Often these key habitat areas are also desirable sites for human development and occupation. It is important that the development of the area be conducted in a manner that protects the wildlife while meeting the needs of the human population.”*

My response: Read the very last sentence of the above statement and then explain to me how building five...yes...FIVE homes and completely destroying a natural area and self-sustaining wildlife ecosystem in the process, AND angering and negatively impacting the residents of two subdivisions...please explain HOW that is adhering to the goals of responsible development and “meeting the needs of the human population.” There are going to be a handful of people who benefit from this development if it is approved. Corey Barton benefits, the City of Star benefits, and the 5 people who eventually purchase the new homes will benefit, and since we’ve already established they will be “estate” homes, those 5 people will be limited to the high-end pool of buyers. This development fails to

meet the needs of our growing population on any significant level, nor does it address the need to offer housing affordable to the average Idahoan.

Section 4.1 - Idaho Code Regarding the Property Rights Component *“Requires an analysis of provisions which may be necessary to ensure that land use policies, restrictions, conditions, and fees do not violate private property rights, adversely impact property values or create unnecessary technical limitations on the use of property and analysis as prescribed under the declarations of purpose in chapter 80, title 67, Idaho Code. Private property rights encompass not only the right to develop, invest, achieve, and profit from property, but also the right to hold and enjoy property. As the population increases and a greater number of people live nearer to each other, the opportunities for land use conflicts become greater. **Property rights must balance the individual’s desire to “do whatever I want with my land” with a respect for the property rights of neighboring owners.”***

My response: This proposed development is a **CLEAR violation** of the Idaho Code regarding **respect for MY property rights as well as those of all the residents sharing a border with this parcel of land.** What makes it okay to disrupt and negatively impact the lives of dozens of residents, disregard their concerns and viewpoints, negatively impact their property values, and destroy a highly valuable, unique, and scenic open space with a thriving natural habitat, wetlands, and wildlife ecosystem in place, all for the purpose of building 5 “estate” homes for profit. Why should **MY** right to enjoy my property to the fullest extent possible, as well as the rights of all the residents surrounding this beautiful, scenic open space be sacrificed so that a *Developer* may profit from the sale of FIVE homes. **FIVE homes that in the grand scheme of things, simply ARE NOT NEEDED,** and will do nothing to alleviate the shortage of affordable housing. **HOW** does that choice for using this land make even the least little bit of sense???

And that question leads me right into the one component or stipulation missing from the Comprehensive Plan...namely, **DOES THE DEVELOPMENT PROPOSAL MAKE SENSE OVERALL?** I would urge City Officials to incorporate this simple question into the Plan next time they make updates and amendments.

I am not opposed to development that makes sense. Most reasonable people aren’t. We’re in the midst of a housing shortage. Homes can’t be built fast enough. I get it. And I’m on board with responsible development to meet population and growth demands. But **ANY** development **NEEDS** to make more sense than not, and both Developers and City Officials should be considering this question...**DOES IT MAKE SENSE...** in any development proposal.

There's no question that landowners (and Developers) have a right to use their land as they wish. But there's an obvious difference between a Developer and a Private Landowner. Developers see land as a commodity, something to buy, sell, and develop for profit. Private landowners typically have a high regard for their land. They cherish and have an emotional attachment to it, and any developments made are done to enhance the value of the land for the property owner's own benefit and enjoyment of life.

In my opinion, we **MUST** hold Developers to a higher standard than we do Private Landowners. We **MUST** ask them to sometimes "take the high road...be the bigger person" in the fight...and sacrifice their desires for the greater good of the communities they are servicing. We **MUST** hold them accountable and ensure their choices to develop a plot of land align with the needs and desires of the communities they are building in. We cannot give them a blank check to just do whatever they choose to do with no regard as to how their choices are impacting private landowners around them. ***Just because your CAN do something doesn't always mean you SHOULD.***

As one of the Treasure Valley's most successful and prolific Builders and Developers, Corey Barton has become a leader in the Community, whether he wants to be or not. And leaders are sometimes called upon to subjugate their own needs and desires and make choices for the greater good. ***Corey Barton does not NEED to develop this land, and in the overall scheme of things, it simply makes no sense.*** There are other options available as to how Corey Barton can profit from this land. He just needs to be willing to seriously consider those options.

In conclusion, this parcel of land is not your every-day-run-of-the-mill-piece-of-flat-land. It is highly unique, and I urge all Council Members to visit the site and see it for yourselves. And then I urge you to deny this application in its present form, and advocate for a better choice for its use...one that would benefit CBH, The City of Star, AND the residents of Colt Place and Star Acres Subdivisions. A better choice, and one that makes more sense, would be to place this land into a land trust, thereby protecting it from future development, and benefitting all impacted parties.

Friends and neighbors of Colt Place and Star Acres Subdivisions:

Corey Barton Homes, AKA Challenger Development LLC, has submitted a proposal to the City of Star to develop the 11-acre parcel of land directly north of the Foothill Ditch above Colt Place Subdivision and south of Star Acres Subdivision. This parcel abuts 14 residential properties in Colt Place (situated along W. Wyatt Earp Dr. and N. OK Corral Place), as well as several rural residential properties in neighboring Star Acres Subdivision.

This unique parcel of land is home to various species of wildlife and bird populations. It is lined and bordered by majestic cottonwood trees estimated to be 100' in height and at least 70 years old, providing a natural habitat, refuge, and active breeding and nesting sites for (among others) Red-Tailed Hawks, Eagles, Great Horned Owls, Barn Owls, and Quail. In addition, wildlife surveys have shown the existence of migratory Canadian Geese, Deer, Red Fox, Raccoons, Skunks, and other small mammals, as well as naturally occurring and seasonal wetlands, which serve a valuable role as a sediment and nutrient filter, and may also contribute to local groundwater quality. All of these characteristics make this area a highly unique and valuable ecosystem, and provides Colt Place residents with a beautiful, scenic backdrop to our quiet and peaceful community.

Corey Barton Homes is seeking approval to develop this parcel of land and construct five (5) "estate" homesites, each one on approximately 1-acre lot sizes clustered on the western portion of the parcel, along with a private road that would provide access to all five sites. The roughly 5-acre Eastern portion will remain open space and will be "donated" to the City of Star. In addition, the new development would tap into the Colt Place irrigation system to supply irrigation to the new homes, and would be known as "Colt Heights."

There will be a public hearing on January 3, 2023 at 7:00pm at Star City Hall, which will provide residents and interested individuals an opportunity to offer input and/or voice their opposition. ***YOUR ATTENDANCE IS IMPERATIVE!*** Please ***READ*** and ***SIGN*** the petition below, and ***ATTEND THIS HEARING TO OPPOSE*** this request, and ask the Commission to ***DENY*** this application. Instead, we wish to encourage the City and the Developer to negotiate a ***termination*** of the existing Development Agreement and instead consider placing the entire 11-acre parcel into a land trust. In the spirit of adhering to the goals and guidelines of ***The Comprehensive Plan***, we believe this is the only option that is a fair, just, equitable, and responsible outcome for the City, Developer, AND the Community Residents.

To: Shawn Nickel, City of Star Planning and Zoning Administrator, and City Council Members
P.O. Box 130
Star, ID 83669
staridaho@staridaho.org
208-286-7247

Re: Proposed "Colt Heights" development recently submitted by Corey Barton Homes, Inc.

Dear Mr. Nickel and City Council Members,

This letter serves as a petition to the City of Star to oppose the Preliminary Plat application submitted by Corey Barton Homes on August 11, 2022 and the subsequent "revised" plat application submitted on December 15, 2022 seeking approval for a proposed residential development consisting of five (5) "estate" homesites and a private street for access to the individual homesites. This 11-acre parcel of land is located north of Foothill Ditch and abuts 14 residential properties situated along W. Wyatt Earp Drive and N. OK Corral Place in Colt Place Subdivision, as well as bordering several neighboring Star Acres properties.

We, the residents and neighbors of Colt Place and Star Acres Subdivisions are **STRONGLY** and **ADAMENTLY OPPOSED** to this development for the following reasons:

This 11-acre parcel of land is currently untouched and undeveloped, characterized by open space, sloping and varied terrain, natural vegetation, naturally occurring and seasonal wetlands, beautiful and majestic cottonwood trees (estimated to be approximately 70 years old and 100' in height), and is a natural habitat to various species of birds and wildlife.

This highly **UNIQUE** and **SCENIC** area provides a natural habitat, refuge, and safe breeding and nesting sites for (among others) Red-Tailed Hawks, Eagles, Great Horned Owls, Barn Owls, Quail, Red Fox, Raccoons, Skunks, and other small mammals. The seasonal wetlands serve a valuable role as a sediment and nutrient filter, and may also contribute to local groundwater quality, thereby representing a value hard to replicate or mitigate.

We are **STRONGLY and VEHEMENTLY OPPOSED** to the ecological and safety threats this development poses for the wildlife and bird populations, the survival of the wetlands and natural vegetation, and for the preservation of the Class III Cottonwood Trees.

CBH's proposal completely and utterly disregards the impact to all of these characteristics and will **INTRODUCE HIGHLY INCOMPATIBLE ACTIVITIES** into our community. It neither supports nor serves the needs and desires of Colt Place and Star Acres residents, and it will **DESTROY THE RURAL AND SCENIC ASPECTS** of our community that we find most enjoyable. In addition, it will contribute to the **DEVALUATION OF ABUTTING PROPERTY VALUES, IRREVERSIBLY IMPACT** the wetlands and wildlife, and **DISRUPT** the harmonious, **RURAL AMBIANCE** of our neighborhood.

The residents of Colt Place will be subjected to the noise and disruption generated by Heavy Equipment and Construction vehicles as they first traverse through the entire subdivision, navigating tight turns and residential streets where children and pets are at play...then second at the actual construction site itself. The risk of a catastrophic accident involving a child or beloved pet in this scenario is not only likely, but highly probable. We are **STRONGLY OPPOSED** to the **RISK** of a catastrophic incident involving a child or pet from occurring.

Excavation and mechanized land-clearing operations and activities will result in the discharge of dredged material and **DESTROY** and/or **DEGRADE** the **WETLANDS** and ditch banks, all of which will engulf the residents along Wyatt Earp Dr. in a perennially existing cloud of dust, dirt, and debris, wreaking havoc on houses, vehicles, personal property, and landscaping as the prevailing northwesterly winds carry it all downhill. Residents of Colt Place (and most particularly those along W. Wyatt Earp Dr.) will be unable to quietly and peacefully enjoy their homes and properties.

We are **STRONGLY** and **ADAMENTLY OPPOSED** to the unnecessary **DESTRUCTION** of this naturally occurring and **SCENIC** habitat and the **DISRUPTION** to our quiet and peaceful community.

In conclusion, the residents of Colt Place and Star Acres recognize and acknowledge the rights afforded to landowners to develop and do with their land as they wish. **However, just because a landowner CAN do something...doesn't mean he/she SHOULD!** It is our collective opinion that development of any kind should make more sense than not. **WE ARE NOT OPPOSED TO DEVELOPMENT THAT MAKES SENSE.** If approved, this development will have a **SIGNIFICANT NEGATIVE IMPACT** on Colt Place and Star Acres residents, their property values, to the land itself, and to the wildlife it provides a habitat for. The majestic cottonwood trees that have been allowed to flourish for 70-plus years will be chopped down and destroyed to

Printed Name

Signature

Address

Email (optional)

PEGGY FAHY *Peggy Fahy* 10274 W. Wyatt Earp Dr. P1fahy23@gmail.com

SEAN MATTHEWS *Sean Matthews* 1831 Buffalo Bill St. Mbrathain@gmail.com

Christina Matthews *Christina Matthews* 1831 Buffalo Bill transaction@everage.com

Tiffany Hilliard *Tiff Hilliard* 10314 Wyatt Earp Dr. Tiffanydhiliard@gmail.com

Sara Baltus *Sara Baltus* 10206 Wyatt Earp sarabaltus@hotmail.com

ERIK RAMSEY *Erik Ramsey* 10182 W WYATT EARP E.RAMSEY818@GMAIL

LEYLA S LOCKHART 10158 WYATT EARP SLockhart2000@yahoo.com

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DENNIS LOCKHART 10158 W. Wyatt Earp DENNIS Lockhart2000@yahoo.com

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Elizabeth Moore *Elizabeth Moore* 10183 W Wyatt Earp Dr.

Michael Moore 10183 W. Wyatt Earp Dr. pathfind3@hotmail.com

JON MCGROOKIN 10112 W WYATT EARP myREALTYSERVICES@AOL.COM

Amy Berg *Amy Berg* 10296 W Wyatt Earp Dr. berg9801@gmail.com

Chad Berg *Chad Berg* 10296 W Wyatt Earp Dr. berg9801@msn.com

RICH TURNBULL *Rich Turnbull* 1853 BUFFALO BILL AVE. letribuck360@GMAIL

Jennifer Turnbull *Jennifer Turnbull* 1853 N. Buffalo Bill Ave. jscharff81@gmail.com

Blank lined area for additional entries.

Printed Name Signature Address Email (optional)

Julie Petty  10313 Wyatt Camp

Donna Aguirre  10282 Snow Wolf

Bev Howard Harvey 10215 W. Snow Wolf

Nancy Ragheb 1720 N. High Noon Ave

ARMANDO Lopez  1832 JET WOLF PL


Danny & Royell Alder 1864 N OK CORRAL

Jane H. Gaudin 1720 N. High Noon Ave

Alexa Kerns  10131 W. Virginia City


Hacey Kerns  10131 W. Virginia City

Jessica Honeycutt 10202 W. Ving City St

Tessa Honeycutt  10202 W. Virginia City St.


Kan Man 9989 W. Snow Wolf

Don BOWEN  1703 N SILVER WOLF WAY

Jenine Simpson  2611 Twilight Dr. Nyssa OR 97935 simpsondrafting.bcsc@gmail

Jonathan & Nicole 1824 N. SILVER WOLF PL.

RANDALL & LESLEE LOTT - 10010 W. VIRGINIA CITY ST

Michelle Lackman  10679 W. Snow Wolf Drive Star ID 83669

Brandel Lackman  10679 W. Snow Wolf Dr.

David Kline  58. Selway Ln Star ID 83669

Yamin D Garcia Zavala 1916 N Black Fire Pl Star ID

KEVIN WARD  1809 BUFFALO BILLS

Angela Radimer 1890 N Jet Wolf Place Star ID

To Star City Council

From Carol Ward:

This is a copy of the email I got from Eric Grace of Land Trust of Treasure Valley. Later that day we spoke by phone. He said Land Trust would be willing to buy the property and manage it, providing an agreement with the owner could be reached.

From: [Eric Grace](#)

Sent: Thursday, November 17, 2022 11:04 AM

To: ew

Subject: Land Trust Inquiry

Hi Carol, I believe we spoke a few months ago about this project, correct?

We'd welcome a discussion about the Land Trust taking title to the property. There are several ways we could go from there to ensure it remains undeveloped into the future.

I'm in meetings all afternoon and tomorrow, but can duck out if you want to talk on the phone. My cell number is below.

Thanks, Eric

LAND TRUST
of the TREASURE VALLEY

Eric Grace

Executive Director

O: 208-345-1452

C: 208-627-9205

PO Box 106

Boise, ID 83701

From Treasure Valley Land Trust web page

Help Us Save Open Space in the Treasure Valley

WHO ARE WE?



WE ARE A NONPROFIT DEDICATED TO BALANCING GROWTH & LAND PROTECTION.

For over 25 years, we have worked to conserve the Treasure Valley's open spaces. We work with landowners, developers, government agencies and citizens to protect our surrounding lands for generations to come.

The population of the Treasure Valley is expected to reach 1.1 million by 2050. Working farms and ranches will decline—and wildlife habitats and watersheds will face tremendous pressure. *Housing is important, but so is preservation.*

Land Trust of the Treasure Valley exists to:

- Protect wildlife habitats and waterways
- Increase conservation of private and public lands
- Mitigate the effects of climate change, preventing irrevocable damage
- Educate the community and foster a lasting culture of conservation

To: Honorable Mayor Trevor Chadwick, and Members of the City Council
Shawn Nickel, City of Star Planning and Zoning Administrator

P.O. Box 130
Star, ID 83669
staridaho@staridaho.org
208-286-7247

Re: Proposed "Colt Heights" development submitted by Corey Barton Homes, Inc.

Dear Mayor Chadwick, Members of the City Council and Mr. Nickel;

This letter serves as a petition to the City of Star to challenge the Preliminary Plat application submitted by Corey Barton Homes on August 11, 2022 seeking approval for a proposed residential development consisting of five (5) "estate" homesites and a private street for access to the individual homesites. This 10-acre parcel of land is located north of Foothill Ditch and abuts 14 residential properties situated along W. Wyatt Earp Drive and N. OK Corral Place in Colt Place Subdivision, and borders two neighboring Star Acres properties.

We, the residents and neighbors of Star Acres Subdivisions are **STRONGLY** and **ADAMANTLY OPPOSED** to this development as it is proposed for the following reasons:

1. This proposed development does not meet the objectives of the City's General Comprehensive Plan. In the spirit of the City's intentions, a resource such as this, if destroyed, can never be achieved again in light of the development. It will be a detriment to the ecosystem that is an integral part of with Star Acres Sub-Division, supporting the wildlife habitat.
2. A loss of water percolation for the aquifer that provides well water for the area will be removed. The seasonal wetlands serve a valuable role as a sediment and nutrient filter, and may also contribute to local groundwater quality, thereby representing a value hard to replicate or mitigate (Slater Wetland and Wildlife Values Assessment, Maxim Technologies, Feb 7, 2006, pg 4)
3. This 11-acre parcel of land is currently untouched and undeveloped, characterized by open space, sloping and varied terrain, natural vegetation, naturally occurring and seasonal wetlands, beautiful and majestic cottonwood trees (estimated to be approximately 70 years old and 100' in height), and is a natural habitat to various and lively species of birds and wildlife.

This highly **UNIQUE** and **SCENIC** area provides a natural habitat, refuge, and safe breeding and nesting sites for (among others) Pheasant, Wild Turkey, Quail, Egrets,

This unique parcel of land is home to various species of wildlife and bird populations. It is lined and bordered by majestic cottonwood trees estimated to be 100' in height and at least 70 years old, providing a natural habitat, refuge, and active breeding and nesting sites for (among others) Pheasant, Wild Turkey, Quail, Egrets, Red-Tailed Hawks, Eagles, Great Horned Owls, and Barn Owls. In addition, wildlife surveys have shown the existence of migratory Canadian Geese, Deer, Red Fox, Raccoons, Skunks, and other small mammals, as well as naturally occurring and seasonal wetlands, which serve a valuable role as a sediment and nutrient filter, and may also contribute to local groundwater quality. All of these characteristics make this area a highly unique and valuable ecosystem, and provides Colt Place residents with a beautiful, scenic backdrop to our quiet and peaceful community.

There will be a public hearing on November 15, 2022 at 7:00pm (location at City Hall), which will provide residents and interested individuals an opportunity to offer input and/or voice their opposition. **YOUR ATTENDANCE IS IMPERATIVE!** Please **READ** and **SIGN** the petition below, and **ATTEND THIS HEARING TO OPPOSE** this request, and ask the Council to seek another solution to the land use other than this application.

2. During the season when the farmer's crops are down and they cannot get their crop wet
3. At the end of the season when farming is over for the fall.

10. WASTE WATER WEIR: Address the corner Weir (between Slater & Ward) that controls the waste water's direction. How will the flooding and existing ditches that accept the waste water will be controlled and what changes will take place at the connection to the proposed Colt Heights subdivision.

11. LONG TERM MAINTENANCE & LIABILITY OF WASTE WATER CHANNELS AND WEIR: Who will be responsible for maintenance of the system on the Colt Heights Subdivision? Whose liability will be assumed when the system is flooded or some other problems come up? Star Acres Water Users and land owners shall be protected.

In conclusion, the residents of Star Acres Subdivision recognize and acknowledge the rights afforded to landowners to develop and do with their land as they wish.

However, just because a landowner CAN do something...doesn't mean he/she SHOULD! It is our collective opinion that development of any kind should make more sense than not. **WE ARE NOT OPPOSED TO DEVELOPMENT THAT MAKES SENSE.** If approved, this development will have a **SIGNIFICANT NEGATIVE IMPACT** on Colt Place and Star Acres residents, their property values, to the land itself, and to the wildlife it provides a habitat for. The majestic cottonwood trees that have been allowed to flourish for 70-plus years will be chopped down and destroyed to make way for five (not 30, not 300, not 3000, but 5) houses. The wetlands and natural vegetation will be destroyed and/or degraded, and the Red-Tailed Hawks, Eagles, Owls, and various other birds and mammals will be permanently displaced. **We STRONGLY, ADAMANTLY, and VEHEMENTLY OPPOSE the SENSELESS and UNNECESSARY DESTRUCTION of this HIGHLY UNIQUE and SCENIC ECOSYSTEM.**

We call on the City of Star City Council and Planning and Zoning Department DENY this application. Please help facilitate a solution for the preservation of this land that would be mutually beneficial to the City, developer, and the community.

Agreed upon and supported by the following residents and neighbors of Star Acres Subdivision:

Printed Name	Signature	Address	Email (optional)
Carol Ward	<i>Carol Ward</i>	2090 Sunny Ln, Star	83669 10-22-22
LISA JENSEN	<i>Lisa Jensen</i>	2393 W Sunny LN	10-22-22
Mary E. duMond	<i>Mary E. duMond</i>	10060 W. ROLLING HILLS DR	10-22-22
JL Swan	<i>JL Swan</i>	9925 W. Rolling Hills Dr.	JLSwan@Aol.com

Mad & KM ²⁰⁰⁰ ~~part of Keller~~ Rolling Hills area ~~2000~~ ~~kate@Aol~~
~~Ann Lucas~~ ~~Ann Lucas~~ 2707 Rolling Hills
~~Albert Dekers~~ ~~Albert Dekers~~ 2907 Rolling Hills Star
 Carolyn Johns Carolyn Johns 10300 Rolling Hills Dr. Star
 Scot Johns Scot Johns 10300 Rolling Hills Dr. Star
 Duane Johns Duane Johns 10300 Rolling Hills Dr.
 Mick & Dijon 2650 N Wing Rd Star 83669
 Beth Kopic 2625 N. Rolling Hills Dr 83669
 Brian Twilegar 2625 N. Rolling Hills Dr Star ID 83669
 John Northey 2333 N Stardust Farm Ln Star ID 10-24-22
 MaryMaxine McPherson 2711 W Schreiner Lane Star ID 10/24/22
 Mary Anne Saunders Mary Anne Saunders
 2230 Schreiner Lane Star 83669
 Russell Jensen Russell Jensen 2393N Sunny Ln. Star ID 83669
 Evelyn Hartley 10175 W NW HOPE RD. Star ID 83669
 Ralph Crossgrove 2800 N Wing Rd. 83669
 Marilee Crossgrove 2800 N. Wing Rd. ★ 83669

Printed Name Signature Address Email (optional)

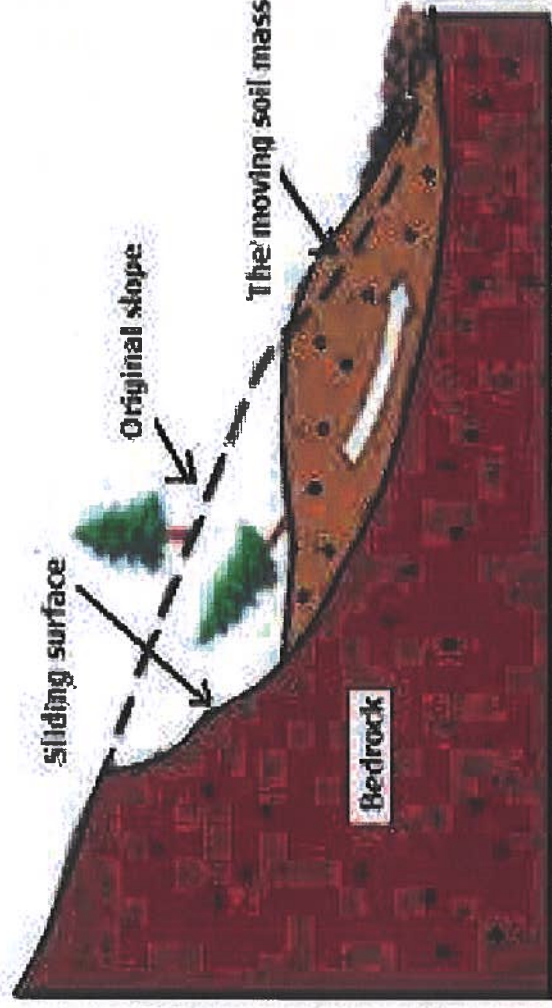
Star Acres Subdivision Petition Signatures

1. Carol Ward 2090 N Sunny Lane, Star 83669
2. Lisa Jensen 2393 N Sunny Ln, Star 83669
3. Mary E. DuMond 10060 W Rolling Hills Dr., Star 83669
4. Leroy Swanson 9925 W Rolling Hills, Star 83669
5. Mark Fuller 2400 Rolling Hills Dr, Star 83669
6. Anju Lucas 2707 W Rolling Hills Dr, Star 83669
7. Albert Ackers 2707 W Rolling Hills Dr, Star 83669
8. Carolyn Johns 10300 Rolling Hills Dr, Star 83669
9. Scot Johns 10300 Rolling Hills Dr, Star 83669
10. Duane Johns 10300 Rolling Hills Dr, Star 83669
11. Michael L. Dixon 2650 Wing Road, Star 83669
12. Beth Kopec 2625 W Rolling Hills, Star 83669
13. Brian Twilegar 2625 W Rolling Hills, Star 83669
14. John Northrup 2333 N Stardust Farm Ln, Star 83669
15. Mary Maxine McCombs 2711 N Schreiner Lane, Star 83669
16. Mary Anne Saunders 2230 Schreiner Lane, Star 83669
17. Russell Jensen 2393 N Sunny Lane, Star 83669
18. Evelyn Hartley 10175 W New Hope, Star 83669
19. Ralph Crosgrove 2800 N. Wing Rd, Star 83669
20. Marlys Crosgrove 2800 N Wing RD, Star 83669

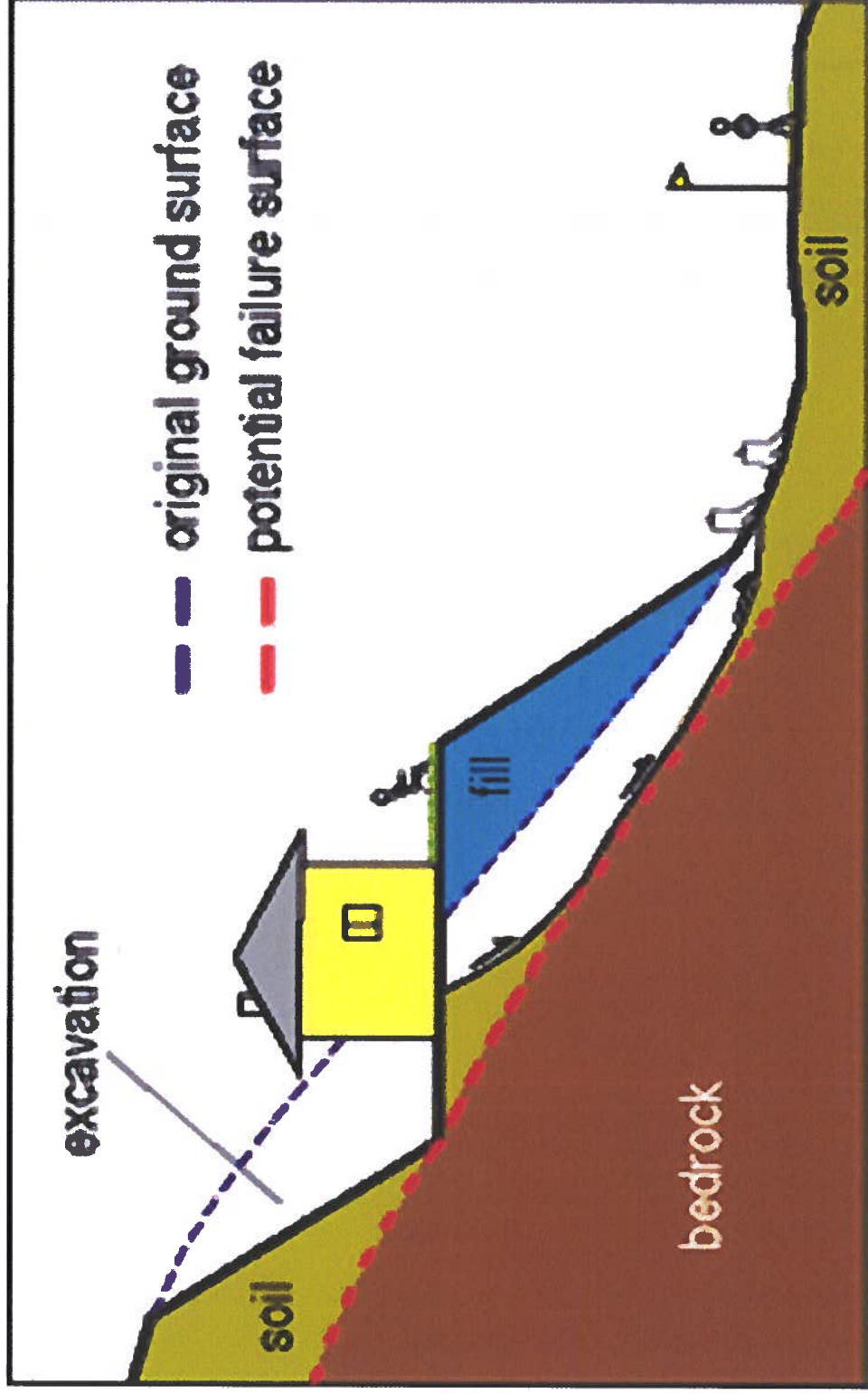
“Whatever affects one directly,
affects us all indirectly.”

Martin Luther King, Jr.

Sliding Homes



Risks of Building on Slopes



Note original ground surface and area of potential failure surface. Original surface had only rainwater. With development, additional water is added for lawns and trees, increasing risk of landslide. Drawing: Boise Guardian 6/8/16

Slideshow: A Look At Boise's Sliding Foothills Neighborhood

BOISE STATE PUBLIC RADIO NEWS

Published May 31, 2016 at 3:23 PM MDT

**NOTE: The sliding occurred before “Snowmageddon” of
2017**



Homes in Boise foothills slid and had to be torn down.

Idaho Statesman

Terra Nativa Development on the Downslope

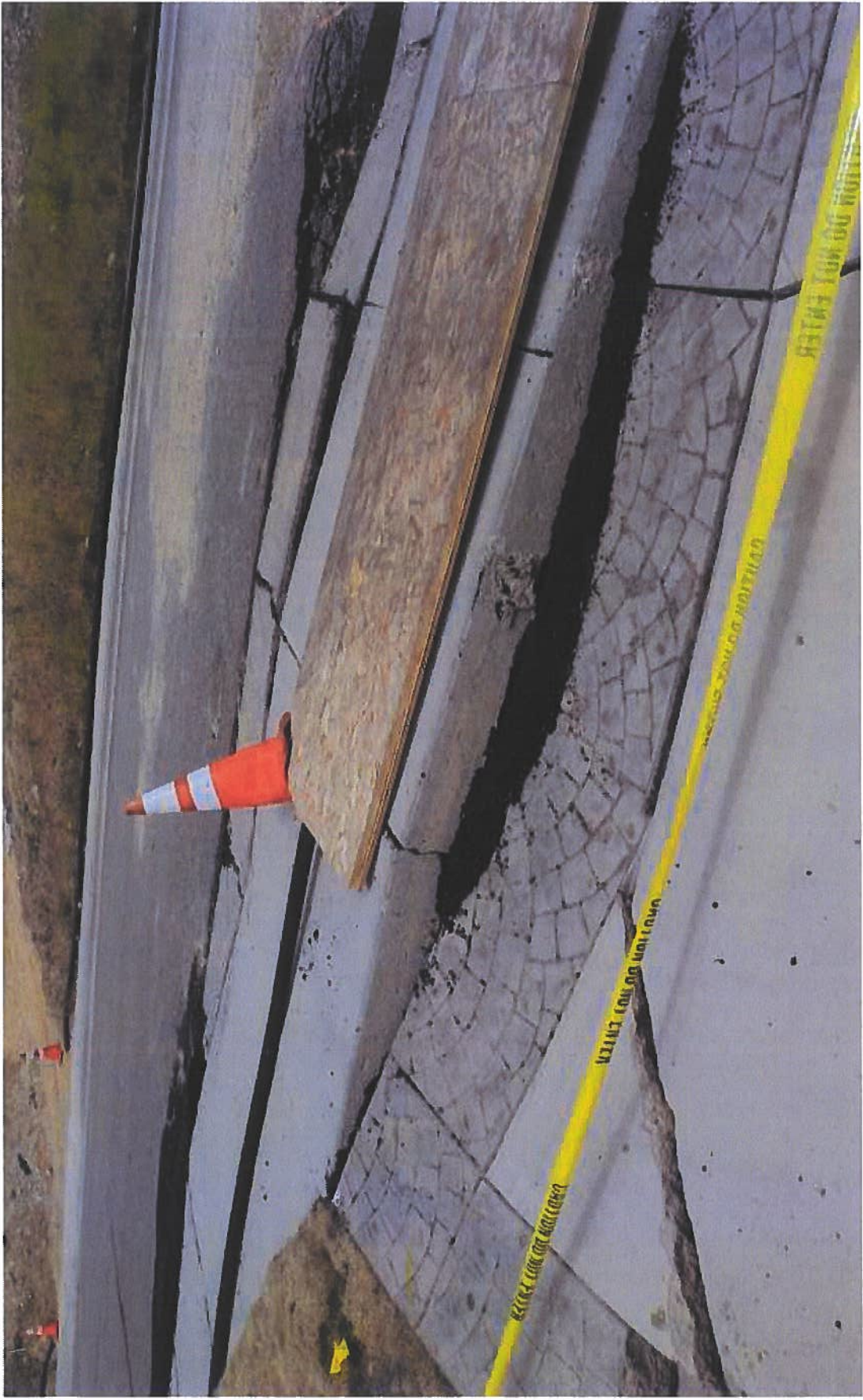
Side of the Road to Table Rock



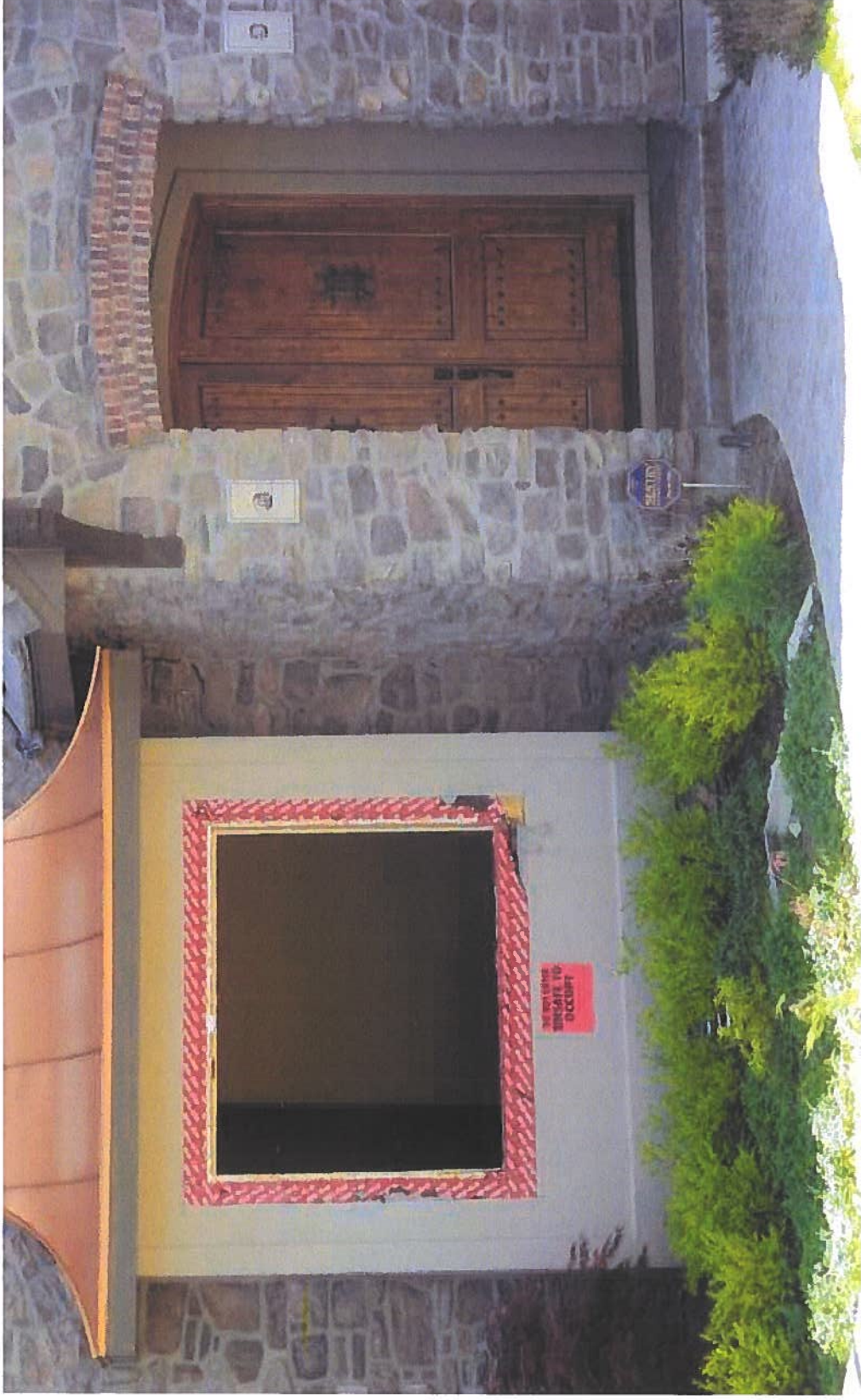
These Six Houses Were Most at Risk

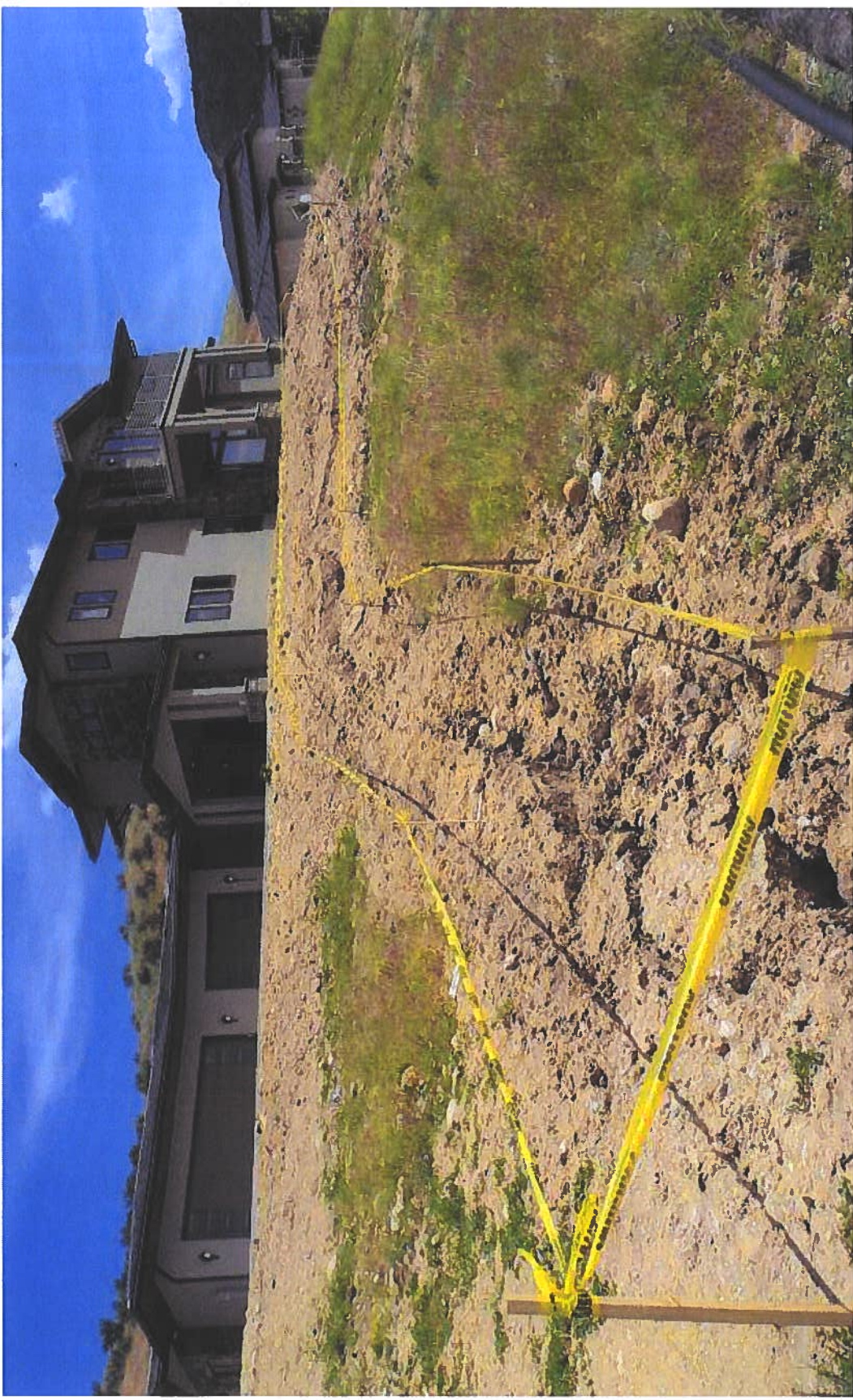


Driveway, Street, Sidewalk Buckled

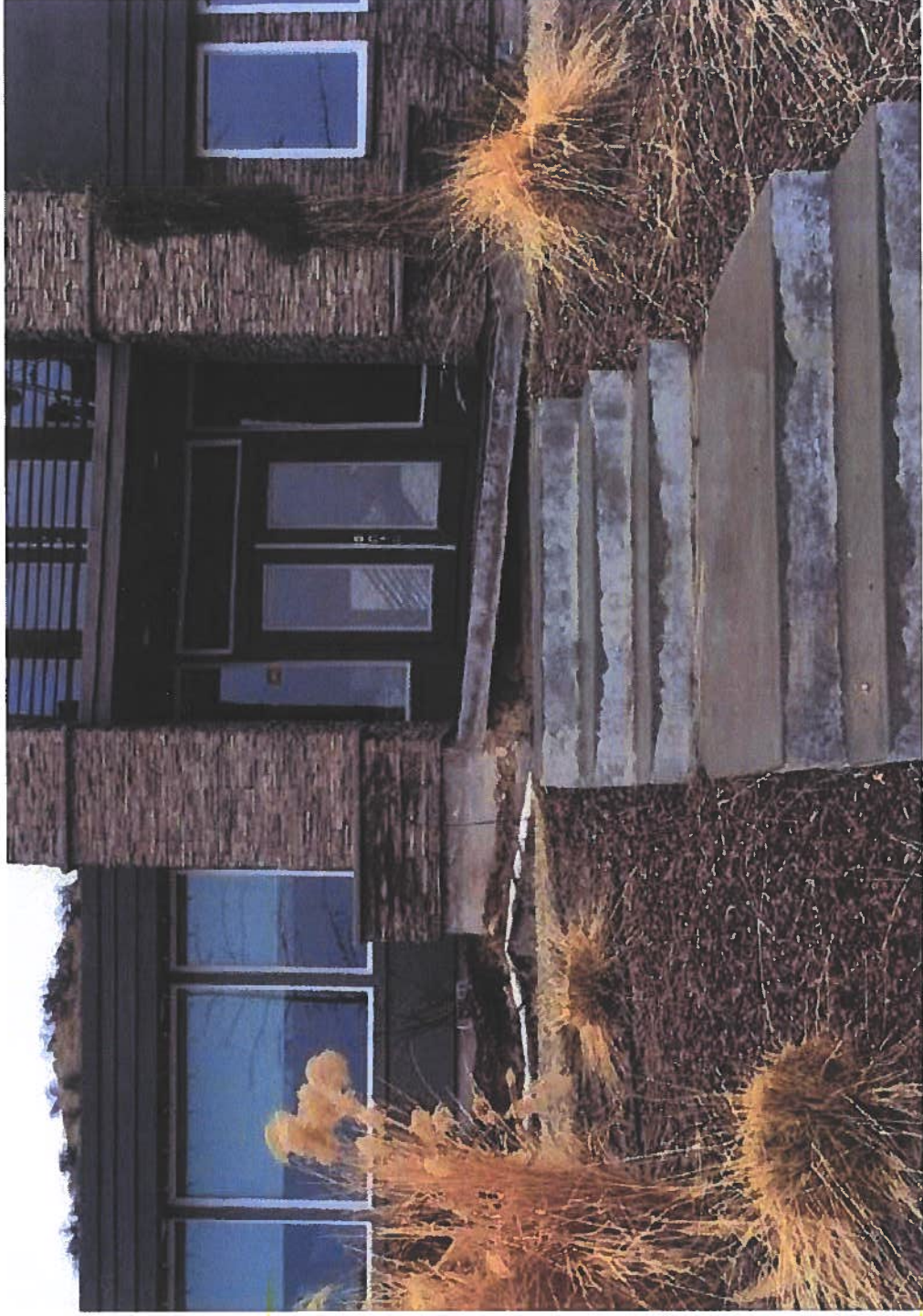


Glass Removed from Windows—Unsafe to Occupy





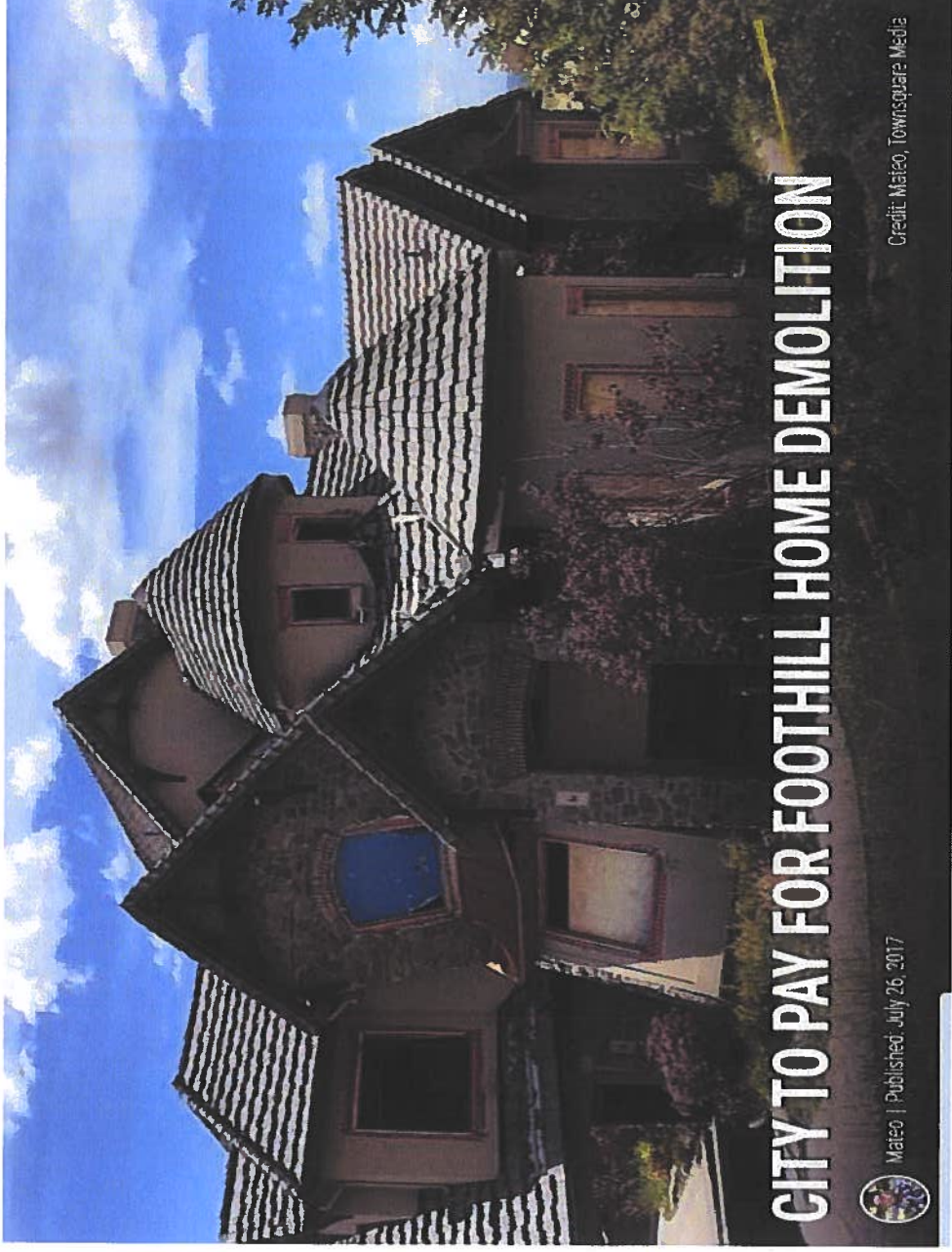
— This house is not damaged yet,
but note shifting ground.



Sliding home in Boise foothills.

KBOI 2/15/17

City of Boise was required to pay for demolition



Boise Settles with Homeowners

- BOISE - We now know the details of a settlement reached between some homeowners in the foothills... and the City of Boise.
 - The homes in the Terra Nativa subdivision ended up shifting and sliding two years ago, making them unsafe to live in.
 - It states that the City of Boise will pay the owners of five homes - which looks to be five couples - a total of **\$257,500**. The money will be paid to a trust and be divided among the homeowners. [\$51,500 apiece]
 - Also in the agreement, the city agrees to demolish the homes on North Alto Via Court and provide topsoil stabilization. The city has secured Ideal Demolition to complete the work. Payment, the agreement says, will not exceed **\$57,700**.
- [Cost to Boise **\$315, 200**, not counting attorneys]

Idaho Endangered Plants in the proposed development area

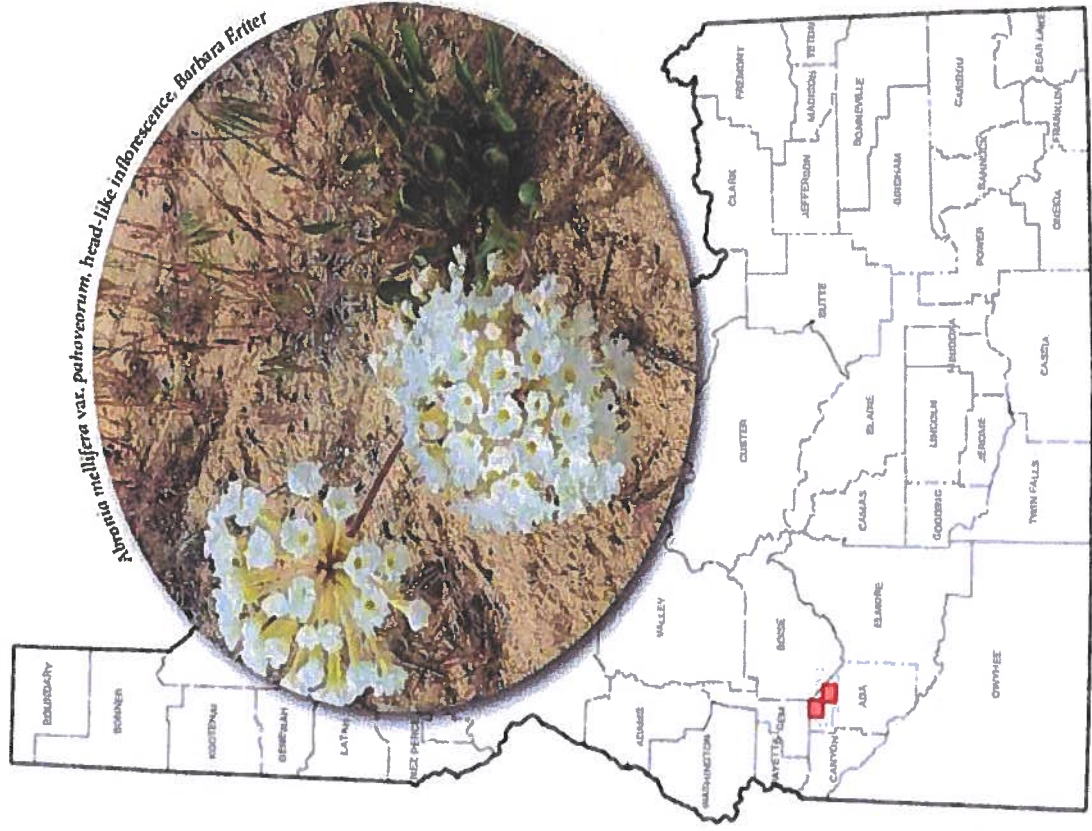
Rare Plant Classifications Idaho and BLM

- S1: Critically Imperiled - at very high risk of extirpation in the jurisdiction (state) due to a very restricted range, very few populations or occurrences, very steep declines, severe threats, or other factors.
- S2: Imperiled - at high risk of extirpation in the jurisdiction (state) due to a restricted range, few populations or occurrences, steep declines, severe threats, or other factors.
- G1: Critically Imperiled - at very high risk of extinction due to extreme rarity, very steep declines, or other factors.
- G2: Imperiled - at high risk of extinction or elimination due to very restricted range, very few populations, steep declines, or other factors.
- BLM Special Status Plant Species Conservation Categories Type 1: Federally listed as threatened and endangered.
- Type 2: Rangelwide/Globally Imperiled Species - High Endangerment.

Boise Sand Verbena

S1/S2 BLM type 2

Idaho Location Map: Boise sand-verbena



Typical Habitat



Lepidium papilliferum, habitat, Michael Mancuso

Habitat

Slickspot peppergrass is a species of southwestern Idaho's semi-arid sagebrush-steppe ecosystem restricted to specialized habitats known as slickspots (or mini-playas) - visually distinct, whitish, sparsely-vegetated soil inclusions created by unusual edaphic conditions. Individual slickspots vary in size, but the majority range up to approximately 50 m².



View of native trees at north end of Corey Barton property that are holding soil. May be removed as “junk trees”.

Shawn Nickel

From: Carol Ward <ewmontward7@outlook.com>
Sent: Monday, December 26, 2022 9:13 PM
To: Shawn Nickel
Subject: Colt Heights Subdivision
Attachments: Land Trust .docx; Petition p 1.pdf; Petition p 2.pdf; Petition p 3.pdf; Petition p 4.pdf; Star Acres Subdivision Petition.docx; Sliding homes 11-6.pptx

I live in Star Acres Subdivision north of the proposed development. My neighbors and I are very concerned about loss of the natural area. I personally have obtained 20 signatures—in fact, not one neighbor refused to sign. The petition was drawn up by Katy Slater and she has also has gotten signatures. In addition, neighbors in Colt Place also signed a petition. (See attached files.)

Concerns with Colt Heights Subdivision

- The area is one of the few remaining unspoiled wildlife areas near Star. It contains important wetlands, habitat of many animals including deer, fox, raccoons, various birds.
- It is honeybee habitat, necessary for pollenating my fruit trees and crops farmed on my fields. My neighbors also have hives that rely on the flowers on the property for nectar.
- If Corey Barton is willing to donate some land, I recommend selling or donating it to the Land Trust of Treasure Valley rather than adding to tax burden by donating to the City of Star. The Land Trust has already expressed interest. (see attached email). They are expert in land preservation and no taxpayer funds would be needed.
- The Army Corps of Engineers recommended “the first thing to be done should be a wetland delineation” quoting from letter to Shawn Nickel. Was that ever done?
- Fish and Game was very concerned about the impact of a subdivision of the wildlife habitat. with people feeding wildlife or leaving trash available, cutting down the native vegetation and pollinators, etc. Hiking trails are great for exercise for people, but they leave trash, destroy vegetation, and make noise.
- There are rare and endangered Idaho plant species that are found only in the area (from around Star into Gem county) where the subdivision is planned. No one has checked to see if there are any of the protected species there. (See attached Powerpoint)
- The City of Boise was found liable for homes sliding in the Terra Nativa subdivision because they approved the original plat. The city had to pay compensation to the owners and for the cost of tearing down the houses at a cost of over \$315,000, not counting lawyers’ fees. (See attached Powerpoint)
- The City of Boise now requires that in addition to the developer’s engineer, a second engineering firm review proposed sites. Both engineering firms would be paid by the developer. Therefore, to avoid the risk of landslide, I request that another engineering firm be selected by the Colt Place and Star Acres Neighbors groups in order to prevent any conflict of interest.
- For the above and many other reasons I'd like the land left alone to preserve a small natural area.

Carol Ward
2090 N Sunny Lane
Star, ID 83669

December 26, 2022

PLEASE ALSO SEE ATTACHED DOCUMENTS ABOVE

Sent from Mail for Windows

To: Honorable Mayor Trevor Chadwick, and Members of the City Council

Shawn Nickel, City of Star Planning and Zoning Administrator

P.O. Box 130
Star, ID 83669
staridaho@staridaho.org
208-286-7247

Re: Proposed "Colt Heights" development submitted by Corey Barton Homes, Inc.

Dear Mayor Chadwick, Members of the City Council and Mr. Nickel;

This letter serves as a petition to the City of Star to challenge the Preliminary Plat application submitted by Corey Barton Homes on August 11, 2022 seeking approval for a proposed residential development consisting of five (5) "estate" homesites and a private street for access to the individual homesites. This 10-acre parcel of land is located north of Foothill Ditch and abuts 14 residential properties situated along W. Wyatt Earp Drive and N. OK Corral Place in Colt Place Subdivision, and borders two neighboring Star Acres properties.

We, the residents and neighbors of Star Acres Subdivisions are **STRONGLY** and **ADAMENTLY OPPOSED** to this development as it is proposed for the following reasons:

1. This proposed development does not meet the objectives of the City's General Comprehensive Plan. In the spirit of the City's intentions, a resource such as this, if destroyed, can never be achieved again in light of the development. It will be a detriment to the ecosystem that is an integral part of with Star Acres Sub-Division, supporting the wildlife habitat.
2. A loss of water percolation for the aquifer that provides well water for the area will be removed. The seasonal wetlands serve a valuable role as a sediment and nutrient filter, and may also contribute to local groundwater quality, thereby representing a value hard to replicate or mitigate (Slater Wetland and Wildlife Values Assessment, Maxim Technologies, Feb 7, 2006, pg 4)
3. This 11-acre parcel of land is currently untouched and undeveloped, characterized by open space, sloping and varied terrain, natural vegetation, naturally occurring and seasonal wetlands, beautiful and majestic cottonwood trees (estimated to be approximately 70 years old and 100' in height), and is a natural habitat to various and lively species of birds and wildlife.

This highly **UNIQUE** and **SCENIC** area provides a natural habitat, refuge, and safe breeding and nesting sites for (among others) Pheasant, Wild Turkey, Quail, Egrets,