



# CITY OF STAR

## LAND USE STAFF REPORT

**TO:** Mayor & Council

**FROM:** City of Star Planning Department

**MEETING DATE:** May 2, 2023 – PUBLIC HEARING

**FILE(S) #:** RZ-23-01 – Rezone

DA-23-02 – Development Agreement

CU-23-03 – Conditional Use Permit – Hood Rats Garage

### OWNER/APPLICANT/REPRESENTATIVE

**Applicant/Owner:**

Newell Price  
11421 West Hidden Point Street  
Star, Idaho 83669

### REQUEST

**Request:** The Applicant is seeking approval of a Rezone (C-1 to CBD), a Development Agreement and Conditional Use Permit for a 1,400 square feet automotive sales and repair facility. The property is located at 11525 West State Street, Star, Idaho and consists of .190 acres.

### PROPERTY INFORMATION

**Property Location:** The subject property is generally located on the southwest corner of West State Street and South Sunlight Avenue. Ada County Parcel No. R5836250010.

**Existing Site Characteristics:** The property is currently vacant.

**Irrigation/Drainage District(s):** - Pioneer Ditch Company LTD  
P.O. Box 70  
Star, Idaho 83669

**Flood Zone:** This property is currently located in a Special Flood Hazard Area.

FEMA FIRM Panel Number: 16001C0130J

Effective Date: 06/19/2020

Flood Zone: AE

**Special On-Site Features:**

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

<b>APPLICATION REQUIREMENTS</b>
---------------------------------

Pre-Application Meeting Held	November 17, 2022
Neighborhood Meeting Held	January 14, 2023
Application Submitted & Fees Paid	February 9, 2023
Application Accepted	April 12, 2023
Residents within 300' Notified	April 13, 2023
Agencies Notified	March 9, 2023
Legal Notice Published	April 16, 2023
Property Posted	April 23, 2023

<b>HISTORY</b>
----------------

The city does not have any previous land use history for this parcel.

<b>SURROUNDING ZONING/COMPREHENSIVE PLAN MAP/LAND USE DESIGNATIONS</b>
--

	<b>Zoning Designation</b>	<b>Comp Plan Designation</b>	<b>Land Use</b>
<b>Existing</b>	Commercial (C-1)	Central Business District (CBD)	Vacant Ground
<b>Proposed</b>	Central Business District (CBD)	Central Business District (CBD)	Automotive Sales/Repair
<b>North of site</b>	Commercial (C-1)	Central Business District (CBD)	Coffee Shop/Office Space
<b>South of site</b>	Residential (R-8)	Central Business District (CBD)	Single Family Residential
<b>East of site</b>	Commercial (C-2)	Central Business District (CBD)	Napa Auto Parts
<b>West of site</b>	Commercial (C-1)	Central Business District (CBD)	Single Family Residential

<b>ZONING ORDINANCE STANDARDS / COMPREHENSIVE PLAN</b>
--

**UNIFIED DEVELOPMENT CODE:**

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

B. Standards:

1. The subject property shall meet the minimum dimensional standards of the proper district.
2. The city may require a development agreement in conjunction with the annexation and zoning, or rezone, pursuant to Idaho Code section 67-6511A, which may include a concept plan. In addition to other processes permitted by city and state code, exceptions or waivers of standards, other than use, may be permitted through execution of a development agreement. A development agreement and concept plan shall be required for any rezone to a mixed-use zone, high density zone or land which includes steep slope (land over 25%) or floodway.
3. The termination of a development agreement shall result in the reversal of the official zoning map amendment approval and applicable development approval for any undeveloped portion of property subject to the development agreement. The undeveloped property subject to the development agreement shall be rezoned to the district classification as designated by the development agreement. When no designation is provided, the property shall revert to its original zoning or, if the original designation no longer exists, to the closest current equivalent zoning as determined by the current Comprehensive Plan Land Use Map designation.

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

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

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

1. The map amendment complies with the applicable provisions of the comprehensive plan;
2. The map amendment complies with the regulations outlined for the proposed district;
3. The map amendment shall not be materially detrimental to the public health, safety, and welfare; and
4. The map amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city.
5. The annexation (as applicable) is in the best interest of the city.

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

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

CENTRAL BUSINESS DISTRICT: To provide for commercial, retail, civic, office, and entertainment uses. High density housing is encouraged on the upper floors of mixed-use buildings and may also be allowed at the fringes of the land use designation shown on the comprehensive plan. Live/work designed development is also encouraged in this district. Developments in this district are to place an emphasis on pedestrian and bicycle access and compatibility. Special emphasis shall be placed on development in the central downtown area to encourage and create a vibrant, walkable downtown community that incorporates the Boise River as an active amenity.

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



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

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

ZONING DISTRICT USES	CBD
Vehicle Sales, Rental & Service	C

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
CBD	35'	0'	0'	0' <sup>4</sup>	0'

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.

### 8-1B-4: CONDITIONAL USES:

A. Purpose: The purpose of this section is to establish procedures that allow for a particular use on a particular property subject to specific terms and conditions of approval.

B. Applicability: The provisions of this section apply to all uses identified as conditional use in chapter 3, "District Regulations", of this title, and as otherwise required by specific development standards in chapter 5, "Specific Use Standards", of this title.

C. Process:

1. The applicant shall complete a preapplication conference with the administrator prior to submittal of an application for a conditional use.
2. An application and appropriate application fees, in accord with article A, "General Provisions", of this chapter, shall be submitted to the administrator on forms provided by the planning department.
3. The administrator may require additional information concerning the social, economic, fiscal or environmental effects of the proposed conditional use, prior to the scheduling of a public hearing.

D. Standards: In approving any conditional use, the city council may prescribe appropriate conditions, bonds and safeguards in conformity with this title that:

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

**8-1B-4E. FINDINGS:** The council shall base its determination on the conditional use permit request upon the following:

1. That the site is large enough to accommodate the proposed use and meet all the dimensional and development regulations in the district in which the use is located.
2. That the proposed use will be harmonious with the Star comprehensive plan and in accord with the requirements of this title.

3. That the design, construction, operation and maintenance will be compatible with other uses in the general neighborhood and with the existing or intended character of the general vicinity and that such use will not adversely change the essential character of the same area.

4. That the proposed use, if it complies with all conditions of the approval imposed, will not adversely affect other property in the vicinity.

5. That the proposed use will be served adequately by essential public facilities and services such as highways, streets, schools, parks, police and fire protection, drainage structures, refuse disposal, water, and sewer.

6. That the proposed use will not create excessive additional costs for public facilities and services and will not be detrimental to the economic welfare of the community.

7. That the proposed use will not involve activities or processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.

8. That the proposed use will not result in the destruction, loss or damage of a natural, scenic or historic feature considered to be of major importance.

#### **8-4B-3: REQUIRED NUMBER OF OFF-STREET PARKING SPACES:**

<b>Type of Use</b>	<b>Off-Street Parking Spaces Required</b>
Automotive, mobile home, travel trailer and or farm implement sales	1 per 400 square feet of gross floor area; plus 1 per 500 square feet of outdoor display.
Automotive repair shop, body shop or tire shop	1 per 225 square feet of gross floor area.

#### **COMPREHENSIVE PLAN:**

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

###### **Central Business District**

The Central Business District is planned to be a vibrant downtown center for the community. Uses encouraged are commercial, retail, civic, private offices, and entertainment. High density housing is encouraged on the upper floors of mixed-use buildings and at the fringes of the land use designation. Developments in this district are to place an emphasis on pedestrian and bicycle access and compatibility.

### 8.3 Goal:

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

### 8.4 Objectives:

- Implement the Land Use Map and associated policies as the official guide for development.
- Work to create a vibrant Central Business District.
- Manage urban sprawl in order to minimize costs of urban services and to protect rural areas.
- Encourage land uses that are in harmony with existing resources, scenic areas, natural wildlife areas, and surrounding land uses.
- Encourage commercial development that is consistent with a family friendly feel, not overburdening the community with big box and franchise uses and discourage the development of strip commercial areas.

### 8.5.5 Policies Related Mostly to the Central Business District Planning Areas:

- A. The CBD zoning district should allow for a mix of commercial, office, institutional, and civic type uses with specific provisions for residential use in appropriate locations with compatible densities.
- B. High density residential is suitable within the CBD in mixed use buildings with commercial or office type uses on the first floor and high density residential on upper floors.
- C. Main Street, generally south of Tempe Lane extended, consists of several lots which are about one acre in size created by "Dixon Subdivision" almost a century ago. Many of the existing home sites on these lots are rural in nature, including farm animals. As redevelopment of this area occurs, a transition consisting of a compatible mix of lower intensity commercial and office type uses mixed with residential should be encouraged. This Main Street area needs to be studied to provide for special care guiding future development understanding that the rights consisting of the existing rural use of residential lots are not to be infringed. Furthermore, Main Street is to be studied for the provision of traffic calming measures and to provide for a connection for horseback riders to access an equestrian trail which should be planned along the Boise River.
- D. The city should develop a street improvement plan for the CBD identifying drainage and street improvements with a functional grid system and use public

private partnerships to assure the system is built and that “ad hoc” development of parcels within the CBD do not block good planning.

E. The city should develop a downtown grid system, in part, planning for the easterly extension of Tempe Lane and easterly extension of West First Street to help provide better downtown access and parking facilities.

F. The east west public road from the Heron River Development, south of the LDS Church on Main Street, should be extended to Star Road.

G. Implement, review, and update the 2011 Star Downtown Revitalization Plan for development strategies within the plan intended to stimulate development within the CBD.

H. As recommended in the 2011 Star Downtown Revitalization Plan, the city should create an Urban Renewal District to stimulate development within the CBD.

I. The city should encourage assemblage of the smaller properties where appropriate.

J. The “floodway” lands abutting the CBD land use designation, all as shown in the Comprehensive Plan Land Use Map, should continue to be developed as park space supporting activities integral to the economic and “Live, Work, Play” ambiance planned for the CBD.

K. Main city service facilities should be located in the CBD and should all be south of State Highway 44 clustered into a “City Services Campus”. That includes the City Hall, Library, Post Office, Emergency Services, Department of Motor Vehicles, and other related facilities.

L. Big Box commercial, generally a single-story single use building over 50,000 square feet, should not be permitted within the CBD and any single-story single use building which is large in scale, such as approaching the 50,000 square foot size, should be located to front on Highway 44 or Star Road.

#### 8.5.9 Additional Land Use Component Policies:

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

- The City should utilize the 2018 Treasure Valley Tree Selection Guide when requiring trees within developments.

#### 18.4 Implementation Policies:

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

### PROJECT OVERVIEW

#### REZONE:

The rezone request from Commercial (C-1) to Central Business District (CBD) on the applicant's property will allow for the development of the property in a manner that will be consistent with the current Comprehensive Plan Map. Sewer and Water will be provided by the Star Sewer and Water District and is in close proximity to the property. Annexation into the Sewer and Water District will be required.

#### CONDITIONAL USE PERMIT:

The applicant is requesting approval of a Conditional Use Permit for an approximately 1,400 square feet automotive sales and repair facility. The proposed building is a manufactured steel building that will have three bay doors (3) on the west side of the facility and one (1) on the north side. The material will be white sheet metal with black trim and reclaimed wood siding accents on all four sides.

Access will be taken from S. Sunlight Avenue directly to the parcel. The applicant is proposing eight (8) parking spaces, one (1) of which is ADA accessible. Section 8-4B-3 of the Unified Development Code states that this type of use requires a minimum of six (6) parking spaces. Section 8-4B-2 requires parking stalls to be a minimum of nine feet (9') wide and twenty feet (20') deep. **The Applicant is proposing two (2) stalls to be the correct width; however, the other six (6) spaces are proposed at eight feet six inches (8' 6") in width. The Applicant will need to adjust these spaces so that they are nine feet (9') wide.** The Applicant is proposing the parking stalls be eighteen feet (18') deep. Section 8-4B-2(b)3 states that "when a vehicle bumper overhangs into a sidewalk or landscape area, the parking stall dimensions may be reduced two (2) feet in length if two (2) feet is added to the width of the sidewalk or landscaped area, and the additional area is planted in ground cover. In this case, wheel restraints may be removed." The applicant is proposing a five foot (5') wide grass area that will satisfy this requirement and allow for the eighteen foot (18') deep stalls.

The Unified Development Code, Section 8-4B-2 states that all drive aisles adjacent to a building shall be a minimum of twenty-five wide (25') or as required by the fire code, unless the building is thirty feet (30') in height or greater, at which point the drive aisle shall be twenty-six feet (26') wide or as otherwise approved by the Fire District. The Applicant is proposing a twenty-five foot (25') wide drive aisle, which satisfies this section of the code.

The Ada County Highway District (ACHD) has issued a staff report, the Applicant will be required to comply with the conditions of approval prior to certificate of occupancy.

**The applicant has provided exterior elevations and color renderings that will need to be reviewed by the Design Review Committee, as part of the Certificate of Zoning Compliance process, for approval.**

The applicant has not asked for any setback waivers and the site plan is compliant with the required Central Business District (CBD) setbacks.

As required by the Unified Development Code, Chapter 8, Section 8-8C-2-M (2) Street Trees; A minimum of one street tree shall be planted for every thirty-five (35) linear feet of street frontage. The applicant shall use "Treasure Valley Tree Selection Guide", as adopted by the Unified Development Code. **The submitted landscape will require a minimum of two shade trees (2) planted along W. State Street. The Applicant will need to update the landscape plan and provide to Staff or approval prior to issuing a building permit. The Applicant has proposed seasonal landscaping but has not indicated the type of landscape materials. The updated landscape plan will need to call this out.**

**The Applicant has not provided a lighting plan for the site or building. This will be required prior to issuing a building permit, for review and approval by Staff.** All lighting shall be downward facing and Dark Sky like compliant to avoid any fugitive light to the neighboring properties.

#### **DEVELOPMENT AGREEMENT:**

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

- Specifically Requested Conditional Use Approvals

## AGENCY RESPONSES

ITD  
ACHD

February 23, 2023  
March 27, 2023

## PUBLIC RESPONSES

No public comments have been received for this application.

## STAFF ANALYSIS & RECOMMENDATIONS

Based upon the information provided to staff in the applications and agency comments received to date, staff finds that the proposed rezone, development agreement and conditional use permit meets the requirements, standards and intent for development as they relate to the Unified Development Code and 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 or revised conditions of approval, Council shall direct staff to draft findings of fact and conclusions of law for the Council to consider at a future date.

## FINDINGS

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

### ANNEXATION/REZONE FINDINGS:

1. The map amendment complies with the applicable provisions of the Comprehensive Plan.  
*The purpose of the Star Comprehensive Plan is to promote the health, safety, and general welfare of the people of the City of Star and its Impact Area. Some of the prime objectives of the Comprehensive Plan include:*
  - ✓ *Protection of property rights.*
  - ✓ *Adequate public facilities and services are provided to the people at reasonable cost.*
  - ✓ *Ensure the local economy is protected.*
  - ✓ *Encourage urban and urban-type development and overcrowding of land.*



- ✓ *Ensure development is commensurate with the physical characteristics of the land.*

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

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

*The Council must find that the proposal complies with the proposed district and purpose statement. The purpose of the residential districts is to provide regulations and districts for various residential neighborhoods with gross densities in compliance with the intent of the Comprehensive Plan designation. Housing shall be single family detached unless approved with a PUD or development agreement. Connection to municipal water and sewer facilities are required for all subdivision and lot split applications in all districts exceeding one dwelling unit per acre. Private streets may be approved in this district for access to newly subdivided or split property.*

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

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

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

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

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

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

### **Findings for Conditional Use Permits (UDC §8-6B-6):**

1. That the site is large enough to accommodate the proposed use and meet all the dimensional and development regulations in the district in which the use is located.

*The Council must find that the site of the proposed use*

*would be large enough to accommodate the proposed use or meet all of the dimensional and development regulations in the district in which the use would be located.*

2. That the proposed use will be harmonious with the Star comprehensive plan and in accord with the requirements of this title.

*The Council must find that the proposed use request is harmonious with the Star Comprehensive Plan and is in accord with the requirements of this Title. The proposed development should meet the intent or purpose of the Mixed-Use District.*

3. That the design, construction, operation and maintenance will be compatible with other uses in the general neighborhood and with the existing or intended character of the general vicinity and that such use will not adversely change the essential character of the same area.

*The Council must find that the operation of the proposed use would be compatible with the other uses in the general area.*

4. That the proposed use, if it complies with all conditions of the approval imposed, will not adversely affect other property in the vicinity.

*The Council must find that the proposed use, with imposed conditions of approval, would not adversely affect other property in the vicinity.*

5. That the proposed use will be served adequately by essential public facilities and services such as highways, streets, schools, parks, police and fire protection, drainage structures, refuse disposal, water, and sewer.

*The Council must find that the proposed use be adequately served by essential public facilities and services.*

6. That the proposed use will not create excessive additional costs for public facilities and services and will not be detrimental to the economic welfare of the community.

*The Council must find that the proposed use would not create excessive additional costs for public facilities and would not be detrimental to the economic welfare of the community.*

7. That the proposed use will not involve activities or processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.

*The Council must find that the proposed use would involve activities that would not be detrimental to any person, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.*

8. That the proposed use will not result in the destruction, loss or damage of a natural, scenic or historic feature considered to be of major importance.

*The Council must find that the proposed use would not result in the destruction, loss or*

*damage of natural, scenic or historic feature of major importance since none are apparent on this site.*

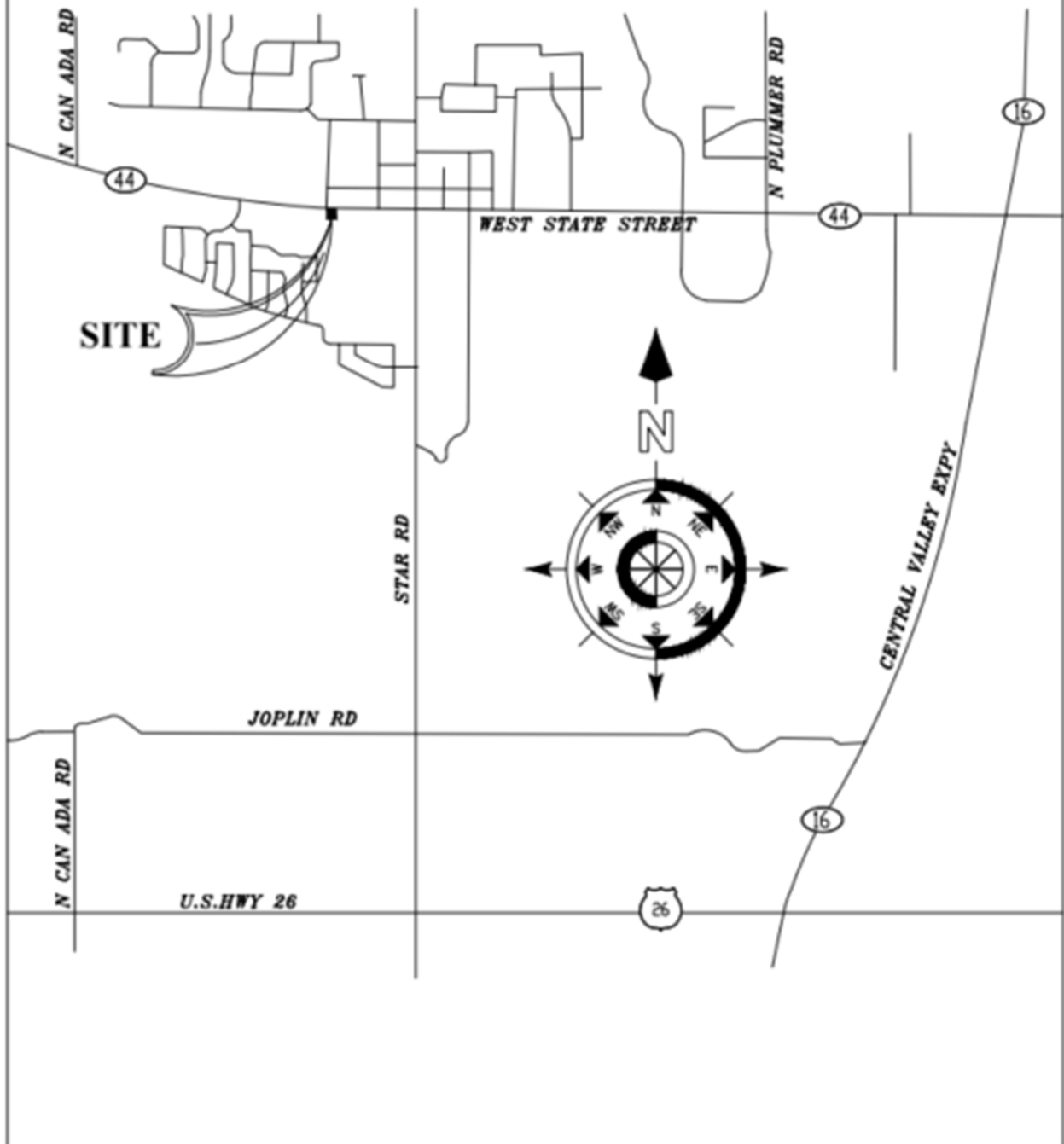
<b>CONDITIONS OF APPROVAL</b>
-------------------------------

1. The approved Conditional Use shall comply with all statutory requirements of applicable agencies and districts having jurisdiction in the City of Star.
2. Streetlights/Parking Lot lights shall comply with the Star City Code. Design shall follow Code with requirements for light trespass and "Dark Skies" lighting. **Applicant/Owner shall work with staff and submit a streetlight design that meets city standards prior to Building Permit being issued.**
3. **A Certificate of Zoning Compliance will be required prior to the start of construction.**
4. **A revised site plan, showing the correct parking dimensions shall be submitted to and approved by City Staff, prior to issuing the building permit.**
5. **The Applicant shall provide an updated landscape plan showing the correct number of street trees and landscape materials to Staff for approval prior to issuing a building permit.**
6. The property with the approved application shall be satisfactorily weed abated, preventing a public nuisance, per Star City Code.
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 form signed by the Star Sewer & Water District shall be submitted to the City prior to issuance of building permit stating that all conditions of the District have been met, including annexation into the District.
9. 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 occupancy 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 the start of any construction.**
10. The applicant shall obtain all the proper building permits from the City Building Department prior to occupancy of the unit.
11. The Conditional Use Permit may be revoked or modified by the City Council for any violation of any Condition of Approval.
12. The applicant shall obtain a sign permit prior to any signage being placed on the site or building.
13. Any additional Condition of Approval as required by Staff and City Council.
14. Any Conditions of Approval as required by Star Fire Protection District.

<b>COUNCIL DECISION</b>
-------------------------

The Star City Council \_\_\_\_\_ File Number RZ-23-01, DA-23-02, CU-23-03, for Hood Rats Garage on \_\_\_\_\_, 2023.

# VICINITY MAP



# ANNEXATION & ZONING - REZONE APPLICATION

## (PROJECT NARRATIVE)

**Date:** 1/5/23  
**Project Title:** Hood Rats Garage  
**Project Locations:** 11525 West State Street, Star ID 83669

**Applicant Name:** Newel Price  
**Applicant Address:** 11421 West Hidden Point Street Star, ID 83669  
**Phone:** 208-616-4669  
**Email:** [newel@me.com](mailto:newel@me.com)

### **Project Description:**

We propose constructing a 1,300 square foot steel framed building to accommodate a business called Hood Rats Garage. Hood Rats Garage is in the business of sales, restoration and modifications to classic automobiles as well as sales and installation of auto accessories on later model vehicles.

The exterior of the building will include a mixture of painted steel wall panels and barn wood accents.

The new asphalt parking lot will consist of (7) seven parking spaces and landscaped areas including a bioretention zone for rainwater containment.

There will be a new city sidewalk installed along State Street including a new city required streetlamp to match city specifications.

Construction is expected to last 10-12 months with the grand opening for the business to follow final inspection approvals and issuance of Certificate of Occupancy by the city.

Any questions may be directed to the property owner as listed above.

Newel Price

Owner



## ANNEXATION & ZONING - REZONE APPLICATION

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

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

### Applicant Information:

**PRIMARY CONTACT IS:** Applicant \_\_\_ Owner \_\_\_ Representative \_\_\_

Applicant Name: Newel Price  
Applicant Address: 11421 West Hidden Point Street Zip: 83669 Phone: 208-616-4669  
Email: newel@me.com

Owner Name: Newel Price  
Owner Address: 11421 West Hidden Point Street Zip: 83669 Phone: 208-616-4669  
Email: 208-616-4669

Representative (e.g., architect, engineer, developer):

Contact: Newel Price Firm Name: N/A  
Address: Same Zip: Same  
Phone: Same Email: Same

### Property Information:

Site Address: 11525 W. State St. Parcel Number: R5836250010  
Total Acreage of Site: 0.190 Acres  
Total Acreage of Site in Special Flood Hazard Area: N/A  
Proposed Zoning Designation of Site: CBD

### Zoning Designations:

	Zoning Designation	Comp Plan Designation	Land Use
Existing	C1		Vacant
Proposed	CBD		Automotive
North of site	C1		Residence
South of site	MUDA		Residence
East of site	C1		Retail
West of site	C2		Retail

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

Areas of Critical Environmental Concern - No

Evidence of Erosion - No

Fish Habitat - No

Floodplain - No

Mature Trees - No

Riparian Vegetation - No

Steep Slopes - No

Stream/Creek - No

Unique Animal Life - No

Unique Plant Life - No

Unstable Soils - No

Wildlife Habitat - No

Historical Assets - No

**Application Requirements:**

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

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



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

## FEE REQUIREMENT:

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

\_\_\_\_\_  
Applicant/Representative Signature

\_\_\_\_\_  
Date



City of Star  
P.O. Box 130  
Star, Idaho 83669  
P: 208-286-7247

## CONDITIONAL USE PERMIT APPLICATION

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

FILE NO.: CU-23-03  
Date Application Received: 2-9-23 Fee Paid: 1660.<sup>00</sup>  
Processed by: City: \_\_\_\_\_

### Applicant Information:

PRIMARY CONTACT IS: Applicant ☐ Owner ☒ Representative ☐

Applicant Name: NEWEL PRICE  
Applicant Address: 11421 W. HIDDEN POINT ST Zip: 83669  
Phone: 208-616-4669 Email: newel@me.com

Owner Name: Same as Applicant  
Owner Address: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Representative (e.g., architect, engineer, developer):

Contact: N/A Firm Name: \_\_\_\_\_  
Address: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_ Email: \_\_\_\_\_

### Property Information:

Site Address: 11525 W. STATE ST Parcel Number: RS836250010  
Requested Condition(s) for Conditional Use: AUTOMOTIVE SALES & REPAIR

	Zoning Designation	Comp Plan Designation
Existing	<u>C2</u>	
Proposed	<u>CBD</u>	
North of site	<u>C2</u>	
South of site	<u>MUDA</u>	
East of site	<u>C2</u>	
West of site	<u>C2</u>	

**Site Data:**

Total Acreage of Site: 0.190  
Proposed Percentage of Site Devoted to Bldg Coverage: 17%  
Proposed Percentage of Site Devoted to Landscaping: \_\_\_\_\_  
Number of Parking spaces: Proposed 7 Required 24  
Requested Front Setback: 0 Requested Rear Setback: 0  
Requested Side Setback: 0 Requested Side Setback: 0  
Requested Side Setback: 0  
Existing Site Characteristics: VACANT LOT.

Number and Uses of Proposed Buildings: 1  
Location of Buildings: Per Plan  
Gross Floor Area of Proposed Buildings: 1,400 sq ft  
Describe Proposed On and Off-Site Traffic Circulation: Access Site Parking from S. Sunlight Ave adjacent to W State St.  
Proposed Signs - number, type, location: 1 Attached to build.  
(include draft drawing) Hood Rats Garage  
Public Services (state what services are available and what agency is providing the service):  
Potable Water - Star W&S  
Irrigation Water - None Star W&S  
Sanitary Sewer - Star W&S  
Schools - Middleton & West ADA School Districts  
Fire Protection - Star Fire Protection Dist  
Roads - IDT / ACHD

**Flood Zone Data (This Info Must Be Filled Out Completely Prior to Acceptance):**

Subdivision/Project Name: Morning Star Mobile <sup>manuf</sup> home Phase: NA  
Special Flood Hazard Area: total acreage 0 number of homes/structures

0

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

## Application Requirements:

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

Applicant (√)	Description	Staff (√)
	Pre-application meeting with Planning Department required prior to neighborhood meeting.	✓
	Copy of neighborhood meeting notice sent to property owners within 300 feet and meeting sign-in sheet. <b>(Please contact the City for addresses &amp; labels)</b> (Applicants are required to hold a neighborhood meeting to provide an opportunity for public review of the proposed project prior to the submittal of an application.)	✓
	Completed and signed Conditional Use Application	✓
	Fee: Please contact the City for current fee. Fees may be paid in person with check or electronically with credit card. Please call City for electronic payment. Additional service fee will apply to all electronic payments.	
	Narrative fully describing the existing use, and the proposed project. (must be signed by applicant)	✓
	Legal description of the property (word.doc and electronic version with engineer's seal):	✓
	Copy of recorded warranty deed.	✓
	If the signature on this application is not the owner of the property, an <b>original</b> notarized statement (affidavit of legal interest) from the owner stating the applicant is authorized to submit this application.	N/P
	One (1) copy of names and addresses printed on address labels, of property owners within three hundred feet (300') of the external boundaries of the property being considered as shown on record in the County Assessor's office. Please contact the City to request addresses and labels.	✓
	List of names(s) and address(es) of all canal or irrigation ditches within or contiguous to the proposed development.	
	Vicinity map showing the location of the subject property	✓
	One (1) full-size copy and One (1) 11"x 17" reduction of the Site Plan	✓
	One (1) full-size copy and One (1) 11"x 17" reduction of the landscape plan (if applicable)	
	Building elevations showing construction materials	
	Two (2) copies electronic versions of submitted application including signed application, narrative, legal description, warranty deed, vicinity map, site plan, landscape plan, building elevations, shall be submitted in original pdf format (no scans) on a thumb drive only (no discs) with the files named with project name and plan type. We encourage you to also submit at least one (1) color version for presentation purposes.	
	Signed Certification of Posting with pictures. (see attached posting requirements and certification form) – To be completed by application after acceptance of application. Staff will notify applicant of hearing and posting date.	

## Site Plan (If applicable):

The following items must be included on the site plan:	
• Date, scale, north arrow, and project name	
• Names, addresses, and phone number of owner(s), applicant, and engineer, surveyor or planner who prepared the site plan	
• Existing boundaries, property lines, and dimensions of the lot	
• Relationship to adjacent properties, streets, and private lanes	
• Easements and right-of-way lines on or adjacent to the lot	
• Existing and proposed zoning of the lot, and the zoning and land use of all adjacent properties	
• Building locations(s) (including dimensions to property lines)	
• Parking and loading areas (dimensioned)	
• Traffic access drives and traffic circulation (dimensioned)	

	• Open/common spaces	
	• Refuse and service areas	
	• Utilities plan, including the following: Sewer, water, irrigation, and storm drainage (existing & proposed)	
	• All on-site lighting proposed – Must Meet City "Dark Sky" Ordinances	

**Landscape Plan (If applicable):**

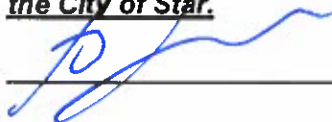
	<b>The following items must be included on the landscape plan:</b>	
	• Date, scale, north arrow, and project name	
	• Names, addresses, and phone numbers of the developer and the person and/or firm preparing the plan	
	• Existing natural features such as canals, creeks, drains, ponds, wetlands, floodplains,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

**SIGNS (If applicable):**

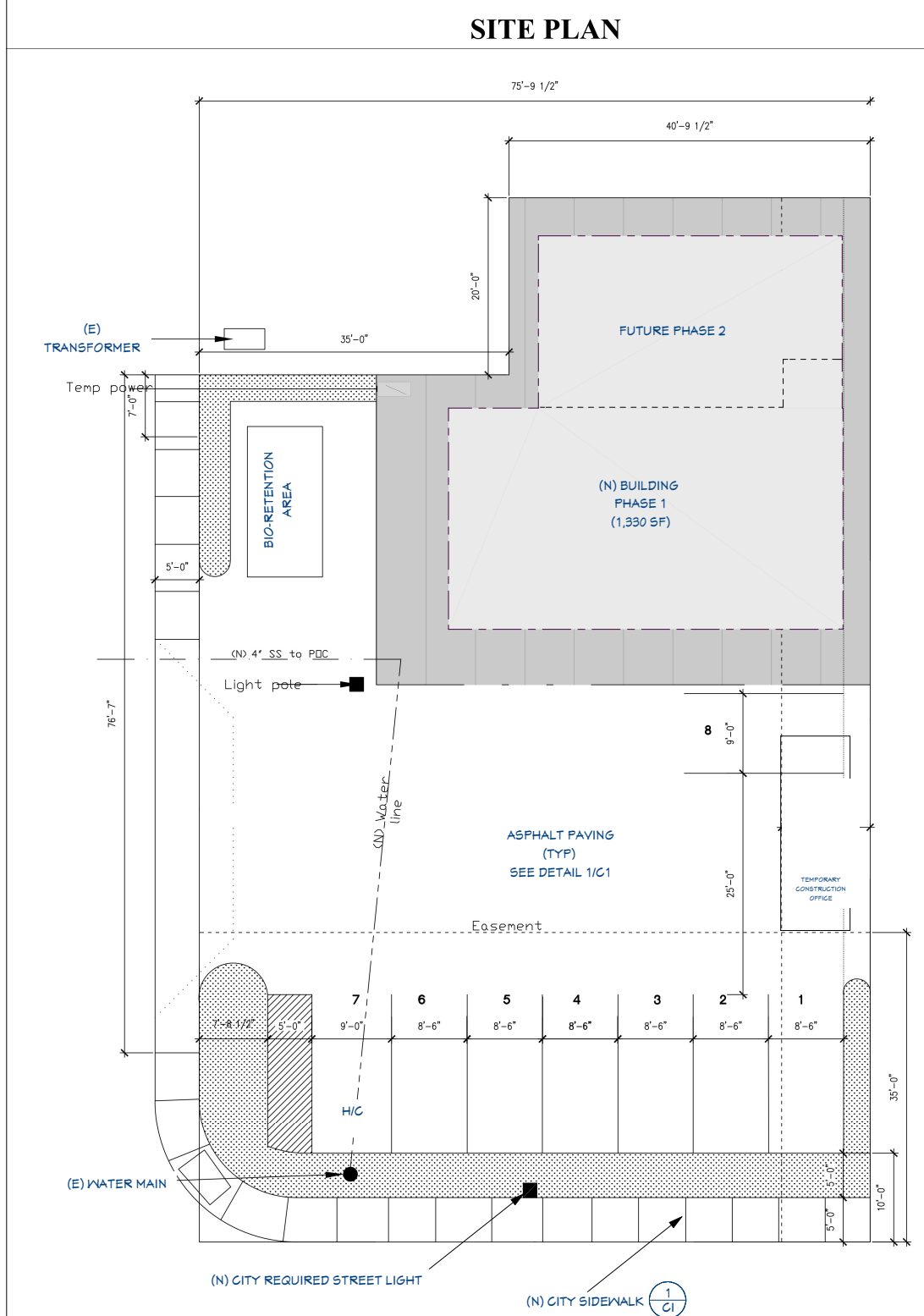
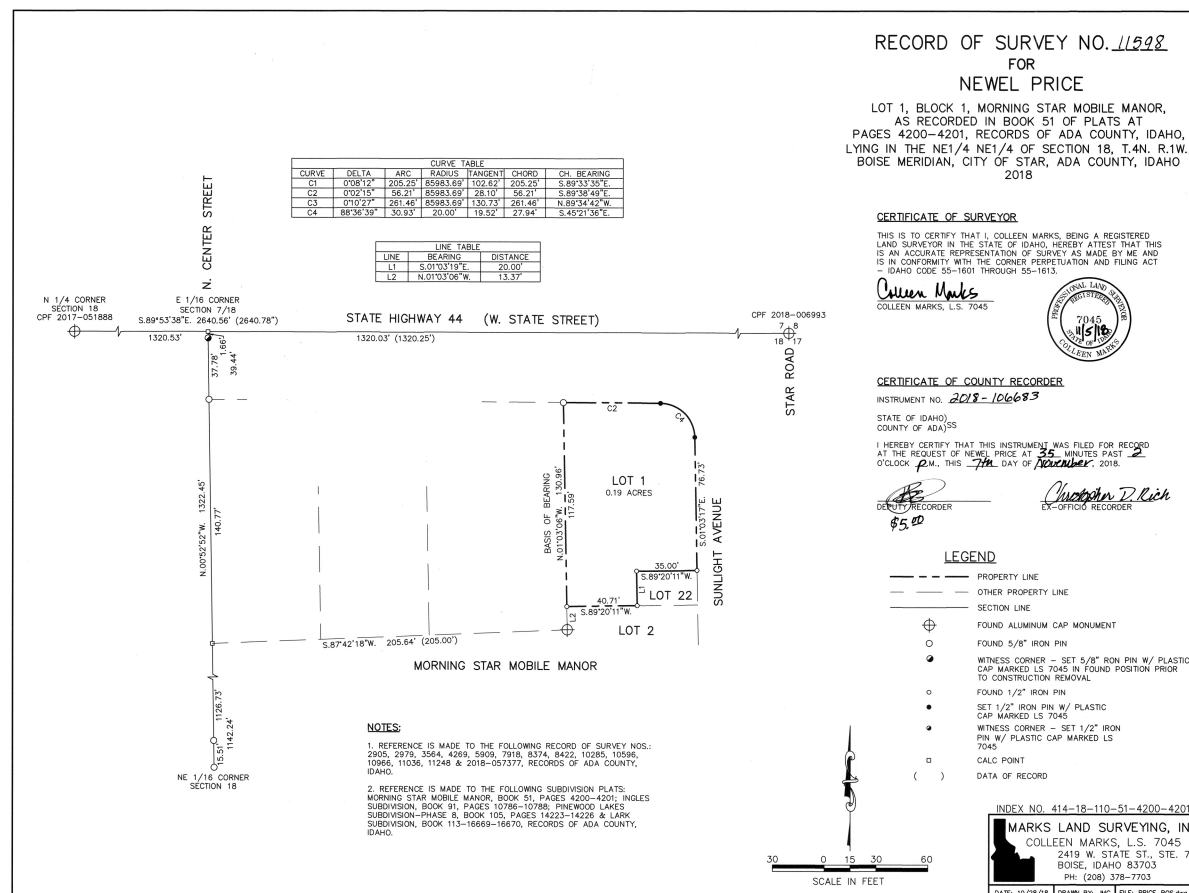
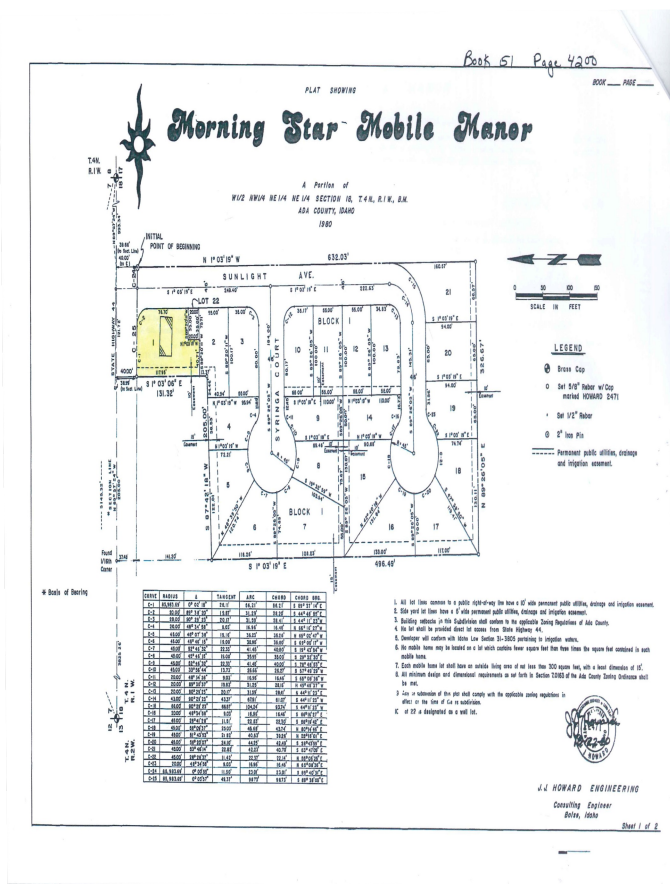
All signs will require separate submittal of a sign application.

**FEE REQUIREMENT:**

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



2/9/23



**PARKING NOTES:**  
PARKING SPACES = 7  
HANDICAPPED SPACES = 1

PROJECT:  
HOOD RATS GARAGE  
(NEW STEEL BUILDING)

11525 W. STATE STREET  
STAR, ID 83669

OWNER:  
NEWEL PRICE  
11421 WEST HIDDEN POINT ST.  
STAR, ID 8366

CONTACT INFO:  
NEWEL@ME.COM / (208) 616-4669

DRAWINGS PROVIDED BY:



REVISION TABLE	
DESCRIPTION	DATE

DATE:	1/5/2023
-------	----------

SCALE:

SHEET:

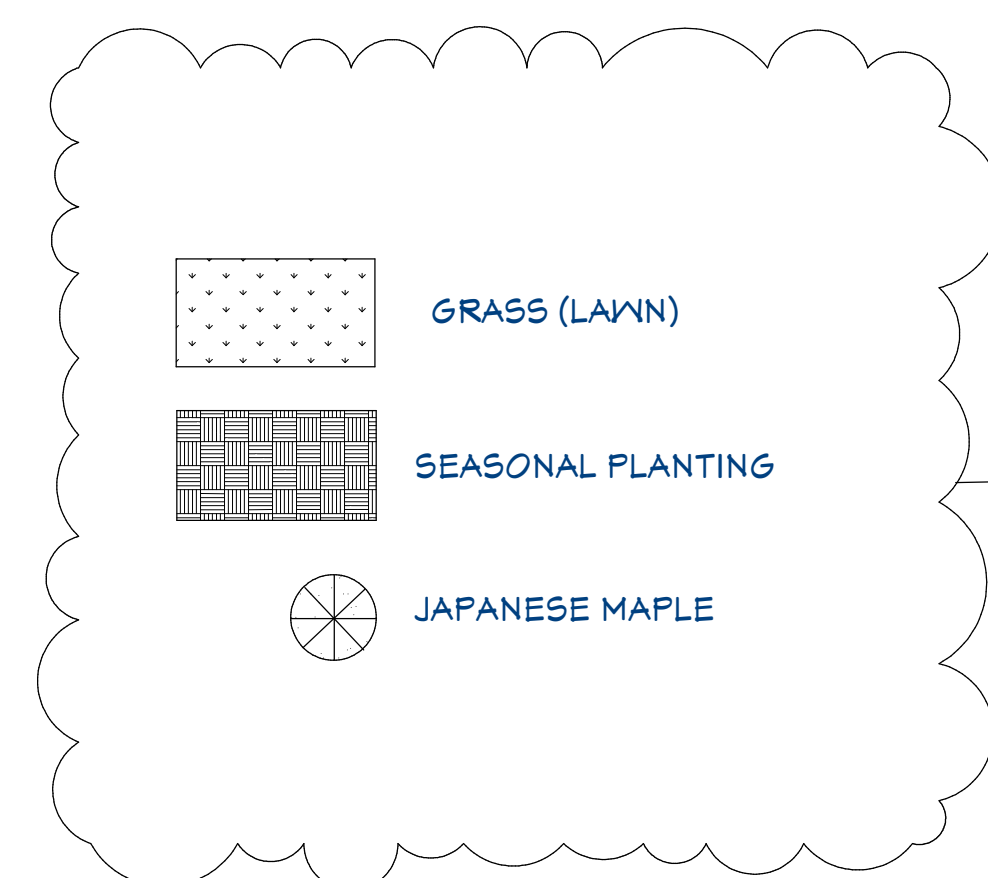
# A1

## SITE PLAN



11525 W. STATE STREET  
STAR, ID 83669

CONTACT INFO:  
NEWEL@ME.COM / (208) 616-4669



**CONSTRUCTION, CONSULTING,  
SERVICES, INC.**

**STAR, IDAHO**

REVISION TABLE	
DESCRIPTION	DATE

SCALE:

SHEET:

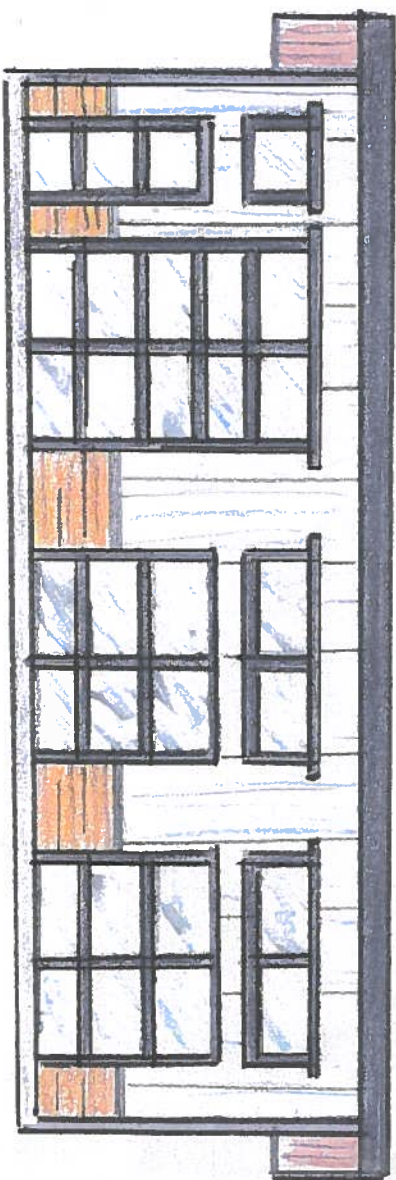
---

LS-1

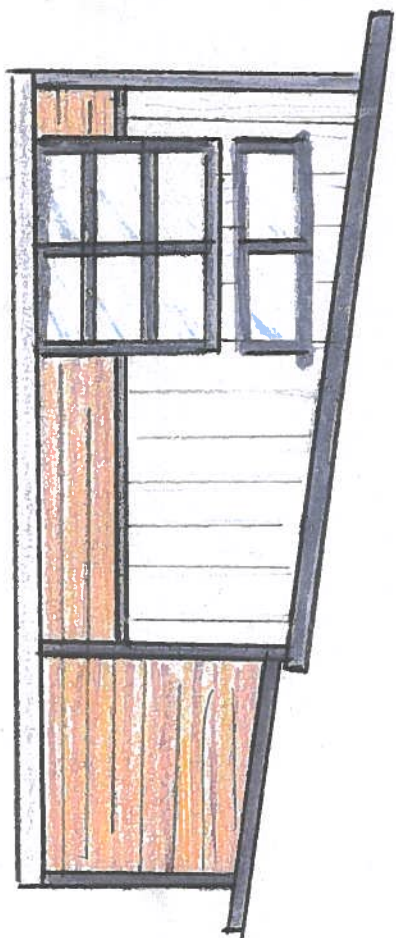
LANDSCAPING  
PLAN



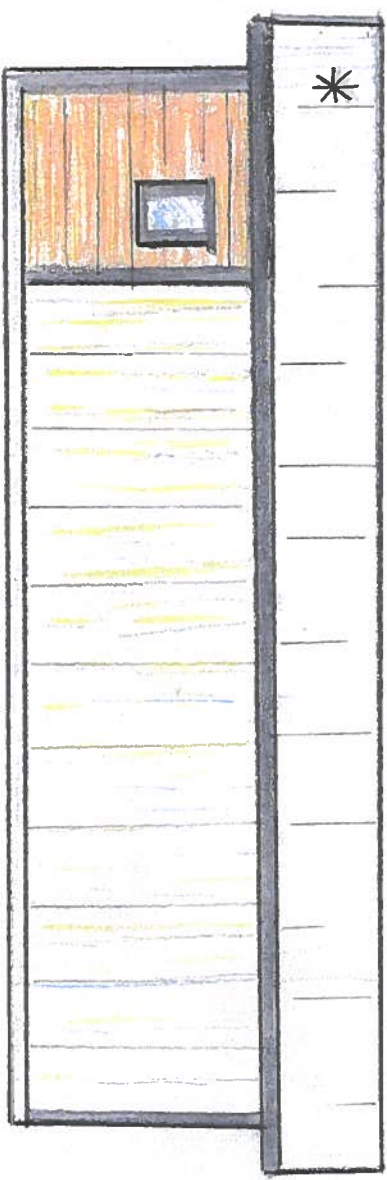
RENDERED ELEVATIONS



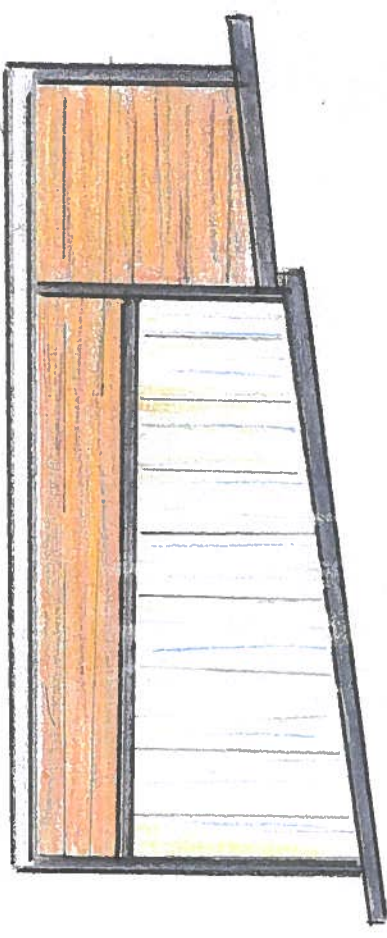
WEST



NORTH



EAST



SOUTH

11525 W STATE ST STAR, ID PROPOSED BUILDING RENDERING 02/11/2023		<ul style="list-style-type: none"><li>- RECLAIMED REDWOOD SIDING</li><li>- WHITE SHEET METAL (RIBBED SIDING)</li><li>- BLACK SHEET METAL TRIM</li></ul>		<ul style="list-style-type: none"><li>- GALVANIZED RIBBED ROOFING (SILVER)</li><li>- STORE FRONT GLAZING</li><li>- ROLL UP DOORS</li></ul>
---	--	---	--	--





**Your Safety • Your Mobility  
Your Economic Opportunity**

**IDAHO TRANSPORTATION DEPARTMENT**

P.O. Box 8028 • Boise, ID 83707-2028  
(208) 334-8300 • [itd.idaho.gov](http://itd.idaho.gov)

February 23, 2023

City of Star  
Shawn Nickels, P&Z Administrator  
10769 W State St  
Star, ID 83669  
[snickel@staridaho.org](mailto:snickel@staridaho.org)

Re: Hoods Rat Automotive, CU-23-01, RZ-23-01, CU-23-01

Dear Mr. Nickels,

Idaho Transportation Department (ITD) appreciates this opportunity to provide comments regarding Hood Rat Automotive located approximately at milepost 10.50, on the south side of SH-44, Star, Idaho. Please see the below comments:

1. This project abuts State Highway 44 (SH-44).
2. No direct access to the State Highway system has been requested.
3. The applicant needs to coordinate with the City of Star as they are doing a widening project on SH-44.
4. ITD application number 2109 needs to be submitted with the fee for an approach permit. Along with the application, please submit the following:
  - a. Copy of the latest deed for the parcel. If the parcel has been split, please supply a copy of the latest deed for each parcel.
  - b. If the parcel is split or there are multiple parcels, provide a recorded cross-access or access easement documentation for all parcels showing they will be utilizing the requested access point.
  - c. Site plan for the full site at buildout.
  - d. If the site will be used for any commercial business or does not meet IDAPA 39.03.42 access requirements, a Traffic Impact Study may be required.
  - e. Civil drawings for the approach showing approach style, radii dimensions, approach width at the back of radii or right-of-way line, and materials typical section.
  - f. Photos looking in each direction away from the proposed (or existing) approach as if you were a driver exiting the approach.
  - g. \$50 non-refundable application fee (Payable by phone at (208) 334-8300 Ext. 2 between 8 am and 3 pm, Monday through Friday, \$1.50 electronic payment fee is charged at this time.
  - h. You will need to submit a Traffic Control Plan designed by a certified Traffic Control Supervisor (must include signature, certification number, and contact information) or designed and stamped by an Engineer licensed in Idaho. This may be done at any point prior to beginning any work within the ITD right-of-way. No work is allowed within the ITD right-of-way without an approved traffic control plan.



**Your Safety • Your Mobility  
Your Economic Opportunity**

**IDAHO TRANSPORTATION DEPARTMENT**

P.O. Box 8028 • Boise, ID 83707-2028  
(208) 334-8300 • [itd.idaho.gov](http://itd.idaho.gov)

- i. When the application is completed and signed by the property owner it can then be submitted by email.
- j. If the application is signed by anyone other than the deeded owner, ITD will need a legal document from the owner certifying that the individual has the right to represent the owner.
- k. Be sure that all work within the right-of-way is designed and constructed to meet current ITD standards and specifications.

Generally, the permitting process takes 30 days. Submit all documents to: [josh.nopens@itd.idaho.gov](mailto:josh.nopens@itd.idaho.gov).

- 5. Any addition, modification, change of use, relocation, maintaining, or removal of an encroachment of the state highway or use of highway right-of-way for any purpose other than normal travel, shall obtain an Encroachment Permit to use state right-of-way. For this permit, please contact [shona.tonkin@itd.idaho.gov](mailto:shona.tonkin@itd.idaho.gov).
- 6. Idaho Code 40-1910 does not allow advertising within the right-of-way of any State highway.
- 7. The Idaho Administrative Procedures Act (IDAPA) 39.03.60 governs advertising along the State highway system. The applicant may contact Justin Pond, Program Manager for ITD's Headquarters Right-of-Way Section at (208) 334-8832 for more information.

ITD reserves the right to make further comments upon review of any additional documents.

Sincerely,

Wendy I. Howell  
Development Services Coordinator  
ITD. District 3

**Project/File: Hood Rats Garage / STAR23-0003 / RZ-23-01, DA-23-02, CU-23-01**

This is a rezone, development agreement, and conditional use permit application for the construction of a 1,300 square-foot automotive garage at the existing location of Morning Star Mobile Manor Subdivision.

**Lead Agency:** City of Star

**Site address:** 11525 State Street

**Staff Approval:** March 27, 2023

**Applicant:** Newel Price  
11421 W Hidden Point Street  
Star, ID 83669

**Staff Contact:** Brandon Atchley, Assistant Traffic Engineer  
Phone: (208) 387-6294  
E-mail: [batchley@achdidaho.org](mailto:batchley@achdidaho.org)



## A. Findings of Fact

- Description of Application:** The applicant is requesting approval of a rezone, development agreement, and conditional use permit application from C-1 (commercial) to CBD (automotive) zoning for the construction of a 1,300 square-foot automotive garage at the existing location of Morning Star Mobile Manor Subdivision on 0.19 acres.

The proposed development is generally consistent with the City of Star Future Land Use Map, which designates this area as Central Business District.

### 2. Description of Adjacent Surrounding Area:

Direction	Land Use	Zoning
North	Neighborhood Business District	C-1
South	Mixed-Use Development Agreement	MU-DA
East	Neighborhood Business District	C-1
West	Central Business District	C-2

- Site History:** ACHD has not previously reviewed this site for a development application.
- Adjacent Development:** No major developments are pending or underway in the vicinity of the site.
- Transit:** Transit services are not available within the City of Star to serve this site.
- Pathway Crossings:** United States Access Board R304.5.1.2 Shared Use Paths. In shared use paths, the width of curb ramps runs and blended transitions shall be equal to the width of the shared use path.

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

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

7. **New Center Lane Miles:** The proposed development includes 0 centerline miles of new public road.
8. **Impact Fees:** There will be an impact fee that is assessed and due prior to issuance of any building permits. The assessed impact fee will be based on the impact fee ordinance that is in effect at that time. The impact fee assessment will not be released until the civil plans are approved by ACHD.
9. **Capital Improvements Plan (CIP)/ Integrated Five Year Work Plan (IFYWP):**  
There are no roadways, bridges or intersections in the general vicinity of the project that are in the Integrated Five Year Work Plan (IFYWP) or the District's Capital Improvement Plan (CIP).
10. **Roadways to Bikeways Master Plan:** ACHD's Roadways to Bikeways Master Plan (BMP) was adopted by the ACHD Commission in May of 2009 and was update in 2018. The plan seeks to implement the Planned Bicycle Network to support bicycling as a viable transportation option for Ada County residents with a wide range of ages and abilities, maintain bicycle routes in a state of good repair in order to ensure they are consistently available for use, promote awareness of existing bicycle routes and features and support encouragement programs and to facilitate coordination and cooperation among local jurisdictions in implementing the Roadways to Bikeways Plan recommendations.

The BMP does not identify SH-44/State Street or Sunlight Avenue as bicycle facilities.

## B. Traffic Findings for Consideration

1. **Trip Generation:** This development is estimated to generate 22 additional vehicle trips per day; 3 additional vehicle trips per hour in the PM peak hour, based on the Institute of Transportation Engineers Trip Generation Manual, 11<sup>th</sup> edition.

2. **Condition of Area Roadways**

Traffic Count is based on Vehicles per hour (VPH)

Roadway	Frontage	Functional Classification	PM Peak Hour Traffic Count	PM Peak Hour Level of Service
**State Highway 44 State Street	327-feet	Principal Arterial	N/A	N/A
***Sunlight Avenue	632-feet	Local Road	14	N/A

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

\*\*\* ACHD does not set peak hour level of service planning thresholds for local roads.

3. **Average Daily Traffic Count (VDT)**

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

- The average daily traffic count for Sunlight Avenue south of SH-44 was 344 in August 2017.

## C. Findings for Consideration

### 1. **State Highway SH-44 / State Street**

SH-44/State Street is under the jurisdiction of the Idaho Transportation Department (ITD). The applicant, City of Star, and ITD should work together to determine if additional right-of-way or improvements are necessary on SH-44/State Street.

### 2. **Sunlight Avenue**

- a. **Existing Conditions:** Sunlight Avenue is mostly improved with a 40-foot street section with 2-travel lanes, rolled curb, gutter, and 5-foot wide attached concrete sidewalk abutting the site. In 2019, a tree was removed approximately 125-feet south of SH-44; sidewalk was not replaced with this tree removal. There is 64-feet of right-of-way for Sunlight Avenue (23-feet from centerline).

The east side of Sunlight Avenue across from the site is improved as a commercial street section with vertical curb, gutter and 5-foot wide detached concrete sidewalk.

b. **Policy:**

**Commercial Roadway Policy:** District Policy 7208.2.1 states that the developer is responsible for improving all commercial street frontages adjacent to the site regardless of whether or not access is taken to all of the adjacent streets.

**Street Section and Right-of-Way Policy:** District Policy 7208.5 states that right-of-way widths for new commercial streets shall typically be 50 and 70-feet wide and that the standard street section will vary depending on the need for a center turn lane, bike lanes, volumes, percentage of truck traffic, and/or on-street parking.

- A 40-foot street section (back-of-curb to back-of-curb) will typically accommodate two travel lanes and a center turn lane.
- A 46-foot street section (back-of-curb to back-of-curb) will typically accommodate two travel lanes and a center turn lane and bike lanes.

**Sidewalk Policy:** District Policy 7208.5.6 requires a concrete sidewalks at least 5-feet wide to be constructed on both sides of all commercial streets. If a separated sidewalk is proposed, a parkway strip at least 6-feet wide between the back-of-curb and street edge of the sidewalk is required to provide increased safety and protection of pedestrians. Consult the District's planter width policy if trees are to be placed within the parkway strip.

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

**Minor Improvements Policy:** District Policy 7203.3 states that minor improvements to existing streets adjacent to a proposed development may be required. These improvements are to correct deficiencies or replace deteriorated facilities. Included are sidewalk construction or replacement; curb and gutter construction or replacement; replacement of unused driveways with curb, gutter and sidewalk; installation or reconstruction of pedestrian ramps; pavement repairs; signs; traffic control devices; and other similar items.

- c. **Applicant's Proposal:** The applicant is proposing to construct 5-foot wide attached concrete sidewalk along Sunlight Avenue where deficient from the 2019 tree removal within the existing right-of-way.

- d. **Staff Comments/Recommendations:** Consistent with the minor improvements policy, the applicant's proposal to construct 5-foot wide concrete sidewalk where deficient meets District policy and should be approved, as proposed. The applicant should be required to improve Sunlight Avenue abutting the site with vertical curb and gutter abutting the site where rolled curb is deficient to complete Sunlight Avenue as a 40-foot wide commercial street section. Additional pavement widening is not required since the existing 40-foot wide street section meets District Policy for commercial streets. Reconstruction of deficient rolled curb and gutter to vertical curb and gutter may require reconstruction of the existing sidewalk on Sunlight Avenue abutting the site. The new sidewalk shall be continued from the existing detached sidewalk located directly to the south. If attached sidewalk is proposed abutting the site, the transition from detached to attached sidewalk should meet ADA requirements.

### 3. Driveways

#### 3.1 Sunlight Avenue

- a. **Existing Conditions:** Sunlight Avenue has rolled curb along the site frontage. No existing curb cut or curb return driveway is existing along the site frontage.

b. **Policy:**

**Driveway Location Policy:** District policy 7208.4.1 requires driveways near intersections to be located a minimum of 75-feet (measured centerline-to-centerline) from the nearest local street intersection, and 150-feet from the nearest collector/arterial or arterial street intersection.

**Successive Driveways:** District Policy 7208.4.1 states that successive driveways away from an intersection shall have no minimum spacing requirements for access points along a local street, but the District does encourage shared access points where appropriate.

**Driveway Width Policy:** District policy 7208.4.3 restricts commercial driveways to a maximum width of 40-feet. Most commercial driveways will be constructed as curb-cut type facilities.

**Driveway Paving Policy:** Graveled driveways abutting public streets create maintenance problems due to gravel being tracked onto the roadway. In accordance with District policy, 7208.4.3, the applicant should be required to pave the driveway its full width and at least 30-feet into the site beyond the edge of pavement of the roadway.

**Driveway Design Requirements:** District policy 7208.4.3 states if an access point is to be gated, the gate or keypad (whichever is closer) shall be located a minimum of 50-feet from the near edge of the intersection and a turnaround shall be provided.

- c. **Applicant's Proposal:** The applicant is proposing a 44-foot wide driveway located 95-feet south of SH-44/State Street, measured centerline to centerline. The applicant is proposing to reconstruct sidewalk and vertical curb along the site frontage away from the driveway where existing conditions are deficient.
- d. **Staff Comments/Recommendations:** The applicant's proposal does not meet District driveway width and location policies, and should not be approved as proposed. However, due to the site's frontage being less than 150-feet, construction of a driveway is not feasible to meet District location policy and the location should be approved, as proposed. The maximum driveway width on a collector street per District policy is 40-feet; as such, the driveway should be redesigned to be a maximum width of 40-feet and be constructed as a curb return type driveway.

### 4. Tree Planters

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

## 5. Landscaping

**Landscaping Policy:** A license agreement is required for all landscaping proposed within ACHD right-of-way or easement areas. Trees shall be located no closer than 10-feet from all public storm drain facilities. Landscaping should be designed to eliminate site obstructions in the vision triangle at intersections. District Policy 5104.3.1 requires a 40-foot vision triangle and a 3-foot height restriction on all landscaping located at an uncontrolled intersection and a 50-foot offset from stop signs. Landscape plans are required with the submittal of civil plans and must meet all District requirements prior to signature of the final plat and/or approval of the civil plans.

## D. Site Specific Conditions of Approval

1. Repair or replace any damaged or deteriorated portions of sidewalk on Sunlight Avenue abutting the site with 5-foot wide concrete sidewalk.
2. Reconstruct Sunlight Avenue abutting the site with vertical curb where existing rolled curb is deficient or not existing.
3. Construct a curb-return type driveway on Sunlight Avenue with a width no greater than 40-feet located 95-feet south of SH-44/State Street, as proposed.
4. Submit civil plans to ACHD Development Services for review and approval. The impact fee assessment will not be released until the civil plans are approved by ACHD.
5. Payment of impact fees is due prior to issuance of a building permit.
6. Comply with all Standard Conditions of Approval.

## E. Standard Conditions of Approval

1. All proposed irrigation facilities shall be located outside of the ACHD right-of-way (including all easements). Any existing irrigation facilities shall be relocated outside of the ACHD right-of-way (including all easements).
2. Private Utilities including sewer or water systems are prohibited from being located within the ACHD right-of-way.
3. In accordance with District policy, 7203.3, the applicant may be required to update any existing non-compliant pedestrian improvements abutting the site to meet current Americans with Disabilities Act (ADA) requirements. The applicant's engineer should provide documentation of ADA compliance to District Development Review staff for review.
4. Replace any existing damaged curb, gutter and sidewalk and any that may be damaged during the construction of the proposed development. Contact Construction Services at 387-6280 (with file number) for details.
5. A license agreement and compliance with the District's Tree Planter policy is required for all landscaping proposed within ACHD right-of-way or easement areas.
6. All utility relocation costs associated with improving street frontages abutting the site shall be borne by the developer.
7. It is the responsibility of the applicant to verify all existing utilities within the right-of-way. The applicant at no cost to ACHD shall repair existing utilities damaged by the applicant. The applicant shall be required to call DIGLINE (1-811-342-1585) at least two full business days prior to breaking ground within ACHD right-of-way. The applicant shall contact ACHD Traffic Operations 387-6190 in the event any ACHD conduits (spare or filled) are compromised during any phase of construction.
8. Utility street cuts in pavement less than five years old are not allowed unless approved in writing by the District. Contact the District's Utility Coordinator at 387-6258 (with file numbers) for details.

9. All design and construction shall be in accordance with the ACHD Policy Manual, ISPWC Standards and approved supplements, Construction Services procedures and all applicable ACHD Standards unless specifically waived herein. An engineer registered in the State of Idaho shall prepare and certify all improvement plans.
10. Construction, use and property development shall be in conformance with all applicable requirements of ACHD prior to District approval for occupancy.
11. No change in the terms and conditions of this approval shall be valid unless they are in writing and signed by the applicant or the applicant's authorized representative and an authorized representative of ACHD. The burden shall be upon the applicant to obtain written confirmation of any change from ACHD.
12. If the site plan or use should change in the future, ACHD Planning Review will review the site plan and may require additional improvements to the transportation system at that time. Any change in the planned use of the property which is the subject of this application, shall require the applicant to comply with ACHD Policy and Standard Conditions of Approval in place at that time unless a waiver/variance of the requirements or other legal relief is granted by the ACHD Commission.

## **F. Conclusions of Law**

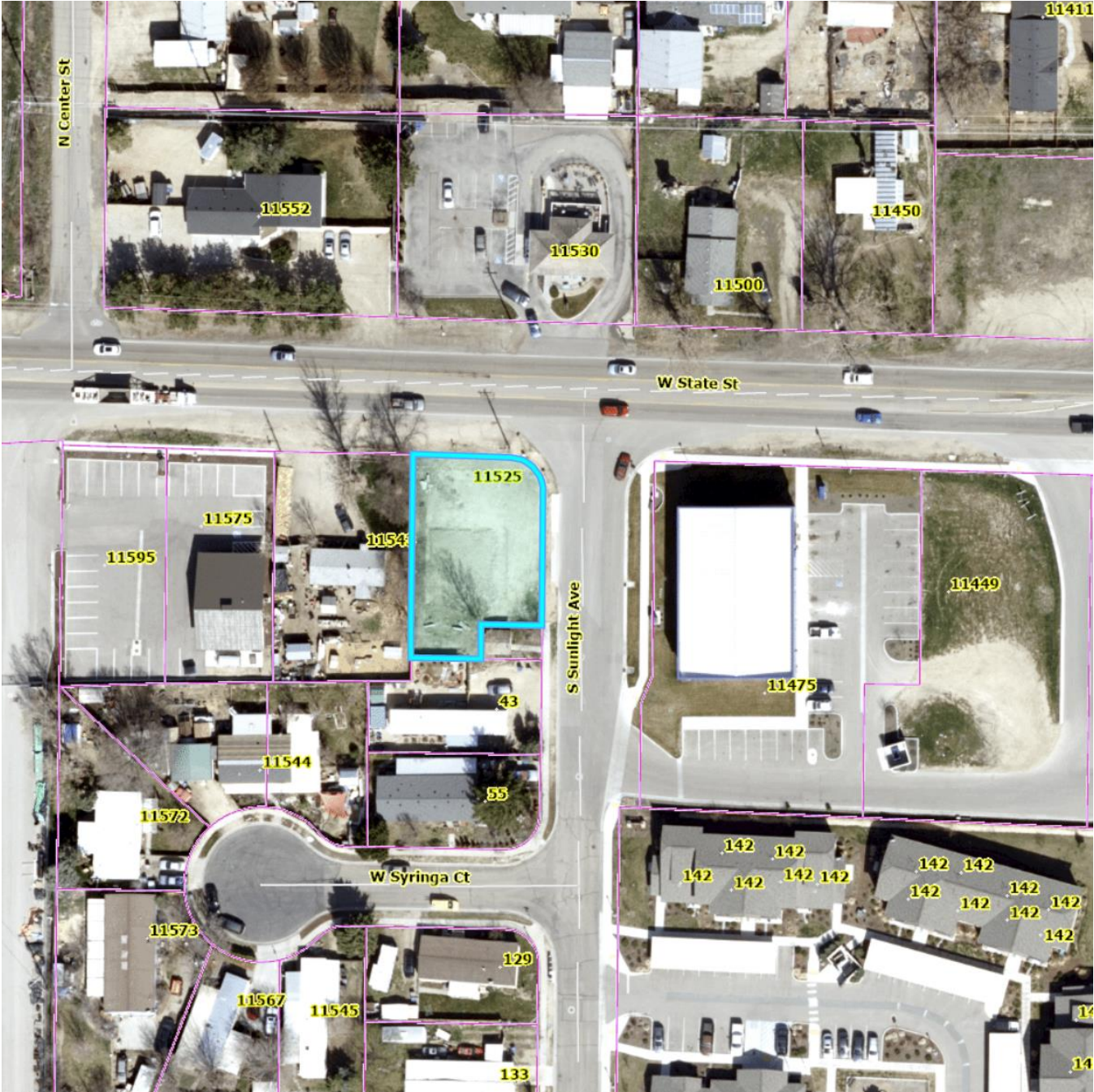
1. The proposed site plan is approved, if all of the Site Specific and Standard Conditions of Approval are satisfied.
2. ACHD requirements are intended to assure that the proposed use/development will not place an undue burden on the existing vehicular transportation system within the vicinity impacted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

## **G. Attachments**

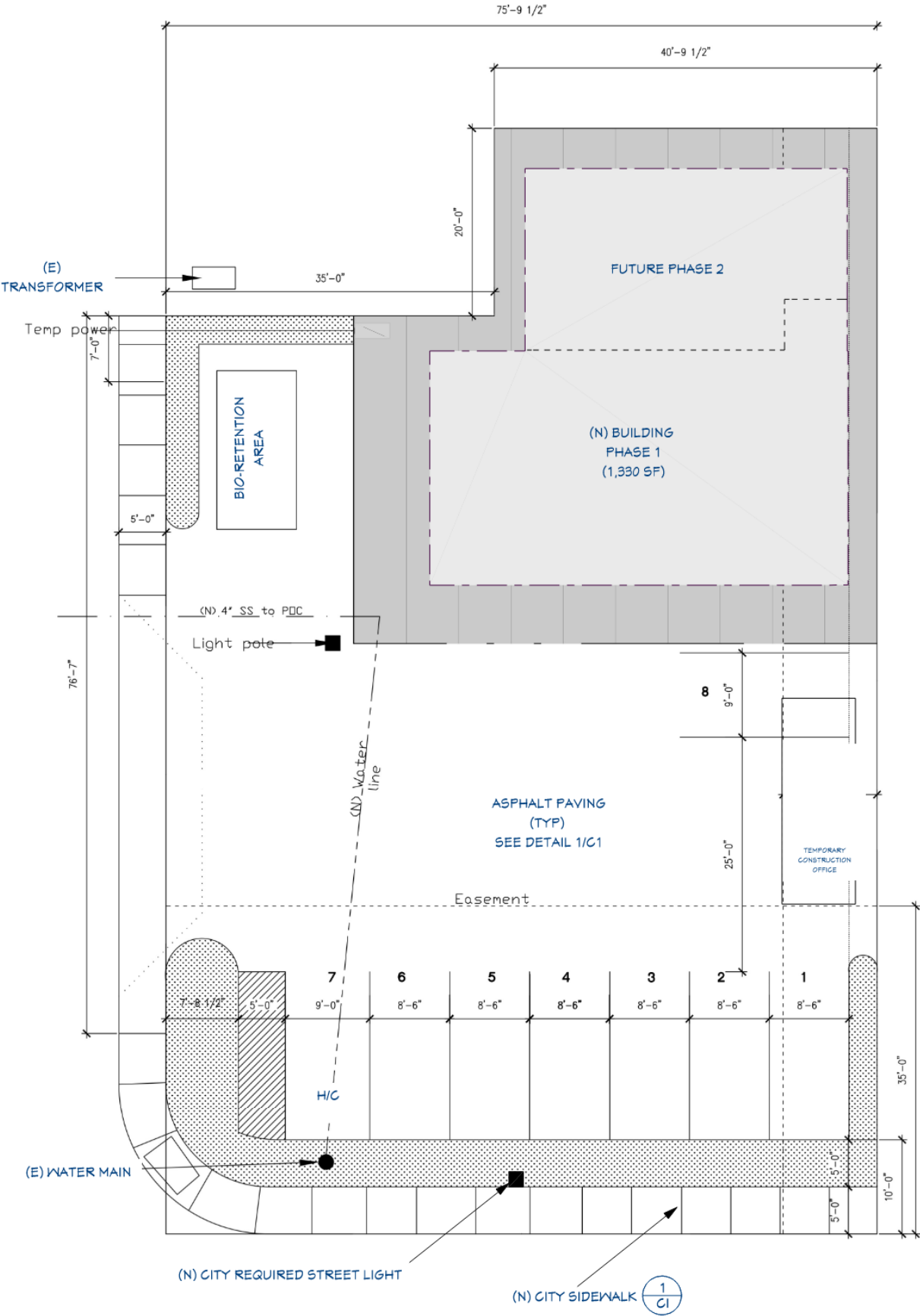
1. Vicinity Map
2. Site Plan
3. Utility Coordinating Council
4. Development Process Checklist
5. Appeal Guidelines



VICINITY MAP



SITE PLAN



# Ada County Utility Coordinating Council

## Developer/Local Improvement District Right of Way Improvements Guideline Request

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

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

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

# Development Process Checklist

## Items Completed to Date:

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

## Items to be completed by Applicant:

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

### DID YOU REMEMBER:

#### *Construction (Non-Subdivisions)*

##### ☐ **Driveway or Property Approach(s)**

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

##### ☐ **Working in the ACHD Right-of-Way**

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

#### *Construction (Subdivisions)*

##### ☐ **Sediment & Erosion Submittal**

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

##### ☐ **Idaho Power Company**

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

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

## Request for Appeal of Staff Decision

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