



CITY OF STAR

LAND USE STAFF REPORT

TO: Mayor & Council

FROM: City of Star – Planning & Zoning Department

MEETING DATE: **October 18, 2022 – PUBLIC HEARING**

FILE(S) #: AZ-22-05 Annexation and Zoning
DA-22-10 Development Agreement

OWNER/APPLICANT/REPRESENTATIVE

Applicant/Property Owner:

Travis Chesley
2351 N. Brandon Road
Star, Idaho 83669

REQUEST

Request: The Applicant is seeking approval of Annexation and Zoning (RUT to R-1-DA), and a Development Agreement. The property is located at 2351 N. Brandon Road in Star, Idaho, and consists of 4.8 acres.

PROPERTY INFORMATION

Property Location: The subject property is generally located on the west side of N. Brandon Road and south of W. New Hope Road. Ada County Parcel No. S0405325500.

Surrounding Land Use/Designations:

	Zoning Designation	Comp Plan Designation	Land Use
Existing	RUT (County)	Estate Urban Residential	Agricultural/Single Family Residential
Proposed	Residential (R-1-DA)	Estate Urban Residential	Agricultural/Single Family Residential
North of site	RUT (County)	Estate Urban Residential	Agricultural/Single Family Residential
South of site	RUT (County)	Estate Urban Residential	Agricultural/Single Family Residential
East of site	Residential (R-4-DA)	Estate Urban Residential	Approved Sellwood Subdivision
West of site	Residential (R-3)	Estate Urban Residential	Agricultural

Existing Site Characteristics: The property currently has a single-family residential home with outbuildings and vacant ground.

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

Flood Zone: This property is not located in a Special Flood Hazard Area.
Flood Zone: Zone X
FEMA FIRM Panel Number: 16001C0130J
Effective Date: 6/19/2020

Special On-Site Features:

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

APPLICATION REQUIREMENTS

Pre-Application Meeting Held	March 23, 2022
Neighborhood Meeting Held	June 17, 2022
Application Submitted & Fees Paid	June 3, 2022
Application Accepted	August 11, 2022
Residents within 300' Notified	September 21, 2022
Agencies Notified	August 11, 2022
Legal Notice Published	September 25, 2022
Property Posted	, 2022

HISTORY

This property does not have any history of land use applications within the City of Star.

CODE DEFINITIONS / COMPREHENSIVE PLAN

UNIFIED DEVELOPMENT CODE:

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

B. Standards:

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

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

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

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

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

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

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.

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

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'

Notes:

1. Interior side yard setbacks for lots with 50' or less of lot width shall be allowed 5' interior side yard setbacks for one and two-story structures.
2. 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.

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:

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

8.5.3 Policies Related Mostly to the Urban Residential Planning Areas:

A. The 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 subdivide in the future.

8.5.9 Additional Land Use Component Policies:

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

18.4 Implementation Policies:

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

PROJECT OVERVIEW

ANNEXATION & REZONE:

The applicant is requesting approval of an annexation and zoning application with a zoning designation of Residential (R-1-DA) on 4.8 acres. This zoning district would allow for a maximum residential density of 1 dwelling unit per acre. The property is located in an area that will be serviceable with central sewer and water provided by Star Sewer and Water District in the near future. The property will be accessed from N. Brandon Road, as it is today. The rezone request includes a development agreement.

The property owners intent is to annex and zone the property and then split the property into two parcels. The owner intends to keep the two parcels and build a new home on the newly created parcel. The newly created lot will have frontage on N. Brandon Road. Council should discuss whether to condition sidewalks along N. Brandon Road as this may be the only opportunity to get this portion of sidewalk built.

DEVELOPMENT AGREEMENT

Through the Development Agreement process, the applicant is proposing to work with the City 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:

- Density
- Future Development
- Sidewalk along the property for Brandon Road
- ITD Proportionate Share Fees

AGENCY RESPONSES

ACHD	August 31, 2022
City Engineer	August 23, 2022
DEQ	August 12, 2022
Ada County Development Services	August 19, 2022
Star Fire District	October 12, 2022

PUBLIC RESPONSES

No public comments have been received.

STAFF ANALYSIS AND RECOMMENDATION

Based upon the information provided to staff in the applications and agency comments received to date, the proposed annexation and zoning request meets the requirements, standards and intent for development as they relate to the Comprehensive Plan and Unified Development Code. The proposed density of 1.0 dwelling unit per acre is well below the maximum of 3 dwelling units per acre allowed in the Estate Urban Residential Comprehensive Plan Future Land Use Map.

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 application, either as presented or with added or revised conditions of approval, Council shall direct staff to draft findings of fact and conclusions of law for the Council to consider at a future date. A development agreement will also be brought back to the Council for review of proposed Conditions of Approval for the rezone.

FINDINGS

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

ANNEXATION/REZONE FINDINGS:

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

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

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

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

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

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

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

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

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

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

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

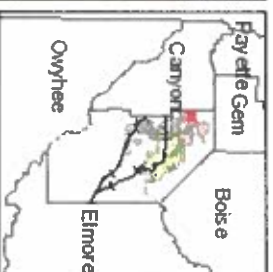
The Council must find that this annexation is reasonably necessary for the orderly development of the City.

COUNCIL DECISION

The Star City Council _____ File Number AZ-22-05 and DA-22-10 for the Travis Chesley property on _____, 2022.

Ada County Assessor

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 OR LEGAL PURPOSES.



Legend

- Railroad
- Roads (<2,000 scale)
- <all other values>
- Interstate
- Ramp
- Principal Arterial
- Collector
- Minor Arterial
- Local
- Parks
- Alley
- Driveway
- Parks
- Address
- Townships
- Sections
- Condos
- Parcels



ANNEXATION & ZONING - REZONE APPLICATION

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

FILE NO.: <u>AZ-22-05</u>
Date Application Received: <u>6/3/22</u> Fee Paid: <u>\$ 1050</u>
Processed by: City: <u>DAW / RBF</u>

Applicant Information:

PRIMARY CONTACT IS: Applicant ☐ Owner ☒ Representative ☐

Applicant Name: _____
Applicant Address: _____ Zip: _____
Phone: _____ Email: _____

Owner Name: Travis Chesley
Owner Address: 2351 N. Brandon Rd Zip: 83669
Phone: 208 921 9738 Email: Travis Chesley@yahoo.com

Representative (e.g., architect, engineer, developer):
Contact: _____ Firm Name: _____
Address: _____ Zip: _____
Phone: _____ Email: _____

Property Information:

Site Address: 2351 N. Brandon Rd Parcel Number: 50405325500
Total Acreage of Site: 4.82
Total Acreage of Site in Special Flood Hazard Area: N/A
Proposed Zoning Designation of Site: R1

Zoning Designations:

	Zoning Designation	Comp Plan Designation	Land Use
Existing	<u>R4T</u>		
Proposed	<u>R1</u>		
North of site	<u>R4T</u>		
South of site	<u>R4T</u>		
East of site	<u>R4</u>		
West of site	<u>R5</u>		

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. (Please contact the City for addresses & labels) (Applicants are required to hold a neighborhood meeting to provide an opportunity for public review of the proposed project prior to the submittal of an application.)	✓
	Completed and signed 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">• Include a metes & bounds description to the section line/centerline of all adjacent roadways, stamped and signed by a registered professional land surveyor, with a calculated closure sheet.• Scaled exhibit map showing the boundaries of the legal description in compliance w/the requirements of the Idaho State Tax Commission Property Tax Administrative Rules IDAPA 35.01.03.225.01h.• If requesting more than one zoning designation, include a legal description for each zone along with an overall annexation/rezone boundary description. Also include the boundaries of each different zone on the map.• Submit word.doc and pdf version with engineer's seal.	
	Recorded warranty deed for the subject property	

	If the signature on this application is not the owner of the property, an original notarized statement (affidavit of legal interest) from the owner stating the applicant is authorized to submit this application.	✓
x	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. Please contact the City to request addresses and labels.	✓
	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.**

Lewis Chesley
Applicant/Representative Signature

5/3/2022
Date

August 10, 2022

City of Star Planning and Zoning

10769 W. State St

Star, ID 83669

RE: Property Annexation & Lot Split

The property at 2351 N. Brandon Rd, belonging to Travis Chesley, would like to be annexed into city limits and additionally allowed a lot split. We would like to take our back 3 acres and build a new home so that we don't have to deal with the heavy traffic on Brandon Rd anymore. The annexation into the city will allow us the utilities currently being brought down by Hubble Homes and will provide the same utilities to the new split. We are making the new lot a flag shape so we will have access to Brandon Rd from the new lot.

Respectfully,

Travis Chesley



Project No.: 5010
Date: August 5, 2022

DESCRIPTION
FOR
TRAVIS CHESLEY
ANNEXATION PARCEL

A parcel of land being the North 1/2 of the North 1/2 of the East 1/2 of the NW 1/4 of the SW 1/4 of Section 5, T.4N., R.1W., B.M., City of Star, Ada County, Idaho, and more particularly described as follows:

COMMENCING at the West 1/4 corner of said Section 5, marked by an aluminum cap; thence along the East-West center of section line of said Section 5

South 88°59'03" East 658.70 feet to the Northwest corner of said North 1/2 of the North 1/2 of the East 1/2 of the NW 1/4 of the SW 1/4 which point is the **POINT OF BEGINNING**, marked by a 5/8" iron pin; thence continuing

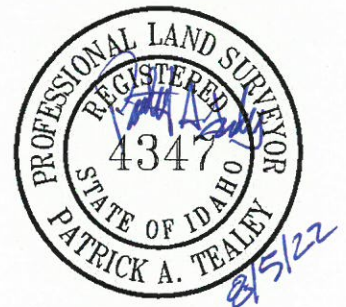
South 88°59'03" East 658.70 to the Northeast corner of said North 1/2 of the North 1/2 of the East 1/2 of the NW 1/4 of the SW 1/4 which point is on the centerline of North Brandon Road, marked by a 5/8" iron pin; thence along the East line of said North 1/2 of the North 1/2 of the East 1/2 of the NW 1/4 of the SW 1/4 and said centerline

South 00°54'03" West 331.46 feet to the Southeast corner of said North 1/2 of the North 1/2 of the East 1/2 of the NW 1/4 of the SW 1/4, marked by a 5/8" iron pin; thence the South line of said North 1/2 of the North 1/2 of the East 1/2 of the NW 1/4 of the SW 1/4

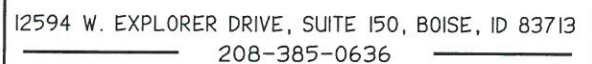
North 88°58'09" West 658.82 feet to the Southwest corner of said North 1/2 of the North 1/2 of the East 1/2 of the NW 1/4 of the SW 1/4, marked by a 5/8" iron pin; thence along the West line of said North 1/2 of the North 1/2 of the East 1/2 of the NW 1/4 of the SW 1/4

North 00°55'17" East 331.29 feet to the **POINT OF BEGINNING**

Said Parcel Contains 218,295 Square Feet (5.011 Acres), more or less.



THE N 1/2 N 1/2 E 1/2 NW 1/4 SW 1/4
SECT. 5, T.4N., R.1W.,
STAR, ADA COUNTY, IDAHO



SURVEYOR'S NARRATIVE:

THIS SURVEY IS TO SPLIT THE EXISTING PARCEL INTO TWO BUILDABLE LOTS PER THE CITY OF STAR'S PROCEDURES. THE PROPERTY IS AN ALIQUOT PARCEL BEING THE N 1/2 N 1/2 E 1/2 NW 1/4 SW 1/4. USED R.O.S. #7793 AS BASIS OF BEARING ALONG CENTER OF SECTION LINE. USED FOUND MONUMENTS AS SHOWN. NOTE THAT R.O.S. #7793 DID NOT USE THE EXISTING MONUMENTS AT SW 1/16 CORNER OR THE W 1/16 CORNER BETWEEN SECTIONS 5 & 8.

REFERENCE DOCUMENTS:

1. PLAT OF RUSTY RIDGE SUB.
2. R.O.S. No. 2415
3. R.O.S. No. 5296
4. R.O.S. No. 7793
5. R.O.S. No. 9393
6. R.O.S. No. 11639

RECORD OF SURVEY NO. _____
INSTRUMENT NO. _____

RECORD OF SURVEY
FOR
TRAVIS CHESLEY

THE N 1/2 N 1/2 E 1/2 NW 1/4 SW 1/4
SECT. 5, T.4N., R.1W.,
STAR, ADA COUNTY, IDAHO



SCALE IN FEET

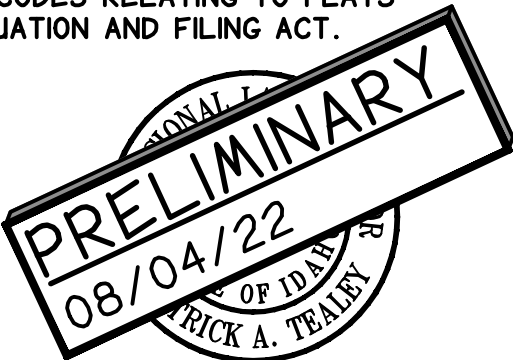
1" = 60'

LEGEND

- BOUNDARY LINE
- CENTER LINE
- EASEMENT LINE
- FENCE LINE, BARBED WIRE
- FENCE LINE, WOOD
- FENCE LINE, METAL
- FOUND ALUMINUM CAP
- FOUND 5/8" IRON PIN
- SET 5/8" X 30" IRON PIN w/CAP
- FOUND 1/2" IRON PIN
- SET 1/2" X 24" IRON PIN w/CAP
- CALCULATED POINT

CERTIFICATE OF SURVEYOR

I, PATRICK A. TEALEY, PLS NO. 4347, STATE OF IDAHO, DO HEREBY CERTIFY THAT THE SURVEY REPRESENTED ON THIS PLAT WAS PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION AND IS IN CONFORMITY WITH THE STATE OF IDAHO CODES RELATING TO PLATS AND SURVEYS AND THE CORNER PERPETUATION AND FILING ACT.



COUNTY RECORDERS CERTIFICATE

STATE OF IDAHO) SS
COUNTY OF ADA)

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED AT THE REQUEST OF

_____ AT _____ MINUTES PAST _____ O'CLOCK _____ M.,

THIS _____ DAY OF _____, _____, IN MY OFFICE AND WAS DULY RECORDED

UNDER INSTRUMENT NO. _____.

DEPUTY

EX-OFFICIO RECORDER

FEE: _____



TEALEY'S LAND SURVEYING

12594 W. EXPLORER DRIVE, SUITE 150
208-385-0636 BOISE, ID. 83713

DATE:
AUGUST, 2022

DRAWING NO.:
5010

RECORDING INDEX NO. 414-05-3-4-1-00-0000



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

1445 N. Orchard Street, Boise ID 83706
(208) 373-0550

Brad Little, Governor
Jess Byrne, Director

August 12, 2022

By e-mail: snickel@staridaho.org

Star City Hall
PO Box 130
Star ID 83669

Subject: Travis Chesley Annexation & Zoning
File #'s AZ-22-05 Annexation-Zoning
DA-22-10 Development Agreement

Dear City of Star:

Thank you for the opportunity to respond to your request for comment. While DEQ does not review projects on a project-specific basis, we attempt to provide the best review of the information provided. DEQ encourages agencies to review and utilize the Idaho Environmental Guide to assist in addressing project-specific conditions that may apply. This guide can be found at:

<https://www.deq.idaho.gov/public-information/assistance-and-resources/outreach-and-education/>.

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

1. AIR QUALITY

- Please review IDAPA 58.01.01 for all rules on Air Quality, especially those regarding fugitive dust (58.01.01.651), trade waste burning (58.01.01.600-617), and odor control plans (58.01.01.776).

For questions, contact David Luft, Air Quality Manager, at (208) 373-0550.

- For new development projects, all property owners, developers, and their contractor(s) must ensure that reasonable controls to prevent fugitive dust from becoming airborne are utilized during all phases of construction activities, per IDAPA 58.01.01.651.

DEQ recommends the city/county require the development and submittal of a dust prevention and control plan for all construction projects prior to final plat approval. Dust prevention and control plans incorporate appropriate best management practices to control fugitive dust that may be generated at sites.

Citizen complaints received by DEQ regarding fugitive dust from development and construction activities approved by cities or counties will be referred to the city/county to address under their ordinances.

Per IDAPA 58.01.01.600-617, the open burning of any construction waste is prohibited. The property owner, developer, and their contractor(s) are responsible for ensuring no prohibited open burning occurs during construction.

For questions, contact David Luft, Air Quality Manager, at (208) 373-0550.

- IDAPA 58.01.01.201 requires an owner or operator of a facility to obtain an air quality permit to construct prior to the commencement of construction or modification of any facility that will be a source of air pollution in quantities above established levels. DEQ asks that cities and counties require a proposed facility to contact DEQ for an applicability determination on their proposal to ensure they remain in compliance with the rules.

For questions, contact the DEQ Air Quality Permitting Hotline at 1-877-573-7648.

2. WASTEWATER AND RECYCLED WATER

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

For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0550.

3. DRINKING WATER

- DEQ recommends verifying that there is adequate water to serve this project prior to approval. Please contact the water provider for a capacity statement, declining balance report, and willingness to serve this project.
- IDAPA 58.01.08 is the section of Idaho rules regarding public drinking water systems. Please review these rules to determine whether this or future projects will require DEQ approval.
- All projects for construction or modification of public drinking water systems require preconstruction approval.

- DEQ recommends verifying if the current and/or proposed drinking water system is a regulated public drinking water system (refer to the DEQ website at: <https://www.deq.idaho.gov/water-quality/drinking-water/>). For non-regulated systems, DEQ recommends annual testing for total coliform bacteria, nitrate, and nitrite.
- If any private wells will be included in this project, we recommend that they be tested for total coliform bacteria, nitrate, and nitrite prior to use and retested annually thereafter.
- DEQ recommends using an existing drinking water system whenever possible or construction of a new community drinking water system. Please contact DEQ to discuss this project and to explore options to both best serve the future residents of this development and provide for protection of ground water resources.
- DEQ recommends cities and counties develop and use a comprehensive land use management plan which addresses the present and future needs of this area for adequate, safe, and sustainable drinking water. Please schedule a meeting with DEQ for further discussion and recommendations for plan development and implementation.

For questions, contact Valerie Greear, Water Quality Engineering Manager at (208) 373-0550.

4. SURFACE WATER

- Please contact DEQ to determine whether this project will require an Idaho Pollutant Discharge Elimination System (IPDES) Permit. A Construction General Permit from DEQ may be required if this project will disturb one or more acres of land, or will disturb less than one acre of land but are part of a common plan of development or sale that will ultimately disturb one or more acres of land.
- For questions, contact James Craft, IPDES Compliance Supervisor, at (208) 373-0144.
- If this project is near a source of surface water, DEQ requests that projects incorporate construction best management practices (BMPs) to assist in the protection of Idaho's water resources. Additionally, please contact DEQ to identify BMP alternatives and to determine whether this project is in an area with Total Maximum Daily Load stormwater permit conditions.
- The Idaho Stream Channel Protection Act requires a permit for most stream channel alterations. Please contact the Idaho Department of Water Resources (IDWR), Western Regional Office, at 2735 Airport Way, Boise, or call (208) 334-2190 for more information. Information is also available on the IDWR website at: <https://idwr.idaho.gov/streams/stream-channel-alteration-permits.html>
- The Federal Clean Water Act requires a permit for filling or dredging in waters of the United States. Please contact the US Army Corps of Engineers, Boise Field Office, at 10095 Emerald Street, Boise, or call 208-345-2155 for more information regarding permits.

For questions, contact Lance Holloway, Surface Water Manager, at (208) 373-0550.

5. SOLID WASTE, HAZARDOUS WASTE AND GROUND WATER CONTAMINATION

- **Solid Waste.** No trash or other solid waste shall be buried, burned, or otherwise disposed of at the project site. These disposal methods are regulated by various state regulations including Idaho's Solid Waste Management Regulations and Standards (IDAPA 58.01.06), Rules and Regulations for Hazardous Waste (IDAPA 58.01.05), and Rules and Regulations for the Prevention of Air Pollution (IDAPA 58.01.01). Inert and other approved materials are also defined in the Solid Waste Management Regulations and Standards
- **Hazardous Waste.** The types and number of requirements that must be complied with under the federal Resource Conservation and Recovery Act (RCRA) and the Idaho Rules and Standards for Hazardous Waste (IDAPA 58.01.05) are based on the quantity and type of waste generated. Every business in Idaho is required to track the volume of waste generated, determine whether each type of waste is hazardous, and ensure that all wastes are properly disposed of according to federal, state, and local requirements.
- **Water Quality Standards.** Site activities must comply with the Idaho Water Quality Standards (IDAPA 58.01.02) regarding hazardous and deleterious-materials storage, disposal, or accumulation adjacent to or in the immediate vicinity of state waters (IDAPA 58.01.02.800); and the cleanup and reporting of oil-filled electrical equipment (IDAPA 58.01.02.849); hazardous materials (IDAPA 58.01.02.850); and used-oil and petroleum releases (IDAPA 58.01.02.851 and 852). Petroleum releases must be reported to DEQ in accordance with IDAPA 58.01.02.851.01 and 04. Hazardous material releases to state waters, or to land such that there is likelihood that it will enter state waters, must be reported to DEQ in accordance with IDAPA 58.01.02.850.
- **Ground Water Contamination.** DEQ requests that this project comply with Idaho's Ground Water Quality Rules (IDAPA 58.01.11), which states that "No person shall cause or allow the release, spilling, leaking, emission, discharge, escape, leaching, or disposal of a contaminant into the environment in a manner that causes a ground water quality standard to be exceeded, injures a beneficial use of ground water, or is not in accordance with a permit, consent order or applicable best management practice, best available method or best practical method."

For questions, contact Albert Crawshaw, Waste & Remediation Manager, at (208) 373-0550.

6. ADDITIONAL NOTES

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

Response to Request for Comment

August 12, 2022

Page 5

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

Sincerely,

A handwritten signature in black ink that reads "Aaron Scheff". The signature is written in a cursive, flowing style.

Aaron Scheff
Regional Administrator

EDMS#: 2022AEK

City of Star

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

www.staridaho.org



Mayor:
Trevor A. Chadwick

Council:
Kevin Nielsen
Jennifer Salmonsens
Kevan Wheelock
David Hershey

23 August 2022

Travis Chesley
2351 N Brandon Road
Star, ID 83669

Re: Chesley Property – Annexation and Zoning Application

Dear Ms. Thompson

The City of Star Engineering Department has reviewed the Annexation for the Travis Chesley Property dated June 6, 2022. We reviewed the applicant's package to check conformance with the City's Ordinance and coordinated our review with Shawn L. Nickel. We have the following comments and question based on our review.

1. The Property must apply for annexation into the Star Sewer and Water District. Potable water from the District's municipal water system cannot be used for irrigation purposes.
2. Historic irrigation lateral, drain, and ditch flow patterns shall be maintained unless approved in writing by the local irrigation district or ditch company.

We recommend that the Annexation be APPROVED with the conditions listed above. Any variance or waivers to the City of Star standards, ordinances, or policies must be specifically approved in writing by the City. Approval of the above referenced annexation does not relieve the Registered Professional Land Surveyor of those responsibilities.

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

Sincerely,

Ryan V. Morgan, P.E.
City Engineer



ADA COUNTY DEVELOPMENT SERVICES

200 W. FRONT STREET, BOISE, IDAHO 83702-7300
<https://adacounty.id.gov/developmentservices>

PHONE (208) 287-7900
FAX (208) 287-7909

BUILDING • COMMUNITY PLANNING • ENGINEERING & SURVEYING • PERMITTING

August 19, 2022

Shawn Nickel
City of Star Planning & Zoning
10769 W State St
Star, ID 83669

RE: AZ-22-05 / 2351 N Brandon Road / Travis Chesley Annexation

Feedback has been requested regarding the proposed annexation, rezone to R-1 (one dwelling unit per acre) with a development agreement on 4.82-acres at 2351 N Brandon Road. Ada County is supportive of the application due to the proximity of the site to existing public services, and due to its compliance with the Star Comprehensive Plan, as adopted by Ada County, which designates the site as *Low Density Residential*, which is intended for single-family homes at densities of up to two units per acre.

To improve future connectivity, it is recommended that at such time as further development takes place, a public road be considered to allow adjacent properties to access it as they develop, in conformance with *Goals 4.3b and 4.3c* of the Ada County Comprehensive Plan which promotes connectivity through well-connected local street systems and pathways and discourages cul-de-sacs and private roads within Areas of City Impact.

It is also recommended that sidewalk be considered along the roadways in order to improve pedestrian comfort and safety and allow for a potential pedestrian connection to adjacent properties in the future, as supported by *Transportation Policy 9* of the Star Comprehensive Plan, as adopted by the County, which encourages non-motorized pathways between residential areas to reduce short trips and improve access for non-drivers.

Thank you for this opportunity to provide feedback.

Sincerely,

Stacey Yarrington

Stacey Yarrington
Community & Regional Planner
Ada County Development Services



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

August 31, 2022

To: Travis Chesley
P.O. Box 479
Star, Idaho 83669

Subject: STAR22-0008/ AZ-22-05, DA-22-10
2351 N. Brandon Road
Annexation & Rezone

The applicant is requesting approval for an annexation with rezone of 5 acres from RUT (Rural-Urban Transition) to R-1 (Residential Single Family) and a development agreement with the City of Star. The site is located at the northwest corner of Brandon Road and Eagle Flats Lane.

A. Findings of Fact

This application is for annexation and rezone only. Listed below are some of the findings for consideration that the District may identify when it reviews future development application(s). The District may add additional findings for consideration when it reviews a specific redevelopment application.

1. Capital Improvements Plan (CIP)/ Integrated Five Year Work Plan (IFYWP):

- Beacon Light Rd Extension (New Hope Rd) is scheduled in the CIP to be widened to 3-lanes from Munger Road to Pollard Road between 2036 and 2040 and the design year and construction date has not been determined.

2. Brandon Road

a. Existing Conditions:

Brandon Road is improved with 2-travel lanes, 26-feet of pavement and no curb, gutter or sidewalk abutting the site. There is 50 to 54-feet of right-of-way for Brandon Road (27 to 31-feet from centerline).

b. Policy:

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

Master Street Map and Typologies Policy: District policy 7206.5 states that if the collector street is designated with a typology on the Master Street Map, that typology

shall be considered for the required street improvements. If there is no typology listed in the Master Street Map, then standard street sections shall serve as the default.

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

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

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

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

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

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

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

- c. **Applicant's Proposal:** The applicant is not proposing any street improvements to Brandon Road abutting the site.
- d. **Staff Comments/Recommendations:** As part of a future development application the applicant should be required to construct Brandon Road as half of a 36-foot wide collector street section with vertical curb, gutter, and 5-foot wide detached or 7-foot wide attached concrete sidewalk abutting the site. Dedicate right-of-way to 2-feet behind back of sidewalk or for detached sidewalk, the applicant may reduce the right-of-way width to 2-feet behind back of curb and provided a permanent right-of-way easement that extends from the right-of way line to 2-feet behind back of sidewalk. Sidewalk shall be located wholly within right-of-way or wholly within an easement.

This segment of Brandon Road is in the 2024 chip-seal zone.

3. Driveway- Brandon Road

- a. **Existing Conditions:** There are 2 existing 16-foot wide paved driveways from the site onto Brandon Road located approximately 1,3994 and 1,4871-feet south of New Hope Road (measured centerline to centerline).

b. **Policy:**

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

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

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

Successive Driveways: District policy 7206.4.5 Table 1, requires driveways located on collector roadways with a speed limit of 20 MPH and daily traffic volumes greater than 100 VTD to align or offset a minimum of 245-feet from any existing or proposed driveway.

Driveway Width Policy: District policy 7206.4.6 restricts high-volume driveways (100 VTD or more) to a maximum width of 36-feet and low-volume driveways (less than 100 VTD) to a maximum width of 30-feet. Curb return type driveways with 30-foot radii will be required for high-volume driveways with 100 VTD or more. Curb return type driveways with 15-foot radii will be required for low-volume driveways with less than 100 VTD.

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

Cross Access Easements/Shared Access Policy: District Policy 7202.4.1 states that cross access utilizes a single vehicular connection that serves two or more adjoining lots or parcels so that the driver does not need to re-enter the public street system.

- c. **Staff Comments/Recommendations:** The future development application will be subject to the above listed District policies.

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.

6. Other Access

Brandon Road is classified as a collector roadway. Other than the access specifically approved as part of a future development application, direct lot access is prohibited to this roadway.

B. Site Specific Conditions of Approval

This application is for annexation and rezone only. Site specific conditions of approval will be established as part of the future development application.

1. A Traffic Impact Fee will be assessed by ACHD and will be due prior to issuance of a building permit. Please contact the ACHD Planner (see below) for information regarding impact fees.
2. 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.
3. Comply with the Standard Conditions of Approval as noted below.

C. Traffic Information

Trip Generation

Below is the land use and estimated trip generation rates for the use that may be included within the site. There are an estimated 19 existing vehicle trips per day; with 2 existing vehicle trips per hour in the PM hour, based on the Institute of Transportation Engineers Trip Generation Manual, 11th edition.

Use	Avg. Daily Trips	Avg. PM Peak Hour
Single Family Detached Housing (Unit)	9.43	0.94
Single Family Attached Housing (Unit)	7.20	0.57

Condition of Area Roadways: Traffic Count is based on Vehicles per hour (VPH)

Roadway	Frontage	Functional Classification	PM Peak Hour Traffic Count	PM Peak Hour Level of Service
New Hope Road	0-feet	Minor Arterial	134	NA
Brandon Road	331-feet	Collector	53	Better Than "D"

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

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

Average Daily Traffic Count (VDT): Average daily traffic counts are based on ACHD's most current traffic counts

- The average daily traffic count for New Hope Road west of Brandon Road was 2,558 on February 3, 2022.
- The average daily traffic count for Brandon Road south of New Hope Road was 1,406 on January 26, 2022.

D. Attachments

1. Vicinity Map
2. Site Plan
3. Standard Conditions of Approval
4. Appeal Guidelines

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

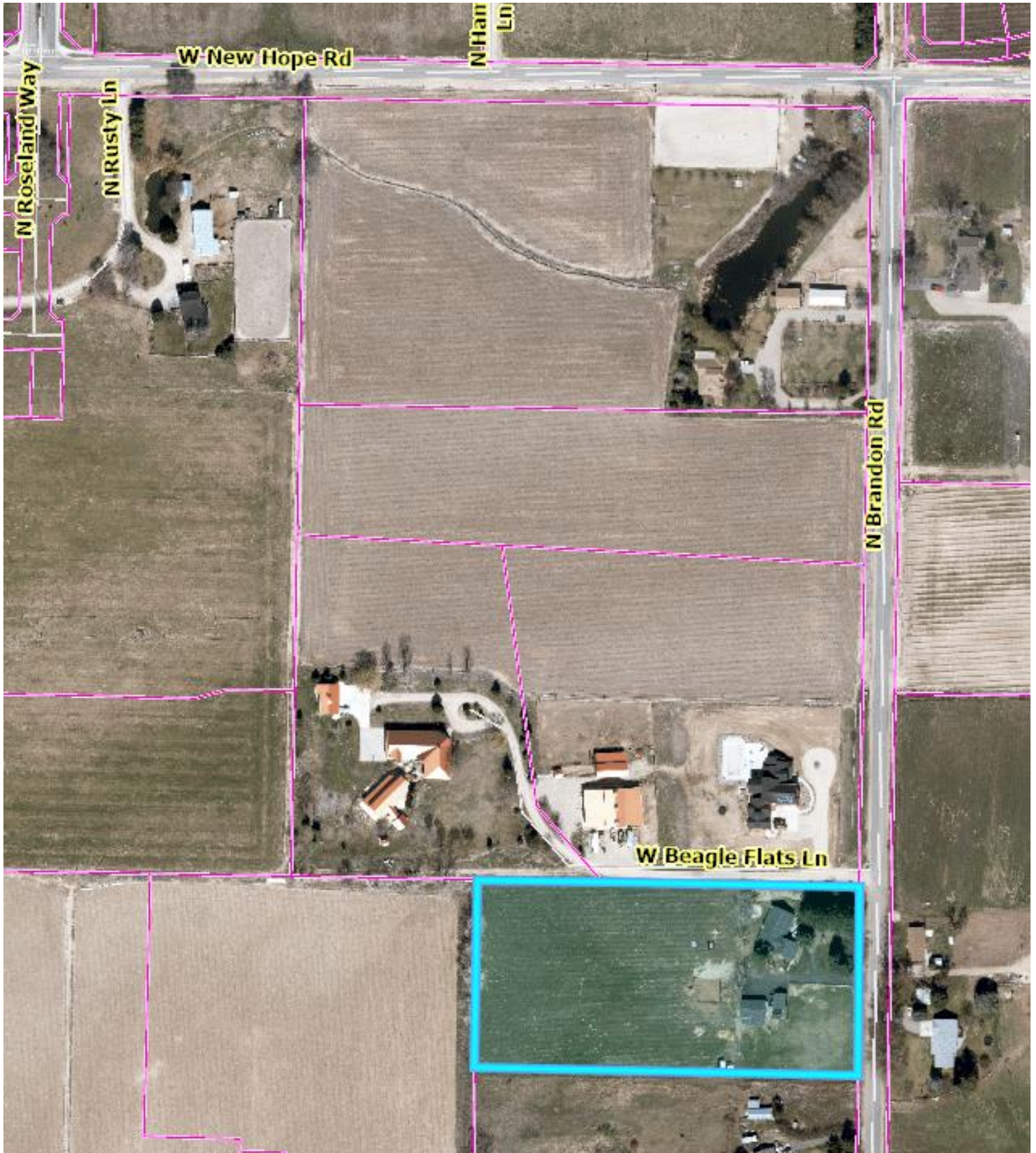
Sincerely,

A handwritten signature in cursive script that reads "Renata Ball-Hamilton".

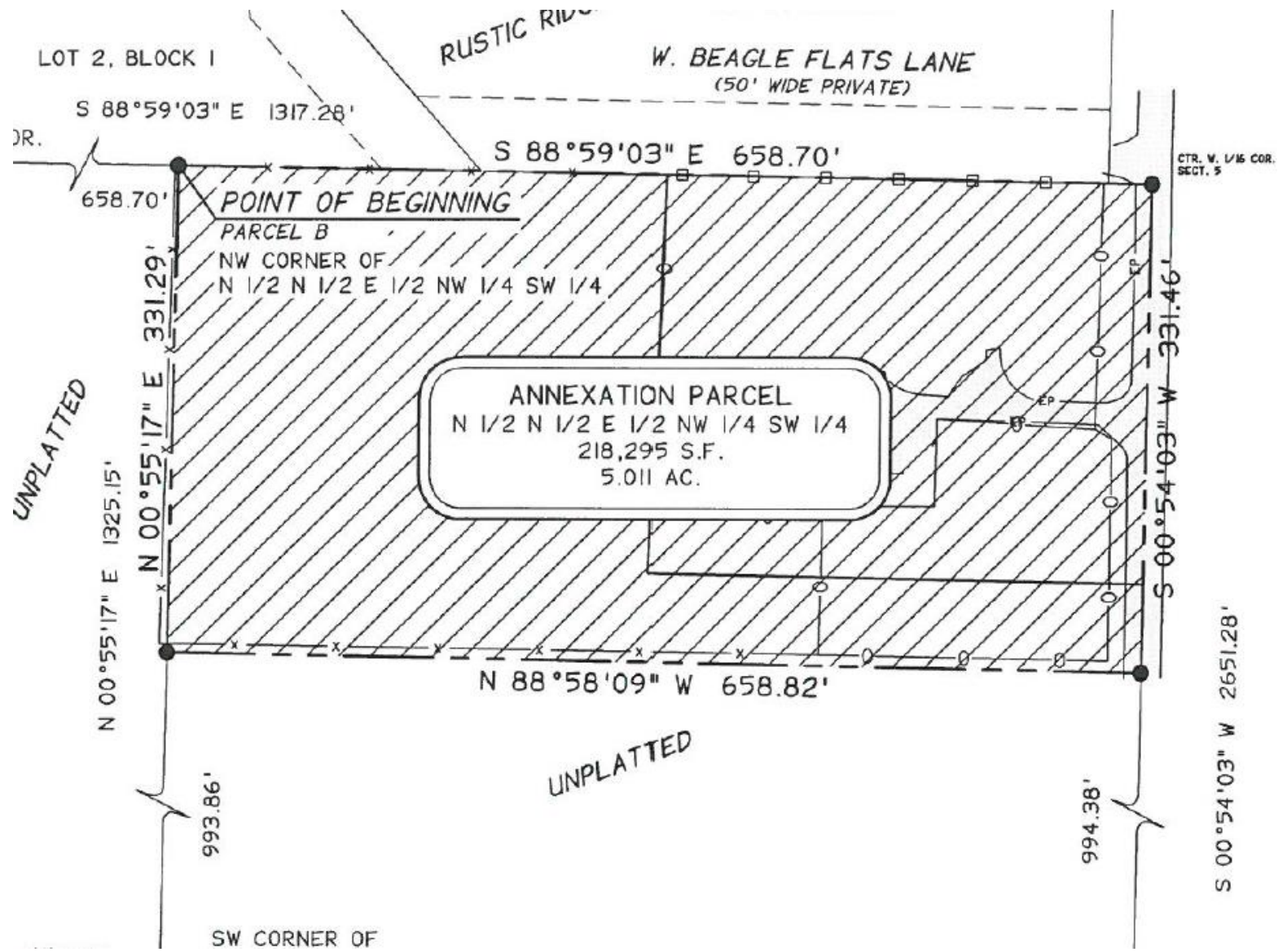
Renata Ball-Hamilton
Planner I
Development Services

cc: City of Star (Shawn Nickel), Via Email
Owner (Stephen D. Ward), Via Email

VICINITY MAP



SITE PLAN



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, 7203.6, 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, ISPMC 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.

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.



MIDDLETON STAR FIRE DISTRICTS

Fire District Headquarters
11665 W. State St., Suite B
Star, Idaho 83669

Tel. No.: (208) 286-7772
Web: www.midstarfire.org
Email: permits@starfirerescue.org

DATE: October 12, 2022

TO: City of Star – Planning and Zoning

FROM: Victor Islas, Deputy Chief

SUBJECT: Fire District Comments

PROJECT NAME: Travis Chesley Annexation & Zoning
Files: AZ-22-05 & DA-22-10

Fire District Summary Report:

1. **Overview** This development can be serviced by the Star Fire Protection District. This development shall comply with the 2018 International Fire Code (IFC) and any codes set forth by the City of Star, Idaho.
2. **Fire Response Time:** This development will be served by the Star Fire Protection District Station 51, located at 11665 W. State St., Star, Idaho 83669. Station 51 is 2 miles with a travel time of 6 minutes under ideal driving conditions to the purposed entrance.
3. **Side Setback:** Side Setback for R-1 of 10' as per Star City Code with no modification.
4. **Comments:** This project will require additional Fire Code Compliance review by the fire district for access and water supply as development applications are submitted.