

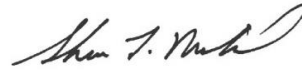


# CITY OF STAR

## LAND USE STAFF REPORT

**TO:** Mayor & Council

**FROM:** City of Star Planning Department



**MEETING DATE:** May 7, 2024

**FILE(S) #:** FP-24-03, Final Plat, River Park Estates Subdivision, Phase 2

### REQUEST

Applicant is seeking approval of a Final Plat for River Park Estates Subdivision Phase 2 consisting of 0 residential lots and 2 common lots on 1.82 acres. The phase is located at the northwest corner of the approved preliminary plat, where Blessinger Road and Landruff Lane meet in Star, Canyon County, Idaho. The project is generally located south of W. State Street (Hwy 44) in the Canyon County portion of Star, Idaho. Canyon County Parcel Numbers, R3404500000.

**REPRESENTATIVE:**

Shadow Jungenberg  
C-K Engineering  
1300 E. State ST., Ste. 102  
Eagle, Idaho 83616

**OWNER/APPLICANT:**

River Park Investments, LLC  
923 W. Bridgewater Place  
Eagle, Idaho 83616

### PROPERTY INFORMATION

Land Use Designation - Residential R-2-DA

**Phase 2**

Acres - 1.82 acres  
Residential Lots - 0  
Common Lots - 2

### HISTORY

- April 10, 2021 Council approved applications for Annexation and Zoning (AZ-21-01), Preliminary Plat (PP-21-04) and a Development Agreement (DA-21-02) for River Park Estates Subdivision. The preliminary plat was approved for a maximum of 301 single family residential lots.
- April 5, 2022 Council approved the application for Final Plat (FP-21-35) for River Park Estates Subdivision Phase 1 consisting of 89 Residential lots and 8 common lots on 44 acres.

## GENERAL DISCUSSION

The Final Plat layout for River Park Estates Subdivision Phase 2 generally complies with the approved Preliminary Plat.

### **Staff Reviewed Comments from the Preliminary Plat Approval/Findings of Fact:**

The Preliminary Plat submitted indicates that residential lots range in size from 7,885 square feet to 24,564 square feet with the average buildable lot area of 10,734 square feet. The applicant has provided three basic lot types with minimum widths of 55- feet (44 total), 65 feet (196 total) and 81 feet (79 total) for a variety of lot options. The existing home will be retained and included as part of the subdivision within a 1.7-acre lot. Streets are proposed to be public throughout the development and will be under the jurisdiction of Canyon Highway District No. 4. Proposed local streets measure 36 ft from back of curb to back of curb on the submitted preliminary plat which meets the minimum City width requirement of the UDC.

The applicant has indicated that the development will contain a total of 45.59 acres (30.3%) of open space with 44.18 acres (29.4%) of qualified open space. This exceeds the minimum requirements for total and usable open space in the current Unified Development Code, Section 8-4E-2. Amenities proposed include open space area along the entirety of the Boise River (12.5 acres) that will include two parks, a public greenbelt along the river and a swimming pool with bathrooms, changing rooms and covered patio area. Open play area that can be used for athletic ball fields will make up the remainder of the river open area. In addition, there are 5 ponds totaling approximately 20 acres that will be located throughout the development and will be stocked with fish and accessible to the residents of the subdivision. Beaches and paved pathways are also designed to provide additional access to the ponds. There will also be two smaller open space areas in the northern portion of the development to provide recreational opportunities.

The development will be accessed on the north from Blessinger Road. The development will also have a direct connection to Star River Ranch Subdivision to the east and will provide a future stub street to the west.

The applicant has provided a conceptual phasing plan showing 5 phases for the development.

**Sidewalks:** Sidewalks are proposed at five-foot (5') widths and will be detached throughout the overall subdivision with an 8' landscape strip.

**Setbacks:** Applicant has requested 5' side yard setbacks for one and two-story homes.

**Floodplain:** The property is located within a Special Flood Hazard Area. The applicant has submitted an application Permit to Develop in an Area of Special Flood Hazard to the City Engineer for review and approval.

**Staff analysis of Final Plat Submittal:**

**Lot Layout** – The final plat for Phase 2 contains part of Landruff Lane and two common lots. Drainage is also located in this area.

**Common/Open Space and Amenities**

- This is all open space.

**Mailbox Clusters** – NA for this Phase

**Streetlights** – The Applicant has provided a street line plan, and staff is supportive of the proposed locations for lights in the development. The applicant has also provided a streetlight cut sheet that meets the requirements of the city.

**Sidewalks:** Sidewalks are proposed at five-foot (5') widths and will be detached throughout the overall subdivision with an 8' landscape strip.

**Street Names** – Preliminary approval has been provided by Canyon County Development Services. Not all names on the plat are on the preliminary approval. **Applicant/Owner will need to provide final approval of all street names prior to signature of final plat.**

**Subdivision Name** – Preliminary approval has been provided by Canyon County Development Services. **Applicant/Owner will need to provide final approval of subdivision name prior to signature of final plat.**

**Landscaping** - As required by the Unified Development Code, Chapter 8, Section 8-8C-2-M (2) Street Trees; A minimum of one street tree shall be planted for every thirty-five (35) linear feet of street frontage. The applicant shall use "Treasure Valley Tree Selection Guide", as adopted by the Unified Development Code. Section 8-8C-2, J5 states that a minimum of one deciduous shade tree per four thousand (4,000) square feet of common area shall be provided. **The proposed landscape plan for Phase 2 appears to satisfy these requirements.**

## PUBLIC NOTIFICATIONS

Notifications of this application were sent to agencies having jurisdiction on April 2, 2024.

April 8, 2024	DEQ	Standard Letter
April 12, 2024	ITD	Email

## FINDINGS

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

A. The Plat is in conformance with the Comprehensive Plan.

*The Council finds that this subdivision upon Preliminary Plat approval was in conformance with the Comprehensive Plan; no changes have been made to change this status.*

B. Public services are available or can be made available and are adequate to accommodate the proposed development.

*Staff finds that all public services are available and able to accommodate this development.*

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

*Staff knows of no financial hardship that would prevent services from being provided.*

D. The development will not be detrimental to the public health, safety or general welfare; and, *Staff finds no facts to support that this subdivision phase will be detrimental to the public health, safety or general welfare.*

E. The development preserves significant natural, scenic or historic features.

*Staff finds that existing conditions have not substantially changed from the approved Preliminary Plat of this subdivision.*

## CONDITIONS OF APPROVAL

**1. Per the Development Agreement and prior to signing the final plat, developer is to pay the traffic mitigation fee required by the Idaho Transportation Department. The developer will pay the city \$659.00 per buildable lot within each phase prior to signature on the final plat for the applicable phase, capped at \$210,787. The City will allocate funds to roadway improvements in the vicinity of the project. Phase 1 has 88 residential lots for a fee of \$57,992 (88 x \$659.00). In lieu of collection proportionate share contributions, ITD will accept the installation of a 520' eastbound right turn lane at Blessinger Road, meeting ITD standards, during the development of Phase 1.**

**2. City Council added these Conditions of Approval at the Preliminary Plat**

- Reduce the overall density by 19 lots for 2.0 dwelling units per acre (a maximum of 301 lots) and an R-2 Zoning Designation.

- **Provide a berm with landscaping along the south side of the east-west collector street (Landruff Lane), and a privacy fence along the north side and along the northern boundary of the development. Applicant will need to provide updated landscape plan showing these requirements before signature of final plat for Phase 1.**
  - Work with the Boise Flood Control District and Star Fire District on a potential River access through the southern open space area.
  - Provide a public access easement dedication along the southern greenbelt and also along the Canyon County Ditch.
  - Council approves waiver to allow 5-foot side yard setbacks for one and two-story homes. Council also approves remaining R-3 setbacks for the development.
  - Council approves waiver to block lengths.
3. The property associated with this approved Final Plat, in addition to the property of all future phases shall be satisfactorily weed abated at all times, preventing a public nuisance, per Star City Code Chapter 3, Section 3-1-1 through 3-1-7.
  4. The property associated with this approved Final Plat, in addition to the property of all future phases shall be properly maintained throughout the construction process to include trash picked up and trash receptacles emptied with regular frequency, streets swept and cleaned weekly, including any streets used to access the property and all debris shall be prevented from accumulating on any adjacent property or public right of way and shall remove all debris from public way at least daily.
  5. Street trees shall be installed per Chapter 8, including Section 8-8C-2-M(2) Street Trees including one (1) tree per thirty-five (35) linear feet. **A revised Landscape Plan shall be submitted prior to signature of the final plat that indicates street trees on all roadways. If street trees will be done per lot, by the builder, Certificate of Occupancy will be held until trees are verified in place.**
  6. **Final approval from the Postmaster, for the mail cluster location must be submitted to the city before signature of the final plat.**
  7. **Final approval from Canyon County Development Services for the approved subdivision and street names must be submitted to the city before signature of the final plat.**
  8. Streetlights shall comply with the Star City Code and shall be of the same design throughout the entire subdivision and shall be maintained by the Homeowners Association. Streetlights shall be installed prior to any building occupancy. **Applicant/Owner shall submit a streetlight design prior to Final Plat approval. Streetlights shall comply with the Star City Code regarding light trespass and "Dark Sky" initiative.**
  9. All signed Irrigation District Agreements with the Irrigation Districts shall be provided to the City of Star with each subsequent Final Plat application.
  10. Applicant shall meet all the setback requirements in the Unified Development Code Section 8-3A-4 (for R-3), **as approved through waiver by Council.**

11. 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.
12. The approved Preliminary Plat shall comply with the City of Star Unified Development Code regarding landscaping, both internal buffers and frontages. (See Section 8-4 B Landscaping Requirements)
13. A plat note supporting the "Right to Farm Act" as per Idaho Code Title 22, Chapter 45, shall be shown on the Final Plat.
14. A plat note shall state that development standards for residential development shall comply with the effective building and zoning requirements at time of building permit issuance.
15. The subsequent Final Plats shall comply with and be in accordance with the current City of Star Code, **as approved through waiver by Council.**
16. Requested surety shall be required at 150% of the total estimated installed cost, as approved by the City Engineer or Administrator. The term of approval shall not exceed 180 days. (See Section 8-1 C-1 of the Unified Development Code for a list of eligible items.)
17. **A public access easement shall be recorded along both the southern greenbelt and along the Canyon County Ditch for future pathway access. The Applicant shall construct the greenbelt pathway as part of the subdivision development, during the appropriate phase.**
18. A form signed by the Star Sewer & Water District shall be submitted to the City prior to the signature of the Final Plat stating that all conditions of the District have been met.
19. A separate sign application is required for any subdivision sign.
20. As built plans for pressurized irrigation systems shall be submitted to the City of Star **prior to signature of the final plat.**
21. Applicant shall provide the City with two (2) full size and two (1) 11"x17" copy of the signed recorded final plat with all signatures, prior to any building permits being issued.
22. Development standards for single family residential units shall comply with effective building and zoning requirements at time of building permit issuance, **as approved through waiver by Council.**
23. The mylar/final plat shall be signed by the owner, Surveyor, Central District Health, CDH#4 and City Engineer, prior to being delivered to the City of Star for City Clerk's signature.
24. All common areas shall be maintained by the Homeowners Association.
25. The applicant shall provide a sign, to be located at all construction entrances, indicating the rules for all contractors that will be working on the property starting at grading and running through home sales that addresses items including but not limited to dust, music, dogs, starting/stopping hours for contractors (7a.m. start time). **Sign shall be approved by the City prior to start of construction.**
26. A copy of the recorded CC&R's shall be submitted to the City of Star prior to any building permits being issued.
27. **Any requirements as specified by the fire district.**
28. Any additional Conditions of Approval as required by Staff and City Council at the final plat meeting.

**COUNCIL DECISION**

The Star City Council \_\_\_\_\_ File # FP-24-03 River Park Estates Subdivision, Phase 2  
Final Plat, on \_\_\_\_\_, 2024.



April 8, 2024

Shawn L. Nickel  
Planning Director and Zoning Administrator  
Star City Hall  
P.O. Box 130  
Star, Idaho 83669  
[snickel@staridaho.org](mailto:snickel@staridaho.org)

Subject: River Park Subdivision Final Plat Phase 2

Dear Mr. Nickel:

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.

- 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 Multi-Sector General Permit from DEQ may be required for facilities that have an allowable discharge of stormwater or authorized non-storm water associated with the primary industrial activity and co-located industrial activity.
  - 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 Rebecca Blankenau, 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.

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,



Aaron Scheff  
Regional Administrator

c:

2021AEK

## Shawn Nickel

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**From:** Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>  
**Sent:** Friday, April 12, 2024 1:30 PM  
**To:** Shawn Nickel  
**Cc:** Barbara Norgrove  
**Subject:** RE: Agency Transmittal - River Park Subdivision Final Plat Phase 2  
**Attachments:** 8-2-21 REVISED River Park Development Condition Memo.pdf

Hello Shawn –

ITD has no comments in reference to the River Park Subdivision Final Plat Phase 2 as long as conditions that were set forth in the attached ITD Development Conditions Memo have been met.

Please let me know if there are any questions.

Thanks!



*Niki Benyakhlef*  
Development Services Coordinator

**District 3 Development Services**  
O: 208.334.8337 | C: 208.296.9750  
Email: [niki.benyakhlef@itd.idaho.gov](mailto:niki.benyakhlef@itd.idaho.gov)  
Website: [itd.idaho.gov](http://itd.idaho.gov)

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**From:** Barbara Norgrove <bnorgrove@staridaho.org>  
**Sent:** Tuesday, April 2, 2024 2:15 PM  
**To:** sheriff@adaweb.net; Daniel.Weed@cableone.biz; GIS@tax.idaho.gov; D3 Development Services <D3Development.Services@itd.idaho.gov>; irrigation.mm.mi@gmail.com; bryce@sawtoothlaw.com; Melvin.B.Norton@usps.gov; ERIC.GRZEBINSKI@mdu.com; BRO.Admin@deq.idaho.gov; kris.margheim@idwr.idaho.gov; permits@starfirerescue.org; lbuckway@msd134.org; projectmgr@boiseriver.org; bcrawforth@canyonco.org; rstewart@middletoncity.com; zoninginfo@canyoncounty.id.gov; brandy.walker@centurylink.com; samuel.flores@sparklight.biz; jack.nygaard@phd3.idaho.gov; oocc@canyonco.org; irrigation.mm.mi@gmail.com; kdahl@canyonco.org; zoninginfo@canyonco.org; info@pioneerirrigation.com; Julissa Wolf <jwolf@baileyengineers.com>; syarrington@adacounty.id.gov; hday@starswd.com; westerninfo@idwr.idaho.gov; mgee@msd134.org; LPennington@msd134.org; lgrooms@msd134.org; Cheryl.imlach@intgas.com; Gloria Stokes <drain.dist.2@gmail.com>; file@idwr.idaho.gov; Mitch Kiester <Mitch.Kiester@phd3.idaho.gov>; Kerry.schmidt@intgas.com; Ryan Morgan <rmorgan@staridaho.org>; Ryan Morgan <rmorgan@starswd.com>; Andy Waldera <andy@sawtoothlaw.com>; brandon.flack@idfg.idaho.gov; Mwallace@achdidaho.org; Ryan Field <rfield@staridaho.org>; Richard Girard <rgirard@staridaho.org>; Chris Todd <ctodd@staridaho.org>; John Tensen <jtensen@staridaho.org>; gis@compassidaho.org; Daniel.Lister@CanyonCounty.id.gov; zsmith@adacounty.id.gov; CalahanH@landproDATA.com; Brian Duran <Brian.Duran@itd.idaho.gov>; anthony.lee@phd3.idaho.gov; Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>; gmprdclerk@gmail.com; gtiminsky@starfirerescue.org; chopper@hwydistrict4.org; Iriccio@hwydistrict4.org  
**Cc:** Shawn Nickel <snickel@staridaho.org>  
**Subject:** FW: Agency Transmittal - River Park Subdivision Final Plat Phase 2