

BUTLER SPINK LLP

ATTORNEYS AT LAW

JOANN BUTLER
208.388.1093
JBUTLER@BUTLERSPINK.COM

Via Email (jqualls@staridaho.org)

January 3, 2022

City of Star Mayor and City Council
c/o Jacob Qualls, City Clerk
10769 W. State Street
Star, ID 83669

**RE: Proposed South of the River Subarea Plan
Butler Spink Matter No. 23750.1**

Dear Mayor and City Council Members:

Our firm represents Jerry W. and Carleen R. Gage who own property at 8755 Joplin Road West, which property is within the area of the proposed South of the River Subarea Plan (“SOTR Plan” or “Plan”). Jerry and Carleen have lived in the community, at this location, for over 30 years and are well known to the folks who live in and around Star.

Over the years, the Gages, in addition to raising their two sons and now enjoying their grandchildren, have invited and engaged young people from across Canyon and Ada Counties to participate in 4H programs involving horse stewardship and ranching. The number of horses on the property are fewer these days, but Jerry and Carleen still ride and occasionally host farrier events. Recognition of the ranching and agricultural heritage of the community is important to the Gages.

Jerry and Carleen brought their business acumen from his years as a lineman and manager with the telephone company (AT&T through CenturyLink) and her years at Boise Cascade (Boise Inc. through Packaging Corp) to their endeavors. Since retirement, Jerry brought his teaching and master gardening skills to home and the community. Jerry has shared his gardening skills with many others, teaching numerous master gardening classes for Star Recreation. And, when he puts garden dirt aside, Jerry takes on the down and “dirty” competition as a Star Recreation softball league umpire.

Jerry and Carleen Gage love their community and look forward to continued involvement as Star develops into a balanced, small city in Idaho. Like many landowners, they have no plans to develop their property, but appreciate the proactive planning efforts undertaken by Star with the SOTR Plan. The Gages also want the City to appreciate their deliberate efforts to improve their property over the years, and not have those efforts misunderstood. Jerry’s green thumb skills are evident in the lovely, watered lawns and gardens found throughout the Gage property

- perhaps this is the reason that a planning consultant might have observed the property and made the assumption the Gages would develop their property as a park.

The Gages have some concerns with the concept renderings and the language of the Plan; they do not want the SOTR Plan to become a public statement that presumes their property will be developed as a park. The Gages believe their concerns can be addressed, with some minor text amendments to the proposed SOTR Plan, especially in connection with parks.

For background, as noted in the City's existing Comprehensive Plan (updated in December, 2020), Star strives to reach a goal of 5 acres of park land for every 1,000 people residing in Star.¹ Based on the 162.30 park acres held by Star, and the 2020 population of 11,117 people, the City maintains a acreage ratio of approximately 14.57 acres per 1,000 in population, with a goal of 12.50 acres per 1,000 in 2040.² Star has, today, a tremendous base of park lands available for its existing citizens as well as the City's future population.

We recognize the City's park planning efforts appear to be moving away from a strict acreage/population ratio toward different standards based on different park types,³ which are likely to be explored in connection with Implementation Policy 13.5.C:

- C. Develop a Parks and Recreation Master Plan and included expected parks within the South of the River Subarea Plan.⁴

Assuming the proposed Comprehensive Plan is passed, with this letter, the Gages ask to be kept fully informed of the progress of the Parks and Recreation Master Plan, including the ability for them to participate in the planning process.

With regard to the SOTR Plan, our main concern remains that language in the Plan appears to elevate the guidance of the SOTR Plan incorrectly, illegally, to that of legally controlling zoning law, which could be interpreted to pre-ordain or pre-determine that the Gage property, and several other properties in the SOTR Subarea, will be set aside as public parks.⁵ Again, the

¹ See Star Comprehensive Plan, Section 13.2.6, page 128.

² Id. See, also, Chapter 13, Parks and Recreation, Proposed Comprehensive Plan being considered by the City for adoption on January 4, 2022 ("Proposed Comprehensive Plan").

³ See, Proposed Comprehensive Plan, pp. 146 -147.

⁴ See, Proposed Comprehensive Plan, p. 152.

⁵ The Local Land Use Planning Act ("LLUPA"; Idaho Code Section 67-6501 et seq.) requires municipalities to adopt a comprehensive plan. A comprehensive plan, including Star's Comprehensive Plan, establishes visionary and aspirational goals for the City. The Comprehensive Plan is a general guide to advise local governments when making future zoning and development decisions and does not operate as legally controlling

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Gages are not intending to develop their property but, when and if they do, as the property owner they want to make sure there is no governmental assumption that the property will be developed as park land.

After a helpful meeting with the City's planning staff last week, we have come to believe that this is not the intent of the Council, **and we ask the Council to confirm this at its next hearing.** Further, to ensure there is no confusion with future Councils, we believe a few text amendments make sense, along with some clarification in connection with discrepancies between tables found in the SOTR Plan. We have enclosed a "Summary of Proposed Text Amendments Request for Clarifications" for consideration and action by the Council.

We believe the clarifications and the minor text amendments will be helpful in ensuring that the SOTR Plan guides future development in the manner contemplated by the Local Land Use Planning Act.

We look forward to the Council's hearing on January 4, 2022.

Sincerely,



JoAnn C. Butler

c (via email):

Chris Yorgason (chris@yorgasonlaw.com)
Ryan Field (rfield@staridaho.org)
Shawn Nickel (Snickel@staridaho.org)
Jerry Gage (jgage82040@q.com)
Carleen Gage (carleengage@outlook.com)
Emily Meuller (emily@markbottles.com)
John Bottles (Jbottles@markbottles.com)
Mark Bottles (mbottles@markbottles.com)