



CITY OF STAR

LAND USE STAFF REPORT

TO: Mayor & Council

FROM: City of Star – Planning & Zoning Department

MEETING DATE: June 4, 2024 – PUBLIC HEARING
FILE(S) #: AZ-24-02 Annexation and Zoning
DA-24-02 Development Agreement
PR-24-01 Private Road

OWNER/APPLICANT/REPRESENTATIVE

Applicant/Property Owner:

David C. Erlebach
17050 Stiehl Creek Drive
Nampa, Idaho 83687

REQUEST

Request: The Applicant is requesting approval of an Annexation & Zoning (R-1), Development Agreement and Private Street on 32.64 acres. The property is located at 23853 Can Ada Road, Star, Idaho 83669. The future intent is to create 4 buildable lots.

PROPERTY INFORMATION

Property Location: The subject property is generally located north of Foothills Rd. and west of Can Ada Rd. Canyon County Parcel No. R33774014 & R33774011.

Surrounding Land Use/Designations:

	Zoning Designation	Comp Plan Designation	Land Use
Existing	AG (Canyon County)	Low Density Residential	Agricultural/Single Family Residential
Proposed	Residential (R-1-DA)	Low Density Residential	Agricultural/Single Family Residential
North of site	AG (Canyon County)	Low Density Residential	Vacant
South of site	AG (Canyon County)	Low Density Residential	Agricultural/Single Family Residential
East of site	RUT (Ada County)	Estate Rural Residential	Agricultural/Single Family Residential
West of site	AG (Canyon County)	Low Density Residential	Vacant with outbuildings

Existing Site Characteristics: The property is currently under development for single-family residential homes.

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: 16027C0257F & 16027C0259G
Effective Date: 5/24/2011 & 6/7/2019

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 – Yes.
- ✪ Stream/Creek – Seasonal Irrigation.
- ✪ 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	December 19, 2023
Neighborhood Meeting Held	January 10, 2024
Application Submitted & Fees Paid	February 5, 2024
Application Accepted	April 2, 2024
Residents within 300' Notified	May 15, 2024
Agencies Notified	April 2, 2024
Legal Notice Published	May 19, 2024
Property Posted	May 23, 2024

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.

ZONING DISTRICT USES	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. Front yard setback shall be measured from the face of the garage to the face of the sidewalk, allowing for 20' of parking on the driveway without overhang onto the sidewalk.
2. Zero-Lot-Line and reduced front and rear setback waivers may be requested through the Development Agreement process. All other side yard setback requests for detached structures shall not be granted waivers, unless as part of a Planned Unit Development.
3. All setbacks in the CBD, C-1, C-2, LO, IL, PS, RC and MU zone shall maintain a minimum 15' when adjacent to a residential use or zone.
4. As approved by the Fire District.

8-3B-3: RESIDENTIAL DISTRICTS:

- A. Comply with Section 8-3A-1: ZONING DISTRICTS AND PURPOSE ESTABLISHED.
- B. When development is planned with lots that directly abut existing lots within a Rural Residential area, or "Special Transition Overlay Area" as shown on the Comprehensive Plan Land Use map, an appropriate transition shall be provided for the two abutting residential lot types. A transition shall take into consideration site constraints that may exist and may include clustering of the urban lots in order to provide an open space area avoiding urban lots directly abutting rural residential lots, or may include

the provision of a buffer strip avoiding urban lots directly abutting rural residential lots, or may include setbacks within the urban lots similar to the rural residential lots directly abutting, or may include the provision of one half to one acre size lots directly abutting the rural residential lots.

- C. Urban style development, as guided by provisions within the comprehensive plan and this Title, is required to limit urban sprawl, however, densities of no more than 1 to 2 dwelling units per acre are to be designed within the floodplain, ridgeline developable areas and hillside developable areas (both as defined within the comprehensive plan).
- D. Housing developments with densities of R-11 and higher shall be designed to limit height, increase setbacks and/or provide additional landscaping along the perimeter of the development, if determined by the council, where abutting areas are planned for lower densities.
- E. Rezoning to R-11 and higher shall not be allowed unless adequate ingress/egress to major transportation corridors is assured.
- F. All new residential, accessory uses or additions/remodels within the residential zones shall pave all unpaved driveways to the home.
- G. Spite strips, common lots, unreasonable development phasing, or other means of any type purposely or unintentional that may result in the blocking of services or development, including but not limited to sewer, water, streets, or utilities are prohibited in any zoning district within the City of Star.
- H. In any development that requires a traffic signal as part of the approval process, the developer shall be responsible for providing an Emergency Opticom System to the intersection.
- I. Transitional Lots. For proposed residential developments located adjacent to a Special Transition Area only, as determined on the current Comprehensive Plan Land Use Map, transitional standards listed below shall be required if reasonable evidence is presented that adjacent properties will not be further subdivided in the future. This shall be through a legal encumbrance that prevents the adjacent land from being further subdivided. These encumbrances shall include:
 - a. Property with a Future Comprehensive Plan Land Use Map designation that does not allow future redevelopment to densities lower than one dwelling unit per acre.
 - b. Subdivision CC&R's preventing further redevelopment.
 - c. Easements granted to municipal or other political entities, voluntary development easements granted to conservation land trusts, or other, legal encumbrances conserving the property in perpetuity, such as deed restrictions.

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

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

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

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

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

A. Design Standards:

1. Easement: The private street shall be constructed on a perpetual ingress/egress easement or a single platted lot (with access easement) that provides access to all applicable properties.

2. Connection Point: Where the point of connection of the private street is to a public street, the private street shall be approved by the transportation authority.

3. Emergency Vehicle: The private street shall provide sufficient maneuvering area for emergency vehicles as determined and approved by the Star Fire District.

4. Gates: Gates or other obstacles shall not be allowed, unless approved by Council through a Planned Unit Development or Development Agreement.

B. Construction Standards:

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

2. Contact the transportation authority to install an approved street name sign that complies with the regulations of the county street naming ordinance;

3. Roadway and Storm Drainage: The private street shall be constructed in accord with the roadway and storm drainage standards of the transportation authority or as approved by the city of Star based on plans submitted by a certified engineer.

4. Street Width: The private street shall be constructed within the easement and shall have a travel lane that meets ACHD width standards for the City of Star, or as determined by the Council and Star Fire District.

5. Sidewalks: A five foot (5') attached or detached sidewalk shall be provided on one side of the street in commercial districts. This requirement may be waived if the applicant can demonstrate that an alternative pedestrian path exists.

6. Fire Lanes: All drive aisles as determined by the Star Fire District to be fire lanes, shall be posted as fire lanes with no parking allowed. In addition, if a curb exists next to the drive aisle, it

shall be painted red.

7. No building permit shall be issued for any structure using a private street for access to a public street until the private street has been approved.

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

1. Private Road Reserve Study Requirements.

- a. At least once every three years, the board shall cause to be conducted a reasonably competent and diligent visual inspection of the private road components that the association is obligated to repair, replace, restore, or maintain as part of a study of the reserve account requirements of the common interest development, if the current replacement value of the major components is equal to or greater than one-half of the gross budget of the association, excluding the association's reserve account for that period. The board shall review this study, or cause it to be reviewed, annually and shall consider and implement necessary adjustments to the board's analysis of the reserve account requirements as a result of that review.
- b. The study required by this section shall at a minimum include:
 - i. Identification of the private road components that the association is obligated to repair, replace, restore, or maintain.
 - ii. Identification of the probable remaining useful life of the components identified in paragraph (1) as of the date of the study.
 - iii. An estimate of the cost of repair, replacement, restoration, or maintenance of the components identified in paragraph (1).
 - iv. An estimate of the total annual contribution necessary to defray the cost to repair, replace, restore, or maintain the components identified in paragraph (1) during and at the end of their useful life, after subtracting total reserve funds as of the date of the study.
 - v. A reserve funding plan that indicates how the association plans to fund the contribution identified in paragraph (4) to meet the association's obligation for the repair and replacement of all private road components.
- c. A copy of all studies and updates shall be provided to the City, to be included in the development application record.

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

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

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

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

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

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

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

1. Any open space that is active or passive in its intended use, and accessible or visible by all residents of the development, including, but not limited to:
 - a. Open grassy area of at least fifty feet by one hundred feet (50' x 100') in area;
 - b. Qualified natural areas;
 - c. Ponds or water features where active fishing, paddle boarding, or other activities are provided (50% qualifies towards total required open space, must be accessible by all residents to qualify.) ponds must be aerated;
 - d. A plaza.
2. Additions to a public park or other public open space area.
3. The buffer area along collector and arterial streets may be included in required overall common open space for residential subdivisions.
4. Parkways along local residential streets with detached sidewalks that meet all the following

standards may count toward the common open space requirement:

- a. The parkway is a minimum of eight feet (8') in width from street curb to edge of sidewalk and includes street trees as specified otherwise herein.
- b. Except for alley accessed dwelling units, the area for curb cuts to each residential lot or common driveway shall be excluded from the open space calculation. For purposes of this calculation, the curb cut area shall be a minimum area of twenty-six feet (26') by the width of the parkway.
- c. Stormwater detention facilities do not qualify to meet the common area open space requirements, unless all of the following is met:
 1. Must be at least fifty feet by one hundred feet (50' x 100') in area;
 2. Specifically designed as a dual use facility, as determined by the administrator, to include minimal slopes, grass throughout, and guarantee of water percolation within 24 hours of storm event.
 3. Is located in a development that has a second usable open space area that contains a qualified site amenity as herein defined.
5. Visual natural space, including open ditches, wetlands, slopes or other areas that may not be readily accessible to residents, and is provided with open style fencing, may qualify for up to 20% of the required open space total.

C. Qualified Site Amenities: Qualified site amenities shall include, but not be limited to, the following:

1. Clubhouse;
2. Fitness facilities, indoors or outdoors;
3. Public art;
4. Picnic area; or
5. Recreation amenities:
 - a. Swimming pool.
 - b. Children's play structures.
 - c. Sports courts.
 - d. Additional open space in excess of 5% usable space.
 - e. RV parking for the use of the residents within the development.
 - f. School and/or Fire station sites if accepted by the district.
 - g. Pedestrian or bicycle circulation system amenities meeting the following requirements:

- (1) The system is not required for sidewalks adjacent to public right of way;
 - (2) The system connects to existing or planned pedestrian or bicycle routes outside the development; and
 - (3) The system is designed and constructed in accord with standards set forth by the city of Star;
- D. Location: The common open space and site amenities shall be located on a common lot or an area with a common maintenance agreement.

COMPREHENSIVE PLAN:

8.2.3 Land Use Map Designations:

Low Density Residential:

Suitable primarily for single family residential use. Densities in this land use area are a maximum of 1 dwelling unit per acre.

It is the intent of this land use designation to provide larger lots and help transition from higher densities to the Rural Residential land uses, typically to the north of the City. Densities may be limited due to the availability of infrastructure however sewer and water may be extended to serve these properties where available, and wells and septic systems may be permitted for lots in this land use designation if approved by the applicable Health Department. Modified street sections and a reduction in light pollution (by reducing lighting standards) may be offered for a more rural feel. 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 Estate and Neighborhood Residential Land Use is to encourage urban style development densities to limit urban sprawl.
- B. Low densities within the Estate and 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 32.64 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 future, however the Applicant will be installing a well and septic tank for each of the proposed residential lots. The property will be accessed from N. Can Ada Road, as it is today. The rezone request includes a development agreement.

The property owner’s intent is to annex and zone the property and then modify the property lines, through two one-time property divisions, to better suit the current property, while maintaining four parcels. The owner intends to keep the parcels and build a new home on each newly created parcel. The newly created lots will all have frontage on the newly created private streets. Parcel 4 (Lot #4) will take access from a private street originating from Foothill Road. Council should discuss whether to condition sidewalks along N. Can Ada Road and Foothill Road, given this is a rural development.

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 Can Ada Road/Foothill Road
- ITD Proportionate Share Fees
- Fire District requirements for Sprinklers in houses

AGENCY RESPONSES

ITD	April 17, 2024
Fire District	April 24, 2024
Intermountain Gas Co.	April 26, 2024
DEQ	April 8, 2024
Highway Dist. 4	May 21, 2024

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 future density of 1.0 dwelling unit per 8 acres is within the allowable maximum of 1 unit per acre on the Low Density Residential Comprehensive Plan Future Land Use Map. Highway District #4 has provided input on the project and the stated requirements will need to be met prior to issuing a certificate of occupancy on any of the residences.

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-24-02, DA-24-02 and PR-24-01 for the David C. Erlebach property on _____, 2024.

ERLEBACH PROPERTIES

PROPOSED PROJECT NARRATIVE

A narrative description of proposed project and existing uses at the site are described below:

A DESCRIPTION OF THE PROPOSED USE AND EXISTING USES:

- The property is approximately 32 plus acres. There were (2) existing houses on the property and (5) out- buildings/ barns. An irrigation pond that is fed from Farmers Canal exists on the property. The property has multiple trees. There is an access off Can-Ada Road that serviced the property and previous homes. The property was historically used for pasture and residential living with (2) homes.
- The proposed use is the same. Agriculture with homes. There are two existing lots with two building permits that exist on the acreage. From the attached site plan and discussions with the City of Star P&Z officials, we would adjust the existing lot line and add (2) additional lots bringing the total to (4). Four (4) homes would then be built, one on each new lot.

A DESCRIPTION OF THE PROPOSED REQUEST AND WHY IT IS BEING REQUESTED:

- There were two lots and two building permits on the property. The existing lot locations did not allow us to build the houses the way we needed to. Therefore, a lot line adjustment was requested and approved from Canyon County, dated 9/12/23. The document was recorded on 9/13/23 (Record No. 2023-029818). After the approval of the Lot Line Adjustment from the county, we had a meeting with the City of Star P&Z regarding the idea of being annexed into the city. During those discussions it was learned that the (2) current lots could be spilt into 2 additional lots, bringing the total to four lots, which fits perfectly with our plans, and is the purpose of this application.

EXPECTED TRAFFIC COUNTS AND PATTERNS:

- Traffic patterns would not change. The road entry onto Can-Ada would remain in the same location as historically used. There were two existing houses on the property, and we do not know the counts that have been in use, but the added traffic counts would be insignificant with (2) additional houses. Two of the houses would be for retired older couples and two houses would be for families with (3) children each.

PHASING OF DEVELOPMENT:

- The (4) Houses would be built as plans are completed and building permits are approved by the city or county as appropriate.

HOW PROPOSED USE MAY AFFECT NEIGHBORING USES:

- Since the use is the same, we do not believe it will have any affect on the neighboring uses. If anything, the property has been cleaned up from a previous eye sore and should be a great contribution to the neighborhood.

A DESCRIPTION OR FURTHER EXPLANATION OF THE SITE FEATURES (SEE SITE PLAN LIST ABOVE):

- The site has been cleaned up and (4) nice homes are proposed, each of which will be built to take advantage of the sloped acreage with fantastic views. The existing irrigation pond will stay and

incorporated into the new landscape. The property will be fenced all the way around. Walking and running paths will be on the property. Trees will remain and new trees will be added. The property was purchased for the mature trees and views.

EXPLANATION OF ANY OTHER PERMITS THROUGH OTHER AGENCIES THAT MAY BE REQUIRED:

- Each home will have its own Septic System. A Septic permit (Speculative Site Evaluation) has been obtained through Southwest District Health for all (4) home sites, each dated 8/15/23. It should be noted that due to changes in the site layouts of 2 of the homes, the septic systems locations will be changed, which may require updated testing from SWDH.
- A well permit has been obtained and 4 wells drilled - one for each home. Well Permits were issued by the Idaho Department of Water Resources. The permit Numbers are 912721, 913056, 913278 & 913446.
- Idaho Power has been notified and started the process of a power layout to the site.
- Intermountain Gas has been notified and we have started the process of getting gas to the (4) homes. Right of way along the road will be required for Intermountain Gas to run lines.
- We have met with the Middleton Star Fire District. Permit Applications (Fire District Residential Access & Water Supply Permits) for each of the (4) homes were submitted and approved on 7/27/23. The fire district permit numbers are 23MS-162, 23MS-163, 23MS-164 and 23MS-165. Three of the homes will require fire sprinkler systems. The fourth home (Permit No. MS23-163) will be under 3500 sf, and does not therefore require the fire sprinkler system.
- We have met with Canyon County Hwy District 4 (CHD4). Per an email from CHD4, dated 7/20/23, we were requested to have Ada County Highway District (ACHD) issue the Approach Permit, as ACHD has jurisdiction and maintains the road in the section where the proposed project would connect to Can-Ada Road. Approval of an ACHD Driveway Approach Request was granted on 7/27/23 (TRAKIT COM 23 0147) and forwarded to CHD4 by email on 8/11/23.
- We have met with Farmers Union Irrigation District and have commissioned a Slope Stability Analysis Report prepared by ABCO Engineering, dated 11/6/23, which confirmed the slopes would remain stable.

DESCRIPTION OF BUSINESSS OPERATIONS, SUCH AS NUMBER OF EMPLOYEES, HOURS OF OPERATION, DELIVERY AND SHIPING:

- There will be no business activities on the property.

A DESCRIPTION OF HOW THE PROPOSED USE IS CONSISTENT WITH SPECIFIC ZONING CRITERIA OR COMPREHENSIVE PLAN POLICIES:

- The existing area is zoned for residential, and subdivisions are being developed all over the area. Building (4) houses on 32 acres seem to be better than zoning plan.

Applicant Name: David C. Erlebach

Signature: _____

Date: _____

David C. Erlebach
1-31-2024



ANNEXATION & ZONING - REZONE APPLICATION

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

FILE NO.: <u>AZ-24-02</u>
Date Application Received: <u>1-31-2024</u> Fee Paid: <u>\$2190.00</u>
Processed by: City: <u>Barbara Norgrove</u>

Applicant Information:

PRIMARY CONTACT IS: Applicant Owner Representative

Applicant Name: David C. Erlebach
Applicant Address: 17050 Stiehl Creek Drive, Nampa, ID Zip: 83687
Phone: (208) 753-3582 Email: Dave@IB-USA.com

Owner Name: David C. Erlebach
Owner Address: 17070 Stiehl Creek Drive, Nampa, ID Zip: 83687
Phone: (208) 573-3582 Email: Dave@IB-USA.com

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

Property Information:

Site Address: 23853 Can-Ada Road, Star, ID 83669 Parcel Number: R33774014 & R33774011
Total Acreage of Site: 32.64 acres
Total Acreage of Site in Special Flood Hazard Area: N/A
Proposed Zoning Designation of Site: R-1

Zoning Designations:

	Zoning Designation	Comp Plan Designation	Land Use
Existing	A	Low Density Residential	
Proposed	R-1	Low Density Residential	
North of site	A	Low Density Residential	
South of site	A	Low Density Residential	
East of site	R-1-DA	Estate Rural Residential	
West of site	A	Low Density Residential	

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 - Yes. Mature trees we believe are mostly cottonwood are present primarily along the Farmer's Union Canal.
- Riparian Vegetation - Yes. A small pond created by irrigation water has some riparian vegetation.
- Steep Slopes - Typical slopes on the northern portion of the parcel are limited to no more than about 20%, with steepest being about 30%.
- Stream/Creek - No
- Unique Animal Life - No
- Unique Plant Life - No
- Unstable Soils - No. This has been confirmed in a geotechnical soils report prepared by ABCO Engineering.
- 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 (√)
X	Pre-application meeting with the Planning Department required prior to neighborhood meeting. Date of Pre-App Meeting: 12-19-23	BN
X	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.)	BN
	Completed and signed Annexation & Zoning/Rezone Application	BN
X	All Annexations & Rezones require a Development Agreement *Applicant agrees to enter into a Development Agreement with this application. Applicant's Signature: <i>David C. Enghelund</i>	BN
N/A	An application for annexation or rezone shall not be accepted until any required traffic impact study is submitted and accepted by the appropriate transportation authority. A hearing date before the Council shall not be scheduled until the traffic impact study has been approved and the transportation authority (ACHD, ITD, CDH4) has issued a staff report on the development application.	
X	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.	BN
X	Narrative fully describing the proposed project (must be signed by applicant)	BN
X	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. 	BN

	<ul style="list-style-type: none"> 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. 	
X	Recorded warranty deed for the subject property	
N/A	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	Vicinity map showing the location of the subject property with minimum 1-mile radius	BN
X	Copy of associated CUP/PUD Site Plan/Preliminary Plat. If this application is not accompanied by a plat or site plan, a conceptual development plan for the property is required.	
X	Electronic copy in pdf. format of submitted plat, site or conceptual plan.	
X	List of name(s) and address(es) of all canal or irrigation ditches within or contiguous to the proposed development. <i>Farmer's Union Canal is on the property.</i>	
X	Copy of names and addresses printed on address labels, of property owners within three hundred feet (300') of the external boundaries of the entire property being considered as shown on record in the County Assessor's office. Please contact the City to request addresses and labels (additional fee required).	BN
X	Electronic versions of submitted application including neighborhood meeting information, signed application, narrative, legal description, warranty deed, vicinity map, preliminary plat/site plan or concept plan, irrigation district information, shall be submitted in original pdf format (no scans for preliminary plat/site, concept plans) on a thumb drive only (no discs) with the files named with project name and plan type.	BN
	Signed Certification of Posting with pictures (see attached posting requirements and certification form) – To be completed by applicant a minimum of 10-days prior to public hearing. Staff will notify applicant in writing of hearing and posting date.	
	Property shall be annexed into Star Sewer and Water District prior to Final Plat approval, building permits, if applicable. Please contact SSWD for details at 208-286-7388.	

APPLICANT ACKNOWLEDGEMENT:**

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


 Applicant/Representative Signature

1-31-24
 Date



April 8, 2024

Shawn L. Nickel
Planning Director and Zoning Administrator
Star City Hall
P.O. Box 130
Star, Idaho 83669
snickel@staridaho.org

Subject: Erlebach Properties Annexation
Files: AZ-24-02
DA-24-02 Development Agreement
PR-24-01 Private Road

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



2921 Caldwell Blvd. • Nampa, ID 83651
Phone: 208-468-6700 • 1-800-548-3679
Fax: 208-468-6726
www.intgas.com

April 26, 2024

Star City Hall, Attn S Nickel
10769 W. State Street,
Star, Idaho 83669

RE : Erlebach Properties File # AZ-24-02 Development Agreement and Private Road

Intermountain's response to the request regarding the property located at 23853 Can Ada Road, Star, Idaho 83669.

- Intermountain Gas Co (IGC) requests Public Utilities Easement be delineated and granted in all R.O.W.s.
- If this requirement is not provided via recorded Plat Map, IGC requests a mete and bounds easement describing all Public Utilities Easement be recorded and provided as a condition of gas service.
- The route of gas service will be at the sole discretion of IGC and is preferred to align with ROW's and not across property.
- Currently, the nearest Gas Main to provide service to this area is approximately 2,000 feet East of the intersection of Can-Ada and Foothill/New Hope Rd. To provide service to this area will require yet-to-be-determined financial contribution.

If you have any questions or concerns, please feel free to contact me.

Kerry Schmidt

Intermountain Gas Co.

ENERGY SERVICES SR.

Kerry.Schmidt@intgas.com 208-468-6722



Star Fire Protection District

Headquarters • 11665 W. State St., Suite B • Star, ID 83669 • (208) 286-7772 • www.midstarfire.org

Date: April 24, 2024
To: City of Star – Planning and Zoning
From: Victor Islas, Deputy Chief
Subject: Fire District Comments
Project: Erlebach Properties
Files: AZ-24-02, DA-24-02, PR-24-01

The Star Fire Protection District has reviewed the documents for our review on the Annexation, Development Agreement and Private Roads for Erlebach Properties located 23853 Can Ada Rd., Star, Idaho our comments are as follows.

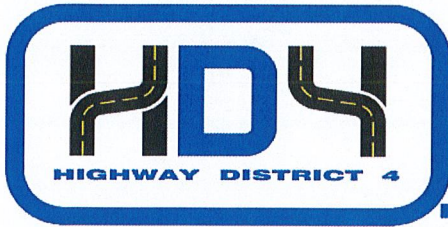
The Applicant is requesting approval of an Annexation & Rezone (R1), Development Agreement and private road consisting of 32.64 acres. The property is located at 23853 Can Ada Road, Star, Idaho 83669. The future intent is to create 4 buildable lots.

This development will be serviced by Station 51 located at 11665 W. State St., Star, Idaho 83669. Station 51 is 2.4 miles from the development with an estimated 5-minute travel time under normal driving conditions.

The Star Fire Protection District does not oppose the application subject to compliance with all the following code requirements and conditions of approval.

CONDITIONS OF APPROVAL:

1. Prior Approvals:
 - a. The Fire District issued four permits (Lots 1,2,3 and 4) to the applicant on July 27, 2023. The permits at the time were under the jurisdiction of Canyon County Development Services. The Fire District requirements have not changed, and the applicant will be held to the same standards.
2. Codes:
 - a. This project shall comply with the International Fire Code and any codes set forth by the City of Star.
3. Water Supply:
 - a. Fire hydrants, capable of producing the required fire flow, shall be located along approved fire lanes. Fire hydrant spacing shall meet the requirements of IFC table C105.1.1 (IFC 507.3, IFC B105.2, IFC C105)
 - i. This subdivision is not serviced by a municipal water system and is proposing individual wells. If sufficient fire flow cannot be provided, an alternative such as automatic residential fire sprinkler system would be considered as an equivalent.
 1. The applicant has agreed to installing NFPA 13D Residential sprinkler systems in all homes since the required fire flow will not be available.
 2. Please note that all four lots will have this requirement as the total square footage exceeds 3,600 square feet.
 3. A note shall be placed on each parcel and the development agreement.



HIGHWAY DISTRICT No.4
15435 HIGHWAY 44
CALDWELL, IDAHO 83607

TELEPHONE 208.454.8135
FAX 208.454.2008

May 21, 2024

City of Star Mayor & City Council
PO Box 130
Star, Idaho 83669
Attention: Shawn Nickel, Planning Director

RE: AZ24-02 Erleback Annexation & Rezone
Canyon Co Parcels R33774014 & R33774011 aka 23853 Can Ada Rd

Dear Mayor & Members of Council:

Highway District No. 4 (HD4) has reviewed the application for annexation to the City of Star, and for rezone of Canyon County Parcels R33774014 & R33774011 aka 23853 Can Ada Rd to Residential R-1, including a development agreement and private road approval, and offers the following comments:

Jurisdiction

By agreement with the City (*Canyon 4/Star Public Agency Coordination Agreement, June 6th, 2007*), HD4 acts as the supervisory authority for all public roads within the City limits that also lie within Canyon County (except those highways under the jurisdiction of Idaho Transportation Department). This supervisory authority includes highway planning, the establishment of design and use standards, access controls, and other operations and management duties assigned to highway districts under Idaho Code. For continuity with the existing street network in Star, CHD4 will apply roadway cross section and design standards consistent with those adopted by Ada County Highway District. These comments are provided under this authority.

General

The subject property consists of approximately 32.6 acres, and is proposed to be developed into 4 buildable lots, apparently by administrative land division. The property is bounded by two public roads: Foothill Rd along the southerly boundary, and Can Ada Rd along the easterly boundary. Foothill Rd is classified as a major collector on the functional classification maps adopted by HD4, Star, and Canyon County, and is under HD4 jurisdiction. Ultimate right-of-way width for a major collector is 80-feet (40-feet half width) measured from centerline of the existing road. Can Ada Rd is classified as a minor arterial roadway, and is under jurisdiction of both HD4 and Ada County Highway District. Can Ada Rd is maintained by agreement by ACHD. Ultimate right-of-way width for a minor arterial is 100-feet (50-feet half width) measured from the section line.

Access

Access to the subject property is proposed via a driveway connection to Foothill Rd, a public collector road located along the southern boundary of the subject property, and via a private road

serving 3 residences off of Can Ada Rd along the easterly property boundary. The proposed driveway connection to Foothill Rd should be located as shown to utilize the existing paved private road approach to Foothill Rd (Camadrie Lane); otherwise it should be located at minimum of 330-feet east of Camadrie Lane. The proposed private road approach to Can Ada Rd (located at the existing driveway approach historically serving the property) has been approved by ACHD, who has jurisdiction over access permitting. The existing driveway/proposed private road approach to Can Ada Rd will be affected in the future by widening and re-alignment of Can Ada, including a potential grade change of 3-4 feet. Ideally the gate for a private road would be located not less than the +/- 120-feet shown on the conceptual plan to allow opportunity to re-grade the approach when Can Ada is widened.

Traffic Impacts

Traffic impacts from the three new residential lots are not anticipated to materially impact the existing and/or future road system. Impacts from the new development will be mitigated through transportation impact fees on new residential units, and through dedication of right-of-way for Foothill and Can Ada Roads.

HD4 policy for administrative land divisions provides that for parcels created that are larger than 5 acres, the highway district will request dedication of existing prescriptive rights-of-way (25-foot width measured from centerline of existing roadways), and will seek to negotiate for acquisition of additional rights-of-way deemed necessary for future roadway improvements. In this case, that would include the 25-foot prescriptive rights-of-way for the north half of Foothill Rd and the west half of Can Ada Rd, an additional 15-feet along the north side of Foothill Rd, and a variable width additional right-of-way for the west half of Can Ada Rd to accommodate widening and re-alignment. The highway district will contact the property owners independently of this land use action.

Please feel free to contact me with any questions on these comments.

Respectfully,



Chris Hopper, P.E.
District Engineer

File: Development_Star_Foothill Rd- Erlebach Administrative Split



Star Fire Protection District

Headquarters • 11665 W. State St., Suite B • Star, ID 83669 • (208) 286-7772 • www.midstarfire.org

4. Fire Apparatus Access

- a. All private streets shall be designed to City of Star Code and IFC with no modifications.
- b. Emergency Access Easement shall be recorded for all private roads.
- c. All the lots are large enough to accommodate a structure beyond the distance. An approved 20' wide driveway shall be provided within 150ft of the far point of any residential structure.
- d. Fire apparatus access roads shall extend to within 150ft of all portions of the exterior walls of the first story of a building measured by an approved route around the exterior of the building or facility. (IFC 503.1.1)
- e. Dead-end fire apparatus access roads exceeding 150 ft in length shall be provided with an approved area for turning a fire apparatus. (IFC 503.2.5)
- f. Fire apparatus access roads shall have an approved driving surface of asphalt, concrete or other approved driving surface that can support the imposed load of fire apparatus weighing at least 75,000 pounds. (IFC D102.1)
- g. It shall be the responsibility of the property owner or HOA to ensure the roads are always clear of obstruction. This includes but is not limited to winter snow removal.
- h. Electronic gates shall be installed to meet or exceed the fire district standards. The applicant is to contact the fire district for installation requirements, review and permits before installation.

5. Additional Comments

- a. Fire District Review and Permit will be required for each lot before the building permit is issued by City of Star.
- b. Any overlooked hazardous condition and/or violation of the International Building and/or Fire Code does not imply approval of such condition or violation.

Shawn Nickel

From: Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>
Sent: Wednesday, April 17, 2024 11:10 AM
To: Shawn Nickel
Cc: Barbara Norgrove
Subject: RE: Agency Transmittal - Erlebach Properties Annexation

Categories: Red Category

Hello Shawn –

After careful review of the transmittal submitted to ITD on April 2, 2024, regarding Erlebach Properties Annexation, the Department has no comments or concerns to make at this time. This annexation is only proposing 4 buildable lots and is greater than 1.5 miles north of SH-44, therefore it is anticipated that any impact will be minor.

Thank you,



Niki Benyakhlef
Development Services Coordinator

District 3 Development Services
O: 208.334.8337 | C: 208.296.9750
Email: niki.benyakhlef@itd.idaho.gov
Website: itd.idaho.gov

From: Barbara Norgrove <bnorgrove@staridaho.org>
Sent: Tuesday, April 2, 2024 3:31 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; syarrington@adacounty.id.gov; hdlay@starswd.com; westerninfo@idwr.idaho.gov; mgee@msd134.org; LPennington@msd134.org; lgrooms@msd134.org; Cheryl.Implach@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; lriccio@hwydistrict4.org
Cc: Shawn Nickel <snickel@staridaho.org>
Subject: FW: Agency Transmittal - Erlebach Properties Annexation