

**FINDINGS OF FACT AND CONCLUSIONS OF LAW
LAKE HAVEN SUBDIVISION PRELIMINARY PLAT & PRIVATE STREET**

The above-entitled Preliminary Plat and Private Street came before the Star City Council for action on July 16, 2024, at which time public testimony was taken and the public hearing was closed. The Star City Council, having requested and taken oral and written testimony, and having duly considered the matter, does hereby make the following Findings of Fact and Conclusions of Law.

Procedural History:

A. Proposed Project Summary:

The Applicant is requesting approval of a Preliminary Plat for a proposed residential subdivision consisting of 30 residential lots and 7 common lots with private streets and gates. The property is located at 21831 and 21875 Koa Lane in Star, Ada County, Idaho, and consists of approximately 65.30 acres with a proposed density of 0.46 dwelling units per acre.

B. Application Submittal and Agency Transmittal:

A neighborhood meeting was held on March 5, 2024, in compliance with the application submittal requirement of the Star Unified Development Code (Section 8-1A-6C). The Land Use applications were accepted by the City on April 18, 2024. Original notice was sent to agencies having jurisdiction in the City of Star on May 13, 2024. The subject property is generally located east of Bent Lane, south of Highway 44. Canyon County Parcel No's. R34035010A0, R34035010A1, and R3403901100.

C. Notice of Public Hearing:

Notice of Public Hearing on the application for the City of Star City Council was published in accordance with the requirements of Title 67, Chapter 65, Idaho Code, and the Star Unified Development Code on June 21, 2024. Notice of this public hearing was mailed to property owners within three-hundred feet (300') of the subject property in accordance with the requirements of Title 67, Chapter 65, Idaho Code and Star Unified Development Code on June 18, 2024. Notice was sent to agencies having jurisdiction in the City of Star on May 13, 2024. The property was posted in accordance with the Star Unified Development Code on July 3, 2024.

D. Property History:

March 5, 2024	Council approved applications for Annexation and Zoning (AZ-24-01), and Development Agreement (DA-24-01) for Lake Haven Subdivision consisting of 64.70 acres. Property was zoned residential (R-2-DA)
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E. Comprehensive Plan Land Use Map and Zoning Map Designations:

	Zoning Designation	Comp Plan Designation	Land Use
Existing	Residential (R-2-DA)	Estate Urban Residential	Agricultural/Single Family Residential
Proposed	Residential (R-2-DA)	Estate Urban Residential	Single Family Residential
North of site	AG (Canyon County)	Estate Urban Residential	Agricultural
South of site	AG (Canyon County)	Estate Urban Residential/Flood Way	Single Family Residential/Boise River
East of site	Residential (R-4-DA)/RUT (Canyon County)	Estate Urban Residential	Approved Cranefield Subdivision/Agricultural
West of site	Residential (R-2)	Estate Urban Residential	Star River Ranch Subdivision

F. Development Features:

PRELIMINARY PLAT & PRIVATE STREET:

The Preliminary Plat contains 30 single family residential lots, 6 common area lots and 1 common driveway for a total of 37 lots on 64.70 acres. This equates to 0.46 dwelling units per acre. The lots will have access and frontage from the proposed private streets. The private streets are proposed to be gated. The residential lots range in size from 13,200 square feet to 812,392 square feet with the average buildable lot being 70,712 square feet. The private street will be built to ACHD (& HD4), City of Star and Star Fire District standards. The submitted preliminary plat shows three different roadway sections.

KOA LANE: is proposed in a 60-foot wide right of way with paved streets measuring 36 feet from back of curb to back of curb. Sidewalks are proposed to be detached with a 6-foot-wide landscape strip and a 5-foot wide, concrete sidewalk.

LAKE HAVEN LANE: is proposed in a 49-foot wide right of way with paved streets measuring 36 feet from back of curb to back of curb. Sidewalk is proposed along the east side of the road only, to be 5-foot-wide, detached with a 60-foot-wide landscape strip.

CHATEAU PLACE: is proposed in a 69-foot wide right of way with paved streets measuring 42 feet from back of curb to back of curb with a 12-foot-wide island dividing the entrance into two separate lanes. Sidewalks are proposed to be detached with an 8-foot-wide landscape strip and a 5-foot wide, concrete sidewalk on the north side of the road only. This access will be controlled by a gate.

The UDC allows the applicant to request a modification or waiver of sidewalks in certain low-density subdivisions. In this case, sidewalk in specific areas are requested to be on one side of the private street.

The applicant has included a draft private street maintenance plan, including proposed funding, with this application. Street names must be obtained by working with the City of Star and Canyon County prior to signature of the final plat. The subdivision name has been reserved already and the applicant has provided documentation supporting the reservation. The applicant is proposing 10.89 acres (16.61%) of open space, including 6.53 acres (14.2%) usable open space including areas that are in the AE flood zone and will not be developed.

The current Unified Development Code, Section 8-4E-2 requires a development of this size to have a minimum of 4 site amenities. The applicant is proposing a central pond, pickleball courts and a pathway along the canal with connecting sidewalks. These amenities satisfy the code requirement for development amenities.

The applicant has not provided approval from the Postmaster for the location of the mailbox cluster. This will be required prior to signing the final plat. Mailbox clusters must also be covered and adequately lit per the Unified Development Code.

The future water features within the development shall be designed and maintained in a manner that protects the public safety. This will include aerators to prevent algae and mosquito issues, safety ring stations throughout the water feature locations, safety shelves and erosion consideration.

Streetlights shall reflect the "Dark Sky" criteria with all lighting. The same streetlight design shall continue throughout the entire development. The applicant has submitted a streetlight plan. All other proposed light locations satisfy City code. **Applicant has not provided a streetlight design/cut sheet for City approval. This will be required at submittal of the final plat.**

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 submitted landscape plan appears to satisfy these requirements.

The applicant is not requesting any setback waivers and will adhere to the R-2 requirements outlined earlier in this report.

The Unified Development Code, Section 8-6B-2, paragraph F states that In the residential districts, no block shall be more than seven hundred fifty feet (750') in length without an intersecting street, alley, or other City and ACHD/CHD4 approved remedy. **The proposed streets are longer than 750 feet, however they do end in a cul-de-sac. The applicant is requesting a block length waiver from the Council with this application.**

G. On-Site Features:

- ☒ Areas of Critical Environmental Concern – No known areas.

- ✧ Evidence of Erosion – No evidence.
- ✧ Fish Habitat – Yes, adjacent to Boise River; existing ponds
- ✧ Floodplain – Yes, Zone AE and Flood Way.
- ✧ Mature Trees – Yes.
- ✧ Riparian Vegetation – Yes, along the southern border.
- ✧ Steep Slopes – None.
- ✧ Stream/Creek – Yes, Boise River.
- ✧ 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 – Yes. No sensitive wildlife observed.

H. Agencies Responding:

The following agencies responded, and correspondence was attached to the staff report.

ITD	May 22, 2024
Highway District #4	June 10, 2024
Flood Control District # 10	May 28, 2024
DEQ	May 28, 2024

I. Staff received the following letters & emails in support and opposition of the development application:

None

J. Comprehensive Plan and Unified Development Code Provisions:

8.2.3 Land Use Map Designations:

Estate Urban Residential:

Suitable primarily for single family residential use. Densities in this land use area are a maximum of 3 dwelling units per acre. Densities not exceeding 1 to 2 units per acre are to be encouraged in areas of the floodplain, ridgeline developable areas, hillside developable areas, and where new residential lots are proposed immediately adjacent to existing residential lots of greater than one acre where those existing larger lots are not likely to be subdivided in the future. Clustering is allowed to preserve open space.

8.3 Goal:

Encourage the development of a diverse community that provides a mix of land uses, housing types, and a variety of employment options, social and recreational

opportunities, and where possible, an assortment of amenities within walking distance of residential development.

8.4 Objectives:

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

8.5.3 Policies Related Mostly to the Urban Residential Planning Areas:

A. The Neighborhood Residential Land Use is to encourage urban style development densities to limit urban sprawl.

B. Low densities within the Neighborhood Residential Land Use are to be designed within the floodplain, ridgeline developable areas, hillside developable areas and where new residential lots are proposed adjacent to existing residential lots of one acre and larger where those existing larger lots are not likely to be subdivided 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.

UNIFIED DEVELOPMENT CODE (UDC):

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	R
Accessory structure	A
Dwelling:	
Multi-family 1	C
Secondary 1	A
Single-family attached	C
Single-family detached	P
Two-family duplex	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-2	35'	20'	20'	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 M-U zone shall maintain a minimum 15' when adjacent to a residential use or zone.
4. As approved by the Fire District.

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: Private gates or other obstacles shall not be allowed, unless approved by Council and the Fire District.

B. Construction Standards:

1. Obtain approval from the county street naming committee and/or City 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 and Construction: The private street may be constructed within an easement for low density developments of R-1 or less with a Fire District approved base and width of no less than 28'. All other residential developments shall be constructed within a common lot and shall have a 36' street width, and shall meet ACHD/CHD4 construction standards, unless otherwise determined by the Council and Star Fire District.
5. Sidewalks: A minimum five foot (5') detached sidewalk shall be provided on at least

one side of the street in commercial districts. This requirement may be waived if the applicant can demonstrate that an alternative pedestrian path exists. Residential private streets in some lower density developments may request a modification or waiver of sidewalks to be approved by Council. All other residential developments shall have a minimum 5' detached sidewalks on both sides of the street and shall further meet the requirements of 8-4A-17 of this title.

6. All private streets shall be paved unless a waiver is obtained by Council. Waivers for paving shall only be considered in low density developments of R-1 or less. Any unpaved streets shall be required to meet all Highway District standards for paving the approaches onto public streets.

7. 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.

8. Permits shall not be issued for any structure using a private street until the private street has been approved and inspected by the City Engineer and Fire District, and the transportation authority has signed off on all permits associated with access to a public street.

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 Street 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 street 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 street 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 street 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: STANDARDS FOR COMMON OPEN SPACE AND SITE AMENITY REQUIREMENTS:

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.

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. Parkway 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.

8-6A-3: PRELIMINARY PLAT PROCESS

A. Preapplication Conference: The applicant shall complete a preapplication conference with the administrator or designee prior to submittal of an application for a preliminary plat. The purpose of this meeting is to discuss early and informally the purpose and effect of this title and the criteria and standards contained herein.

B. Neighborhood Meeting: Applicants are required to hold a neighborhood meeting, in conformance with Section 8-1A-6C to provide an opportunity for public review of the proposed project prior to the submittal of an application. The applicant shall provide a summary of the meeting, including questions and concerns of the neighbors and how the submitted application addresses those issues.

C. Application Requirements: A complete subdivision application form and preliminary plat data as required in this title, together with fees shall be submitted to the administrator. At the discretion of the administrator or city engineer, appropriate supplementary information may also be required to sufficiently detail the proposed development within any special development area, including, but not limited to, hillside, planned unit development, floodplain, cemetery, manufactured home parks, and/or hazardous or unique areas of development. Any unresolved

access or traffic generation issues related to ACHD or ITD regulated roadways shall be resolved by the applicant prior to acceptance of any application. A letter from the appropriate transportation agency or servient property owner shall be submitted with the application.

D. Required Information and Data: The contents of the preliminary plat and related information shall be in such a form as stipulated by the City Council, however, additional maps or data deemed necessary by the administrator may also be required. The applicant shall submit to the administrator at least the following:

1. Two (2) copies of the preliminary plat of the proposed subdivision, drawn in accordance with the requirements hereinafter stated. Each copy of the preliminary plat shall be submitted on good quality paper, be professionally drafted, shall have the dimensions of not less than twenty four inches by thirty six inches (24" x 36"), and shall be drawn to a scale of not less than one inch to one hundred feet (1"=100') and contain a drafting date and north arrow.
2. For hillside developments, one (1) bound copy of the preliminary engineering plans (not meant to be cross sections or detailed designs) showing streets, water, sewers, sidewalks, and other required public improvements, together with preliminary site grading, drainage and irrigation plans of the proposed subdivision. Such engineering plans shall contain sufficient information and detail to make a determination as to conformance of the proposed improvements to applicable regulations, ordinances and standards.
3. Two (2) copies of a landscape plan showing all open space, common areas, amenities, street trees and development signage;
4. Additional information on the preliminary plat and separately submitted information to include the following:
 - a. The name of the proposed subdivision, as approved in advance by the Ada County Engineering office;
 - b. The name, address, telephone and email of the applicant, developer, engineer and surveyor or drafter who prepared the preliminary plat;
 - c. The names and addresses of all adjoining property owners and recorded plats within three hundred feet (300') of the external boundaries of the land being considered for subdivision.
 - d. The land use and existing and proposed zoning of the proposed subdivision and the adjacent land;
 - e. Streets, street names, rights of ways and roadway widths, including adjoining streets or roadways;
 - f. Lot lines and blocks showing the dimensions and numbers of each, together with area of each lot in acres and square feet;
 - g. Contour lines, shown at five-foot (5') intervals where the land slope is greater than ten percent (10%) and at two-foot (2') intervals where land slope is ten

- percent (10%) or less, referenced to an established benchmark, including location and elevation;
- h. Any proposed or existing utilities, including, but not limited to, power poles, storm and sanitary sewers, irrigation laterals, ditches, bridges, culverts, water mains and fire hydrants;
 - i. Any flood zone information including FEMA FIRM panels;
 - j. The legal description of the boundary of the property being subdivided with the seal of the surveyor of record;
 - k. Phasing plan showing all proposed phases of the development;
 - l. Preliminary irrigation analysis showing availability of water rights and distribution of irrigation to the lots within the proposed subdivision, or waiver request;
 - m. One (1) copy of a site report of the highest seasonal groundwater elevation prepared by a licensed engineer;
 - n. narrative, signed by the applicant, fully describing the proposed subdivision, including such information as number and type of uses on the lots (residential single, two or multi-family, commercial, etc.), common lots and the proposed uses of those lots (open space, parks, playgrounds, landscaping, or other uses) and any other information deemed necessary to explain the intent of the development including how it relates to other concurrently submitted applications (annexations, rezones, PUD's, CUP's, etc.).
 - o. Neighborhood meeting information including sign-in sheet, copy of meeting letter, copy of mailing labels, and detailed summary of neighbor questions and concerns and how the development has been designed to address those concerns;
 - p. A vicinity map showing the relationship of the proposed plat to the surrounding area (1/2-mile radius);
 - q. Deeds, affidavit of legal interest, address labels, postal service location approval, ACHD traffic study review status, electronic copies, or any other required information deemed necessary by the administrator to allow for proper review of the application;
 - r. A conceptual site plan shall be submitted for any non-residential developments showing building locations, parking and loading areas, traffic access drives and traffic circulation and trash enclosure locations;
 - s. Any additional required information for special area of developments including, but not limited to hillsides, wetlands or as further specified in this Title.
5. Additional information in the application as determined by the administrator may include the following:
- a. Building elevations, including multi-family uses, non-residential uses, clubhouses, well houses, or other elevations deemed necessary to assist the Council in their decision regarding a development;
 - b. Colored site plan and renderings of a subdivision detailing residential lot locations, open space and common areas, buffers, roadways, waterways and irrigation ditches, fencing, signs and landscaping.

E. Acceptance: Upon receipt of the preliminary plat, and compliance with all other requirements as provided for herein, the administrator shall certify the application as complete and shall affix the date of acceptance.

- c. F. Decision: A decision on a preliminary plat for a parcel of land is made by the City Council after receiving a recommendation from the administrator and a public hearing is held.

8-6A-7: PRELIMINARY PLAT FINDINGS:

1. The plat is in conformance with the Comprehensive Plan;
The Council finds that the Preliminary Plat, as approved and conditioned, meets all requirements associated with Section 8-6A-3 of the UDC and is consistent with the Comprehensive Plan and will meet the intent of the Land Use designation. Further, the property is required to develop under the guidelines of the Comprehensive Plan and requirements of the Unified Development Code.
2. Public Services are available or can be made available and are adequate to accommodate the proposed development;
The Council finds that Agencies having jurisdiction on this parcel were notified of this action. The City has not received notice that public services are not available or cannot be made available for this development. Emergency services were reviewed, and mitigation recommended by the Star Fire District.
3. There is public financial capability of supporting services for the proposed development;
The Council finds that the City has not received notice from any jurisdictional agency that there are any problems with public financial capability for this development.
4. The development will not be detrimental to the public health, safety, or general welfare;
The Council finds that the City has not been made aware of any known detriment that will be caused by this development. Residential uses are a permitted use and are compatible with other residential uses in the immediate area.
5. The development preserves significant natural, scenic, or historic features;
The Council finds that there are no known natural, scenic, or historic features that have been identified with this Preliminary Plat. The property has been in previous agricultural production.

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;

Council finds that the private streets and proposed gates meets the requirements of the Code as submitted.

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

Council finds that the construction of the private streets and gates would not cause damage, hazard, or nuisance, or other detriment to persons, property, or uses in the vicinity.

C. The use and location of the private street shall not conflict with the comprehensive plan and/or the regional transportation plan.

Council finds that approval of the private streets and gates will not be in conflict with the comprehensive plan or the regional transportation plan.

Public Hearing of the Council:

a. A public hearing on the application was heard by the City Council on July 16, 2024, at which time testimony was heard and the public hearing was closed. The City Council made their decision at that time.

b. Shawn L Nickel, City of Star Planning and Zoning Director presented the application.

c. Oral testimony in favor of or opposing the application was presented to the City Council by:

- Stephanie Hopkins
- Tim Eck

d. Additional testimony from City Staff, Agencies

- Ryan Morgan, City Engineer & Flood Administrator

e. Written testimony in favor of or opposing the application was presented to the City Council at the hearing by:
None

Deliberations and Conclusions of Law:

The Council reviewed the particular facts and circumstances of this proposed preliminary plat application in accordance with the City of Star Title 8 (Unified Development Code), deliberated on the matter, resulting in review of the record, including the staff report, and discussions on the platting of the development. Review and discussion included development layout, access and street configuration including gates, sidewalks and pathways. The Council concluded that the Applicant’s request meets the requirements for preliminary plat. Council hereby incorporates the staff report dated July 16, 2024, together with the hearing minutes into the official decision as part of these Findings of Fact, Conclusions of Law.

Statement of Compliance:

Council finds and concludes that the Applicant has met all requirements of the applicable Unified Development Code and the intent and purpose of the applicable Comprehensive Plan and Map requirements for a preliminary plat and private street.

Council added to the Preliminary Plat and Private Street application the following conditions of approval to their decision to approve the applications to include the following:

- **Council hereby approves private streets and gates with this development.**
- **Council hereby approves a waiver of sidewalks on the west side of Lake Haven Lane and along the southern entrance street (Koa Lane).**
- **Council hereby approves waivers to block length within the development.**

CONDITIONS OF APPROVAL

1. The approved Preliminary Plat for the Lake Haven Subdivision shall comply with all statutory requirements of applicable agencies and districts having jurisdiction in the City of Star.
2. Council hereby approves the following:
 1. Sidewalk waivers for one-side of private streets, as approved by Council.
 2. Council approves waivers to maximum block length.
 3. Private Streets with gates are hereby approved by Council.
3. **The applicant shall receive approval of all Floodplain applications and meet all FEMA requirements, if applicable, prior to approval of the final plat. The applicant shall also submit a Permit to Develop in an Area of Special Flood Hazard to the Floodplain Manager for review and approval prior to any development work on the property.**
4. **The applicant has entered into a Development Agreement with the City, agreeing to proportionate share assessment by ITD regarding impacts to the State Highway System. These fees are currently being calculated at \$1,000.00 per residential lot. These fees will be collected by the City of Star, by phase, prior to final plat signature.**
5. **The applicant shall pay all required public safety mitigation fees to the City, as determined by City Council.**
6. The private streets shall have a minimum street width of 36' and shall otherwise be constructed to ACHD/HD4 standards. The private street shall meet all requirements of the Star Fire District.
7. **The Applicant/Owner shall submit a private street maintenance plan, including future funding, in compliance with Section 8-4D-3C of the UDC, with the submittal of the final plat application.**
8. Streetlights shall comply with the Star City Code and shall be of the same design throughout the entire subdivision. Streetlights shall be continuous throughout the subdivision and shall be maintained by the Homeowners Association. **Streetlights shall be installed and energized prior to issuing of building permits.** Design shall follow Code with requirements for light trespass and "Dark Skies" lighting. **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. The property associated with this approved Preliminary 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.
10. The property associated with this approved Preliminary Plat, in addition to the property of all future phases shall be properly maintained at all times, including 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. This shall also include, but is not limited to any trash, junk or disabled vehicles during any portion of the development process. The site shall be properly mitigated from fugitive dust at all times, including during construction, as determined by the Zoning Administrator. Failure to comply with any of the above may result in a stop work order being issued until the violations are remedied, and/or revocation of preliminary plat/final plat approvals.
11. All signed Irrigation District Agreements with the Irrigation Districts shall be provided to the City of Star with each subsequent Final Plat application.
12. 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.
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 copy of the CC&R's shall be submitted to the City of Star at Final Plat.
- 15. A letter from the US Postal Service shall be given to the City at Final Plat stating the subdivision is in compliance with the Postal Service and the location of the mailbox cluster. The mailbox cluster must be covered and reasonably lit.**
16. 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, including annexation into the District.
17. 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, unless amended in the Development Agreement or CUP conditions.
18. Development standards for single family residential units shall comply with effective building and zoning requirements at time of building permit issuance, or as approved through the Development Agreement or as stated herein.
19. All common areas shall be owned and maintained by the Homeowners Association.
20. 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.**
21. A sign application is required for any subdivision signs.
- 22. Any additional Condition of Approval as required by Staff and City Council.**

Council Decision:

The Council voted 4-0 to approve the Preliminary Plat and Private Street application on July 16, 2024.

Dated this 20th day of August, 2024.

Star, Idaho

By: _____
Trevor A. Chadwick, Mayor

ATTEST:

Jacob M. Qualls, City Clerk