



CITY OF STAR LAND USE STAFF MEMO

TO: Mayor & Council

FROM: City of Star Planning Department *Shen T. Smith*

MEETING DATE: **September 6, 2022 COUNCIL AGENDA – RECONSIDERATION**

FILE(S) #: PP-22-02 Preliminary Plat for **Addington Subdivision**
PR-22-01 Private Street

OWNER/APPLICANT/REPRESENTATIVE

Applicant/Representative:

Tamara Thompson
The Land Group, Inc.
462 E. Shore Drive
Eagle, Idaho 83616

Property Owner:

STC Development, LLC
199 N. Capital Blvd., Ste. 300
Boise, Idaho 83702

REQUESTED RECONSIDERATION

Staff received a request by the applicant for Reconsideration of the Council decision on April 19, 2022 approving the applications for Addington Subdivision. A copy of the request was provided to Council as an attachment to the memo. Included in the request by the applicant was reconsideration of three conditions of approval in the approved Findings of Fact. The conditions include:

- A. Public access easements along walking paths behind the townhouse units, i.e., adjacent to private back yards;
- B. Paving of public access easements along walking paths behind the townhouse units;
- C. Payment of proportionate share of ITD impacts to the State Highway System.

The applicant stated that items A & C above were conditions that were not brought up during the public hearing, but during Council discussion, where the applicant was not allowed opportunity to provide rebuttal testimony. Although the proportionate shares were discussed, the applicant has additional details from ITD that they would like to be considered by Council.

The requesting party provided the following information to Staff as part of their Request for Reconsideration, as per Section 8-1A-9 of Code:

- The request was presented in writing to the Planning Department within 14 calendar days after the Council action and final decision was rendered;
- The request stated the basis for the reconsideration request with a brief statement of issues and decision that the requesting party is asking to be reconsidered;
- The requesting party provided relevant information that they believe was not previously presented and is in response to something brought up at the previous hearing, and the information was not previously available.

The Council approved the request for reconsideration on July 19, 2022 and advised the applicant that the only item that was to be reconsidered was Item A from the applicant requesting that the public access easements along walking paths behind the townhouse units, i.e., adjacent to private back yards.

The Council followed the procedures below when they considered the request for reconsideration:

Section 8-A-9A. Unified Development Code: Any applicant or affected person seeking judicial review of compliance with the provisions of this section must first seek reconsideration of the final decision within fourteen (14) days, as required by Idaho Code 67-6535.

To request reconsideration, an applicant or affected person must meet the following criteria:

- 1. The requesting party must have been a party in the underlying action in one of the following: the city; the property owner of the subject property; the applicant for the project; or other affected party; and*
- 2. The request must be in writing, accompanied by the appropriate fee, and presented to the City no more than fourteen (14) calendar days after the council action and final decision have been rendered; and*
- 3. The request must state a basis for the request and a brief statement of issues and decision that the requesting party is asking to be reconsidered; and*
- 4. The request must include but is not limited to: the party requesting reconsideration has relevant information; and the relevant information was not previously presented and is in response to something brought up at the previous hearing; and the information was not previously available.*

*Section 8-A-9B. **Consideration:** The council will consider the request and provide a written decision to the requesting party within sixty (60) days of receipt of the request for reconsideration.*

*Section 8-A-9BD. **If The City Council Approves The Request:** The requesting party must pay the fee for a new public hearing within ten (10) calendar days of council's reconsideration. If the payment is not made to the city clerk within the specified time frame, the city council shall be*

*notified at their next regularly scheduled meeting and the request for reconsideration shall be rescinded. – **The applicant has paid for the re-noticing of the public hearing within the timeframe required and Staff scheduled the new hearing for September 6, 2022.***

Attachments:

1. Applicant's Letter
2. Approved Preliminary Plat from April 19, 2022
3. Approved Findings of Fact, Conclusions of Law



May 2, 2022

Shawn Nickel
Planning Director and Zoning Administrator
City of Star – Planning and Zoning Department
10769 W. State Street
Star, ID 83669

RE: Addington Subdivision | Request for Reconsideration
File Number: PP-22-02

Dear Shawn,

On behalf of STC Development, LLC, who is the owner and applicant of the Addington Subdivision, pursuant to city code section 8-1A-9, we respectfully submit a Request for Reconsideration for City file number PP-22-02, Preliminary Plat for Addington Subdivision. Although the project received City Council approval on April 19, 2022, the final motion and approval included conditions that were not addressed during the public hearing for which the applicant was provided the opportunity to provide rebuttal.

To request reconsideration, an applicant or affected person must meet the following criteria:

1. The requesting party must have been a party in the underlying action in one of the following: the city; the property owner of the subject property; the applicant for the project; or other affected party; and

The requesting party, STC Development, LLC is the property owner and applicant.

2. The request must be in writing, accompanied by the appropriate fee, and presented to the City no more than fourteen (14) calendar days after the council action and final decision have been rendered; and

Please consider this letter our formal Request for Reconsideration of PP-22-02.

3. The request must state a basis for the request and a brief statement of issues and decision that the requesting party is asking to be reconsidered; and

The City Council approval includes three conditions that we request be reconsidered.

- a. ***Public access easements along walking paths behind the townhouse units, i.e. adjacent to private back yards.***
- b. ***Paving of public access easements along walking paths behind the townhouse units.***
- c. ***Payment of proportionate share of ITD impacts to the State Highway System.***

4. The request must include but is not limited to: the party requesting reconsideration has relevant information; and the relevant information was not previously presented and is in response to something brought up at the previous hearing; and the information was not previously available.

Councilperson Salmonsén included conditions related to a. and c. that were not brought up during the public hearing therefore the applicant was not provided the opportunity to provide rebuttal testimony.

Although the ITD impact fees were discussed. More detailed information has been brought to our attention that we are requesting to be considered.

Thank you in advance for your consideration.

Sincerely,



Tamara Thompson
Director of Client Services
The Land Group, Inc.

FINDINGS OF FACT AND CONCLUSIONS OF LAW
ADDINGTON SUBDIVISION
FILE NO. PP-22-02/PR-22-01

The above-entitled Preliminary Plat and Private Street land use applications came before the Star City Council for their action on April 19, 2022, 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. Project Summary:

The Applicant is seeking approval of a Preliminary Plat and Private Street for a proposed residential subdivision consisting of 34 residential lots and 1 common lot. The property is located on the east side of N. Highbrook Way in Star, Idaho, and consists of 5.58 acres with a proposed density of 6.09 dwelling units per acre. The subject property is generally approximately 780 feet north of the intersection of W. State Street and N. Highbrook Way. Ada County Parcel No. R8108003014.

B. Application Submittal:

A neighborhood meeting was held on October 14, 2021, in compliance with the application submittal requirement of the Star Unified Development Code (Section 8-1 A-6 C). The Land Use application was deemed complete on February 28, 2022.

C. Notice of Public Hearing:

Notice of Public Hearing on the application for the City of Star Council was published in accordance with the requirements of Title 67, Chapter 65, Idaho Code and the Star Unified Development Code on April 3, 2022. 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 February 28, 2022. Notice was sent to agencies having jurisdiction in the City of Star on February 28, 2022. The property was posted in accordance with the Star Unified Development Code on April 7, 2022.

D. History of Previous Actions:

Council approved annexation and zoning (R-7) as part of the Sample Property Annexation, Ordinance 264.

E. *Comprehensive Plan Land Use Map and Zoning Map Designations:*

	Zoning Designation	Comp Plan Designation	Land Use
Existing	Residential (R-7)	Compact Residential	Vacant
Proposed	Residential (R-7)	Compact Residential	Compact Residential
North of site	Residential (R-4) (R-7) / Rural Urban Transition (RUT)	Compact Residential	Single Family Residential
South of site	Commercial (C-2)	Central Business District	Albertsons/Agricultural
East of site	Residential (R-4)	Compact Residential	Single Family Residential
West of site	Residential (R-7)	Compact Residential	Endsley Court Subdivision

F. *Development Features.*

PRELIMINARY PLAT & PRIVATE STREET:

The Preliminary Plat submitted contains 34 single family residential lots and 1 common area lots on 5.58 acres with a proposed density of 6.09 dwelling units per acre. The lots will have access and frontage from a proposed private street. Lots will range in size from 2,716 square feet to 5,408 square feet with the average buildable lot being 3,603 square feet. Lots will include zero-lot-lines to accommodate the proposed attached dwelling units. **The submitted preliminary plat is showing a private road with four different width dimensions. None of these widths currently meet the City of Star requirement of 36 feet from back of curb to back of curb of travel lane.** The applicant is requesting a waiver of these standards. Primary access for the development will be on Addington Lane from N. Highbrook Way. Applicant is providing an emergency access in approximately the middle of the development to the south connecting to the entrance street to Albertsons. Applicant is also proposing an emergency access at Center Street with bollards to prevent direct access. The preliminary plat indicates a small, T-type turn-around at the end of street. **Staff and the Star Fire District are concerned with the functionality of this proposed "turn-around" and recommends a revision to the preliminary plat to accommodate residents, delivery drivers, trash collection and emergency services. This can be accomplished with either an approved cul-de-sac turn around, or direct connection to Center Street. This connection would require a revision to the plat to include a public street rather than the proposed private street. Staff will require one of these options as a condition of approval.** Sidewalks are proposed to be attached with a 5-foot, concrete sidewalk. Street names must be obtained by the Ada County Street Naming Committee prior to signature of the final plat. The applicant is proposing 1.18 acres (21.15%) of common open space which satisfies the Unified Development Code requirement of 15 percent. **It appears that the applicant is only proposing 12,095 square feet of usable open space which is less than 24,306 square feet (10%) required by the Unified Development Code. The applicant shall demonstrate that the required open space is provided within the development.**

The Unified Development Code, Section 8-4E-2 requires a development of this size to have a minimum of 1 site amenity. The applicant is proposing a shade structure in a pocket park with a walking path.

ADDITIONAL DEVELOPMENT FEATURES:

- Sidewalks
Internal sidewalks are proposed at five-foot (5') widths and will be both attached and detached throughout the development.
- Lighting
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 proposed streetlight plan. All proposed light locations satisfy City code. **Applicant has provided a streetlight plan. The applicant will need to provide a design/cut sheet for City approval. Applicant will be required to work with Staff and submit an updated cut sheet and design before signature of the final plat. Staff also suggests a streetlight be placed at the intersection of the emergency access.**
- Street Names
Applicant has not provided documentation from Ada County that the street name is acceptable and has been approved. This will be required at final plat.
- Subdivision Name
Applicant has provided a letter from Ada County that the subdivision name has been approved and reserved for this development.
- Landscaping - As required by the Unified Development Code, Chapter 8, Section 8-8C-2-M (2) Street Trees; A minimum of one street tree shall be planted for every thirty-five (35) linear feet of street frontage. The applicant shall use "Treasure Valley Tree Selection Guide", as adopted by the Unified Development Code. Section 8-8C-2, J5 states that a minimum of one deciduous shade tree per four thousand (4,000) square feet of common area shall be provided. **The submitted landscape plan appears to satisfy these requirements for the open areas. The plan does not show the appropriate number of required street trees. These will need to be added once driveways are designed to meet the requirement and receive occupancy permits.**
- Setbacks – The applicant is not requesting any setback waivers and will follow the approved setbacks for the R-7 zone.

- Mailbox Cluster – Applicant has provided documentation from the Star Postmaster depicting the approved location for the mailbox cluster within the development as a single location.
- Phasing – The applicant has not provided a phasing plan for the development. It is assumed that the subdivision will be built in a single phase.
- Storm Water - Will be retained on site and utilize Drain 9 and two pervious paver sections in the private road.

G. Existing Site Characteristics:

Existing Site Characteristics: The property is currently vacant ground.

Irrigation/Drainage District(s): Middleton Irrigation Association
Middleton Mill Ditch Company
P.O. Box 848
Middleton, Idaho 83644

Flood Zone: This property is not currently located in a Flood Hazard Area.
FEMA FIRM Panel Number: 16001C0130J & 16001C0125J
Effective Date: 6/19/2020

Special On-Site Features:

- ★ Areas of Critical Environmental Concern – No known areas.
- ★ Evidence of Erosion – No evidence.
- ★ Fish Habitat – No.
- ★ Floodplain – No.
- ★ Mature Trees – None.
- ★ Riparian Vegetation – No.
- ★ Steep Slopes – None.
- ★ Stream/Creek – None.
- ★ 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.

H. Agencies Responding:

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

Star City Engineer	April 12, 2022
ITD	No Response
Star Fire District	April 11, 2022
DEQ	March 11, 2022
ACHD	April 18, 2022
Intermountain Gas Company	April 1, 2022
Central District Health	March 10, 2022

I. Staff received the following letters & emails for the development:

None

J. *Comprehensive Plan and Unified Development Code Provisions:*

Comprehensive Plan:

8.2.3 Land Use Map Designations:

Compact Residential

Suitable primarily for residential use allowing a mix of housing types such as single family, two family, and multi-family. Densities range from 5.01 units per acre to 10 units per acre.

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:

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.

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
Dwelling:	

Multi-Family	C
Secondary	A
Single-Family Attached	P
Single-Family Detached	P
Two-Family Duplex	P
Live/Work Multi-Use	N

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-6 to R-11 attached housing	35'	15' to living area 20' to garage 10' if alley load	15' 4' if alley load	0' for common walls 5' at end of building	20'

Notes:

1. Interior side yard setbacks for lots with 50' or less of lot width shall be allowed 5' interior side yard setbacks for one and two-story structures.
2. Front yard setback shall be measured from the face of the garage to the face of the sidewalk, allowing for 20' of parking on the driveway without overhang onto the sidewalk.

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. Residential private streets may request a waiver of sidewalks to be approved by Council.

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.

ITD Proportionate Shares:

On April 22, 2020, an Intergovernmental Agreement was reached between the City of Star and the Idaho Transportation Department to provide a proportionate share assessment for all development projects for transportation impacts to the State Highway system. These fee calculations will be determined by ITD and provided to the City as part of a condition of approval for all approved applications. The City will collect the fees as part of the final plat

process. An agreement between the City and the applicant shall be recorded prior to acceptance of the final plat application.

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: PRIVATE STREET FINDINGS:

- A. The design of the private street meets the requirements of this article;
Council finds that the proposed private street meets the design standards in the Code.
- 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:
Council finds that it has not been presented with any facts stating this private road will cause damage, hazard or nuisance, or other detriment to persons, property or uses in the

vicinity. Conditions of approval shall be placed to insure compliance with emergency services.

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 the use is not in conflict with the comprehensive plan and/or regional transportation plan.

Public Hearing of the Council:

a. A public hearing on the application was heard by the City Council on April 19, 2022, at which time testimony was heard and the public hearing was closed. The City Council made their decision at that time.

b. Oral testimony regarding the application was presented to the City Council by:

- Tamara Thompson
- Michael Keyes

c. 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 annexation and zoning and 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, emergency access/turn-around and street configuration, setbacks, open space, pathways and landscaping. The Council concluded that the Applicant's request, as conditioned, meets the requirements for preliminary plat and private streets. Council hereby incorporates the staff report dated April 19, 2022 into the official decision as part of these Findings of Fact, Conclusions of Law.

Statement of Compliance:

Council finds the Applicant has met all requirements of the Unified Development Code and the intent and purpose of the Comprehensive Plan and Map requirements.

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:

- A Fire District approved cul-de-sac turn-around shall be provided at the eastern end of the proposed private street. The turn-around shall include an emergency access to the east and onto N. Center Street.
- Street widths shall be 36' back of curb to back of curb, where possible to meet City requirements.
- \$1,000 per lot ITD proportionate shares shall be collected for each building lot within the development at the time of final plat.
- A pathway aligning to the north to provide pedestrian connectivity to the proposed subdivision to the north shall be included in the revised preliminary plat. Staff shall provide the exact location prior to final plat submittal.
- Provide public easements on all sidewalks and pathways in the development. All pathways shall be improved with either concrete or paved surfaces.

Conditions of Approval:

1. The revised and approved Preliminary Plat for the Addington Subdivision shall comply with all statutory requirements of applicable agencies and districts having jurisdiction in the City of Star.
2. **The applicant shall enter into a Development Agreement with the City, agreeing to proportionate share assessment by ITD regarding impacts to the State Highway System. ITD has calculated the fees to be \$1,000.00 per buildable lot. These fees will be collected by the City of Star, by phase, prior to final plat signature. The development agreement shall be signed and recorded prior to submittal of a final plat application and shall contain the details of the fees to be collected.**
3. **Applicant shall provide a revised preliminary plat and landscape plan showing the private street meeting the City of Star requirements of 50 feet of easement with 36 feet, from back of curb to back of curb of travel lane, in as many sections as possible, as approved by Council.**
4. **Applicant shall provide a revised preliminary plat and landscape plan that shows a fire district approved cul-de-sac turn-around with emergency access to the east. The revised plat and plan shall also indicate that all sidewalks and pathways are to be provided with a recorded public access, and that all pathways shall be improved with a concrete or paved surface. The pathway to the north shall be aligned with the pathway located in the future subdivision to the north. Staff shall provide the exact location to the applicant.**
5. 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 work with staff and submit a streetlight design that meets city standards prior to Final Plat approval. Streetlights shall comply with the Star City Code regarding light trespass**

and "Dark Sky" initiative. A streetlight shall be provided near the eastern emergency access.

6. The property with the approved Preliminary Plat shall be satisfactorily weed abated, preventing a public nuisance, per Star City Code.
7. The property associated with this approved Final Plat, in addition to the property of all future phases shall be properly maintained throughout the construction process to include trash picked up and trash receptacles emptied with regular frequency, streets swept and cleaned weekly, including any streets used to access the property and all debris shall be prevented from accumulating on any adjacent property or public right of way and shall remove all debris from public way at least daily.
8. All signed Irrigation District Agreements with the Irrigation Districts shall be provided to the City of Star with each subsequent Final Plat application.
9. **Street trees shall be installed per Chapter 8, Section 8-8C-2-M(2) Street Trees. Applicant shall provide locations for the local street trees at the time of final plat. If driveway locations will not be determined until sale of the lot, Applicant agrees to not receive the Certificate of Occupancy until street trees are confirmed in place.**
10. 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.
11. A plat note supporting the "Right to Farm Act" as per Idaho Code Title 22, Chapter 45, shall be shown on the Final Plat.
12. A copy of the CC&R's shall be submitted to the City of Star at Final Plat.
13. 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.
14. **Prior to signing the final plat, Applicant shall provide approval from Ada County for all street names and they should be accurately reflected on the plat.**
15. 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.
16. 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.
17. All common areas shall be owned and maintained by the Homeowners Association.
18. 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.**
19. A sign application is required for any subdivision signs.
20. **Owner/Developer will agree to install a 2" (High Density Polyethylene) HDPE SDR-11 roll pipe in the shared utility trench to be used for future fiber optic**

telecommunication cables.

Council Decision:

The Council voted 3-0 to approve the Preliminary Plat and Private Street for Addington Subdivision on April 19, 2022.


Dated this 7th day of June 2022.

Star, Idaho

By: _____


Trevor A. Chadwick, Mayor

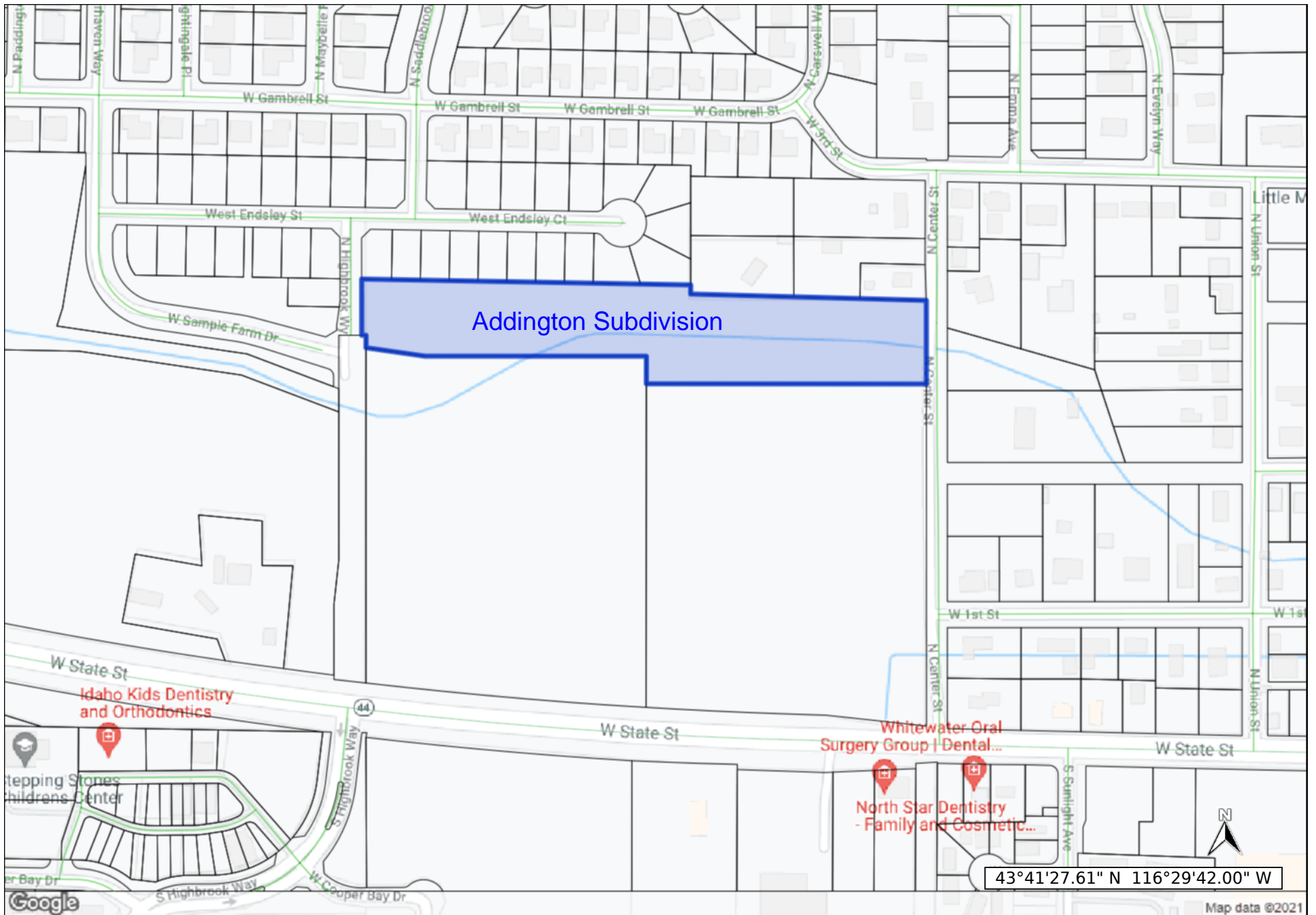
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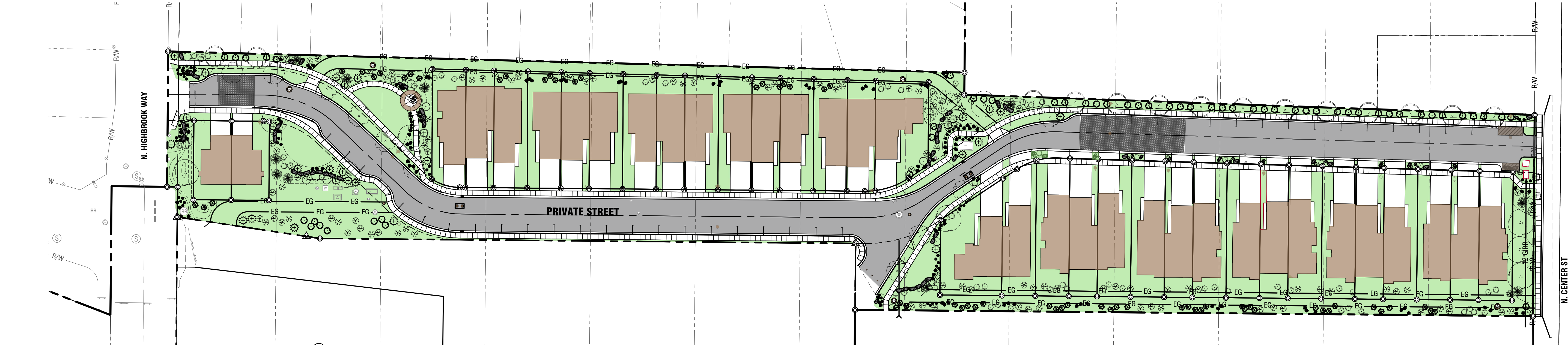
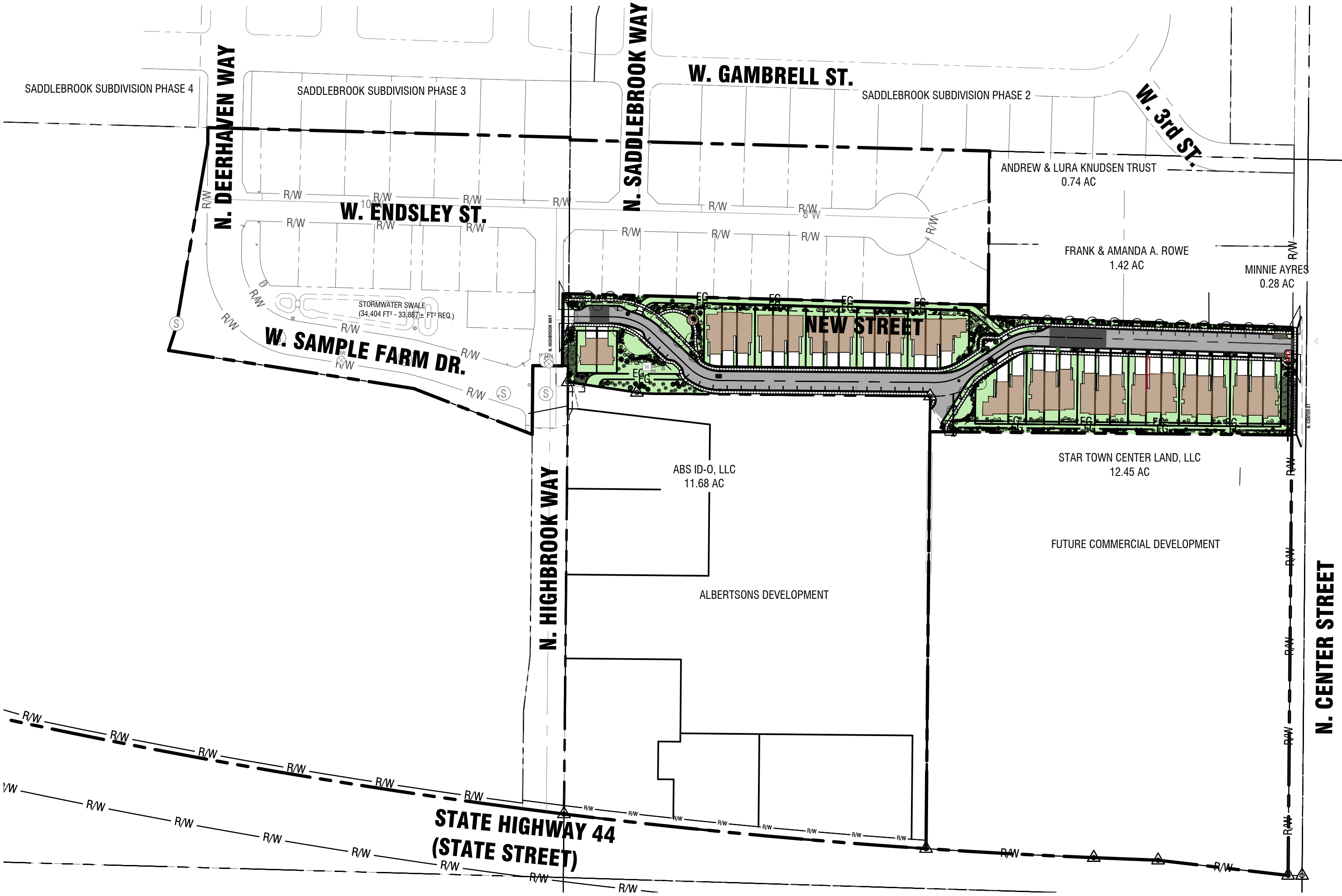


Jacob M. Qualls, City Clerk



Vicinity Map





Concept Plan

HORIZONTAL SCALE: 1" = 150' (AT 22" X 34")
Dec 16, 2021



Addington Townhomes

Conceptual Site Plan

Star, Idaho

