

FINDINGS OF FACT AND CONCLUSIONS OF LAW
MEDICI VISTA – MEDICI HILLS ANNEXATION
AZ-22-08/AZ-22-07

The above-entitled Annexation and Zoning applications came before the Star City Council for action on February 7, 2023, at which time public testimony was taken and the public hearing was closed. In addition to the action on the Annexation applications, Council also heard applications for Development Agreement (DA-22-08/DA-22-07), Preliminary Plat for Medici Hills Subdivision (PP-22-12) and Private Street (PP-22-04). 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 an Annexation & Zoning (R-1) and Development Agreement for the parcel known as Medici Vista. The property is located at 4401 N. Pollard Lane in Star, Idaho, and consists of 13.12 acres. The subject property is generally located on the north side of N. Pollard Lane, west of Hwy 16. Ada County Parcel No. S0333212580. Ada County Parcel No. S0333212580.

The Applicant is also seeking approval of an Annexation & Zoning (R-2), Development Agreement, Preliminary Plat for Medici Hills Subdivision and Private Street for a proposed residential development consisting of 74 residential lots and 11 common lots. The property is located on N. Highway 16 in Star, Idaho, and consists of 48.73 acres with a proposed density of 1.52 dwelling units per acre. Ada County Parcel S0328346600.

B. Application Submittal:

A neighborhood meeting was held on February 8, 2022, in compliance with the application submittal requirement of the Star Unified Development Code (Section 8-1 A-6 C). The Land Use applications were submitted and date stamped by the City on March 20, 2022. The application was subsequently held by Staff while the City completed its updates on the Unified Development Code and Comprehensive Plan. The applications were then deemed complete and officially accepted on September 27, 2022. Notice was sent to agencies having jurisdiction in the City of Star on September 27, 2022. Public hearing was scheduled on December 20, 2022 once Staff received transportation agency review.

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 January 20, 2023. 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 January 17, 2023. The property was posted in accordance with the Star Unified Development Code on January 24, 2023.

D. *History of Previous Actions:*

This property does not have any history of land use applications within the City of Star.

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

	Zoning Designation	Comp Plan Designation	Land Use
Existing	RUT (County)	Estate Rural Residential	Agricultural/Single Family Residential
Proposed	Residential (R-1-DA)	Estate Rural Residential	Agricultural/Single Family Residential
North of site	RUT (County)	Estate Rural Residential	Vacant
South of site	RUT (County)	Estate Rural Residential	Agricultural/Single Family Residential
East of site	Residential (R-2-DA)	Estate Rural Residential	Agricultural/Single Family Residential
West of site	AG (County)	Low Density Residential	Vacant with outbuildings

F. *Development Features **(As Proposed by the Applicant with Staff analysis and comments included):***

ANNEXATION & REZONE:

The applicant is requesting approval of an annexation and zoning application with a zoning designation of Residential (R-1-DA) for the 13.12-acre parcel located adjacent to Pollard Lane (Medici Vista). This parcel annexation is necessary for the northern parcel to be contiguous to Star city limits. At this time, a preliminary plat application has not been submitted for review and approval. The second requested annexation and zoning application with a zoning designation of Residential (R-2) is for the adjacent 48.73-acre parcel that does have a preliminary plat application submitted for review (Medici Hills Subdivision). The proposed zoning designations of

R-1 and R-2 both are in compliance with the Comprehensive Plan designation of Estate Rural Residential, which allows for up to 2 units per acre. The proposed Medici Hills preliminary plat has a current density of 1.52 dwelling units per acre, while again, a preliminary plat for the Medici Vista property has not been submitted. Based on the requested R-1 zone, the maximum density for the lower parcel would be a maximum of 1 dwelling unit per acre. The properties are located in an area where central sewer and water can be extended by Star Sewer and Water District. The zoning request includes a development agreement for both parcels that will address future densities, development standards and conditions of approval required by Staff and the Council, along with other agencies.

PRELIMINARY PLAT:

The preliminary plat submitted for Medici Hills Subdivision contains 74 single family residential lots and 11 common area lots, and includes a private street network, on 48.73 acres with a proposed gross density of 1.52 dwelling units per acre. The lots will have access and frontage from the proposed private streets. Lots will range in size from 12,373 square feet to 35,713 square feet with an average buildable lot size of 19,242 square feet. The submitted preliminary plat is showing the private streets with a 60-foot-wide easement (on a common lot) with paved driving surface measuring 36 feet from back of curb to back of curb. 5-foot detached sidewalks with a 6 foot planter strip is included in the design. The preliminary plat indicates primary access for the development from Highway 16, with a secondary access stubbing south into the Medici Vista parcel. Street names must be obtained by the Ada County Street Naming Committee prior to signature of the final plat. The applicant is proposing 8.28 acres (17%) of total open space with 4.64 acres (9.54%) as usable open space. The minimum usable open space requirement to which satisfy the Unified Development Code is 10% unless a waiver is granted.

Section 8-8C-2J-4c requires a minimum of forty feet (40') wide buffer area along a principal arterial roadway (Hwy 16). The Applicant shall insure that the buffer is outside of any current or future ITD right of way for the Hwy 16 corridor.

The Unified Development Code, Section 8-4E-2 (*Each development is required to have at least one site amenity. One additional site amenity shall be required for each additional twenty (20) acres of development area, plus one additional amenity per 75 residential units*) requires a development of this size and density to have a minimum of 3 site amenities. The submitted landscape plan indicates that the Applicant will be providing "Butterfly Gardens" in addition to pathways in several areas of the development. The Applicant shall provide one (1) additional site amenity from the list in Section 8-4E-2B to satisfy code requirements.

HIGHWAY 16 ACCESS:

As stated, the submitted preliminary plat for Medici Hills Subdivision indicates a development access directly onto State Highway 16. Staff received a review letter from ITD, dated December

9, 2022. A condition of approval from ITD states that *“the proposed development will be temporarily permitted a full site access to State Highway 16 (SH-16) until alternative access is available. Furthermore, once alternative access points become available, access to SH-16 will be limited to emergency use only”*. Although the Applicant has not submitted a preliminary plat on the southern Medici Vista annexation portion of the applications, staff is recommending to the Council that a condition of approval of annexation for both properties require the roadway stub shown on the Medici Hills Subdivision preliminary plat (N. Maddalena Lane) be built as part of the first phase of Medici Hills to provide access directly to N. Pollard Lane, and that any access to Hwy 16 be limited to emergency access only, pending approval of ITD and Star Fire District on the emergency access.

HILLSIDE & SLOPE CONCERNS:

The Star Comprehensive Plan, Section 8.2.3 Land Use Map Designation - Steep Slope states the following:

Areas with over 25% slope are to be “no development” areas except for city approved trails and where isolated areas of steep slope are located on property where site grading can easily be modified to buildable area. In those cases where grading can be accomplished to modify the isolated steep slope areas the surrounding land use designation shall apply within the area designated steep slope.

The Applicant should be prepared to address how this preliminary plat meets the intent of the Comprehensive Plan, including providing additional exhibits to Council. The Applicant should continue to work with the City Engineer on the hillside issues.

TRANSITIONAL LOTS:

There are two existing properties adjacent to the proposed Medici Hills Subdivision that have been considered under the requirements of the UDC for Transitional Lots, as described in Section 8-3B-3I. Lots 18-22 of Medici Hills are designed each as 17,034 square foot lots. Under the Code requirements, existing Transitional Lots larger than 1.1 acre shall have a minimum adjacent lot size of 1.0 acre. Lot 7, Block 2 of Hillsdale Estates Subdivision No. 1 is 1.9 acres in size. Therefore, the adjacent area of the Medici Hills development where the proposed Lots 18-22 are currently located shall be a minimum of 1-acre. A condition of approval will be included requiring a revised preliminary plat showing a combining of these proposed lots to meet the Code requirement.

The second property that contains the Special Transitional Overlay Area designation is the 14.3-acre lot (Lot 1, Block 1 Goldfork Ridge Subdivision No. 1) located north of the proposed Medici Hills development on the north side of W. Deep Canyon Drive. Because this lot is currently not developed and does have the ability to redevelop in the future to a greater density under the

Comp Plan designation of Estate Rural Residential, Section 8-3B-3I regarding Transitional Density does not apply. Therefore, a condition of approval to revise the proposed preliminary plat is not recommended at this time.

ADDITIONAL DEVELOPMENT FEATURES:

- Sidewalks
Internal sidewalks are proposed at five-foot (5') widths and will be 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 but has not provided a street light design/cut sheet for City approval. The plan appears to meet City code for light locations. Applicant will be required to work with Staff and submit a cut sheet and design before signature of the final plat.**
- Street Names
Applicant has not provided documentation from Ada County that the street names are acceptable and have 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. **The subdivision name approved shall match the final plat prior to signatures on the mylar.**
- 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 both the open space and street trees. Final approval will be part of the Final Plat application process.**
- Setbacks – **The applicant is not requesting a setback waiver and will follow the setbacks for the R-1 & R-2 zones as identified in this report.**
- Block lengths – Not all blocks meet within the proposed preliminary plat meet the 750' block length maximum requirement. **Given the topography of the property and the**

fact that adjacent properties will not be provided with access, Staff is support of a waiver of this requirement.

- **Mailbox Cluster – Applicant has submitted a mailbox cluster location but it doesn't appear that they have provided documentation from the Star Postmaster depicting the approved location. Given that the proposed location is at the Hwy 16 entrance that Staff has previously requested to be removed, the Applicant shall provide an updated location map and documentation from the Star Postmaster depicting the new location. This will be required prior to approval of the final plat application for phase one.**
- **Phasing – The applicant has not provided a phasing plan for the development. A phasing plan shall be required as a condition of approval prior to approval of the final plat application for phase one.**
- Pathway – A pathway and public use easement shall be provided along the south side of the Farmers Union Canal that meets the requirements of the adopted City Pathway Plan.
- ITD Proportionate Shares and Police and Fire District Mitigation Fees – In an effort to have growth pay for growth, Proportionate Shares for ITD and Mitigation Fees for Police and Fire protection will be required for all new homes constructed within this development. This is in addition to current ACHD, Parks and Fire Impact Fees being paid.

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:

- **Access to Hwy 16;**
- **ITD Proportionate Share Fees;**
- **Emergency Access**
- **Additional Site Amenity**
- **Pathway along Canal**
- **Hillside and Slope Issues**
- **Block Length Waiver**

H. *On-Site Features:*

- ✪ Areas of Critical Environmental Concern – No known areas. (It was testified by neighboring property owners of history of a dump/landfill present on-site. The City was presented with no physical evidence from any historic records prior to or during the public hearing to support neighboring property owner testimony)
- ✪ Evidence of Erosion – No evidence.
- ✪ Fish Habitat – No.
- ✪ Floodplain – No.
- ✪ Mature Trees – Yes. Adjacent to existing dwelling only.
- ✪ Riparian Vegetation – No.
- ✪ Steep Slopes – Yes.
- ✪ 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.

I. *Agencies Responding:*

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

ITD	December 20, 2022
City Engineer	January 31, 2023
Intermountain Gas	September 27, 2022
Star Fire District	July 8, 2022
COMPASS	October 24, 2022
ACHD	October 21, 2022
Central District Health Department	September 1, 2022

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

Kevin and Rebecca Flash	January 27, 2023
Abigail Germaine on behalf of Hillsdale HOA	February 2, 2023

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

Comprehensive Plan:

8.2.3 Land Use Map Designations:

Estate Rural Residential

Suitable primarily for single family residential use. Densities in this land use area are a maximum of 2 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.

8.5.8 Policies Mostly Related to Open Space and Special Areas:

(Steep Slopes)

M. Areas with over 25% slope are to be “no development” areas except for city approved trails and where isolated areas of steep slope are located on property where site grading can easily be modified to buildable area. In those cases where grading can be accomplished to modify the isolated steep slope areas the surrounding land use designation shall apply within the area designated steep slope.

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.

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.

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.

<u>ZONING DISTRICT USES</u>	A	R-R	<u>R</u>
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	<u>P</u>
Two-family duplex	N	N	P

8-3A-3: USES WITHIN ZONING DISTRICTS

The above table lists principal permitted (P), accessory uses (A), conditional (C), or prohibited (N) uses.

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'
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.

8-3B-3: RESIDENTIAL DISTRICT ADDITIONAL RESIDENTIAL DISTRICT STANDARDS:

- A. 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:

<u>Existing Transitional Lot Sizes</u>	Allowed Immediately Adjacent Minimum Lot Size	Allowed Immediately Across the Road from Transitional Lot
<u>Lots larger than 1.1-acre</u>	<u>1 acre lots</u>	<u>½ acre lots</u>
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. 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.

8-6B-2: SUBDIVISION DESIGN AND IMPROVEMENT STANDARDS

D. Common Driveways:

1. Maximum Dwelling Units Served: Common driveways shall serve a maximum of two (2) dwelling units and shall be approved by the Fire District.
2. For commercial or other non-residential uses, common driveways serving multiple structures and/or properties shall meet the requirements of the Fire District.
3. Width Standards: Common driveways shall be a minimum of twenty-eight feet (28') in width.
4. Maximum Length: Common driveways shall be a maximum of one hundred fifty feet (150') in length or less, unless otherwise approved by the fire district.
5. Improvement Standards: Common driveways shall be paved with a surface capable of supporting emergency services vehicles and equipment.
6. Abutting Properties: Unless limited by significant geographical features, all properties that abut a common driveway shall take access from the driveway.
7. Turning Radius: Common driveways shall be straight or provide a twenty-eight foot (28') inside and fifty foot (50') outside turning radius.
8. Depictions: For any plats using a common driveway, the setbacks, building envelope, and orientation of the lots and structures shall be shown on the preliminary and/or final plat.
9. Easement: A perpetual ingress/egress easement shall be filed with the county recorder, which shall include a requirement for maintenance of a paved surface capable of supporting fire vehicles and equipment.

8-1B-1C: ANNEXATION AND ZONING FINDINGS:

1. The map amendment complies with the applicable provisions of the Comprehensive Plan.
The Council finds that 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 Residential Districts 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 finds that this annexation is in compliance with the Comprehensive Plan. The Council finds that Policy 8.5.8 intends for slopes over 25% be "no development" areas. Council directed the applicant to redesign the submitted preliminary plat to meet this intent.

2. The map amendment complies with the regulations outlined for the proposed district, specifically, the purposes statement.

The Council finds that the residential purpose statement states that the purpose of the residential districts is to provide for a range of housing opportunities consistent with the Star Comprehensive Plan. Connection to the Star sewer and water district is a requirement for all residential districts, when available. Residential districts are distinguished by the allowable density of dwelling units per acre and corresponding housing types that can be accommodated within the density range. Council finds that this request is consistent with the statement.

3. The map amendment shall not be materially detrimental to the public health, safety, and welfare; and

The Council finds that there is no indication from the material and testimony submitted 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 finds that the City 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 finds this annexation is reasonably necessary for the orderly development of the City.

Public Hearing of the Council:

a. A public hearing on the application was heard by the City Council on February 7, 2023, 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:

- Blaine Womer, Applicant
- Ryan Morgan, Star City Engineer
- Devin Conner
- Amber McCormick
- Niles Nordquist
- Gordon Sonne
- Keith Hill
- Scott Emerich
- Abbey Germaine
- Cherie Shields
- Chris Todd
- Eric Wiseman
- Todd Collins
- Joyce D'Agostino
- Robert Fehlau
- Linda Wambolt
- Adriana Goff
- Victor Islas. Star Fire District

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 the proposed applications in accordance with the City of Star Title 8 (Unified Development Code), took public testimony, and deliberated on the matter, resulting in review of the record, including the staff report, and discussions on the development. Review and discussion included access, density, transitional lots, 25% slopes/grades and hillsides, and environmental concerns, including a potential historic landfill/dump.

Written and public testimony from neighboring property owners and HOA representatives indicating that portions of the Medici Hills Subdivision property contained an old landfill/dump

was presented to Council. At no time prior to or during the public hearing was physical evidence submitted to the City that substantiated this claim. As this property is currently located outside the City limits and within Ada County jurisdiction, no past City records or history of this property exists. Staff sent an agency transmittal regarding the proposed applications to Ada County Development Services and received no comment, including past history on either of the subject properties.

Public testimony from neighboring property owners indicating that the lot located adjacent and to the north of the Medici Hills Subdivision within the Goldfork Ridge Subdivision should be designed to meet transitional lot requirements because it is within the Hillsdale Estates HOA. At no time prior to or during the public hearing was physical evidence submitted to the City that substantiated this claim.

The Council discussed conditions of approval on the annexation and zoning application, that will be included as part of the accompanying Development Agreement. Council concluded that the Applicant's request meets the requirements for the annexation and zoning portion of the request. Council voted to table indefinitely the applications for Development Agreement, Preliminary Plat and Private Street and directed the applicant to redesign the Preliminary Plat and Private Street to include the conditions of annexation. Council hereby incorporates the staff report dated February 7, 2023, along with the meeting minutes 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 for annexation and zoning.

Council added the following to their decision to approve the annexation application that will be part of the redesigned Preliminary Plat/Private Street and future Development Agreement conditions of approval to include the following:

- **Medici Vista Annexation is approved with an R-1 zoning designation with a maximum allowed density of 1 du/acre;**
- **Applicant shall submit a new concept plan and/or preliminary plat/ revised private street request for Medici Vista detailing access to the north and stub streets to the adjacent east and west properties;**
- **Medici Hills Annexation is approved with an R-2 zoning designation with a maximum allowed density of 1.52 du/acre;**
- **A revised Preliminary Plat shall be submitted for the Medici Hills Subdivision detailing preservation of 25% or greater slopes, transitional lots to the western**

- **and northern boundaries adjacent to existing residential lots, primary access to the south through Medici Vista and emergency only access to Hwy 16;**
- **An Environmental Phase I report shall be submitted with the revised Preliminary Plat for Medici Hills referencing any historic landfill/dump;**
- **All pathways shall require hard surfaces;**
- **Notice for future public hearings shall be given to all that testified a February 7th hearing;**
- **Applicant shall be responsible for payment of ITD Proportionate Share for all new residential units. This shall be a condition in the Development Agreement and Preliminary Plat conditions of approval;**
- **Building elevations shall be submitted and incorporated into the Development Agreement;**
- **The Applicant shall submit specific information on how the agreement for participation in Fire Station #55 is going to work.**

Council Decision:

The Council voted 4-0 to approve the Annexation and Zoning applications on February 7, 2023. The Council voted 4-0 to table indefinitely the remaining applications for Development Agreement, Preliminary Plat and Private Street.

Dated this 21st day of March 2023.

Star, Idaho

By: _____

Trevor A. Chadwick, Mayor

ATTEST:

Jacob M. Qualls, City Clerk