



CITY OF STAR  
**LAND USE STAFF MEMO**

**TO:** Mayor & Council

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

**MEETING DATE:** **April 5, 2022 COUNCIL AGENDA – REQUEST FOR RECONSIDERATION**

**FILE(S) #:** AZ-21-11 Annexation & Zoning  
DA-21-16 Development Agreement  
PP-21-15 Preliminary Plat for **Langtree Bungalows Subdivision**  
PR-21-08 Private Street

**OWNER/APPLICANT/REPRESENTATIVE**

**Property Owner:**

Brian & Marie Pecht  
10090 W. Floating Feather Road  
Star, Idaho 83669

**Applicant:**

Walsh Group  
P.O. Box 1297  
Eagle, Idaho 83616

**Representative:**

Stephanie Hopkins  
KM Engineering, LLP  
Boise, Idaho 83713

**REQUESTED RECONSIDERATION**

**Staff has received a request for Reconsideration of the Council decision on January 18, 2022 approving the applications for Langtree Bungalows Subdivision. Since receiving this request, the two parties (the applicant and the neighbors) have reached an agreement on additional conditions of approval and Staff is recommending that Council amend the original Findings of Fact to reflect these agreed upon terms. If Council approves the amended Findings (see Amended Findings inside Council Packet) at the beginning of the April 5<sup>th</sup> meeting, the neighbors will withdraw their request for Reconsideration and this item will be removed from the agenda.**

**To: City of Star, Mayor, Council and Staff**

2/26/22

**From:** Residents of the Special Transition Overlay Area, north of the proposed Langtree Bungalows Subdivision.

**Representative:** Bob Fehlau 2203 N. Sunny Ln., Star, Id. 83669, 208-695-9187, rfehlau@hotmail.com

**Re: Request for Reconsideration for Langtree Bungalows, Star Id.**

Mayor, Council and Staff,

**We believe that allowing half acre lots directly abutting the Special Transition Overlay Area is not in compliance with Comp Plan Amendments adopted previous to this application and that the best actionable solution would be the designated open space the developer already proposed. There was crucial information not disclosed and items not addressed which affected the decision. Important issues with fencing, landscaping, two-story homes and setbacks were not addressed which need attention before final acceptance. We respectfully request that you reconsider the following points and address those issues which were not disclosed or included in the Findings of Fact of 2/15/22.**

- 1. We request that the northern lots of Langtree Bungalows, directly abutting the Special Transition Area comply with Transition Standards of one-acre minimum lot size voted for and unanimously accepted at both the 12/8/20, 1/5/21 Comp plan amendment meetings and documented in Resolution 21-01 Comp Plan & Map Amendment. The Density Table accepted 12/8/21 Shows one acre lot requirement for this condition. The red lined verbiage of the 1/5/21 Comp Plan Amendment in 8.5.2 D. *removed the half-acre lot option.* Both of these actions were taken before the 6/17/21-Langtree Land Use application was deemed complete. The UDC 8-1B-1 states that *"the property is required to develop under the guidelines of the Comprehensive Plan and requirements of the Unified Development Code."* Therefore, the one-acre requirement is not just the "intent of Council", it is the right and responsibility of the Council to uphold and use the results of all your hard work in planning.**
- 2. It was not disclosed that the developer was made aware of the previously approved one-acre requirement at both of the neighborhood Meetings and by Staff's advice to them to "look at the videos of past applications including Canvasback, Selwood, Greendale and Sunfield" surrounding subdivisions. With previously noted developments, half acre lots were allowed only across an existing street, as the "Transition Table" clarified, or appropriate open space was required. It seems clear that the applicant was, at best, ignoring these requirements. The developer failed to comply with "8-6A-3: Preliminary Plat Process: provide a summary of the meeting, including questions and concerns of the neighbors and how the submitted application addresses those issues." If this requirement was met, it would have been disclosed that the one-acre requirement was understood by the developer.**
- 3. We request the actionable solution of requiring lots 23-31 to be the open space option because the applicant stated that they would prefer to create open space directly adjacent to the "northern boundary", rather than one-acre lots. We are aware that applications are reviewed on a case-by-case basis. We are also aware it is Council's discretion to require certain options. Not making this requirement will continue to wall off communities and wildlife from each other and the rural surroundings that the Comp Plan has been trying so hard to protect. Those special places still remaining in Star will vanish from here and around future developments that will come before The Council.**

4. Full disclosure or appreciation for the need of a greater transition was not addressed for the Transition Area lots within the Schreiner Subdivision to the north, regardless of who owns them. As Councilman Wheelock stated at the 1/18 meeting *"Just because he (the developer) owns those lots, it does not mean there does not need to be a transition"*. The fact that the developer owns them is at best a Conflict of Interest and care should be taken not to appear that has an influence on this outcome. It was not disclosed that the developer has already moved an existing single-story home from the proposed development land onto one of those lots and has placed it only 100 feet from the south property line. Furthermore, inquiries with the County Zoning Department, have shown that the proper permits were not attained to place the structures on that lot.

The Comp Plan states in 8-5-4 that *E. Larger setbacks should be required for new lots planned to abut existing Special Transition Overlay Area lots."* p.262 2021.01.05-entirepacket The transition is important to anyone who lives there, now, or in the future because these requirements are for the future "proactive" development of Star.

5. The change, mid-meeting, from a proposed 55+ community with only single-story homes did not address the impact of two-story structures near the transition border. We request that any homes on lots directly adjacent to the Transition Area or If lots 23-31 are open space, those houses nearest the Special Transition border (lots 22, 64, 62, 107-111 Block 1) be limited to single story structures to create a better visual transition, as has been required with other surrounding developments and is so important to not tower over existing developments and block views.

6. The Development Agreement states that Council and Applicant need to consider *"Fencing and Berming Adjacent to Existing Neighborhoods"* (p.4FoF). This was not addressed in this area. We request that an open style fence, such as a four foot, 3 rail or smooth wire, be placed along the entire Transition border of the open space to allow for better visual transition and wildlife movement through this corridor to get to the water source of the canal, yet still protect livestock in our area. All of the fences in our neighborhood are of this type for this reason. 9.5 Comp Plan states: *"E. Provide wildlife habitats and corridors where evidence indicates they are justified"*. An open fence would also be required on the subdivision side of open spaces in the UDC. *"8-4E-2: for this area to "qualify for up to 20% of the required open space total."* The six foot, solid vinyl fence right on the property line, as currently platted is the worst option for a visual and wildlife transition. We request that the landscape plan be updated to show any berming and landscaping that would need to be included to create a visual transition at this border.

7. We request that the revised Landscape plan required in the Conditions of Approval (7., p.19 FoF) addressing the move of the pickleball court and loop trail ensure the changes for council's request that this area be *"kept as natural as possible"* and to protect mature trees and existing natural vegetation. There are steep banks and areas of erosion in this area which have not been addressed. The developer stated that they would move the pickleball court to a "more central location", not "to the eastern side of the common space" (p.19, FoF) We request that Lot 67 Block 1 would be a more suitable location to "G. Encourage land uses that are in harmony with existing resources, scenic areas, natural wildlife areas, and surrounding land uses." (Comp Plan 8.4 objectives. P.) 9.5 Implementation Policies states how to obtain these objectives: *"Locate development away from sensitive wildlife habitat areas .J. Adopt ordinances, site plan reviews, subdivision regulations, and/or overlays to address land issues in or near wildlife, water resources, scenic views, steep slopes, and unique habitats."*

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BY: BN

8. Councilman Wheelock requested the additional condition to the motion during Final Council deliberations that there be "no waiver on setbacks". This should be added to the Statements of Compliance or Conditions of Approval in the Findings of Fact.

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Thank you for your time and consideration,  
Residents of the Special Transition Overlay Area.

BY: BN

Written Name                      Signature                      Address

Lisa Jensen	Lisa Jensen	2393 N Sunny Ln, STAR 83669
Russell Jensen	Russell Jensen	2393 N Sunny Ln 83668
Mary Maxine McBair	Mary Maxine McBair	2711 N Schreiner Ln, STAR 83668
Leah Swann	Leah Swann	9925 Rolling Hills Dr
Jessie Krause	Leslie Krause	9951 W. Rolling Hills DR.
Anita P. Lucas	Anita P. Lucas	2707 Rolling Hills Dr
Alfred B. Ackers	Alfred B. Ackers	2707 Rolling Hills Dr.
<del>Leslie</del> Kurt Krause	Kurt Krause	9957 W. Rolling Hills Dr STAR
Brian Twilegar	Brian Twilegar	2625 N Rolling Hills Dr STAR 12
Mary Anne Saunders	Mary Anne Saunders	2230 Schreiner Lane Star, 12 83668
CAROLYN Johns	Carolyn Johns	10300 W. Rolling Hills Dr, STAR 83669
Dwaine Johns	Dwaine Johns	10300 W. Rolling Hills Dr. Star
MARY DUMOND	Mary Dumond	10060 W. ROLLING HILLS DR
Philip G. Dumond	Philip G. Dumond	10060 W. Rolling Hills STAR
Wally Tarbet	SALLY TARBET	2275 N. SUNNY, STAR. 83669
ROBERT C. TARBET	ROBERT ROY TARBET	2275 N. SUNNY LN, STAR 12 83669

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Written Name

Signature

Address

BY: BN

Carol Ward Carol Ward 2090 Sunny Ln Star

John Northrup John Northrup 2333 Starbot Farm Ln Star

Katy Slater Katy Slater 2091 N. Sunny Ln. Star

JACK SLATER Jack Slater 2091 N. Sunny Ln. Star

Robin Fehlan Robin Fehlan 2203 N Sunny Ln. Star

Lonnie Kueck Lonnie Kueck 10399 W Rolling Hills Dr Star

Ann Kueck Ann Kueck 10399 W Rolling Hills Dr Star

ROBERT FEHLAU Robt E. Fehlan 2203 N. SUNNY LN., STAR

Blank lined area for additional entries.

BY: BN

**Supporting documentation:**

**Portion of Density Tables which relates, accepted by Council 12/8/20**

<b>Allowed Transition Density Near Special Transition Areas</b>		
<b>Existing Lot Zoning</b>	<b>Allowed Adjacent Transition</b>	<b>Allowed Across Road Transition</b>
RR(RT) or RUT with 1 acre or larger lots	1 acre lots	1/2 acre lots
R-1, RR(RT), or RUT with smaller than 1 acre lots	1/3rd acre lots	R-3

**From 10/12/21 Council Meeting Comp Plan Amendment**

**RESOLUTION NO. 2021-**

(City Initiated Comprehensive Plan Map Amendment)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF STAR, IDAHO, APPROVING AND ADOPTING, PURSUANT TO SECTION 67- 6509, IDAHO CODE, COMPREHENSIVE PLAN AMENDMENT FOR THE CITY OF STAR.

WHEREAS, Idaho Code Section 67-6509, provides that the City Council may adopt, amend, or repeal a comprehensive plan;

WHEREAS, the City Council hereby finds that the proposed Comprehensive Plan Transition Table

amendment to the 2019 Comprehensive Plan complies with the provisions of Idaho Code Section 67-6508;

WHEREAS, the City Council discussed and approved the language and matrix during a public hearing on December 8, 2020;

WHEREAS, the City Council now desires to adopt this Resolution for a Transition Table amendment.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STAR,

IDAHO, as follows:

Section 1. The City of Star hereby inserts the following text and table to Section 8.2.3 Land Use Map Designations, Special Transition Overlay Area.

**For property in the Special Transition Areas with reasonable evidence that they will not be further subdivided in the future, the following table shall be used to guide development plans.**

**Not likely to be subdivided in the future shall be mean: A legal encumbrance that prevents land from being further subdivided. This could include subdivision CC&Rs, easements granted to municipal or other political entities, voluntary development easements granted to**

**conservation land trusts, or other legal encumbrances. This specifically excludes statements from landowners regarding future intent without some other legal encumbrance.**

Allowed Transition Density Near Special Transition Areas		
Existing Lot Zoning	Allowed Adjacent Transition	Allowed Across Road Transition
RR(RT) or RUT with 1 acre or larger lots	1 acre lots	1/2 acre lots
R-1, RR(RT), or RUT with smaller than 1 acre lots	1/3rd acre lots	R-3

Section 2. This resolution shall be effective immediately as of the date of its adoption.  
 Star City Council Comprehensive Plan Transition Table Amendment Page 2 of 2  
 DATED this 12<sup>th</sup> day of October 2021.

CITY OF STAR, IDAHO  
 Ada & Canyon Counties

By:  
 Trevor Chadwick, Mayor

ATTEST:  
 By: \_\_\_\_\_

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**1/5/21 Comp Plan Amendment Council meeting**

**Red lined areas voted to be removed.**

“8.5.2 Policies Related Mostly to the Rural and Agricultural Planning Areas

D. When an urban density residential development is planned with lots that directly abut lots within a Rural Residential area an appropriate transition is to be provided for the two abutting residential lot types. A transition must take into consideration site constraints that provide transitional lots and/or may exist and may include clustering of the urban lots in order to provide an open space area avoiding urban lots directly abutting rural residential lots. , or may include the provision of a buffer strip avoiding smaller urban lots directly abutting rural residential lots, or may include setbacks within the urban lots similar to the rural residential lots directly abutting, or may include the provision of one half to one acre size lots directly abutting the rural residential lots.

E. Larger setbacks should be required for new lots planned to abut existing

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**Rural Residential lots.”** p.258 2021.01.05-entirepacket 2pdf

#### “8.5.4 Policies Related to The Special Transition Overlay Areas

A. Development adjacent to and within the Special Transition Overlay Area is to provide for an appropriate transition between existing and new home sites where new urban development is being planned adjacent to previously approved and constructed rural county developments of years past. **This may include new abutting lots to be one acre in size or may include buffering.**

B. Site layout is to provide for a transition in density and lot sizing with all policies regarding compatibility herein applying.

C. Modified street sections, such as with no curbs gutters or sidewalks, should be encouraged for adjacent compatibility where determined appropriate.

D. When an urban density residential development is planned with lots that directly abut lots within a Special Transition Overlay Area an appropriate transition is to be provided for the two abutting residential lot types. A transition must take into consideration site constraints that **provide transitional lots and/or may exist and may include clustering of the urban lots in order to provide an open space area avoiding urban lots directly abutting Special Transition Overlay Area lots.** , or may include the provision of a buffer strip avoiding urban lots directly abutting Special Transition Overlay Area lots, or may include setbacks within the urban lots similar to the Special Transition Overlay Area lots directly abutting, or may include the provision of one half to one acre size lots directly abutting the Special Transition Overlay Area lots.

**E. Larger setbacks should be required for new lots planned to abut existing Special Transition Overlay Area lots.”** p.262 2021.01.05-entirepacket 2pdf

#### 8.4 Objectives

A. Preserve the family friendly feel of Star.

B. Implement the Land Use Map and associated policies as the official guide for development.

C. **Manage urban sprawl in order to minimize costs of urban services and to protect rural areas.**

D. Retain and encourage rural areas where it will not result in increased costs for urban services.

E. Work to create a vibrant Central Business District.

**F. Encourage public participation in the land use planning process.**

**G. Encourage land uses that are in harmony with existing resources, scenic areas, natural wildlife areas, and surrounding land uses.**



H. Require the conservation and preservation of open spaces and public access to the Boise River and BLM lands and interconnected pathways to be open to the public in new developments.

I. Discourage development within the floodplain

J. Encourage commercial development that is consistent with a family friendly feel, not overburdening the community with big box and

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franchise uses and discourage the development of strip commercial areas.

#### "9.5 Implementation Policies

A. Implement appropriate goals and development requirements, including setbacks, densities, development standards, and open space requirements to minimize impact on natural resources.

B. Provide buffers to natural resources with transitional land uses.

C. Protect and preserve the natural beauty and habitat of the Boise River and land adjoining the river.

D. Prohibit new development in floodway areas and limit development in the flood fringe of the flood plain.

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E. Provide wildlife habitats and corridors where evidence indicates they are justified.

F. All developments should comply with all applicable water quality, air quality, species protection, and land use regulations and requirements.

G. Conduct a natural resource audit.

H. Encourage the preservation of open space, wildlife habitats, and fish habitats.

I. Locate development away from sensitive wildlife habitat areas.

J. Adopt ordinances, site plan reviews, subdivision regulations, and/or overlays to address land issues in or near wildlife, water resources, scenic views, steep slopes, and unique habitats.

K. Develop mitigating measures to offset or minimize the impact of development.

L. Encourage the development of a buffer which ensures the unique habitat, existing wildlife, and scenic value of the Boise River ecosystem is preserved.

M. Critical and sensitive areas regarding natural resources in the City of Star should be identified. Currently, there is not any documentation regarding the types and locations of critical and sensitive areas. In order to acquire this information, the city may choose to have those in the development community provide this information as part of their land use applications or the city may choose to fund these requests from the general fund" p.275,276 2021.01.05 entire-packet

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**Unified Development Code references:**

**UDC "8-6A-3: Preliminary Plat Process**

**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."**

**Email from Ada County Development Services.**

**From:** Brent Danielson <bdanielson@adacounty.id.gov>  
**Date:** February 23, 2022 at 2:48:38 PM MST  
**To:** John Northrup <john1northrup@gmail.com>  
**Subject:** RE: [EXTERNAL] Build permits Schreiner Sub

Hi John,

For Lot 3 I just see a grading permit. I don't see a building permit for the house or the shop. I will have our Code Enforcement Officer go out to the property and take a look.

Thank you for letting me know.

Brent Danielson, AICP  
Senior Planner

Ada County Development Services  
200 W. Front St., Boise, ID 83702  
(208) 287-7913 office  
(208) 287-7909 fax

**8-1D-8: VIOLATIONS:**

A. It is a violation of this unified development code for any person to initiate or maintain or cause to be initiated or maintained the use of any structure, land or real property within the city of Star without first obtaining proper permits or authorizations required for the use by this title. 24

B. It is a violation of this unified development code for any person to use, construct, locate, demolish or cause to be used, constructed, located, or demolished any structure, land or property within the city of Star in any manner that is not permitted by the terms of any permit or authorization issued pursuant to this title or previous codes.

F. It shall be unlawful and a violation of this unified development code for any person to use, construct, locate, initiate, alter or maintain any structure, land or real property, or cause any structure, land or real property to be used, constructed, located, initiated, altered or maintained in any manner which violates, omits, or fails to conform to any applicable procedure, standard, or requirement established by this title for the zoning district in which such structure, land, or real property is located.

### Email exchanges between John Northrup and Staff 3/23-25/21:

**From:** Shawn Nickel <Snickel@staridaho.org>

**Date:** March 25, 2021 at 12:30:27 PM MDT

**To:** John Northrup <john1northrup@gmail.com>

**Cc:** Ryan Field <rfield@staridaho.org>

**Subject:** RE: Star Bungalows Sub

John. Maybe it is best that you call me sometime and we can discuss the details.

Thanks. Shawn

*Shawn L. Nickel Planning Director and Zoning Administrator City of Star [snickel@staridaho.org](mailto:snickel@staridaho.org)  
208-908-5455*



**From:** John Northrup <john1northrup@gmail.com>

**Sent:** Tuesday, March 23, 2021 1:14 PM

**To:** Shawn Nickel <Snickel@staridaho.org>

**Cc:** Ryan Field <rfield@staridaho.org>

**Subject:** Re: Star Bungalows Sub

Shawn, Is it my understanding then that one could by a lot in a platted subdivision with CCR's adjacent to a parcel they wish to develop as a "buffer". Then build something that wouldn't ordinarily be allowed and then later sell off the lot?

John

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On Mar 23, 2021, at 11:53 AM, Shawn Nickel <[Snickel@staridaho.org](mailto:Snickel@staridaho.org)> wrote:

Understood. However, without it being Code, the best we can do when we first meet with a developer is to let them know that the discussions on transition has taken place and guide them based on past applications and how Council has viewed other developments adjacent to these Transitional Overlay areas such as Star Acres. We also advise them to look at the videos of past applications including Canvasback, Selwood, Greendale and Sunfield. We have done all of this with Mr. Walshes Team when we met. Regarding the 2 large lots that are north of the project and owned by Precht in Schreiners Sub, we would consider them as Transitional lots to the Bungalows because of the ownership and the fact that they provide a natural transition since they are owned by the applicant or by Precht and can only have 1 building permit each.

Thanks. Shawn

From: John Northrup <[john1northrup@gmail.com](mailto:john1northrup@gmail.com)> Date: 3/23/21 10:27 AM (GMT-08:00) To: Shawn Nickel <[Snickel@staridaho.org](mailto:Snickel@staridaho.org)> Cc: Ryan Field <[rfield@staridaho.org](mailto:rfield@staridaho.org)> Subject: Re: Star Bungalows Sub

Shawn,

Thank you for your reply. I virtually attended the meeting on 12-8-20 because of COVID and as I recall one of my neighbors asked how they would view the new specifics on transitioning. It was agreed upon at that meeting that it would not be used for any existing submissions, but it would be used for any future ones. I am trying to make sure that any developer goes it with expectations based on these facts so as they go through their due diligence period they don't spend time and money with unrealistic expectations of possible profit. It makes it far more difficult to have them make changes or back out of a deal that they have that much time and money invested. I have seen Walsh's product, but don't believe it is appropriate or even close to appropriate along the Special Transition Overlay Area even before the new transition guidelines that now specifically address the issue.

Sincerely, John

On Mar 23, 2021, at 10:51 AM, Shawn Nickel <[Snickel@staridaho.org](mailto:Snickel@staridaho.org)> wrote:

Good morning Mr. Northrup. Thanks for reaching out to us to discuss the proposed Bungalows development. Understanding that we do not have a formal application to review and have only met once with the applicant and have only seen a concept plan, here is my reply to your question regarding the picture you provided. The chart you mention was part of our Comprehensive Plan Amendment process that we completed in December of 2020. During that process, Councilman Keyes brought up a proposed Transitional Lot Chart and the Council discussed whether or not to include something similar to it in the Comp Plan. It was decided by Council not to include it in the Plan, as the Plan is just a guide, but rather include it in a future Zoning Ordinance Amendment. We are getting ready to start that process and hope to have something back to Council for review in 6 months. In the meantime, Council will review applications before them as they have done in the past, on a case by case basis. They will take into consideration the configuration and layout of the subject property, neighboring properties, input from the neighbors, as well as the current Codes and Plans, when deliberating on the application. Once we have the application submitted and accepted, I would be more than happy to sit down with you and discuss the project in more detail. Thanks and let me know if you have any further questions.

Shawn

BY: BV

From: John Northrup <[john1northrup@gmail.com](mailto:john1northrup@gmail.com)> Date: 3/22/21 3:25 PM (GMT-08:00) To: Ryan Field <[rfield@staridaho.org](mailto:rfield@staridaho.org)> Cc: Shawn Nickel <[Snickel@staridaho.org](mailto:Snickel@staridaho.org)>

Subject: Re: Star Bungalows Sub

Hi Ryan,

Thank you for taking the time to discuss your initial view on the property adjacent to mine that you are in discussions with Walsh's folks on during their due diligence period prior to purchase. As I mentioned, there are many factors that will be of issue on what Walsh presented in the neighborhood meeting (scheduled same night as another council meeting) and I shared the questions of concerns with you that I had shared with him at that meeting. As I promised, here is the copy of the chart from Councilman Keyes that was accepted in the 12-8-20 council meeting that you mentioned you were not aware of.

<image0.jpeg> In that meeting we asked and were told that this wouldn't apply to any project that had already submitted to your department as of the 12-8-20 date but would be used for any project moving forward. You can listen to the meeting online if you need.

I will also send the letter from the attorney representing the other lot owners of Schreiner Subdivision that they are going to share with me sent to the current lot owner (Petch) that any sale will be subject to the CCR's which allows only a single residence to be built on the lot and must be disclosed in the contract along with their CCR's.

I am sharing the information widely so no one can claim they didn't know. That is why I made sure to keep record of the questions that I asked Walsh's group the night of the neighborhood meeting:

1) are you aware of the current lot transition requirements adjacent to the Special Transition Overlay Area? Yes

2)are you aware of the riparian/wetland area that was litigated on the adjacent property that continues into the subject property? No

3)are you aware of the CCR's on the lot in Schreiner Subdivision allowing only a single residence on the lot? Yes

4)have you filed an application with the City of Star? No

And why I shared the same questions with you. Thank you again, John Northrup

## **8-1A-9: Request For Reconsideration**

A. 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 <sup>N/A</sup> 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.
- B. 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.
- C. 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.
- D. All Noticing Shall Be Done In The Same Manner As All Public Hearings: If the applicant for reconsideration is not the property owner, they may post the notice of hearing sign that is required by ordinance in the right of way, if they have permission of the appropriate authority. The city council may waive this requirement, excepting publication costs. The city council shall consider all relevant facts regarding the reasons the property has not been properly posted and may direct any reasonable measures it wants to assure that the public has appropriate notice. The new hearing shall be conducted in the same manner as all public hearings.
- E. Public Hearing: The administrator will schedule a new public hearing for the application as allowed by this code and all noticing requirements shall be mandatory. The public hearing shall be limited to a discussion of the new information and the ultimate decision shall be a final action of the city council. No request for reconsideration may be accepted by the administrator on the decision of the city council from this hearing.
- F. Number Of Requests: One request for reconsideration by any party as stated in subsection A1 of this section, may be sought on any project.

(Ord. 303, 2-11-2020; amd. Ord. 310, 7-21-2020)

**FINDINGS OF FACT AND CONCLUSIONS OF LAW  
LANGTREE BUNGALOWS SUBDIVISION  
FILE NO. AZ-21-11/DA-21-16/PP-21-15/PR-21-08**

The above-entitled Annexation, Development Agreement, Preliminary Plat and Private Street land use application came before the Star City Council for their action on January 18, 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 an Annexation and Zoning (R-4), a Development Agreement, a Preliminary Plat and a Private Street for a proposed residential subdivision consisting of 103 residential lots and 21 common lots/common drive lots. The property is located at 9670 and 10090 W. Floating Feather Road in Star, Idaho, and consists of 27.09 acres with a proposed density of 3.8 dwelling units per acre. This application was originally heard by Council on October 5, 2021 and tabled to November 16, 2021. The applicant then requested the application to be tabled to January 18, 2022.

*B. Application Submittal:*

A neighborhood meeting was held on April 19, 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 June 17, 2021.

*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 September 16, 2021. 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 September 14, 2021. Notice was sent to agencies having jurisdiction in the City of Star on June 17, 2021. The property was posted in accordance with the Star Unified Development Code on September 17, 2021.

*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:*

	<b>Zoning Designation</b>	<b>Comp Plan Designation</b>	<b>Land Use</b>
<b>Existing</b>	Rural Urban Transition (RUT)	Neighborhood Residential	Single Family Residential/Agricultural
<b>Proposed</b>	R-4-DA	Neighborhood Residential	Single Family Residential
<b>North of site</b>	Rural Urban Transition (RUT) County Residential (R-3)	Neighborhood Residential	Single Family Residential/Agricultural/Star Middle School
<b>South of site</b>	Residential (R-2) Rural Urban Transition (RUT) County	Neighborhood Residential	Single Family Residential/Agricultural
<b>East of site</b>	Residential (R-3)	Neighborhood Residential	Single Family Residential/Agricultural/Approved Welton Estates
<b>West of site</b>	Residential (R-3-DA) Rural Urban Transition (RUT)	Neighborhood Residential	Single Family Residential/Agricultural Colt Place Subdivision

F. *Development Features.*

**ANNEXATION & REZONE:**

The annexation and zoning request of Residential (R-4) on the applicant’s property will allow for the subdivision of the property to develop with urban densities that will be consistent with the current Comprehensive Plan Map. The overall gross density of the proposed development is 3.80 dwelling units per acre. The current Comprehensive Plan Land Use Map designates this property as Neighborhood Residential, with an anticipated density of 3 to 5 dwelling units per acre. The requested density is within this designation. The requested zoning designation and density meets the intent of the Comprehensive Plan.

**PRELIMINARY PLAT & PRIVATE STREET:**

The application submitted is for an age restricted, private, gated community, regulated by restrictive CC&R’s. The Preliminary Plat submitted contains 103 residential lots, 17 common lots, 4 common drive lots and 1 private road lot for a total of 125 lots with a density of 3.80 dwelling units per acre. The buildable, residential lots range in size from 5,202 square feet to 15,625 square feet with an average buildable lot of 6,841 square feet. The applicant has indicated that the development will contain a total of 4.43 acres (15.4%) of open space. The applicant states that useable open space, not including street buffers and endcaps equal 3.67 acres (13.55%)



exceeding the requirement for usable open space in the current Unified Development Code, Section 8-4E-2. The development will be accessed from a single ingress/egress off W. Floating Feather Road. An emergency access is proposed at the far north end of the development that will connect through the Star Acres Subdivision lot owned by the applicant. This access shall have appropriate traffic control devices as approved by the Star Fire District to prevent full time access to the north. The applicant states they have worked out an emergency access agreement with the property owner to the east to allow a secondary access through a common driveway. **Internal streets are proposed to be private and proposed to measure 33 feet from back of curb to back of curb with a right of way of 47 feet. This does not satisfy Section 8-4D-34B (4) of the UDC which calls for roads to be 36 feet from back of curb to back of curb in a 50 foot right of way. The applicant is requesting a reduction in the width of the roadway.**

The development will have a thirty (30) foot buffer along Floating Feather Road with a minimum of five (5) feet high berm/fence satisfying the Unified Development Code section 8-8C-2, J4b. There will also be a five (5) foot detached sidewalk along Floating Feather which will satisfy section 8-4A-17 of the UDC.

The current Unified Development Code, Section 8-4E-2 requires a development of this size to have a minimum of 3 site amenities. The applicant is proposing a central park with a clubhouse, pickleball court, connected pathways throughout the development and if approved by the irrigation district, a pathway along the canal that bisects the property. There is also a 2.7-acre park in the northwest corner of the property.

#### **ADDITIONAL DEVELOPMENT FEATURES:**

- Sidewalks  
Applicant is proposing five (5) foot wide attached sidewalks 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 not submitted a streetlight plan. The applicant has not provided a streetlight design/cut sheet with the application, this will be required and must be approved by Staff before final plat approval.**
- Street Names  
Applicant has provided verification from Ada County that the proposed street names have been approved. There were changes required of the applicant and all changes are reflected on the submitted preliminary 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 landscape plan as submitted appears to meet the requirements for trees in the street buffer along W. Floating Feather Road and the common open area.
- **School Pathway Lot**– The City had requested that the Applicant provide a 6-foot common lot along the eastern boundary of the subdivision to allow for the future school pathway from W. Floating Feather Road to the Star Middle School. The Welton Estates Subdivision to the east has also provided a 6-foot lot for the other half of the future pathway. The submitted preliminary plat indicates Lot 42 as that common lot. Staff is requiring that the lot be dedicated to the City of Star at final plat and that the lot be extended through Lot 68 and to the southeast corner of the development. Staff is also recommending that rear lot fencing along the future pathway common lot be open style fencing to enhance student safety on the pathway.
- **Setbacks** – Applicant is requesting a front set back of ten (10) feet to living area, as opposed to the fifteen (15) feet in the R-4 code. All other setbacks in the R-4 zoning district shall be met.
- **Mailbox Cluster** – Star Postmaster, Mel Norton, has authorized the mailbox cluster to be placed on the east side of the main entry in front of the gate and facing N. Langtree Lane. This letter is part of the applicant packet.

## **DEVELOPMENT AGREEMENT**

Through the Development Agreement process, the applicant is proposing to work with the City and neighboring property owners to provide further insurances that the development will be built as presented and/or modified by the Council through the review process. Items that should be considered by the applicant and Council include the following:

- Density;
- ITD Proportionate Share Fees;
- Private Road Maintenance;
- Private Road Study Every Three (3) Years;
- Fencing and Berming Adjacent to Existing Neighborhoods

- Fencing along School Pathway
- Dedication of Pathway Lot to the City
- Emergency Access/Easements
- Future Development

*G. Existing Site Characteristics:*

**Existing Site Characteristics:** The property is currently in agricultural use with a single-family home and outbuildings.

**Irrigation/Drainage District(s):** - Middleton Irrigation Association, Inc.  
Middleton Mill Ditch Company  
PO Box 848  
Middleton, ID 83644

**Flood Zone:** A small portion of the eastern edge of the property is in a Special Flood Hazard Area. The rest of the parcel is NOT located in a Special Flood Hazard Area.

**FEMA FIRM Panel:** 16001C0130J

**FIRM Effective Date:** 06/19/2020

**Flood Zone:** Zone A

LOMR 20-10-1292P has been filed with FEMA and becomes effective on October 14, 2021 that will remove this portion of the development from the Special Flood Hazard Area.

**Special On-Site Features:**

- ★ Areas of Critical Environmental Concern – No known areas.
- ★ Evidence of Erosion – No known areas.
- ★ Fish Habitat – No known areas.
- ★ Mature Trees – Yes, Mitigation is TBD.
- ★ Riparian Vegetation – No known areas.
- ★ Steep Slopes – No.
- ★ 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.
- ★ Wildlife Habitat – No wildlife habitat has been developed or will be destroyed.
- ★ Historical Assets – No historical assets have been observed.

*H. Agencies Responding:*

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

Keller and Associates

July 13, 2021; Follow up Letter Pending

ITD	October 1, 2021
ACHD	August 11, 2021
DEQ	June 25, 2021
Star Fire District	September 23, 2021
Ada County Dev. Services	June 18, 2021
Central Dist. Health	June 25, 2021
ID Dept. Water Resources	June 21, 2021

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

Mo Haws  
 John Ford  
 Ann Kuck  
 John Northrup  
 Robert Fehlau  
 Petition from Neighbors

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

Comprehensive Plan:

8.2.3 Land Use Map Designations:

Neighborhood Residential:

Suitable primarily for single family residential use. Densities in the majority of this land use area are to range from 3 units per acre to 5 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 adjacent to existing residential lots of one acre and larger where those existing larger lots are not likely to be subdivided in the future.

8.3 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:

- Manage urban sprawl in order to minimize costs of urban services and to protect rural areas.

- Retain and encourage rural areas where it will not result in increased costs for urban service.
- 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
- C. Site layout within the Special Transition Overlay Area is to provide for a transition in density and lot sizing. Base densities may be significantly reduced or home sites may be clustered to increase open space within a portion of a site when property is within this overlay.

#### 8.5.4 Policies Related to The Special Transition Overlay Areas:

- A. Development adjacent to and within the Special Transition Overlay Area is to provide for an appropriate transition between existing and new home sites where new urban development is being planned adjacent to previously approved and constructed rural county developments of years past. This may include new abutting lots to be one acre in size or may include buffering.
- B. Site layout is to provide for a transition in density and lot sizing with all policies regarding compatibility herein applying.
- C. Modified street sections, such as with no curbs gutters or sidewalks, should be encouraged for adjacent compatibility where determined appropriate.
- D. When an urban density residential development is planned with lots that directly abut lots within a Special Transition Overlay Area an appropriate transition is to be provided for the two abutting residential lot types. A transition must take into consideration site constraints that may exist and may include clustering of the urban lots in order to provide an open space area avoiding urban lots directly abutting Special Transition Overlay Area lots, or may include the provision of a buffer strip avoiding urban lots directly abutting Special Transition Overlay Area lots, or may include setbacks within the urban lots similar to the Special Transition Overlay Area lots directly abutting, or may include the provision of one half to one acre size lots directly abutting the Special Transition Overlay Area lots.
- E. Larger setbacks should be required for new lots planned to abut existing Special Transition Overlay Area lots.

#### 8.5.9 Additional Land Use Component Policies:

- Encourage flexibility in site design and innovative land uses.
- Encourage landscaping to enhance the appearance of subdivisions, structures, and parking areas.
- Require more open space and trees in subdivisions.
- 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.
- The City should utilize the 2018 Treasure Valley Tree Selection Guide when requiring trees within developments.

#### 18.4 Implementation Policies:

- E. 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.

<b>ZONING DISTRICT USES</b>	<b>A</b>	<b>R-R</b>	<b>R</b>
Accessory structure	A	A	A
Dwelling:			
Multi-family 1	N	N	C
Secondary 1	A	A	A
Single-family attached	N	N	C
Single-family detached	P	P	P
Two-family duplex	N	N	P

### 8-3A-3: USES WITHIN ZONING DISTRICTS

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

### 8-3A-4: ZONING DISTRICT DIMENSIONAL STANDARDS:

<b>Zoning District</b>	<b>Maximum Height Note Conditions</b>	<b>Minimum Yard Setbacks Note Conditions</b>			
		<b>Front(1)</b>	<b>Rear</b>	<b>Interior Side</b>	<b>Street Side</b>
R-4	35'	15' to living area 20' to garage face	15'	5' per story (2)	20'
R-5	35'	15' to living area/side load garage 20' to garage face	15'	5'	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. 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.

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

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

#### **A. Design Standards:**

1. **Easement:** The private street shall be constructed on a perpetual ingress/egress easement or a single platted lot (with access easement) that provides access to all applicable properties.
2. **Connection Point:** Where the point of connection of the private street is to a public street, the private street shall be approved by the transportation authority.
3. **Emergency Vehicle:** The private street shall provide sufficient maneuvering area for emergency vehicles as determined and approved by the Star Fire District.
4. **Gates:** Gates or other obstacles shall not be allowed, unless approved by Council through a Planned Unit Development or Development Agreement.

#### **B. Construction Standards:**

1. Obtain approval from the county street naming committee for a private street name(s);
2. Contact the transportation authority to install an approved street name sign that complies with the regulations of the county street naming ordinance;
3. **Roadway and Storm Drainage:** The private street shall be constructed in accord with the roadway and storm drainage standards of the transportation authority or as approved by the city of Star based on plans submitted by a certified engineer.
4. **Street Width:** The private street shall be constructed within the easement and shall have a travel lane that meets ACHD width standards for the City of Star, or as determined by the Council and Star Fire District.
5. **Sidewalks:** A five foot (5') attached or detached sidewalk shall be provided on one side of the street in commercial districts. This requirement may be waived if the applicant can demonstrate that an alternative pedestrian path exists.
6. **Fire Lanes:** All drive aisles as determined by the Star Fire District to be fire lanes, shall be posted as fire lanes with no parking allowed. In addition, if a curb exists next to the drive aisle, it shall be painted red.
7. No building permit shall be issued for any structure using a private street for access to a public street until the private street has been approved.

#### **C. The applicant or owner shall establish an on-going maintenance fund through the Owner's**

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

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

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

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

- A. The design of the private street meets the requirements of this article;
- B. Granting approval of the private street would not cause damage, hazard, or nuisance, or other detriment to persons, property, or uses in the vicinity; and

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

**8-4E-2: 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.

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.

E. Maintenance:

1. All common open space and site amenities shall be the responsibility of an owners' association for the purpose of maintaining the common area and improvements thereon.

**8-1E-1: DEFINITIONS - TERMS DEFINED**

TRANSITIONAL LOT OR PROPERTY: The size of a new residential lot when being proposed adjacent to an established residential use. The ratio for lots adjacent to properties shall be determined on a case-by-case basis, when considering the size of the development potential for the existing use. This shall not be required if separated by an existing roadway or large canal where the distance between new structures and existing structures equal or exceed 100 feet.

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

When development is planned with lots that directly abut existing lots within a Rural Residential area, or "Special Transition Overlay Area" as shown on the Comprehensive Plan Land Use map, an appropriate transition shall be provided for the two abutting residential lot types. A transition shall take into consideration site constraints that may exist and may include clustering of the urban lots in order to provide an open space area avoiding urban lots directly abutting rural residential lots, or may include the provision of a buffer strip avoiding urban lots directly abutting rural residential lots, or may include setbacks within the urban lots similar to the rural residential lots directly abutting, or may include the provision of one half to one acre size lots directly abutting the rural residential lots.

**8-1B-1C ANNEXATION/REZONE 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 Land Use is to encourage the development of a diverse community that provides a mixture of land uses, housing types, and a variety of employment options, social and recreational opportunities, and where possible provides an assortment of amenities within walking distance of a residential development. The Council finds that this annexation is in compliance with the Comprehensive Plan.*

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

*The Council finds that that the proposal complies with the proposed district and purpose statement. The purpose of the residential districts is to provide regulations and districts for various residential neighborhoods with gross densities in compliance with the intent of the Comprehensive Plan designation. Housing shall be single family detached unless approved with a PUD or development agreement. Connection to municipal water and sewer facilities are required for all subdivision and lot split applications in all districts exceeding one dwelling unit per acre. Private streets may be approved in this district for access to newly subdivided or split property.*

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

*The Council finds that there is no indication from the material and testimony submitted that the rezoning 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. Emergency services were reviewed and mitigation recommended by the Star Fire District.*

5. The annexation is in the best interest of the city.

*The Council finds the annexation request is reasonably necessary for the continued, orderly development of the City.*

#### **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.*
- 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 January 11, 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:
  - Debra Nelson

- Josh Jantz
- Ron Walsh
- Patrick Drake
- Maryanne Saunders
- Russell Jensen
- Mo Haws
- Bob Fehlau
- Kurt Krause
- Carol Ward
- John Northrop
- Maxine McCombs
- Geoff Bauchman
- Katy Slater
- Michael Keyes
- Joe Pachner

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, 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 annexation and zoning and platting of the development. Review and discussion included development layout, access and street configuration, setbacks, open space, pathways, landscaping, and transitional lots. The Council concluded that the Applicant’s request meets the requirements for annexation and preliminary plat. Council hereby incorporates the staff report dated October 5, 2021, together with the hearing 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.

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

- Provide emergency access to the east to connect to Welton Estates Subdivision
- All streets shall be a minimum 36’ in width



- Relocate the pickleball court from the natural area common lot to the central open space common lot
- Provide a loop trail in the natural park area and provide with a natural pathway surface
- Provide minimum ½ acre lots or open space along the northern boundary of the subdivision immediately adjacent to the transition zone
- Development is limited to a maximum density of 3.4 dwelling units per acre
- Lots along the western boundary shall match lot lines with the existing Colt Place Subdivision
- Provide concrete pathway to the school along the entire eastern boundary of the northern portion of the development
- Provide 7' sidewalk on Floating Feather Road, subject to ACHD approval
- Council approves the requested front yard setback reduction of 10' for living area. All remaining setbacks shall conform to the R-4 standards in place at the time of approval of the preliminary plat.

#### **Conditions of Approval:**

1. The approved Preliminary Plat for the Langtree Bungalows Subdivision shall comply with all statutory requirements of applicable agencies and districts having jurisdiction in the City of Star.
2. **All private streets shall have a minimum street width of 36' and shall be constructed to ACHD standards unless a reduced width is approved by Council.**
3. 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. 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 as part of the ordinance for annexation and zoning and shall contain the details of the fees to be collected.
4. **Applicant shall satisfy all ACHD requirements prior to issuing building permits.**
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 any building permits being issued.** Design shall follow Code with requirements for light trespass and "Dark Skies" lighting. **Applicant/Owner shall submit a streetlight design/cut sheet for approval by city staff prior to Final Plat approval.**
6. Street trees shall be installed per Chapter 8, including Section 8-8C-2-M(2) Street Trees including one (1) tree per thirty-five (35) linear feet.
7. **A revised landscape plan shall be submitted to the City showing open style fencing along the eastern back yards of all lots adjacent to school pathway lot prior to approval of the Final Plat.**
8. Common area trees shall be provided as stated in Section 8-8C-2, J5, including one (1) tree per four thousand (4,000) square feet.

9. The property with the approved Preliminary Plat shall be satisfactorily weed abated, preventing a public nuisance, per Star City Code.
10. The entrance to W. Floating Feather Road shall be cleaned nightly to include dirt, dust, rocks, mud, and other debris. All trash shall be secured on site and trash receptacles emptied on a regular basis to avoid blowing debris.
11. During the entire construction process, dust from the site must be minimized as much as possible. Water trucks should be used as appropriate. Excess dust could result in fines and or work stoppage.
12. All signed Irrigation District Agreements with the Irrigation Districts shall be provided to the City of Star with each subsequent Final Plat application.
13. 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.
14. **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.**
15. A plat note supporting the "Right to Farm Act" as per Idaho Code Title 22, Chapter 45, shall be shown on the Final Plat.
16. A copy of the CC&R's shall be submitted to the City of Star at Final Plat.
17. 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.
18. A plat note shall state that development standards for residential development shall comply with the effective building and zoning requirements at the time of preliminary plat approval, and/or as amended in the Development Agreement.
19. Development standards for single family residential units shall comply with effective building and zoning requirements at the time of preliminary plat approval, and/or as amended in the Development Agreement.
20. All common areas shall be owned and maintained by the Homeowners Association.
21. 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.**
22. A sign application is required for any subdivision signs.
23. **Owner/Developer will agree to install at least one, 2" maximum (High Density Polyethylene) HDPE SDR-11 roll pipe/conduit in the joint utility trench to be used for future fiber optic and/or copper telecommunication cables.**

#### **Council Decision:**

The Council voted 3-1 to approve the Annexation, Development Agreement, Preliminary Plat and Private Streets for Langtree Bungalows Subdivision on January 18, 2022.

Dated this 15th day of February 2022.

Star, Idaho

By: \_\_\_\_\_

Trevor A. Chadwick, Mayor

ATTEST:

  
\_\_\_\_\_  
Jacob M. Qualls, City Clerk

