

AMENDED 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.

Original Findings of Fact and Request for Reconsideration:

On February 15, 2022, the Original Findings of Fact were approved by City Council. On March 1, 2022, Staff received a letter from "Residents of the Special Transition Overlay Area, north of the Proposed Langtree Bungalows Subdivision" requesting Reconsideration of the Council's decision to approve the subdivision. On March 28, 2022, both the Applicant and the group requesting the reconsideration came to an agreement on the issues and concerns brought up as part of the Reconsideration request. Staff has reviewed the proposed changes and has confirmed that the items being agreed upon were all issues discussed as part of the January 18, 2022 Public Hearing. Staff revised the original Findings of Fact and has incorporated the additional conditions (highlighted in red) within these Findings of Fact, to be reapproved by Council on April 5, 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:

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

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

8-3A-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:

Zoning District	Maximum Height Note Conditions	Minimum Yard Setbacks Note Conditions			
		Front(1)	Rear	Interior Side	Street Side

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. 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.
- 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. Council approved Private Streets within the subdivision.
- Relocate the pickleball court from the natural area common lot to the central open space common lot south of the Foothill Ditch
- Provide a loop trail in the natural ~~park~~ area common lot and provide with a natural pathway surface. The loop trail will be located within 50' of the boundaries of the three lots adjacent to the natural area common lot. Except for the loop trail and any vegetation planted within the 50' ara, the remainder of the natural area common lot shall not be disturbed except for the removal of dead vegetation.
- 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.
- The natural area common lot shall extend east to include a minimum area of 105' wide along the north property boundary only adjacent to the transition zone. This common lot shall be landscaped between White Willow Lane and the north property boundary including a berm with a mix of evergreen and deciduous trees planted along the top and plantings on both sides. The berm shall start at the northeast corner of this common lot and run approximately 540' along the northern boundary and then curve southwest and shall terminate approximately 50' north of the northern-most lot on the west side of Black Elm Lane. The berm shall be 6' in height

on the eastern half and 8' in height on the western half. This common lot shall be fenced with a 3-rail vinyl open fence 4' in height along the northern boundary and the western boundary terminating at the northern boundary of the Foothill Ditch irrigation easement.

- The one, northernmost lot on the west side of Black Elm Lane is limited to a single-story home.
- The Applicant shall submit a revised Preliminary Plat and Landscape Plan, with all conditioned changes, to Staff, prior to approval of the Development Agreement.

Conditions of Approval:

1. The approved revised 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 5th day of April 2022.

Star, Idaho

By: _____

Trevor A. Chadwick, Mayor

ATTEST:

Jacob M. Qualls, City Clerk



March 28, 2022

To: City of Star, Idaho

From: Walsh Group LLC as applicant for Langtree Bungalows, regarding the Request For Reconsideration for Langtree Bungalows, submitted March 1st, 2022. Star File No. AZ-21-11/DA-21-16;PP-21-15/PR-21-08.

Mayor, Council and Staff,

On March 16th we met with Robert Fehlau and the adjacent homeowners John Northrup, Maxine McCombs, Lee Swanson and Mathew Knott, the new owner of the two lots previously owned by Walsh Group, to address some of the concerns listed in the Request for Reconsideration for the Langtree Bungalows Subdivision dated 3/1/22. File No. AZ-21-11/DA-21-16;PP-21-15/PR-21-08.

Walsh Group presented them with the attached letter dated March 22, 2022. That letter states five points in which *"The Walsh Group will request that the City incorporate certain terms into Amended Findings of Fact or the Development Agreement for the Langtree Bungalows."*

The terms include:

(1) The natural area common lot shall extend east to include a minimum area of 105' wide along the north property boundary only adjacent to the transition zone. This common lot shall be landscaped between White Willow Lane and the north property boundary including a berm with a mix of evergreen and deciduous trees planted along the top and plantings on both sides. The berm shall start at the northeast corner of this common lot and run approximately 540' along the northern boundary and then curve southwest and shall terminate approximately 50' north of the northern-most lot on the West side of Black Elm. The berm shall be 6' in height on the eastern half and 8' in height on the western half. This common lot shall be fenced with a 3-rail vinyl open fence 4' in height along the northern boundary and the western boundary terminating at the northern boundary of the Foothill Ditch irrigation easement.

(2) The one northern-most lot on the West side of Black Elm Lane is limited to a single-story home.

(3) Remove the front yard setback reduction of 10' for living area.

(4) Relocate the pickleball court from the natural area common lot to the central open space common lot South of the Foothill Ditch.

(5) The loop trail in the natural area common lot will be located within 50' of the boundaries of the three lots adjacent to the natural area common lot. Except for the loop trail and any

vegetation planted within the 50' area, the remainder of the natural area common lot shall not be disturbed except for the removal of dead vegetation."

We would request that these terms be added to an Amended Findings of Fact so that these changes are binding upon the Langtree Bungalows development. We have been assured by Staff that we will be able to review the amended text previous to review by Council.

Concurrent with Council's acceptance of these new conditions, Robert Fehlau and all signers on the Request for Reconsideration will withdraw the pending Request For Reconsideration, and agree to not file any additional Requests for Reconsideration or seek judicial review.

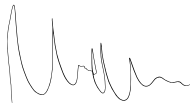
We would like to thank Robert Fehlau and the Residents of the Special Transition Overlay Area for working with us in good faith to create what we feel is a good solution to their concerns. We believe that this process has been successful in creating a solution that is beneficial to the future of the City of Star.

Mayor, Council and Staff, thank you for your time and consideration.

Regards,



Ron Walsh
Manager, Walsh Group LLC
PO Box 1297 Eagle, ID 83616
(208) 867-8682
ron@walshgrp.com



Nick Walsh
Manager, Walsh Group LLC
PO Box 1297 Eagle, ID 83616
(805) 801-7974
nick@walshgrp.com

To: City of Star, Idaho

March 23, 2022

BY: BN

From: Residents which submitted and signed the Request For Reconsideration for Langtree Bungalows, submitted March 1st, 2022. Star File No. AZ-21-11/DA-21-16;PP-21-15/PR-21-08.

Representative: Bob Fehlau, 2203 N. Sunny Ln., Star Id. 208-695-9187

Mayor, Council and Staff,

We were contacted on March 14th, 2022 by Nick Walsh of the Walsh Group requesting a meeting to address some of the concerns listed in our Request for Reconsideration for the Langtree Bungalows Subdivision dated 3/1/22. File No. AZ-21-11/DA-21-16;PP-21-15/PR-21-08.

The adjacent home owners John Northrup, Maxine McCombs, Lee Swanson, Mathew Knott, the new owner of the two lots previously owned by the Walsh Group and myself, Bob Fehlau, met with Nick and Ron Walsh two days later on March 16th.

With that meeting, discussions with other homeowners and several productive revisions, the Walsh group presented us with the attached letter dated March 22, 2022. That letter states five points in which *"The Walsh Group will request that the City incorporate certain terms into Amended Findings of Fact or the Development Agreement for the Langtree Bungalows."*

The terms include:

(1) The natural area common lot shall extend east to include a minimum area of 105' wide along the north property boundary only adjacent to the transition zone. This common lot shall be landscaped between White Willow Lane and the north property boundary including a berm with a mix of evergreen and deciduous trees planted along the top and plantings on both sides. The berm shall start at the northeast corner of this common lot and run approximately 540' along the northern boundary and then curve southwest and shall terminate approximately 50' north of the northern-most lot on the West side of Black Elm. The berm shall be 6' in height on the eastern half and 8' in height on the western half. This common lot shall be fenced with a 3-rail vinyl open fence 4' in height along the northern boundary and the western boundary terminating at the northern boundary of the Foothill Ditch irrigation easement.

(2) The one northern-most lot on the West side of Black Elm Lane is limited to a single-story home.

(3) Remove the front yard setback reduction of 10' for living area.

(4) Relocate the pickleball court from the natural area common lot to the central open space common lot South of the Foothill Ditch.

(5) The loop trail in the natural area common lot will be located within 50' of the boundaries of the three lots adjacent to the natural area common lot. Except for the loop trail and any vegetation planted within the 50' area, the remainder of the natural area common lot shall not be disturbed except for the removal of dead vegetation."

We would request that these terms be added to an Amended Findings of Fact so that we are assured that these changes are binding for any developer working within the Langtree Bungalows Subdivision Development Agreement with the City of Star.

We have been assured by Staff that we will be able to review the Amended Text previous to review by Council.

Upon acceptance and adoption by Council of the Amended Findings of Fact and Conclusions of Law, we agree to withdraw our pending Request For Reconsideration, not file any additional Requests for Reconsideration or seek judicial review.

We would like to thank Nick and Ron Walsh for working with us in good faith to create what we feel is a good solution to our concerns. We believe that this process has been successful in creating a solution that is beneficial to the future of the City of Star.

Mayor, Council and Staff, thank you for the opportunity to participate in this process.

Thank you for your time and consideration,

Concerned Residents of the Special Transition Overlay Area,

Written Name

Signature

Address

LEON KUCK	[Signature]	10377 W ROLLING HILLS DR
ANN KUCK	[Signature]	10377 W ROLLING HILLS DR
LISA JENSEN	[Signature]	2373 N. SUNNY LN
RUSSELL JENSEN	[Signature]	2373 N SUNNY LN
John Northrup	[Signature]	2333 N Stardust Farm Ln, Star, ID
Mary Maxine McBride	[Signature]	2211 N Schreiner Ln, Star, ID
Angie Lucas	[Signature]	2707 Rolling Hills Dr Star, ID
Albert Ackers	[Signature]	2707 ROLLING HILLS DR
CRAIG TARBET	[Signature]	2275 N. SUNNY LANE

Written Name

Signature

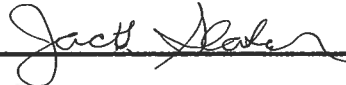
Address

Katy Slater



2091 N. Sunny Lane STAR, ID

Jack Slater



2091 N. Sunny Ln Star, ID

Wally Tarbet SALLY TARBET

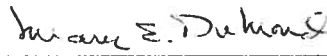
2275 N. SUNNY LN. STAR, ID

Philip E. Duhamel



10060 W. Rolling Hills Dr. STAR, ID

Mary E. Duhamel



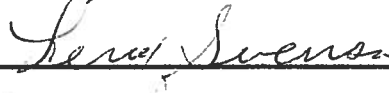
10060 W. Rolling Hills Dr., STAR, ID

Brian Twilegar




2025 N. Rolling Hills Dr Star, ID

LEROY SWANSON



9925 W. ROLLING HILLS DR
STAR, ID

DUANE JOHNS



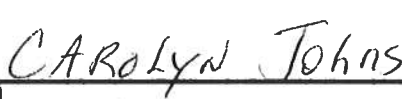
10300 ROLLING HILLS DR
STAR

Matthew Knott



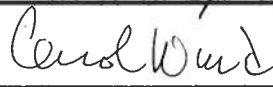
TBD N Schreiner Ln.
Star, ID

Carolyn Johns



10300 W Rolling Hills
Star 8366

Carol Ward



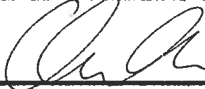
2690 Sunny Ln Star 83669

Robin Fehlau



2203 Sunny Ln Star 8366

Kurt Krause



9951 W. Rolling Hills Dr 8366

Leslie Krause



9951 W. Rolling Hills Dr 8366

ROBERT FEHLAU



2203 N. SUNNY LN. STAR

March 22, 2022



Bob Fehlau
2203 N. Sunny Lane
Star, Idaho 83669
rfehlau@hotmail.com

Dear Mr. Fehlau,

We are making a good faith attempt to resolve the issues raised in your Request for Reconsideration for Langtree Bungalows dated February 26, 2022 in City of Star File No. AZ-21-11/DA-21-16;PP-21-15/PR-21-08. The Walsh Group will request that the City incorporate certain terms into Amended Findings of Fact or the Development Agreement for the Langtree Bungalows. In exchange, you and all residents of the special transition overlay area who signed the Request for Reconsideration agree to not further request reconsideration or seek judicial review in this matter.

The terms include:

- (1) The natural area common lot shall extend east to include a minimum area of 105' wide along the north property boundary only adjacent to the transition zone. This common lot shall be landscaped between White Willow Lane and the north property boundary including a berm with a mix of evergreen and deciduous trees planted along the top and plantings on both sides. The berm shall start at the northeast corner of this common lot and run approximately 540' along the northern boundary and then curve southwest and shall terminate approximately 50' north of the northern-most lot on the West side of Black Elm. The berm shall be 6' in height on the eastern half and 8' in height on the western half. This common lot shall be fenced with a 3-rail vinyl open fence 4' in height along the northern boundary and the western boundary terminating at the northern boundary of the Foothill Ditch irrigation easement.
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- (5) The loop trail in the natural area common lot will be located within 50' of the boundaries of the three lots adjacent to the natural area common lot. Except for the loop trail and any

vegetation planted within the 50' area, the remainder of the natural area common lot shall not be disturbed except for the removal of dead vegetation.

The Walsh Group is confident that it could prevail in a judicial review of this matter but recognizes that monetary and other costs of litigation justify a good faith effort to settle this dispute in a timely matter.

This letter is without prejudice to, nor does it raise an estoppel against, nor result in a waiver or election of, any and all rights of the Walsh Group at law or in equity or under any agreement of the parties. I am happy to discuss this offer with you further if you would like.

If you agree to this offer, please provide such a statement agreeing to these terms that is signed by you and all of the residents of the special transition overlay area who signed your original Request for Reconsideration. Shawn at the city has requested your letter by Monday March 28th to get this on the Council agenda for approval at the April 5th hearing.

Sincerely,

John "Nick" Walsh
Walsh Group
(805) 801-7974
nick@walshgrp.com

