

FINDINGS OF FACT AND CONCLUSIONS OF LAW
NAISMITH COMMONS SUBDIVISION
FILE NO. AZ-22-10/DA-22-11/PP-22-15

The above-entitled Annexation, Development Agreement and Preliminary Plat land use applications came before the Star City Council for their action on April 18, 2023, 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, and Preliminary Plat for a proposed residential subdivision consisting of 208 residential lots and 26 common lots. The property is located at 8895 W. Joplin Road in Star, Idaho, and consists of 52.54 acres with a proposed density of 3.96 dwelling units per acre. The subject property is generally located near the southeast corner of W. Joplin Road and N. Can Ada Road. Ada County Parcel No's. S0419314950 & S0419325800.

B. Application Submittal:

A neighborhood meeting was held on March 17, 2022, 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 September 7, 2022.

C. Notice of Public Hearing:

Notice of Public Hearing on the application for the City of Star Council was published in accordance with the requirements of Title 67, Chapter 65, Idaho Code and the Star Unified Development Code on February 19, 2023. Notice of this public hearing was mailed to property owners within three-hundred feet (300') of the subject property in accordance with the requirements of Title 67, Chapter 65, Idaho Code and Star Unified Development Code on February 16, 2023. Notice was sent to agencies having jurisdiction in the City of Star on September 7, 2022. The property was posted in accordance with the Star Unified Development Code on February 24, 2023.

D. History of Previous Actions:

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

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

	Zoning Designation	Comp Plan Designation	Land Use
Existing	Rural Urban Transition (RUT)	Neighborhood Residential	Vacant/Agricultural Use
Proposed	Residential (R-4)	Neighborhood Residential	Single Family Residential
North of site	Rural Urban Transition (RUT)	Neighborhood Residential	Single Family Residential /Agricultural
South of site	Rural Urban Transition (RUT)	Neighborhood Residential	Single Family Residential /Agricultural
East of site	Residential (R-3)/Rural Urban Transition (RUT)	Neighborhood Residential	Single Family Residential (Starpointe Subdivision) Jerry Gage Property
West of site	AG (Canyon Co.)	Estate Rural Residential	Vacant/Agricultural Use

F. *Development Features:*

ANNEXATION & ZONING:

The applicant is requesting approval of an annexation and zoning application with a zoning designation of Residential (R-4-DA) on 52.54 acres. This zoning district would allow for a maximum residential density of 4 dwelling units per acre. The property is located in an area that will be serviceable with central sewer and water provided by Star Sewer and Water District in the near future. The property will be accessed by a public road and all roads in the development will be public. The zoning request includes a development agreement that will address future density and development standards.

PRELIMINARY PLAT:

The Preliminary Plat submitted contains 208 single family residential lots and 23 common area lots, 3 of which are shared driveways, on 52.54 acres with a proposed density of 3.96 dwelling units per acre. The lots will have access and frontage from public streets. Lots will range in size from 6,550 square feet to 8,883 square feet with the average buildable lot being 6,827 square feet. Lot 1, Block 13 on the east side of the eastern collector road appears to be a lot providing for an existing barn or accessory building. **Staff will require additional detail from the applicant on how the structure located on this lot is intended to be used as an accessory use, and how it will meet required setbacks.**

The submitted preliminary plat shows all local roads with a 50-foot wide right of way with paved streets measuring 36 feet from back of curb to back of curb. Primary access for the development will be on W. Tybee Street from N. Can Ada Road. The development will also have access to W.

Joplin Road on the north of the development from N. Sellwood Avenue. A north/south collector roadway is proposed along the entire eastern boundary of the development, per ACHD requirements. This collector street will stub to the south for future access and circulation for the area. **The Applicant is also proposing a stub street near the northwest corner of the property. Staff suggests that this road be moved north and placed between lots 5 & 6 of Block 11 on the preliminary plat.**

The submitted preliminary plat shows the three shared drives as 28-feet wide with a ribbon curb. While all shared drives must be approved by the Fire Department, this width satisfies the Unified Development Code requirements. The Applicant is proposing the entry to the development to have a 61-foot right of way with an 8-foot wide median, separating 21 feet wide travel lanes from back of curb to back of curb. **Sidewalks will need to be detached with a minimum 6-foot-wide landscape strip.**

The submitted preliminary plat shows the road improvement along Can Ada to have a 5-foot-wide sidewalk. **N. Can Ada Road is classified as a Collector and the Unified Development Code, Section 8-4A-17 requires all sidewalks along Collector roads to be detached with a 7-foot-wide sidewalk.** The applicant is proposing 13 feet of barrow ditch between the road and sidewalk for drainage, this satisfies the code. Landscaping and street trees will need to be planted on the subdivision side of the proposed sidewalk within the common lot. The proposed W. Joplin Road Section shows a 5-foot-wide detached sidewalk with an 8-foot-wide parkway planter strip. **Joplin Road is classified as a Collector and the sidewalk will need to be 7 feet wide.** Sidewalks within the development on the local streets are proposed to be attached with a 5-foot wide, concrete sidewalk. **Code requires all sidewalks to be detached with a minimum 6-foot-wide landscape strip.** Street names must be obtained by the Ada County Street Naming Committee prior to signature of the final plat. The applicant is proposing 8.08 acres (15.4%) of open space which satisfies the Unified Development Code. **The Applicant states that 7.69 acres (14.6%) of the open space is usable, however the submitted plans do not detail the space or amenities. This will need to be detailed and approved by Staff prior to final plat approval.**

The Unified Development Code, Section 8-4E-2 requires a development of this size to have a minimum of 5 site amenities. The applicant has not provided any details on amenities. Details on the types of amenities shall be provided to Council at the public hearing and a revised landscape plan will be required, calling out location and type of amenity before the final plat can be signed.

ADDITIONAL DEVELOPMENT FEATURES:

- **Sidewalks**
Internal sidewalks are proposed at five-foot (5') widths and to be attached throughout the development. **Section 8-4A-17 of the Unified Development Code requires sidewalks along local streets to be five-foot (5') wide, detached with a six-foot wide (6') parkway planter strip on both sides of roadway. Applicant will**

need to provide updated site plan showing this requirement has been met. Sidewalks along N. Can Ada Road and W. Joplin Road need to be seven-foot wide (7') and the applicant is showing 5 feet. This will also need to be updated on the revised site plan.

- Lighting

Streetlights shall reflect the "Dark Sky" criteria with all lighting. The same streetlight design shall continue throughout the entire development. The applicant has submitted a proposed streetlight plan. All proposed light locations satisfy City code. Applicant has provided a streetlight plan that meets City code for the location of the proposed streetlights. The applicant has provided the city pictures of the streetlights they are proposing in the development. These lights meet the style and intent of the city code. **Staff recommends one streetlight be added at the intersection of W. Quoddy Way and N. Highbrook Avenue.**

- Street Names

Applicant has not provided documentation from Ada County that the street names are acceptable and have been approved. This will be required at final plat

- Subdivision Name

Applicant has provided a letter from Ada County that the subdivision name has been approved and reserved for this development. The subdivision name approved shall match the final plat prior to signatures on the mylar.

- Landscaping - As required by the Unified Development Code, Chapter 8, Section 8-8C-2-M (2) Street Trees; A minimum of one street tree shall be planted for every thirty-five (35) linear feet of street frontage. The applicant shall use "Treasure Valley Tree Selection Guide", as adopted by the Unified Development Code. Section 8-8C-2, J5 states that a minimum of one deciduous shade tree per four thousand (4,000) square feet of common area shall be provided. **The submitted landscape plan does not satisfy these requirements for open space and street trees. The Applicant shall submit a revised landscape plan showing the correct number of trees in the open space. With detached sidewalks, all street trees should be shown on the plan. If street trees are to be planned by the builder, the Certificate of Occupancy may be withheld pending confirmation that the correct number and species of tree(s) have been planted.**

- Setbacks – **The applicant is not requesting a setback waiver and will follow the setbacks for the R-4 zone identified in this report.**

- Block lengths – All blocks shall meet the 750' block length requirement. **The Applicant is showing Blocks 1 & 7 exceeding the maximum requirement. These road lengths will require waiver approval from Council or traffic calming measures.**
- Mailbox Cluster – **Applicant has not provided documentation from the Postmaster depicting the approved location for the mailbox cluster. This will be required prior to signing the final plat.**
- Phasing – The applicant has provided a phasing plan for the development to build out in 5 phases.
- **Common Driveways** – The preliminary plat indicates three locations that contain common driveways, each serving two lots. The Star Fire District must approve the use of common driveways. **If not approved, the applicant shall submit a revised preliminary plat showing the removal of the common driveways.**
- ITD Proportionate Shares and Police and Fire District Mitigation Fees – In an effort to have growth pay for growth, Proportionate Shares for ITD and Mitigation Fees for Police and Fire protection will be required for all new homes constructed within this development. This is in addition to current ACHD, Parks and Fire Impact Fees being paid.
- Spite Strip – Section 8-3A-3 paragraph F of the Unified Development Code states that Spite strips, common lots, unreasonable development phasing, or other means of any type purposely or unintentional that may result in the blocking of services or development, including but not limited to sewer, water, streets, or utilities are prohibited in any zoning district within the City of Star. **The submitted preliminary plat appears to have a spite strip on Lot 5 of Block 2. The plat shall be modified to remove this strip prior to final plat approval.**
- **South of the River Planning Area** – The application submitted meets the intent of the South of the River Planning Area and associated Vision Map. The plan calls out this area as Neighborhood Residential.

DEVELOPMENT AGREEMENT

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

- Density;
- ITD Proportionate Share Fees;
- Emergency Access;
- Mitigation Fees;

- Block Length Waiver;
- Common Driveways;
- Detached Sidewalks;
- Lot 1, Block 13 Barn
- Stub Street to the west;
- Amenities
- Spite Strip Lot

The Development Agreement may also contain additional items as directed by the City Council as part of the review and approval process.

H. *On-Site Features:*

- ✧ Areas of Critical Environmental Concern – No known areas.
- ✧ Evidence of Erosion – No evidence.
- ✧ Fish Habitat – No.
- ✧ Floodplain – No.
- ✧ Mature Trees – None.
- ✧ Riparian Vegetation – No.
- ✧ Steep Slopes – 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.
- ✧ Historical Assets – No historical assets have been observed.
- ✧ Wildlife Habitat – No known sensitive wildlife habitat observed.

I. *Agencies Responding:*

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

ITD	October 5, 2022
Star Fire District	Pending
ACHD	November 1, 2022
City Engineer	Pending
CHD4	October 6, 2022
COMPASS	September 28, 2022

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

No comments from the public have been received.

K. 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 3.01 units per acre to 5 dwelling units per acre. Densities not exceeding 1 to 2 units per acre are to be encouraged in areas of the floodplain, ridgeline developable areas, hillside developable areas, and where new residential lots are proposed immediately adjacent to existing residential lots of 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:

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

8.5.3 Policies Related Mostly to the Urban Residential Planning Areas:

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

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

8.5.9 Additional Land Use Component Policies:

- Encourage flexibility in site design and innovative land uses.
- Work with Ada County Highway District (ACHD), Canyon Highway District #4 (CHD4), and Idaho Department of Transportation (ITD) for better coordination of roadway and access needs.
- Support well-planned, pedestrian-friendly developments.
- Dark sky provision should be adopted within the code to assure down style lighting in all developments and Star should consider joining the International Dark Sky Association.

18.4 Implementation Policies:

- F. Development Agreements allow the city to enter into a contract with a developer upon rezoning. The Development Agreement may provide the city and the developer with certain assurances regarding the proposed development upon rezoning.

21.1 – South of the River Planning Area

Refer to the South of the River Area Document

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

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

Zoning District	Maximum Height Note Conditions	Minimum Yard Setbacks Note Conditions			
		Front (1)	Rear	Interior Side	Street Side
R-4	35'	15' to living area 20' to garage face	15'	7.5' ⁽²⁾	20'

Notes:

1. Front yard setback shall be measured from the face of the garage to the face of the sidewalk, allowing for 20' of parking on the driveway without overhang onto the sidewalk.
2. Zero-Lot-Line and reduced front and rear setback waivers may be requested through the Development Agreement process. All other side yard setback requests for detached structures shall not be granted waivers, unless as part of a Planned Unit Development.
3. All setbacks in the CBD, C-1, C-2, LO, IL, PS, RC and M-U zone shall maintain a minimum 15' when adjacent to a residential use or zone.
4. As approved by the Fire District.

8-4E-2: COMMON OPEN SPACE AND SITE AMENITY REQUIREMENTS - STANDARDS:

A. Open Space and Site Amenity Requirement (see also Chapter 8 "Architectural Review"):

1. The total land area of all common open space shall equal or exceed fifteen percent (15%) of the gross land area of the development. Ten percent (10%) of that area shall be usable open space.
2. Each development is required to have at least one site amenity.
3. One additional site amenity shall be required for each additional twenty (20) acres of development area, plus one additional amenity per 75 residential units.
4. Developments with a density of less than 1 dwelling units per acre may request a reduction in total required open space and amenities to the Council. Developments with a density of less than 2 dwelling units per acre may request a 50% reduction in total required open space to the Council.
5. For multi-family developments, see Section 8-5-20 for additional standards.

B. Qualified Open Space: The following may qualify to meet the common open space requirements:

1. Any open space that is active or passive in its intended use, and accessible or visible by all residents of the development, including, but not limited to:
 - a. Open grassy area of at least fifty feet by one hundred feet (50' x 100') in area;
 - b. Qualified natural areas;
 - c. Ponds or water features where active fishing, paddle boarding or other activities are provided (50% qualifies towards total required open space, must be accessible by all residents to qualify.) ponds must be aerated;
 - d. A plaza.
2. Additions to a public park or other public open space area.
3. The buffer area along collector and arterial streets may be included in required overall common open space for residential subdivisions.

4. Parkways along local residential streets with detached sidewalks that meet all the following standards may count toward the common open space requirement:

a. The parkway is a minimum of eight feet (8') in width from street curb to edge of sidewalk and includes street trees as specified otherwise herein.

b. Except for alley accessed dwelling units, the area for curb cuts to each residential lot or common driveway shall be excluded from the open space calculation. For purposes of this calculation, the curb cut area shall be a minimum area of twenty-six feet (26') by the width of the parkway.

c. Stormwater detention facilities do not qualify to meet the common area open space requirements, unless all of the following is met:

1. Must be at least fifty feet by one hundred feet (50' x 100') in area;
2. Specifically designed as a dual use facility, as determined by the administrator, to include minimal slopes, grass throughout, and guarantee of water percolation within 24 hours of storm event.
3. Is located in a development that has a second usable open space area that contains a qualified site amenity as herein defined.

5. Visual natural space, including open ditches, wetlands, slopes or other areas that may not be readily accessible to residents, and is provided with open style fencing, may qualify for up to 20% of the required open space total.

C. Qualified Site Amenities: Qualified site amenities shall include, but not be limited to, the following:

1. Clubhouse;
2. Fitness facilities, indoors or outdoors;
3. Public art;
4. Picnic area; or
5. Recreation amenities:
 - a. Swimming pool.
 - b. Children's play structures.
 - c. Sports courts.
 - d. Additional open space in excess of 5% usable space.
 - e. RV parking for the use of the residents within the development.
 - f. School and/or Fire station sites if accepted by the district.

g. Pedestrian or bicycle circulation system amenities meeting the following requirements:

- (1) The system is not required for sidewalks adjacent to public right of way;
- (2) The system connects to existing or planned pedestrian or bicycle routes outside the development; and
- (3) The system is designed and constructed in accord with standards set forth by the city of Star;

D. Location: The common open space and site amenities shall be located on a common lot or an area with a common maintenance agreement.

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

D. Common Driveways:

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

8-1B-1C ANNEXATION/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 Residential Districts is to encourage the development of a diverse community that provides a mixture of land uses, housing types, and a variety of employment options, social and recreational opportunities, and where possible provides an assortment of amenities within walking distance of a residential development. The Council finds that this annexation and zoning 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 the residential purpose statement states that the purpose of the residential districts is to provide for a range of housing opportunities consistent with the Star Comprehensive Plan. Connection to the Star sewer and water district is a requirement for all residential districts, when available. Residential districts are distinguished by the allowable density of dwelling units per acre and corresponding housing types that can be accommodated within the density range. Council finds that this request is consistent with the statement.

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

The Council finds that there is no indication from the material and testimony submitted that 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 majority of the property is already annexed. The annexation and rezone request proposed 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 originally submitted and accepted 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 fees will be required to serve the Police Department and 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.

Public Hearing of the Council:

- a. A public hearing on the application was heard by the City Council on March 7, 2023, at which time testimony was heard and the public hearing was closed. The City Council tabled the application to specific date and requested the applicant to address concerns brought up at the public hearing. These concerns included:

- Additional open space, a more unique neighborhood style, buffer along the eastern boundary with the neighbor, amenity information including locations and specific types, and any updates on irrigation concerns including response from irrigation district.

On April 18, 2023, the City Council continued the testimony and made their decision at that time.

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

- Shawn L Nickel, City Planning Director
- Emily Mueller
- Sarah Keyes
- Michael Keyes
- Ryan Morgan, City Engineer
- Pete Aldridge
- Max Harold
- Richard Romer
- Jerry Gage
- Jay Stranger
- John Bottles

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 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 platting of the development. Review and discussion included development layout, access and street configuration, density, setbacks, open space, grading, pathways and irrigation. The Council placed conditions of approval on the application to address these concerns. Council concluded that the Applicant's request, as conditioned, meets the requirements for annexation and preliminary plat. Council hereby incorporates the staff report dated March 7, 2023 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:

- **The Preliminary Plat dated 4-10-23 is approved for a maximum of 206 residential lots.**
- **The Council approves the requested Block Length Waivers.**
- **The Applicant shall deed Lot 1, Block 13 of the Preliminary Plat to the neighbor to the east. This shall occur upon recordation of the Final Plat that includes this lot and prior to issuance of first residential building permit.**
- **Provide a public access easement on the pathways located in the northeast common area park.**
- **Applicant shall provide Amenities as proposed and included in Amenities Exhibit.**
- **Applicant shall provide option for City to take over ownership of southwest park in the future.**
- **Building elevations presented by Applicant shall be included as Exhibit in Development Agreement.**

Conditions of Approval:

1. The approved Preliminary Plat for the Naismith Commons Subdivision shall comply with all statutory requirements of applicable agencies and districts having jurisdiction in the City of Star.
2. **An additional streetlight shall be added at the intersection of W. Quoddy Way and N. Highbrook Avenue.**
3. **The development shall provide a total of 5 amenities as indicated in the Development agreement exhibit.**
4. **The Applicant shall provide a revised preliminary plat that shows the correct sidewalk widths, detached sidewalks and planter strips in the development and along N. Can Ada Road, W. Joplin Road and the internal, local streets meeting the requirements of the UDC. This shall be required prior to final plat approval.**
5. **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 are currently being calculated at \$1,000.00 per residential lot. These fees will be collected by the City of Star, by phase, prior to final plat signature. 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.**
6. **The following additional conditions shall be met:**
 - a. **The Applicant shall deed Lot 1, Block 13 of the Preliminary Plat to the neighbor to the east. This shall occur upon recordation of the Final Plat that includes this lot and prior to issuance of first residential building permit.**
 - b. **Provide a public access easement on the pathways located in the northeast common area park.**

- c. **Applicant shall provide Amenities as proposed and included in Amenities Exhibit.**
 - d. **Applicant shall provide option for City to take over ownership of southwest park in the future.**
 - e. **Building elevations presented by Applicant shall be included as Exhibit in Development Agreement.**
7. Streetlights shall comply with the Star City Code and shall be of the same design throughout the entire subdivision. Streetlights shall be continuous throughout the subdivision and shall be maintained by the Homeowners Association. **Streetlights shall be installed and energized prior to issuing of building permits.** Design shall follow Code with requirements for light trespass and "Dark Skies" lighting. **Streetlights shall comply with the Star City Code regarding light trespass and "Dark Sky" initiative.**
 8. The property with the approved Preliminary Plat shall be satisfactorily weed abated, preventing a public nuisance, per Star City Code.
 9. The property associated with this approved Final Plat, in addition to the property of all future phases shall be properly maintained throughout the construction process to include trash picked up and trash receptacles emptied with regular frequency, streets swept and cleaned weekly, including any streets used to access the property and all debris shall be prevented from accumulating on any adjacent property or public right of way and shall remove all debris from public way at least daily.
 10. All signed Irrigation District Agreements with the Irrigation Districts shall be provided to the City of Star with each subsequent Final Plat application.
 11. **Street trees shall be installed per Chapter 8, Section 8-8C-2-M(2) Street Trees. Applicant shall provide locations for the local street trees at the time of final plat. If driveway locations will not be determined until sale of the lot, Applicant agrees to not receive the Certificate of Occupancy until street trees are confirmed in place. The applicant shall provide a revised landscape plan showing all the required trees and amenity details.**
 12. Pressurized irrigation systems shall comply with the Irrigation District(s) and the City of Star Codes. Plans for pressurized irrigation systems shall be submitted to, and approved by the City of Star Engineer, prior to installation.
 13. A plat note supporting the "Right to Farm Act" as per Idaho Code Title 22, Chapter 45, shall be shown on the Final Plat.
 14. A copy of the CC&R's shall be submitted to the City of Star at Final Plat.
 15. **A letter from the US Postal Service shall be given to the City at Final Plat stating the subdivision is in compliance with the Postal Service. Mailbox cluster locations shall be determined and located based on the Postmaster.**
 16. A form signed by the Star Sewer & Water District shall be submitted to the City prior to the signature of the Final Plat stating that all conditions of the District have been met, including annexation into the District.
 17. **Prior to signing the final plat, Applicant shall provide approval from Ada County for all street names, and they should be accurately reflected on the plat.**

18. Prior to signing the final plat, the development name shall be accurately reflected on the mylar and be consistent with the approval from Ada County.
19. A plat note shall state that development standards for residential development shall comply with the effective building and zoning requirements at time of building permit issuance, unless amended in the Development Agreement or CUP conditions.
20. Development standards for single family residential units shall comply with effective building and zoning requirements at time of building permit issuance, or as approved through the Development Agreement or as stated herein.
21. All common areas shall be owned and maintained by the Homeowners Association.
22. 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.**
23. A sign application is required for any subdivision signs.
- 24. Owner/Developer will agree to install a 2" (High Density Polyethylene) HDPE SDR-11 roll pipe in the shared utility trench to be used for future fiber optic and/or copper telecommunication cables.**

Council Decision:

The Council voted 4-0 to approve the Annexation, Development Agreement, and Preliminary Plat for Naismith Commons Subdivision on April 18, 2023.

Dated this 30th day of May 2023.

Star, Idaho

By: _____

Trevor A. Chadwick, Mayor

ATTEST:

Jacob M. Qualls, City Clerk