

FINDINGS OF FACT AND CONCLUSIONS OF LAW
OLIVER ESTATES SUBDIVISION
FILE NO. AZ-22-01/DA-22-01/PUD-22-01/PP-22-01

The above-entitled Annexation, Development Agreement, Planned Unit Development 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-3-PUD-DA), a Development Agreement, Planned Unit Development and Preliminary Plat for a proposed residential development consisting of 92 residential lots, office lots (through the PUD) and 16 common lots. The property is located at 22491 N. Can Ada Road in Star, Idaho and consists of 37.58 acres with a proposed maximum density of 2.47 dwelling units per acre. The subject property is generally located on the west side of N. Can Ada Road, north of W. State Street, (Hwy 44). Canyon County Parcel No's R340000000 & R34000010A1.

B. Application Submittal:

A neighborhood meeting was held on July 15, 2021, in compliance with the application submittal requirement of the Star Unified Development Code (Section 8-1 A-6 C). The Land Use application was deemed complete on February 10, 2023.

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 March 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 15, 2023 & April 11, 2023. Notice was sent to agencies having jurisdiction in the City of Star on September 22, 2022. The property was posted in accordance with the Star Unified Development Code on April 8, 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	AG (Canyon Co)	Estate Urban Residential	Single Family Residential/Agricultural
Proposed	Residential (R-3-DA-PUD)	Estate Urban Residential	Single Family Residential/Office
North of site	AG (Canyon Co)	Estate Urban Residential	Agricultural
South of site	AG (Canyon Co)	Estate Urban Residential	Single Family Residential/Agricultural
East of site	AG (Canyon Co) Residential (R-1) Residential (R-3)	Estate Urban Residential	Single Family Residential
West of site	AG (Canyon Co)	Estate Urban Residential	Single Family Residential/Vacant Ground

F. *Development Features.*

ANNEXATION & REZONE:

The Applicant is requesting approval of an annexation and zoning application with a zoning designation of Residential (R-3-PUD-DA) on 37.58 acres. The Applicant is also requesting up to (5) lots in the development to be designated as Light Office (LO) for future non-residential uses through the Planned Unit Development (PUD) application process that has been submitted as part of this request. The residential zoning designation would allow for a maximum residential density of three (3) dwelling units per acre. The property is located in an area that will be serviceable with central sewer and water provided by the 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 requested zoning designation and density meets the intent of the Comprehensive Plan.

PRELIMINARY PLAT:

The Preliminary Plat, as submitted contains 92 total single family residential lots and 11 common area lots, 2 of which are future roadway/emergency access lots. The plat designates up to 5 lots to be future office uses within the development (Lots 2 & 3, Block 1 and Lots 13, 14 & 15, Block 4). Lot 15, Block 4 is 2.39 acres and will be office use with access directly on Can Ada Road. The existing single-family dwelling and associated out buildings will remain and be utilized by the existing property owner until the office use is established. There is no time frame at this point

for the office use on this lot. The applicant has requested that the other 4 lots would have the option of being developed as either office or residential. If developed as residential, these 4 lots will be part of the total 92 residential lots approved as part of this application. With the 92 total lots, the proposed maximum residential density will not exceed a density of 2.47 dwelling units per acre. The lots will have access and frontage from public streets. Residential lots will range in size from 8,112 square feet to 15,044 square feet with the average buildable lot being 10,103 square feet.

The submitted preliminary plat is showing the local roads with a 50-foot wide right of way with paved streets measuring 36 feet from back of curb to back of curb and five-foot-wide detached sidewalks with an eight-foot-wide planter strip. Primary access for the development will be on W. Storkan Street from N. Can Ada Road. The development will also have emergency access to Stump Lane, a private road to the north of the development. The Applicant is proposing stub streets on the southwest and south of the development for future access and circulation for the area. **The proposed street access on Lot 14 & 46 of Block 1 is shown with attached sidewalks. These will need to be adjusted to mirror the rest of the development with detached sidewalks and eight-foot planter strips.**

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 and 8-foot-wide planter strip. This will need to be changed to satisfy code requirements.**

A future roadway lot along the entire western boundary of the development is being provided per the requirements of Canyon Highway District 4 for a future public north-south street. Currently, The applicant is providing a common lot with landscaping along the eastern side of this lot.

The Applicant states that 6.02 acres (16.02%) of the development is open space with 3.99 acres (10.61%) open space being usable. This satisfies Section 8-4E-2 of the Unified Development Code.

The Unified Development Code, Section 8-4E-2 requires a development of this size to have a minimum of three (3) site amenities. The Applicant indicates a community pool, separate restroom with changing facility and centrally located open areas that are connected by walking paths. **Details are not specific and should 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 detached with eight-foot (8') wide planter strips.

- 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. **The City Code requires all intersections and corners within a development be illuminated by at least one (1) streetlight. The proposed location plan does not satisfy this requirement. Applicant will need to provide an updated location plan prior to signing the final plat. The Applicant has not provided a street light design or cut sheet with this application. This will be required and must be approved by Staff prior to signing the final plat.**
- Street Names
The street names designated on the preliminary plat will need to be approved by City Staff prior to acceptance of the final plat application. *The Applicant shall work with City Staff on this approval process.*
- Subdivision Name
The subdivision name designated on the preliminary plat will need to be approved by City Staff prior to acceptance of the final plat application. *The Applicant shall work with City Staff on this approval process.*
- Landscaping
As required by the Unified Development Code, Chapter 8, Section 8-8C-2- M (2) Street Trees; A minimum of one street tree shall be planted for every thirty-five (35) linear feet of street frontage. The applicant shall use "Treasure Valley Tree Selection Guide", as adopted by the Unified Development Code. Section 8-8C-2, J5 states that a minimum of one deciduous shade tree per four thousand (4,000) square feet of common area shall be provided. **The submitted landscape plan appears to satisfy these requirements for open space and street trees. 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-3 zone identified in this report.
- Block lengths
All blocks shall meet the 750' block length requirement. **The Applicant is showing the proposed N. Oliver Ave to be longer than 750 feet. This will require waiver approval from Council or traffic calming measures.**

- Mail Clusters

Applicant has provided a letter from Mel Norton, Star Postmaster approving a location for the placement of the developments mail cluster. The letter is part of the application materials.

- Phasing

The applicant has not provided a phasing plan for the development. The City allows for developments to be phased. **The applicant shall submit a phasing plan prior to final plat application.**

PLANNED UNIT DEVELOPMENT:

Through the PUD process, the applicant proposes two land use types within the development including residential and future Light Office. The PUD will allow the proposed uses to be integrated together to provide for pathway connections, parking and landscaping, setbacks and amenities in one approval process. The proposed office uses would make up approximately 9% of the total development, if built out to its maximum potential.

Although the applicant has not provided specific non-residential uses within the application, staff is including some suggested allowances and prohibitions for the Limited Office (LO) uses.

Allowed uses (principally permitted): Artist Studio; Barbershop/Styling Salon; Financial Institutions w/out drive-through; Healthcare and Social Services; Library; Medical Clinic; Personal and Professional Services; Pharmacy; Photographic Studio; Professional Offices; Parks, Public and Private.

Uses Allowed only as Conditional Uses: Arts, Entertainment, Recreation Facility; Bakery-Retail or Manufacturing; Child Care Center (more than 12); Child Care-Preschool/Early Learning; Church or Place of Religious Worship; Drive-up Service Window only; Educational Institution, Private; Museum; Retail Store/Retail Services; Veterinarian Office; Wholesale Sales;

Prohibited Uses in this Development (not already listed as prohibited in the Code): Animal Care Facility; Bar/Tavern/Lounge/Drinking Establishment; Brewpub/Wine Tasting; Building Material, Garden Equipment and Supplies; Civic, Social or Fraternal Organizations; Conference/Convention Center; Convenience Store; Educational Institution, Public; Farmers or Saturday Market; Fireworks Stand; Flex Space; Gasoline, Fueling & Charging Station with or without Convenience Store; Golf Course/Driving Range; Government Office; Hospital; Laboratory, Medical; Laundromat; Laundry and Dry Cleaning; Nursery, Garden Center and Farm Supply; Nursing or Residential Care Facility; Office Security Facility; Parking Lot/Parking Garage-Commercial; Pawnshop; Portable Classroom/Modular Building; Public Infrastructure; Public Utility major, minor and yard; Research Activities; Restaurant; Retirement Home; Swimming Pool, Commercial/Public; Vehicle Emissions Testing; Warehouse and Storage; Wireless Communication Facility.

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:

- ITD Proportionate Share Fees
- Emergency Access
- Mitigation Fees
- Detached Sidewalks
- Amenities
- Office Uses
- Block Length

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 known areas.
- ✧ Fish Habitat – No known areas.
- ✧ Mature Trees – None.
- ✧ Riparian Vegetation – Unknown.
- ✧ Steep Slopes – None.
- ✧ Stream/Creek – None.
- ✧ Unique Animal Life – No unique animal life has been identified.
- ✧ Unique Plant Life – No unique plant life has been identified.
- ✧ Unstable Soils – No known issues.
- ✧ Wildlife Habitat – No wildlife habitat has been developed or will be destroyed.
- ✧ Historical Assets – No historical assets have been observed.

I. *Agencies Responding:*

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

Canyon Highway District
USPS

February 21, 2023
October 19, 2021

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

No public comments have been received.

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

Comprehensive Plan:

8.2.3 Land Use Map Designations:

Estate Urban Residential

Suitable primarily for single family residential use. Densities in this land use area are a maximum of 3 dwelling units per acre. Densities not exceeding 1 to 2 units per acre are to be encouraged in areas of the floodplain, ridgeline developable areas, hillside developable areas, and where new residential lots are proposed immediately adjacent to existing residential lots of greater than one acre where those existing larger lots are not likely to be subdivided in the future. Clustering is allowed to preserve open space.

8.3 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.
- 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 those existing larger lots are not likely to be subdivided in the future.

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.

8.5.9 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.

PUD - PLANNED UNIT DEVELOPMENT: This designation, following any zoning designation noted on the official zoning map of the city (i.e., R-4-P), indicates that the development was approved by the city as a planned unit development, with specific allowances and design approved by Council.

LO - LIMITED OFFICE DISTRICT: To provide for the establishment of groupings of professional, research, executive, administrative, accounting, clerical, limited commercial and similar uses. Development shall not be traffic intensive and research facilities shall not involve heavy testing operations of any kind. The L-O district is designed to act as a buffer between other more intense nonresidential uses and residential uses and is thus a transitional use.

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) uses.

Zoning District	Maximum Height	Minimum Yard Setbacks Note Conditions
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	Note Conditions	Front (1)	Rear	Interior Side	Street Side
R-3	35'	15' to Living Area/Side Load Garage. 20' to Garage Face	15'	7.5'	20'
LO	35'	20'	10'	0;	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 total gross acreage of land area of the development. A minimum of 10% of the total gross acreage of the development shall be for useable area open space. Open space shall be designated as a total of 15% minimum for residential developments in all zones with densities of R-2 or greater.
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 unit per acre may request a waiver of 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 and amenities to the Council.
5. For multi-family developments, see Section 8-5-20 for additional standards.

B. Qualified Usable Area Open Space: The following qualifies to meet the useable area 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, as determined by the Administrator;
 - c. Ponds or water features where active fishing, paddle boarding or other activities are provided (50% qualifies towards total required usable area open space, must be accessible by all residents to qualify.) ponds must be aerated;
 - d. A plaza.
 - e. Common lots that include a pathway providing local or regional connectivity that is a minimum of 20' in width.
 - f. Irrigation easements/ditches when a pathway is included (to be measured from the center of the ditch to the property line of the common lot).
2. Additions to a public park or other public open space area.
3. The buffer area along collector and arterial streets may be included in required overall common open space for residential subdivisions.
4. Parkway along local residential streets with detached sidewalks that meet all the following standards may count toward the common open space requirement:
 - a. The parkway is a minimum of eight feet (8') in width from street curb to edge of sidewalk and includes street trees as specified otherwise herein.
 - b. Except for alley accessed dwelling units, the area for curb cuts to each residential lot or common driveway shall be excluded from the open space calculation. For purposes of this calculation, the curb cut area shall be a minimum area of twenty-six feet (26') by the width of the parkway.
 - c. Stormwater detention facilities do not qualify to meet the common area open space requirements, unless all of the following is met:
 1. Must be at least fifty feet by one hundred feet (50' x 100') in area;
 2. Specifically designed as a dual use facility, as determined by the administrator, to include minimal slopes, grass throughout, and guarantee of water percolation within 24 hours of storm event.
 3. Is located in a development that has a second usable open space area that contains a qualified site amenity as herein defined.
5. Visual natural space, including open ditches, wetlands, slopes or other areas that may not be readily accessible to residents, and is provided with open style fencing, may

qualify for up to 20% of the required open space total, as determined by the Administrator.

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 with an enlarged deck and changing and restroom facility (pools shall count towards 3 required site amenities).
 - b. Children's play structures.
 - c. Sports courts.
 - d. Additional open space in excess of 10% qualified 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 owned by and be the responsibility of an owners' association for the purpose of maintaining the common area and improvements thereon.

8-7-1: PURPOSE PLANNED UNIT DEVELOPMENTS:

- A. The purpose of the planned unit development (PUD) requirements is to provide an opportunity for exemplary site development that meets the following objectives:
1. Preserves natural, scenic and historic features of major importance;
 2. Allows for innovative design that creates visually pleasing and cohesive patterns of development; and
 3. Creates functionally integrated development that allows for a more efficient and cost-effective provision of public services.
 4. Master planning of large acreages that include a variety of residential and commercial uses within one development.

B. It is not the intent that the PUD process be used solely for the purposes of deviation from the dimensional standards in the district, however deviations from dimensional and other standards within this title, may be approved for portions of the development by the council if the PUD incorporates design features that add to the overall design and quality of the proposed development. By allowing dimensional standard deviations in portions of the development, exceptions in land uses allowed and pre-approvals of specific uses as conditions of approval within the PUD application process, the City expects in return a unique development that provides upgraded open space and amenities, mixed uses, multiple residential styles and superior site design.

8-7-2: APPLICABILITY:

A planned unit development can be developed in any district. A PUD must have both commercial and a variety of residential components in order to qualify.

8-7-4: STANDARDS:

The council may approve planned unit developments, in accord with the following standards:

A. General Use Standards:

1. Deviations from Underlying District Requirements: Deviations from dimensional and other standards within this title, may be approved by the council if the PUD incorporates design features that add to the overall design and quality of the proposed development. The exception is that along the periphery of the planned development, the applicable setbacks as established by the district shall not be reduced. Internal setback deviations may be considered by Council with approval from the Fire District, when emergency concerns are addressed. Examples for considerations may include, but are not limited to, alley-loaded homes providing multiple access points, and/or fire sprinkled homes.

2. Allowed Uses: Applicant may request that specific conditional use(s) be allowed in the district as principal permitted use(s) and up to twenty-five percent (25%) of non-permitted uses be allowed as permitted uses if the council finds that compatibility within the PUD, compatibility with adjacent uses and compliance with the intent of the comprehensive plan is provided. It is at the sole discretion of the Council to approve non-permitted uses within the development, including the maximum amount of those non-permitted uses.

3. Private Streets and Service Drives: The uses within the planned unit development are interconnected through a system of roadways and/or pathways as appropriate. Private streets and service drives may be permitted, if designed and constructed to the transportation authority standards and in accord with this title. The approval of private streets shall not prevent access and/or interconnectivity to adjacent properties or otherwise create unreasonable development opportunities.

4. Buildings Clustered: Buildings shall be clustered where practical to preserve scenic or environmentally sensitive areas in the natural state, or to consolidate small open spaces into larger, more usable areas for common use and enjoyment.

5. Density Bonus: A residential density bonus may be given for dedications of land for public use such as school, park, fire station or recreational facility provided to the public entity by donation or at a cost less than, or equal to, the applicant's predevelopment cost for that land. The bonus shall be proportional to the amount of land being dedicated. For example, if ten (10) percent of the total property is being donated, the density bonus shall be ten (10) percent. However, in no case shall the bonus exceed twenty-five (25) percent of the units permitted by the district.

B. Private Open Space: In addition to the common open space and site amenity requirements of this title, a minimum of eighty (80) square feet of additional, private, usable open space shall be provided for each residential unit not planned as single-family detached. This requirement can be satisfied through porches, patios, decks, and enclosed yards. Landscaping, entryway and other accessways do not count toward this requirement.

C. Residential Use Standards:

1. Housing Types: A variety of housing types may be included within a single planned development, such as attached units (townhouses, duplexes), detached units (patio homes), single-family and multi-family units, regardless of the district classification of the site, provided that the overall density limit of the district is maintained. A minimum of two (2) housing types shall be provided for all PUD's.

D. Infill Planned Developments: Properties of five (5) acres or less within the city of Star, that are located in areas already substantially developed (at least 80 percent of the land area within 300 feet of the boundaries of the parcel) and where water, sewer, streets, schools and fire protection have already been developed and are provided. Upon recommendation of the administrator, the

council may approve exceptions to other sections of this title as an incentive for infill development, including, but not limited to the following:

1. The council may allow up to a twenty five percent (25%) increase in the density permitted for the district in which the site is located. It is at the sole discretion of the Council to approve the maximum density bonus requested. Density bonuses shall not be allowed in the CBD.

2. The council may also waive or modify open space and amenity requirements set forth in this section depending on the size and scale of the planned development and proximity to public open space, pathways or greenbelts.

E. Conditions, Bonds and Safeguards: In approving the planned unit development, the council may prescribe appropriate conditions, additional conditions, bonds, and safeguards in conformity with this title that:

1. Minimize adverse impact of the use on other property.
2. Control the sequence and timing, or phasing, of the uses.
3. Control the duration of the use. Assure that the use and the property in which the use is located is maintained properly.
4. Designate the exact location and nature of the use and the property development.
5. Require the provision for on site or off-site public facilities or services.
6. Require more restrictive standards than those generally required in this title.
7. Require mitigation of adverse impacts of the proposed development upon service delivery by any political subdivision, including school districts, which provides services within the city.

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.

8-7-5 : PLANNED UNIT DEVELOPMENT FINDINGS:

- A. The planned unit development demonstrates exceptional high quality in site design through the provision of cohesive, continuous, visually related and functionally linked patterns of development, street and pathway layout, and building design.

The Council finds that the planned unit development includes a site design, street and pathway layout, and building design that is cohesive, continuous and visually and functionally appropriate for the area.

- B. The planned unit development preserves the significant natural, scenic and/or historic features.

The Council finds that the planned unit development preserves significant natural, scenic and historic features found on the property.

- C. The arrangement of uses and/or structures in the development does not cause damage, hazard, or nuisance to persons or property in the vicinity.

The Council finds that the planned unit development is arranged so that the uses and structures will not cause damage, hazard or nuisance to persons or property in the vicinity.

- D. The internal street, bike and pedestrian circulation system is designed for the efficient and safe flow of vehicles, bicyclists and pedestrians without having a disruptive influence upon the activities and functions contained within the development, nor place an undue burden upon existing transportation and other public services in the surrounding area.

The Council finds that the planned unit development has been designed to take into consideration internal street, bike and pedestrian circulation. CHD4 and ITD have reviewed and commented on the application with requirements incorporated into the approval of the development.

- E. Community facilities, such as a park, recreational, and dedicated open space areas are functionally related and accessible to all dwelling units via pedestrian and/or bicycle pathways.

The Council finds that the planned unit development includes park, recreational and open space that will be functionally related and accessible to all dwelling units through the pedestrian and bicycle pathway system.

- F. The proposal complies with the density and use standards requirements in accord this title.

The Council finds that the planned unit development complies with the density and use standards requirement of the UDC.

- G. The amenities provided are appropriate in number and scale to the proposed development.

The Council finds that the planned unit development includes the appropriate number and scale of amenities to the proposed development.

- H. The planned unit development is in conformance with the comprehensive plan.

The Council finds that the planned unit development is in conformance to the comprehensive plan and the pertinent land use designations.

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 April 18, 2023, at which time testimony was heard and the public hearing was closed, and the Council 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
 - Dan Lardie
 - Ryan Morgan, City Engineer

- Ron Peterson
- David Frost
- Nathan Day
- Evan Poppa
- Marilyn Spangler
- Joe Hatfield

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, planned unit development and preliminary plat applications 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, non-residential uses, access and street configuration, density, setbacks, open space, 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, planned unit development and preliminary plat. Council hereby incorporates the staff report dated April 18, 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 (DA) the following conditions of approval to their decision to approve the applications to include the following:

- **The Preliminary Plat dated 4-5-22 is approved for a maximum of 92 residential lots. (DA)**
- **Lots 2 & 3, Block 1 and Lots 13 & 14, Block 4 of the approved Preliminary Plat have the option of being residential or non-residential. Lot 15, Block 4 shall be used only as future non-residential. In the interim, Lot 15 may remain as residential for the current residence. (DA)**
- **Single-Story homes shall be designated in the Development Agreement as indicated by the Applicant. (DA)**
- **Residential building elevations will be incorporated into the Development Agreement. (DA)**

- **The Right to Farm Act shall be included as a note on the final plat.**
- **Any pond amenities with standing water shall provide life safety rings and aeration. (DA)**
- **Applicant shall work with CHD4 to provide potential center left turn lane on Can Ada Road. CHD4 shall provide a letter to the City regarding the lane. (DA)**
- **The Applicant shall work with the southern neighbor (Hatfield) to come up with a reasonable plan for fencing and the irrigation pipe along the southern boundary of the subdivision. (DA)**
- **The Applicant shall provide internal split-rail fencing adjacent to common areas within the development. (DA)**
- **The Applicant shall be responsible for mitigation fees for the future signal light as Can Ada Road and W. State Street as determined by CHD4. (DA)**
- **The subdivision shall be responsible for maintaining historic drainage on the property and as it relates to adjacent properties.**
- **The Council has approved non-residential uses per Staff recommended uses (omitting Social Services as an allowed use). The Development Agreement will detail the uses.**
- **Where necessary, livestock rated fencing shall be used along the perimeter of the development adjacent to existing agricultural uses.**

Conditions of Approval:

1. The approved Annexation for Oliver Estates Subdivision shall comply with all statutory requirements of applicable agencies and districts having jurisdiction in the City of Star.
2. **The applicant shall enter into a Development Agreement with the City, agreeing to proportionate share assessment by ITD regarding impacts to the State Highway System. 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.**
3. The approved Preliminary Plat for the Oliver Estates Subdivision shall comply with all statutory requirements of applicable agencies and districts having jurisdiction in the City of Star.
4. **The following additional conditions shall be met and is included within the Development Agreement:**
 - a. **Any pond amenities with standing water shall provide life safety rings and aeration.**
 - b. **Applicant shall work with CHD4 to provide potential center left turn lane on Can Ada Road. CHD4 shall provide a letter to the City regarding the lane.**
 - c. **The Applicant shall be responsible for mitigation fees for the future signal light as Can Ada Road and W. State Street as determined by CHD4. This fee shall be paid to the City prior to signature of the final plat.**

- d. **The subdivision shall be responsible for maintaining historic drainage on the property and as it relates to adjacent properties.**
 - e. **Historic drainage shall be maintained at all times on the property and for adjacent properties.**
- 5. **The Applicant shall provide documentation that the subdivision name has been approved and reserved before the final plat can be signed.**
- 6. **The Applicant shall provide documentation that the street names for the development have been approved and are reflected correctly on the final plat, before the mylar can be signed.**
- 7. **The Applicant will need to submit a revised streetlight location plan and obtain approval from City Staff prior to signing the final plat.**
- 8. **The Applicant shall work with City Staff and submit a streetlight design/cutsheet that meets City Code and satisfies dark sky requirements.** 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. Some locations of streetlights may require shields or other mitigation to prevent negative effects on residents or neighbors.**
- 9. **The Applicant shall provide an updated preliminary plat showing the correct size of sidewalk and planter strips along N. Can Ada Road prior to signing the final plat.**
- 10. **The Applicant shall provide documentation that access has been granted to use Stump Lane, a private road, as the emergency access for the development. This will be required prior to signing the final plat.**
- 11. **The Applicant will need to receive Council approval for the length of the proposed N. Oliver Ave or implement approved traffic calming measures.**
- 12. The property with the approved Preliminary Plat shall be satisfactorily weed abated, preventing a public nuisance, per Star City Code.
- 13. 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.
- 14. All signed Irrigation District Agreements with the Irrigation Districts shall be provided to the City of Star with each subsequent Final Plat application.
- 15. **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.**

16. 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.
17. A plat note supporting the **"Right to Farm Act"** as per Idaho Code Title 22, Chapter 45, shall be shown on the Final Plat.
18. A copy of the CC&R's shall be submitted to the City of Star at Final Plat.
19. 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.
20. 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.
21. 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.
22. 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.
23. All common areas shall be owned and maintained by the Homeowners Association.
24. 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.**
25. A sign application is required for any subdivision signs.

Council Decision:

The Council voted 4-0 to approve the Annexation, Development Agreement, Planned Unit Development and Preliminary Plat for Oliver Estates 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