

FINDINGS OF FACT AND CONCLUSIONS OF LAW
OAKLAWN CROSSING SUBDIVISION
FILE NO. AZ-21-08/DA-21-10/PP-21-11

The above-entitled Annexation, Development Agreement and Preliminary Plat land use application came before the Star City Council for their action on January 11, 2022, at which time public testimony was taken and the public hearing was closed. The Star City Council, having requested and taken oral and written testimony, and having duly considered the matter, does hereby make the following Findings of Fact and Conclusions of Law.

Procedural History:

A. Project Summary:

The Applicant is seeking approval of an Annexation and Zoning to Residential (R-4-DA) and Mixed-Use (MU-DA), a Development Agreement, and Preliminary Plat for a proposed residential subdivision consisting of 65 residential lots, 1 Mixed-Use lot and 5 common lots. The property is located at 8005 W. Joplin Road in Star, Idaho and consists of 25.87 acres with a proposed residential density of 3.09 dwelling units per acre. The subject property is generally located on the southwest corner of N. Star Road and W. Joplin Road. Ada County Parcel Number S0419417200. This application was originally scheduled for Council on August 17, 2021 but was postponed allowing ACHD and ITD additional time to provide review comments.

B. Application Submittal:

A neighborhood meeting was held on January 29, 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 May 17, 2021.

C. Notice of Public Hearing:

Notice of Public Hearing on the application for the City of Star Council was published in accordance with the requirements of Title 67, Chapter 65, Idaho Code and the Star Unified Development Code on August 5, 2021 & December 22, 2021. Notice of this public hearing was mailed to property owners within three-hundred feet (300') of the subject property in accordance with the requirements of Title 67, Chapter 65, Idaho Code and Star Unified Development Code on August 2, 2021 & December 21, 2021. Notice was sent to agencies having jurisdiction in the City of Star on May 10, 2021. The property was posted in accordance with the Star Unified Development Code on August 6, 2021 & December 30, 2021.

D. History of Previous Actions:

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

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

	Zoning Designation	Comp Plan Designation	Land Use
Existing	RUT (County)	Neighborhood Residential Mixed Use	Agriculture/ Single Family Residential
Proposed	R-4-DA MU-DA	Neighborhood Residential Mixed Use	Single Family Residential/Mixed-Use
North of site	RUT (County)	CBD (Central Business District)	Agriculture/ Single Family Residential
South of site	RUT (County)	Neighborhood Residential	Agriculture/ Single Family Residential Proposed Starpointe Subdivision
East of site	RUT (County)	CBD (Central Business District)	Star Road/R.C. Bean Saddlery/Pasture
West of site	RUT (County)	Neighborhood Residential	Single Family Residential/Agriculture

F. Development Features.

ANNEXATION & REZONE:

The applicant is requesting approval of an annexation and rezone application to change the zoning designation on 25.87 acres from Rural Urban Transitional (RUT) to Residential (R-4) and Mixed-Use (MU). This proposed residential zoning district would allow for a maximum residential density of 5 dwelling units per acre. The mixed-use zoning district would allow for uses envisioned within the Comprehensive Plan for this corner property on Star Road and Joplin Road. 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. Star Sewer and Water will be extending services along Joplin Road from the new sewer lift station completing construction on the west side of Star Road. The property will be accessed by a public road and currently has frontage on Joplin Road. All roads in the development will be public. The rezone request includes a development agreement that will address future density and development standards along with approved zoning uses for the mixed-use.

PRELIMINARY PLAT:

The Preliminary Plat submitted contains 71 total lots, 65 single family residential lots, 5 common lots and 1 mixed-use lot on 25.87 acres. Gross acreage of the residential portion of the property is 21.04 acres, which equates to 3.09 dwelling units per acre. Counting the overall acreage of the property, which is 25.87 acres, that equates to 2.51 dwelling units per acre. The lots will have access and frontage from public streets. The residential lots range in size from 5,250 square feet to 10,754 square feet with the average buildable lot being 5,927 square feet. All roads will be built to ACHD, City of Star and Star Fire District standards. The submitted preliminary plat is showing a 50 ft wide right of way with paved streets measuring 36 feet from back of curb to back of curb. Sidewalks are proposed to be 5 feet wide and attached throughout the development. The applicant has not provided documentation that street names have been obtained and approved. Applicant shall obtain and provide to the City street name approval documentation from the Ada County Street Naming Committee prior to signature of the final plat.

The proposed Mixed-Use lot (Lot 37, Block 4) is 4.16 acres in size. The applicant has not indicated specific uses for this lot at this time.

The application states that the proposed overall open space provided within the residential portion of the development is 5.43 acres (25.8%), including at least 2.36 acres (11%) usable open space. Some of the open space is "visual" in nature. In order to qualify as open space, open style fencing must be provided. Therefore, Lots 2-4, Block 1, and Lots 1-12, 14-36, Block 4 shall be conditioned to have open style fencing along the rear property lines adjacent to the common lot located along the southern, western and eastern boundaries of the residential portions of subdivision. The current Unified Development Code, Section 8-4E-2 requires a development of this size to have a minimum of 2 site amenities. The applicant is proposing a pocket park with a shade ramada and a pathway along the southern portion of the property along the hillside and wetland area. There will also be three ponds in the development. These amenities satisfy the code requirement for development amenities.

ADDITIONAL DEVELOPMENT FEATURES:

- Gravel Extraction of Ponds

The development will include the excavation of three ponds for future amenities within the development. It is assumed that the materials from the pond will be used on-site. Details including but not limited to noise, potential off-site haul routes, if applicable, operation hours, length of time, dust control and other issues shall be discussed with Council and conditioned appropriately with the approval of the application.

- Ponds
The future water features within the development shall be designed and maintained in a manner that protects the public safety. This will include aerators to prevent algae and mosquito issues, safety ring stations throughout the water feature locations, safety shelves and erosion consideration.
- Sidewalks
Internal sidewalks are proposed at five-foot (5') widths and will be attached throughout the development.
- Lighting
Streetlights shall reflect the "Dark Sky" criteria with all lighting. The same streetlight design shall continue throughout the entire development. *The applicant has submitted a streetlight plan and cut sheet that DOES NOT meet City of Star requirements.* **Applicant must provide a streetlight design/cut sheet and location plan for City approval. This will be required at submittal of the final plat.**
- Street Names
Applicant has not provided documentation from Ada County that the street names are acceptable and have been approved. This will be required at final plat.
- Subdivision Name
Applicant has provided a letter from Ada County that the subdivision name has been approved and reserved for this development.
- 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. Applicant shall provide an updated landscape plan that shows street trees per code, prior to signing the final plat.**
- Setbacks – The applicant is not requesting any set back waivers and will adhere to the R-4 requirements outlined earlier in this report. For clarification, street side setback requirements do not apply when adjacent to a common lot.
- Block lengths – All blocks appear to meet the 750' block length requirement.

- Mailbox Cluster – **Applicant has not provided documentation from a Postmaster depicting the approved location for the mailbox cluster for the development. This will be required prior to signing the final plat.**
- Mixed-Use Lot – Although there are no proposed uses with this application, the applicant has recognized that this lot would be for future commercial uses. Council should consider the uses allowed within the Mixed-Use zone and condition the Development Agreement accordingly if specific uses are not intended to be allowed. For example, Council may want to prohibit future Multi-Family or other commercial uses that may not be compatible with the proposed residential uses.
- Phasing – **The applicant has not provided a phasing plan for this development. A phasing plan shall be conditioned to be provided prior to submittal of the final plat application.**

DEVELOPMENT AGREEMENT

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

- Density;
- Prohibited Commercial Uses
- ITD Proportionate Share Fees;
- Emergency Access
- Gravel Extraction Operation
- Pond Operation and Maintenance
- Allowed or Prohibited Uses within the Mixed Use

G. Existing Site Characteristics:

Existing Site Characteristics: The property currently has a home and outbuildings; the majority of the land is used as pasture.

Irrigation/Drainage District(s): Eureka Water Company/ Creason Lateral Association
6820 Joplin Road
Meridian, ID 83646

Flood Zone: This property is currently located in Flood Zones X. FEMA FIRM Panels 16001C0120J & 16001C0140J. Effective Date: 6/19/2020

Special On-Site Features:

- ✧ Areas of Critical Environmental Concern – No known areas.
- ✧ Evidence of Erosion – No evidence.
- ✧ Fish Habitat – None.
- ✧ Floodplain – No.
- ✧ Mature Trees – None.
- ✧ Riparian Vegetation – None.
- ✧ Steep Slopes – None.
- ✧ Stream/Creek – No.
- ✧ 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.

H. Agencies Responding:

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

ITD	January 11, 2022
Star Fire District	August 9, 2021
DEQ	May 21, 2021
Ada County Development Services	May 11, 2021
ACHD	August 26, 2021
West Ada School District	July 6, 2021
Keller and Associates	August 6, 2021
Central District Health	May 12, 2021

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

Email from Mark Phillips regarding water development plans associated with Eureka Water Company/Creason Lateral Association.

J. Comprehensive Plan and Unified Development Code Provisions:**Comprehensive Plan:****8.2.3 Land Use Map Designations:****Neighborhood Residential**

Suitable primarily for single family residential use. Densities in the majority of this land use area are to range from 3.01 units per acre to 5 units per acre. Densities not

exceeding 1 to 2 units per acre are to be encouraged in areas of the floodplain, ridgeline developable areas, hillside developable areas, and where new residential lots are proposed adjacent to existing residential lots of one acre and larger where those existing larger lots are not likely to be subdivided in the future.

Mixed Use

Generally suitable for a mixture of uses which may, at the sole discretion of the Council, include office, commercial, light industrial, and/or residential depending upon the specific area designated as Mixed Use. See Mixed Use Implementation Policies for specific criteria. Development within this land use designation is to proceed through the PUD and/or development agreement process.

Identifying areas for mixed-use development has two objectives. The first objective is to give the city a better tool to manage the type of developments through the planned unit development and/or the Development Agreement process. The second objective is that this land use designation will allow the development community to be more innovative in design and placement of structures. Development design guidelines should also be established to guide development within mixed-use areas. Rezoning within this land use designation is to be strictly monitored by the city to assure that the Mixed-Use areas are not being used simply to justify high density residential use.

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 subdivide in the future.

8.5.7 Policies Related Mostly to The Mixed-Use Planning Areas

- A. Council, at their sole discretion, shall determine what mix of uses are appropriate for any mixed-use area considering existing property owners rights.
- B. Development within the Mixed-Use Designation is to proceed through the CUP, PUD, and/or Development Agreement process, and a concept plan must be included with any such proposed use.
- C. In general, mixed-use areas along state highways should be predominantly commercial with a very minor component of residential unless the residential is placed on upper floors as part of a mixed-use building.
- D. Mixed use areas along state and U.S. Highways where direct access to the state highway is prohibited, like along State Highway 16 between State Highway 44 and US Highway 20/26, should be predominately residential with a minor component of neighborhood commercial, or light industrial if sufficient roadway access, by means of backage or other roads, to the State Highway is provided.
- E. Mixed use areas located between commercial and residential land use designations are to provide a compatible transition between the higher intensity use of commercial and the lower intensity use of Estate and_Neighborhood Residential. Uses for these mixed-use areas could include multi-family housing and or office related uses if determined by the Council through the public hearing process, to be appropriate

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:

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.

8-1E-1: DEFINITIONS - TERMS DEFINED

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

8-3A-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.

MU MIXED USE DISTRICT: To provide for a mixture of uses which may, at the sole discretion of the Council, include office, commercial, and/or residential depending upon the specific comprehensive plan area designated as Mixed Use. Development within this zone is to proceed through the PUD process unless a development agreement has already been executed for the particular property. Identifying areas for mixed-use development has two objectives. The first objective is to give the city a better tool to manage the type of developments through the planned unit development and/or the Development Agreement process. The second objective is that this zone may allow the development community to be more innovative in design and placement of structures subject to Council review and approval. Rezoning within this land use designation is to be strictly monitored by the city to assure that the Mixed-Use areas are not being used simply to justify high density residential use. Residential uses may be part of an

overall mixed-use development that includes a non-residential component and may not exceed 30% of the overall size of the development.

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.

8-3A-3: USES WITHIN ZONING DISTRICTS

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

<u>ZONING DISTRICT USES (RESIDENTIAL)</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
<u>ZONING DISTRICT USES (MIXED-USE)</u>		MU		
Accessory structure - Residential or Commercial		C/P		
Adult business/adult entertainment		N		
Agriculture, forestry, fishing		N		
Airport		N		
Animal care facility 1		C		
Artist studio1		P		
Arts, entertainment, recreation facility1		C		
Asphalt plant 1		N		
Auction facility		C		
Automated Teller Machine (ATM) 1		A		
Automotive hobby 1		A		
Automotive mechanical/electrical repair and maintenance		C		
Bakery- Retail or Manufacturing		P/C		
Bar/tavern/lounge/drinking establishment		C		
Barbershop/styling salon		P		
Bed and breakfast		C		
Beverage bottling plant		N		
Boarding house		C		

Brewery/Distillery		C
Brewpub/Wine Tasting		C
Building material, garden equipment and supplies		C
Campground/RV park 1		C
Caretaker Unit 1		A
Cement or clay products manufacturing		N
Cemetery 1		N
Chemical manufacturing plant 1		N
Child Care center (more than 12) 1		C
Child Care family (6 or fewer) 1		A
Child Care group (7-12) 1		C
Child Care-Preschool/Early Learning1		C
Church or place of religious worship1		P
Civic, social or fraternal organizations		C
Concrete batch plant 1		N
Conference/convention center		C
Contractor's yard or shop 1		N
Convenience store		C
Dairy farm		N
Drive-through establishment/drive-up service window 1		C
Dwelling:		
Multi-family 1		C
Secondary 1		C
Single-family attached		C
Single-family detached		C
Two-family duplex		C

Live/Work Multi-Use 1		C
Educational institution, private		C
Educational institution, public		C
Equipment rental, sales, and services		C
Events Center, public or private (indoor/outdoor)		C
Fabrication shop		N
Farm		N
Farmers' or Saturday market		C
Feedlot		N
Financial institution		C
Fireworks Stands		P
Flammable substance storage		N
Flex Space		C
Food products processing		N
Fracking		N
Gasoline, Fueling & Charging station with or without convenience store 1		C
Golf course		C
Government office		C
Greenhouse, private		A
Greenhouse, commercial		C
Guesthouse/granny flat		C
Healthcare and social services		C
Heliport		N
Home occupation 1		A
Hospital		C
Hotel/motel		C

Ice manufacturing plant		N
Industry, information		C
Institution		C
Junkyard		N
Kennel		C
Laboratory		C
Laboratory, medical		C
Lagoon		N
Laundromat		P
Laundry and dry cleaning		C
Library		N
Manufactured home 1		C
Manufactured home park 1		N
Manufacturing plant		N
Meatpacking plant		N
Medical clinic		P
Mining, Pit or Quarry (excluding accessory pit) 1		N
Mining, Pit or Quarry (for accessory pit) 1		A
Mortuary		C
Museum		P
Nursery, garden center and farm supply		C
Nursing or residential care facility 1		C
Office security facility		C
Parking lot/parking garage (commercial)		C
Parks, public and private		P
Pawnshop		P
Personal and professional services		P

Pharmacy		P
Photographic studio		P
Portable classroom/modular building (for private & public Educational Institutions)		C
Power plant		N
Processing plant		N
Professional offices		C
Public infrastructure; Public utility major, minor and yard 1		C
Public utility yard		N
Recreational vehicle dump station		A
Recycling center		N
Research activities		C
Restaurant		C
Retail store/retail services		C
Retirement home		C
Riding Arena or Stable, Private/ Commercial		N
Salvage yard		N
Sand and gravel yard		N
Service building		C
Shooting range (<u>Indoor/Outdoor</u>)		C/N
Shopping center		C
Short Term Rentals 1		A
Solid waste transfer station		N
Storage facility, outdoor (commercial)1		C
Storage facility, self-service (commercial)1		C
Swimming pool, commercial/public		P
Television station		C

Temporary living quarters 1		N
Terminal, freight or truck 1		N
Truck stop		C
Turf farm		N
Vehicle emission testing 1		C
Vehicle impound yard 1		N
Vehicle repair, major 1		C
Vehicle repair, minor 1		C
Vehicle sales or rental and service 1		C
Vehicle washing facility 1		C
Vehicle wrecking, junk or salvage yard1		N
Veterinarian office		C
Vineyard		C
Warehouse and storage		C
Wholesale sales		C
Winery		C
Wireless communication facility 1		C
Woodworking shop		N

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

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

MU	35'	For MU and CBD - Unless otherwise approved by the Council as a part of a PUD or development agreement, all residential buildings shall follow the residential setbacks shown in this table based upon the project density and all other buildings shall follow setbacks for the C-2 zone (3).
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Notes:

1. Front yard setback shall be measured from the face of the garage to the face of the sidewalk, allowing for 20' of parking on the driveway without overhang onto the sidewalk.
2. Interior side yard setbacks for lots with 50' or less of lot width shall be allowed 5' interior side yard setbacks for one and two-story structures.
3. All setbacks in the M-U zone shall be a minimum 15' when adjacent to a residential use or zone.

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

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

1. The total land area of all common open space shall equal or exceed fifteen percent (15%) of the gross land area of the development. Ten percent (10%) of that area shall be usable open space.
2. Each development is required to have at least one site amenity.
3. One additional site amenity shall be required for each additional twenty (20) acres of development area, plus one additional amenity per 75 residential units.
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.

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

1. Any open space that is active or passive in its intended use, and accessible or visible by all residents of the development, including, but not limited to:
 - a. Open grassy area of at least fifty feet by one hundred feet (50' x 100') in area;
 - b. Qualified natural areas;
 - c. Ponds or water features where active fishing, paddle boarding or other activities are provided

(50% qualifies towards total required open space, must be accessible by all residents to qualify.)
ponds must be aerated;

d. A plaza.

2. Additions to a public park or other public open space area.

3. The buffer area along collector and arterial streets may be included in required overall common open space for residential subdivisions.

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

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

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

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

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

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

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

1. Clubhouse;
2. Fitness facilities, indoors or outdoors;
3. Public art;
4. Picnic area; or
5. Recreation amenities:

- a. Swimming pool.
- b. Children's play structures.
- c. Sports courts.
- d. Additional open space in excess of 5% usable space.
- e. RV parking for the use of the residents within the development.
- f. School and/or Fire station sites if accepted by the district.
- g. Pedestrian or bicycle circulation system amenities meeting the following requirements:
 - (1) The system is not required for sidewalks adjacent to public right of way;
 - (2) The system connects to existing or planned pedestrian or bicycle routes outside the development; and
 - (3) The system is designed and constructed in accord with standards set forth by the city of Star;
- D. Location: The common open space and site amenities shall be located on a common lot or an area with a common maintenance agreement.

8-1B-1C ANNEXATION/REZONE FINDINGS:

1. The map amendment complies with the applicable provisions of the Comprehensive Plan.

The Council finds that the purpose of the Star Comprehensive Plan is to promote the health, safety, and general welfare of the people of the City of Star and its Impact Area. Some of the prime objectives of the Comprehensive Plan include:

 - ✓ *Protection of property rights.*
 - ✓ *Adequate public facilities and services are provided to the people at reasonable cost.*
 - ✓ *Ensure the local economy is protected.*
 - ✓ *Encourage urban and urban-type development and overcrowding of land.*
 - ✓ *Ensure development is commensurate with the physical characteristics of the land.*

The goal of the Comprehensive Plan for Land Use is to encourage the development of a diverse community that provides a mixture of land uses, housing types, and a variety of employment options, social and recreational opportunities, and where possible provides an assortment of amenities within walking distance of a residential development. The Council finds that this annexation is in compliance with the Comprehensive Plan.
2. The map amendment complies with the regulations outlined for the proposed district, specifically, the purposes statement.

The Council finds that that the proposal complies with the proposed district and purpose statement. The purpose of the residential districts is to provide regulations and districts

for various residential neighborhoods with gross densities in compliance with the intent of the Comprehensive Plan designation. Housing shall be single family detached unless approved with a PUD or development agreement. Connection to municipal water and sewer facilities are required for all subdivision and lot split applications in all districts exceeding one dwelling unit per acre. Private streets may be approved in this district for access to newly subdivided or split property. The purpose of the mixed-use district is to provide for a mixture of uses which may, at the sole discretion of the Council, include office, commercial, and/or residential depending upon the specific comprehensive plan area designated as Mixed Use. Development within this zone is to proceed through the PUD process unless a development agreement has already been executed for the particular property. Identifying areas for mixed-use development has two objectives. The first objective is to give the city a better tool to manage the type of developments through the planned unit development and/or the Development Agreement process. The second objective is that this zone may allow the development community to be more innovative in design and placement of structures subject to Council review and approval. Rezoning within this land use designation is to be strictly monitored by the city to assure that the Mixed-Use areas are not being used simply to justify high density residential use. Residential uses may be part of an overall mixed-use development that includes a non-residential component and may not exceed 30% of the overall size of the development.

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

The Council finds that there is no indication from the material and testimony submitted that the rezoning of this property will be materially detrimental to the public health, safety or welfare.

4. The map amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city including, but not limited to, school districts.

The Council finds that the City has not been presented with any information from agencies having jurisdiction that public services will be adversely impacted other than traffic, which will continue to be impacted as the City grows. Emergency services were reviewed and mitigation recommended by the Star Fire District.

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

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

8-6A-7: PRELIMINARY PLAT FINDINGS:

1. The plat is in conformance with the Comprehensive Plan;

The Council finds that the Preliminary Plat, as approved and conditioned meets all requirements associated with Section 8-6A-3 of the UDC and is consistent with the Comprehensive Plan and will meet the intent of the Land Use designation. Further, the property is required to develop under the guidelines of the Comprehensive Plan and requirements of the Unified Development Code.

2. Public Services are available or can be made available and are adequate to accommodate the proposed development;
The Council finds that Agencies having jurisdiction on this parcel were notified of this action. The City has not received notice that public services are not available or cannot be made available for this development. Emergency services were reviewed and mitigation recommended by the Star Fire District.
3. There is public financial capability of supporting services for the proposed development;
The Council finds that the City has not received notice from any jurisdictional agency that there are any problems with public financial capability for this development.
4. The development will not be detrimental to the public health, safety or general welfare;
The Council finds that the City has not been made aware of any known detriment that will be caused by this development. Residential uses are a permitted use and are compatible with other residential uses in the immediate area.
5. The development preserves significant natural, scenic or historic features;
The Council finds that there are no known natural, scenic, or historic features that have been identified with this Preliminary Plat. The property has been in previous agricultural production.

Public Hearing of the Council:

- a. A public hearing on the application was heard by the City Council on January 11, 2022, at which time testimony was heard and the public hearing was closed. The City Council made their decision at that time.
- b. Oral testimony regarding the application was presented to the City Council by:
 - Debra Nelson
 - Teller Bard
 - Michael Keyes
 - Pete Aldrich
 - Doug Perry
- c. Written testimony in favor of or opposing the application was presented to the City Council at the hearing by:
None

Deliberations and Conclusions of Law:

The Council reviewed the particular facts and circumstances of this proposed annexation and zoning 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 rezoning and platting of the development. Review and discussion included development layout, access and street configuration, setbacks, open space, pathways and landscaping. The Council concluded that the Applicant's request meets the requirements for annexation and preliminary plat. Council hereby incorporates the staff report dated January 11, 2022, together with the hearing minutes into the official decision as part of these Findings of Fact, Conclusions of Law.

Statement of Compliance:

Council finds the Applicant has met all requirements of the Unified Development Code and the intent and purpose of the Comprehensive Plan and Map requirements.

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

- 7' Sidewalks shall be constructed along Joplin Road and Star Road, or bonded for through ACHD
- All streets within the development shall have minimum 36' roadway widths.
- Coordinate with Star Sewer and Water District and the Aldrich property on a sewer stub
- The following uses are approved as principally permitted in the Mixed-Use zone:
 - Shopping/Retail
 - Professional Office
 - Restaurant/Drive-Thru
- Commercial uses shall be disclosed within the CC&R's regarding lights, noise and operation.

Conditions of Approval:

1. The approved Preliminary Plat for the Oaklawn Crossing 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. ITD has calculated the fees to not exceed \$1,630 per 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. All public streets shall have a minimum street width of 36' and shall be constructed to ACHD standards.
4. **The applicant shall submit a Temporary Use application to the City for approval prior to the start of excavation of any pond. The excavation shall comply with all requirements set forth in Section 8-5-19C of the Star Unified Development Code pertaining to Accessory Pits.**
5. **A revised landscape plan shall be submitted at the time of final plat detailing the required street trees and showing open style fencing along the rear property lines adjacent to the common lot located along the southern, western and eastern boundaries of the subdivision for Lots 38-43, 45, 51, Block 1, and Lots 4-5, and 11, Block 3 of the approved preliminary plat.**
6. 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. **Applicant/Owner shall submit a streetlight plan and design prior to Final Plat approval. Streetlights shall comply with the Star City Code regarding light trespass and "Dark Sky" initiative.**
7. Street trees along the private street and landscaping along Brandon Road shall be installed per Chapter 8, including Section 8-8C-2-M(2) Street Trees. **Applicant shall provide an updated landscape plan depicting compliance with this code, prior to signing the final plat.**
8. The property with the approved Preliminary Plat shall be satisfactorily weed abated, preventing a public nuisance, per Star City Code.
9. All signed Irrigation District Agreements with the Irrigation Districts shall be provided to the City of Star with each subsequent Final Plat application.
10. 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.
11. A plat note supporting the "Right to Farm Act" as per Idaho Code Title 22, Chapter 45, shall be shown on the Final Plat.
12. A copy of the CC&R's shall be submitted to the City of Star at Final Plat.
13. **A letter from Ada County shall be provided approving the street names in the development and all names shall be reflected correctly on all pages of the final plat, before the mylar will be signed.**
14. **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.**
15. 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.
16. 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.

17. 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.
18. All common areas shall be owned and maintained by the Homeowners Association.
19. 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.**
20. A sign application is required for any subdivision signs.
- 21. Owner/Developer will agree to install at least one, 2" maximum (High Density Polyethylene) HDPE SDR-11 roll pipe/conduit in the joint utility trench to be used for future fiber optic and/or copper telecommunication cables.**

Council Decision:

The Council voted 4-0 to approve the Annexation, Development Agreement and Preliminary Plat for Oaklawn Crossing Subdivision on January 11, 2022.

Dated this 15th day of February 2022.

Star, Idaho

By: _____

Trevor A. Chadwick, Mayor

ATTEST:

Jacob M. Qualls, City Clerk