

FINDINGS OF FACT AND CONCLUSIONS OF LAW
GLENDORA SUBDIVISION
PP-22-07

The above-entitled Preliminary Plat land use application came before the Star City Council for their action on October 18, 2022, at which time public testimony was taken and the public hearing was closed. The Star City Council, having requested and taken oral and written testimony, and having duly considered the matter, does hereby make the following Findings of Fact and Conclusions of Law.

Procedural History:

A. Project Summary:

The Applicant is seeking approval of a Preliminary Plat for a proposed residential subdivision consisting of 13 residential lots and 4 common lots. The property is located at 9666 W. Floating Feather Road in Star, Idaho. The property contains 4.35 acres with a proposed density of 2.98 dwelling units per acre. The property is currently zoned R-3. The subject property is generally located on the north side of W. Floating Feather Road, at the northwest corner of N. Plummer Road and Floating Feather Road. Ada County Parcel No. S0405449930.

B. Application Submittal:

A neighborhood meeting was held on May 11, 2022, in compliance with the application submittal requirement of the Star Unified Development Code (Section 8-1 A-6 C). The Land Use application was deemed complete on August 2, 2022.

C. Notice of Public Hearing:

Notice of Public Hearing on the application for the City of Star Council was published in accordance with the requirements of Title 67, Chapter 65, Idaho Code and the Star Unified Development Code on September 25, 2022. Notice of this public hearing was mailed to property owners within three-hundred feet (300') of the subject property in accordance with the requirements of Title 67, Chapter 65, Idaho Code and Star Unified Development Code on September 21, 2022. Notice was sent to agencies having jurisdiction in the City of Star on August 2, 2022. The property was posted in accordance with the Star Unified Development Code on October 7, 2022.

D. History of Previous Actions:

The property was annexed into the City in the past, however, Staff cannot find information in the files on when it was annexed.

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

| | Zoning Designation | Comp Plan Designation | Land Use |
|----------------------|---------------------------|------------------------------|---|
| Existing | Residential (R-3) | Estate Urban Residential | Single-Family Residential/Agricultural |
| Proposed | Residential (R-3) | Estate Urban Residential | Single-Family Residential/Agricultural |
| North of site | Residential (R-4-DA) | Estate Urban Residential | Approved Langtree Bungalows Subdivision |
| South of site | RUT (County) | Estate Urban Residential | Single-Family Residential/Agricultural |
| East of site | Residential (R-3) | Estate Urban Residential | Star Cemetery District |
| West of site | Residential (R-4-DA) | Estate Urban Residential | Approved Langtree Bungalows Subdivision |

F. *Development Features.*

PRELIMINARY PLAT:

Glendora Subdivision consists of 13 single-family detached residential lots and 4 common lots for a total of 17 lots. Residential lots range in size from 6,967 square feet to 15,554 square feet with an average buildable lot size of 8,846 square feet. The gross density of the development is 2.98 dwelling units per acre. The submitted preliminary plat is showing all local roads with a 47-foot wide right of way with paved streets measuring 36 feet from back of curb to back of curb. Primary access for the development will be on a new public street that originates from W. Floating Feather Road. Sidewalks are proposed to be detached with a 5-foot, concrete sidewalk and a 10-foot landscape strip. Street names must be obtained by the Ada County Street Naming Committee prior to signature of the final plat. The applicant is proposing 0.95 acres (21.8%) of qualified open space with 0.70 acres (16.1%) of usable open space which satisfies the Unified Development Code.

The Unified Development Code, Section 8-4E-2 requires a development of this size to have a minimum of 1 site amenity. The applicant is proposing a picnic area/table in the large common lot that is also large enough to classify as an amenity under the code.

ADDITIONAL DEVELOPMENT FEATURES:

- Sidewalks
Sidewalks are proposed at five-foot (5') widths and will be detached throughout the overall subdivision. This satisfies the Unified Development Code Section 8-4A-17.
- 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 design that is in compliance with city requirements. The Applicant has not provided streetlight locations. Staff will require a light at the entrance of the development. One at the cul-de-sac and one at the site amenity.
- 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. The proposed landscape plan appears to satisfy these requirements.
- Mailbox Clusters – Applicant has provided approval from the Star Postmaster for the location of the mailbox cluster.
- Streets – Applicant is proposing a 47-foot wight of way with streets being 36 feet measured from back of curb to back of curb. This satisfies the Unified Development Code.
- 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.
- Setbacks – The applicant is not requesting any setback waivers and will adhere to the setbacks of the R-3 zone, including 7.5' side yard setbacks.
- Block lengths – The single block meet the 750' block length requirement.
- Phasing – The development is proposing to be built out in a single phase.

ITD PROPORTIONATE SHARES

The subdivision will be subject to the proportionate shares program through ITD.

H. *On-Site Features:*

- ✪ Areas of Critical Environmental Concern – None identified.
- ✪ Evidence of Erosion – No known areas.
- ✪ Fish Habitat – No known areas.
- ✪ Mature Trees – Yes.
- ✪ Riparian Vegetation – No.
- ✪ 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.

| | |
|---------------------------------|------------------|
| Middleton Mill Ditch Co. | August 4, 2022 |
| City Engineer | October 4, 2022 |
| Star Trans. & Pathway Committee | August 29, 202 |
| ACHD | August 29, 2022 |
| Star Fire District | October 12, 2022 |

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:

- 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.

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:

8-3A-1: ZONING DISTRICTS AND PURPOSE ESTABLISHED:

(R) RESIDENTIAL DISTRICT: To provide regulations and districts for various residential neighborhoods. Gross density in a Residential (R) district shall be determined according to the numeral following the R. The numeral designates the maximum number of dwelling units per acre. In zoning designations of R-1, R-2, R-3, R-4 and R-5, housing shall be single family detached unless approved with a PUD or development agreement. Connection to municipal water and sewer facilities are required for all subdivision and lot split applications submitted after the effective date hereof in all districts exceeding one dwelling unit per acre. Wells and septic systems may be permitted for larger lots in this land use designation that are not adjacent to municipal services, as determined by the Sewer District, and if approved by the applicable Health Department. Private streets may be approved in this district for access to newly subdivided or split property. This district does allow for some non-residential uses as specified in 8-3A-3.

DA DEVELOPMENT AGREEMENT: This designation, following any zoning designation noted on the official zoning map of the city (i.e., C-2-DA), indicates that the zoning was approved by the city with a development agreement, with specific conditions of zoning.

8-3A-3: USES WITHIN ZONING DISTRICTS

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

| Zoning District Uses | A | RR | R |
|----------------------|---|----|---|
| Dwelling: | | | |
| Multi-Family | N | N | C |
| Secondary | A | A | A |

| | | | |
|------------------------|---|---|---|
| Single-Family Attached | N | N | P |
| Single-Family Detached | P | P | P |
| Two-Family Duplex | N | N | P |
| Live/Work Multi-Use | N | N | N |

Notes:

1. Indicates uses that are subject to specific use standards in accord with chapter 5 of this title.

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

| Zoning District | Maximum Height Note Conditions | Minimum Yard Setbacks Note Conditions | | | |
|-----------------|--------------------------------|---|------|---------------|-------------|
| | | Front(1) | Rear | Interior Side | Street Side |
| R-3 | 35' | 15' to living area/side load garage 20' to garage face | 15' | 7.5' (2) | 20' |

Notes:

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

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

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

1. The total land area of all common open space shall equal or exceed fifteen percent (15%) of the gross land area of the development. Ten percent (10%) of that area shall be usable open space.

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

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

1. Any open space that is active or passive in its intended use, and accessible or visible by all residents of the development, including, but not limited to:
 - a. Open grassy area of at least fifty feet by one hundred feet (50' x 100') in area;
 - b. Qualified natural areas;
 - c. Ponds or water features where active fishing, paddle boarding or other activities are provided (50% qualifies towards total required open space, must be accessible by all residents to qualify.) ponds must be aerated;
 - d. A plaza.
2. Additions to a public park or other public open space area.
3. The buffer area along collector and arterial streets may be included in required overall common open space for residential subdivisions.
4. 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.

8-6A-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 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 October 18, 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:
 - Stephanie Hopkins, KM Engineering
- 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 rezone 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 development. Review and discussion included development layout, access and street configuration, pathways and irrigation and drainage. The Council placed conditions of approval on the application to address pathway connections. Council concluded that the Applicant's request, as conditioned, meets the requirements for annexation, rezone, and preliminary plat. Council concluded that the Applicant's request, as conditioned, meets the requirements for a preliminary plat private street. Council hereby incorporates the staff report dated October 18, 2022 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 the following conditions of approval to their decision to approve the applications to include the following:

- **Applicant shall work with the City on the connection of their irrigation ditch with the City's tiling project for the school pathway**
- **Applicant shall continue the pathway on the northeast corner of the property and connect to the Langtree Bungalows pathway**
- **The pathway located in the middle of the development's common area will be a constructed with hard surface, preferably concrete.**

Conditions of Approval:

1. The approved Preliminary Plat for the Glendora Subdivision shall comply with all statutory requirements of applicable agencies and districts having jurisdiction in the City of Star.
2. **The applicant agrees to proportionate share assessment by ITD regarding impacts to the State Highway System. ITD has calculated the fees to be \$1,000.00 per residential lot. These fees will be collected by the City of Star, by phase, prior to final plat signature.**
3. **Applicant shall work with the City on the connection of their irrigation ditch with the City's tiling project for the school pathway.**
4. **Applicant shall continue the pathway on the northeast corner of the property and connect to the Langtree Bungalows pathway.**
5. **The pathway located in the middle of the development's common area will be a constructed with hard surface, preferably concrete.**
6. **Applicant shall meet all the setback requirements in the Unified Development Code Section 8-3A-4.**
7. Streetlights shall comply with the Star City Code and shall be of the same design throughout the entire subdivision and shall be maintained by the Homeowners Association. Streetlights shall be installed prior to any building occupancy. Design shall follow Code with requirements for light trespass and "Dark Skies" lighting. **Applicant/Owner shall place lights at the entrance of subdivision, at the cul-de-sac and the site amenity. Streetlights shall comply with the Star City Code regarding light trespass and "Dark Sky" initiative.**
8. Street trees shall be installed per Chapter 8, including Section 8-8C-2-M(2) Street Trees including one (1) tree per thirty-five (35) linear feet.
9. **Prior to signing the final plat, Applicant shall provide approval from Ada County for all street names and they should be accurately reflected on the plat**
10. All signed Irrigation District Agreements with the Irrigation Districts shall be provided to the City of Star with each subsequent Final Plat application.
11. The property with the approved Preliminary Plat shall be satisfactorily weed abated, preventing a public nuisance, per Star City Code.
12. 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.
13. Pressurized irrigation systems shall comply with the Irrigation District(s) and the City of Star Codes. Plans for pressurized irrigation systems shall be submitted to, and approved by the City of Star Engineer, prior to installation.
14. A plat note supporting the "Right to Farm Act" as per Idaho Code Title 22, Chapter 45, shall be shown on the Final Plat.

15. A copy of the CC&R's shall be submitted to the City of Star at Final Plat.
16. A form signed by the Star Sewer & Water District shall be submitted to the City prior to the signature of the Final Plat stating that all conditions of the District have been met, including annexation into the District.
17. 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.
18. 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.
19. All common areas shall be owned and maintained by the Homeowners Association.
20. 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.**
21. A sign application is required for any subdivision signs.

Council Decision:

The Council voted 4-0 to approve the Preliminary Plat for Glendora Subdivision on October 18, 2022.

Dated this 6th day of December 2022.

Star, Idaho

By: _____

Trevor A. Chadwick, Mayor

ATTEST:

Jacob M. Qualls, City Clerk