

FINDINGS OF FACT AND CONCLUSIONS OF LAW
STARPOINTE 2 SUBDIVISION ANNEXATION, PRELIMINARY PLAT & PRIVATE STREET
AZ-23-03/DA-21-09MOD/PP-23-02/PR-23-02/PP-21-10 AMENDED

The above-entitled Annexation and Zoning, Development Agreement Modification, Preliminary Plat, Private Street and Preliminary Plat Amendment came before the Star City Council for action on February 20, 2024, 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. *Proposed Project Summary:*

The Applicant is requesting approval of an Annexation and Zoning (R-4), a Development Agreement Modification, a Preliminary Plat for a proposed residential subdivision consisting of 12 residential lots and 2 common lots, a private street and an amendment to the original Starpointe Subdivision Preliminary Plat. The property is located at 6777 and 6825 N. Star Road in Star, Idaho, and consists of 3.08 acres with a proposed density of 3.89 dwelling units per acre. The subject property is generally located on the west side of N. Star Road between Hwy 20/26 (Chinden Blvd) and W. Joplin Road. Ada County Parcel No's. S0419449020 & S0419417750.

B. *Application Submittal and Agency Transmittal:*

A neighborhood meeting was held on April 17, 2023, in compliance with the application submittal requirement of the Star Unified Development Code (Section 8-1A-6C). The Land Use applications were accepted by the City on July 14, 2023. Original notice was sent to agencies having jurisdiction in the City of Star on September 7, 2023.

C. *Notice of Public Hearing:*

Notice of Public Hearing on the application for the City of Star City Council was published in accordance with the requirements of Title 67, Chapter 65, Idaho Code, and the Star Unified Development Code on September 12, 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 September 7, 2023. The property was posted in accordance with the Star Unified Development Code on September 21, 2023.

D. *Property History:*

August 17, 2021	Application was originally scheduled for public hearing and was postponed allowing ACHD and ITD time to provide comments.
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January 11, 2022

Council approved applications for Annexation and Zoning (AZ-21-07), Development Agreement (DA-21-09) and Preliminary Plat (PP-21-10) for Starpointe Subdivision. The preliminary plat was approved for a maximum 71 residential lots and 13 common lots on 29.24 acres.

June 7, 2022

Council approved Final Plat (FP-22-01) of Starpointe Subdivision for 69 residential lots and 15 common lots.

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

	Zoning Designation	Comp Plan Designation	Land Use
Existing	RUT (County) R-3-DA	South of the River Plan	Vacant
Proposed	R-4-DA	South of the River Plan	Single Family Residential
North of site	Residential R-3-DA	South of the River Plan	Developing Single Family Residential - Starpointe Subdivision
South of site	RUT (County)	South of the River Plan	Vacant
East of site	RUT (County) R-3-PUD-DA	South of the River Plan	Star Road/R.C. Bean Saddlery/Developing Inspirado Subdivision
West of site	RUT (County)	South of the River Plan	Vacant

F. Development Features:

ANNEXATION & REZONE:

The applicant is requesting approval of an annexation and rezone application, annexing into the City a parcel containing approximately 2.01 acres and zoning the property Residential (R-4-DA). This zoning district would allow for a maximum residential density of 5 dwelling units per acre. The property is adjacent to the currently developing Starpointe Subdivision and is located in an area that will be serviceable with central sewer and water provided by Star Sewer and Water District. The property is accessed by the existing public road in Starpointe that currently has frontage on Star Road. The rezone request includes a development agreement that will address future density and development standards.

PRELIMINARY PLAT AND AMENDED STARPOINTE PRELIMINARY PLAT:

The new preliminary plat submitted contains 12 single-family attached residential lots and 2 common lots on a total of 3.08 acres and a proposed density of 3.89 dwelling units per acre. A portion of the area in the subdivision (1.08 acres) is part of the original Starpointe Subdivision preliminary plat, which requires the applicant to receive approval of an amendment to the original Starpointe Subdivision Preliminary Plat. Council may approve the attached single-family dwellings through the Development Agreement in-lieu of a Conditional Use Permit. All lots will have access and frontage from private streets. The attached residential lots range in size from 2,500 square feet to 3,452 square feet with the average buildable lot being 2,806 square feet. The applicant is proposing private streets to access all lots within the development . All roads will be built to ACHD, City of Star and Star Fire District standards. The submitted preliminary plat shows a 28 ft wide easement with paved streets measuring 28 feet from back of curb to back of curb. Sidewalks are proposed to be 5 feet wide attached throughout the development. The UDC requires all streets to have a minimum street width of 36 feet and detached sidewalks with planter strips between the sidewalks and the roadway. The applicant will need to request approval from the City Council for a waiver modification of the roadway and sidewalk standards.

The application has indicated that the proposed overall open space provided is 1.80 acres (58%), including at least (10%) usable open space. Amenities include a shade structure with tables and seating, in addition to access to the amenities within the Starpointe Subdivision.

ADDITIONAL DEVELOPMENT FEATURES:

- Pathways
Landscape plan shows some pathways within a portion of the common area. It does not show a pathway along the Phyllis Canal out to Star Road. **Council shall review and consider the need for a pathway along the canal.**
- 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 location plan and but not a street light design. **Applicant shall provide a streetlight design style 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 application.
- 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 show street trees. **A revised landscape plan shall be submitted at final plat application.**

- **Setbacks – The applicant is requesting zero-lot-lines for the attached single-family dwelling lots within the development.** The applicant is also requesting reductions in the front yard setbacks to 10' for living area and 5' street side setbacks for several internal lots. Per the UDC, this can be requested and approved as part of the Development Agreement process.
- **Fencing – The applicant has not indicated safety fencing of the Phylis Canal. Council should consider any needed fencing of the canal.**
- **Mailbox Cluster – Applicant has not submitted a mailbox review from the Meridian Postmaster. The applicant shall provide this information to the City prior to signing the final plat. The mailbox cluster shall be covered with an architectural structure.**

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:

- Approval of the Attached Residential Dwellings as part of the Development Agreement process (in-leu-of a Conditional Use Permit)
- Approval of Zero-Lot-Line Setbacks, Front and Street Side Setbacks for the Attached Dwellings as part of the Development Agreement process
- Consideration of a Pathway and Fencing along the Phylis Canal
- ITD Proportionate Share Fees;
- Reduced Street Widths of 28 feet
- Waiver of Detached Sidewalks

G. *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.

DEQ	July 19, 2023
ACHD	January 30, 2024
Ada County Development Services	July 31, 2023

I. Staff received the following letters & emails in support and opposition of the development application:

Email from Robert and Joanne Ax Trust February 7, 2024

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

8.3 Goal:

Encourage the development of a diverse community that provides a mix of land uses, housing types, and a variety of employment options, social and recreational opportunities, and where possible, an assortment of amenities within walking distance of residential development.

8.4 Objectives:

- Implement the Land Use Map and associated policies as the official guide for development.

- Manage urban sprawl in order to minimize costs of urban services and to protect rural areas.
- Encourage land uses that are in harmony with existing resources, scenic areas, natural wildlife areas, and surrounding land uses.

8.5.3 Policies Related Mostly to the Urban Residential Planning Areas:

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

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

8.5.9 Additional Land Use Component Policies:

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

18.4 Implementation Policies:

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

21.1 – South of the River Planning Area

Refer to the South of the River Area Document

UNIFIED DEVELOPMENT CODE (UDC):

8-1B-1: ANNEXATION AND ZONING; REZONE:

B. Standards:

1. The subject property shall meet the minimum dimensional standards of the proper district.
2. The city may require a development agreement in conjunction with the annexation and

zoning, or rezone, pursuant to Idaho Code section 67-6511A, which may include a concept plan. In addition to other processes permitted by city and state code, exceptions or waivers of standards, other than use, may be permitted through execution of a development agreement. A development agreement and concept plan shall be required for any rezone to a mixed-use zone, high density zone or land which includes steep slope (land over 25%) or floodway.

3. The termination of a development agreement shall result in the reversal of the official zoning map amendment approval and applicable development approval for any undeveloped portion of property subject to the development agreement. The undeveloped property subject to the development agreement shall be rezoned to the district classification as designated by the development agreement. When no designation is provided, the property shall revert to its original zoning or, if the original designation no longer exists, to the closest current equivalent zoning as determined by the current Comprehensive Plan Land Use Map designation.

4. An amendment or termination of a previously recorded development agreement shall be recorded in the office of the county recorder by the clerk.

5. An approved development agreement must be executed within ninety (90) days of the meeting at which the development agreement is approved by the city council. A one-time administrative extension of maximum thirty (30) days may be granted by the zoning administrator. Additional extensions may be approved by majority vote of the city council. Failure to execute the development agreement within the required timeframe will result in the denial of all related applications.

C. Required Findings: The council shall review the application at the public hearing. In order to grant an annexation and zoning or rezone, the council shall make the following findings:

1. The map amendment complies with the applicable provisions of the comprehensive plan;
2. The map amendment complies with the regulations outlined for the proposed district;
3. The map amendment shall not be materially detrimental to the public health, safety, and welfare; and
4. The map amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city.
5. The annexation (as applicable) is in the best interest of city.

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

R RESIDENTIAL DISTRICT: To provide regulations and districts for various residential neighborhoods. Gross density in a Residential (R) district shall be determined according to the numeral following the R. The numeral designates the maximum number of dwelling units per acre. In zoning designations of R-1, R-2, R-3, R-4 and R-5, housing shall be single family

detached unless approved with a PUD or development agreement. Connection to municipal water and sewer facilities are required for all subdivision and lot split applications submitted after the effective date hereof in all districts exceeding one dwelling unit per acre. Wells and septic systems may be permitted for larger lots in this land use designation that are not adjacent to municipal services, as determined by the Sewer District, and if approved by the applicable Health Department. Private streets may be approved in this district for access to newly subdivided or split property. This district does allow for some non-residential uses as specified in 8-3A-3.

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

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</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-4: ZONING DISTRICT DIMENSIONAL STANDARDS:

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

Notes:

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

8-4D-3: STANDARDS (PRIVATE STREETS):

All private streets shall be designed and constructed to the following standards:

A. Design Standards:

1. Easement: The private street shall be constructed on a perpetual ingress/egress easement or a single platted lot (with access easement) that provides access to all applicable properties.
2. Connection Point: Where the point of connection of the private street is to a public street, the private street shall be approved by the transportation authority.
3. Emergency Vehicle: The private street shall provide sufficient maneuvering area for emergency vehicles as determined and approved by the Star Fire District.
4. Gates: Gates or other obstacles shall not be allowed, unless approved by Council through a Planned Unit Development or Development Agreement.

B. Construction Standards:

1. Obtain approval from the county street naming committee for a private street name(s);
 2. Contact the transportation authority to install an approved street name sign that complies with the regulations of the county street naming ordinance;
 3. Roadway and Storm Drainage: The private street shall be constructed in accord with the roadway and storm drainage standards of the transportation authority or as approved by the city of Star based on plans submitted by a certified engineer.
 4. Street Width: The private street shall be constructed within the easement and shall have a travel lane that meets ACHD width standards for the City of Star, or as determined by the Council and Star Fire District.
 5. Sidewalks: A five foot (5') attached or detached sidewalk shall be provided on one side of the street in commercial districts. This requirement may be waived if the applicant can demonstrate that an alternative pedestrian path exists. Residential private streets may request a waiver of sidewalks to be approved by Council.
 6. Fire Lanes: All drive aisles as determined by the Star Fire District to be fire lanes, shall be posted as fire lanes with no parking allowed. In addition, if a curb exists next to the drive aisle, it shall be painted red.
 7. No building permit shall be issued for any structure using a private street for access to a public street until the private street has been approved.
- C. The applicant or owner shall establish an on-going maintenance fund through the Owner's association with annual maintenance dues to ensure that funds are available for future repair and maintenance of all private streets. This shall be a requirement in a development agreement and/or as part of a planned unit development. A reserve account condition shall be included in the recorded CC&R's and shall be provided to the City for review. The condition of approval shall include the following:

1. Private Road Reserve Study Requirements.
 - a. At least once every three years, the board shall cause to be conducted a reasonably competent and diligent visual inspection of the private road components that the association is obligated to repair, replace, restore, or maintain as part of a study of the reserve account requirements of the common interest development, if the current replacement value of the major components is equal to or greater than one-half of the gross budget of the association, excluding the association's reserve account for that period. The board shall review this study, or cause it to be reviewed, annually and shall consider and implement necessary adjustments to the board's analysis of the reserve account requirements as a result of that review.
 - b. The study required by this section shall at a minimum include:
 - i. Identification of the private road components that the association is obligated to repair, replace, restore, or maintain.

- ii. Identification of the probable remaining useful life of the components identified in paragraph (1) as of the date of the study.
 - iii. An estimate of the cost of repair, replacement, restoration, or maintenance of the components identified in paragraph (1).
 - iv. An estimate of the total annual contribution necessary to defray the cost to repair, replace, restore, or maintain the components identified in paragraph (1) during and at the end of their useful life, after subtracting total reserve funds as of the date of the study.
 - v. A reserve funding plan that indicates how the association plans to fund the contribution identified in paragraph (4) to meet the association's obligation for the repair and replacement of all private road components.
- c. A copy of all studies and updates shall be provided to the City, to be included in the development application record.

8-4D-4: REQUIRED FINDINGS (PRIVATE STREETS):

In order to approve the application, the administrator and/or Council shall find the following:

- A. The design of the private street meets the requirements of this article;
- B. Granting approval of the private street would not cause damage, hazard, or nuisance, or other detriment to persons, property, or uses in the vicinity; and
- C. The use and location of the private street shall not conflict with the comprehensive plan and/or the regional transportation plan.

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

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

- 1. The total land area of all common open space shall equal or exceed fifteen percent (15%) of the gross land area of the development. Ten percent (10%) of that area shall be usable open space.
- 2. Each development is required to have at least one site amenity.
- 3. One additional site amenity shall be required for each additional twenty (20) acres of development area, plus one additional amenity per 75 residential units.
- 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 AND ZONING 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.
The Council finds that that the proposal complies with the proposed district and purpose statement. The purpose of the residential districts is to provide regulations and districts for various residential neighborhoods with gross densities in compliance with the intent of the Comprehensive Plan designation. Housing shall be single family detached unless approved with a PUD or development agreement. Connection to municipal water and sewer facilities are required for all subdivision and lot split applications in all districts exceeding one dwelling unit per acre. Private streets may be approved in this district for access to newly subdivided or split property.
3. The map amendment shall not be materially detrimental to the public health, safety, and welfare; and
The Council finds that there is no indication from the material and testimony submitted that the rezoning of this property will be materially detrimental to the public health, safety or welfare.
4. The map amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city.
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 February 20, 2024, at which time testimony was heard and the public hearing was closed. The City Council made their decision at that time.
- b. Shawn L Nickel, City of Star Planning and Zoning Director presented the application.
- c. Oral testimony in favor of or opposing the application was presented to the City Council by:
 - Teller Bard
 - Cody Daffer
 - Victor Islas
- d. Additional testimony from City Staff, Agencies
None
- e. 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 annexation, 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 February 20, 2024, together with the hearing minutes into the official decision as part of these Findings of Fact, Conclusions of Law.

Statement of Compliance:

Council finds and concludes that the Applicant has met all requirements of the applicable Unified Development Code and the intent and purpose of the applicable Comprehensive Plan and Map requirements for annexation and zoning, and preliminary plat.

Council added the following requirements to their decision to approve the annexation and zoning application that will be part of the Development Agreement and Preliminary Plat conditions of approval to include the following:

1. The applicant shall provide a public easement along the canal, if accepted by the Irrigation District;
2. The development is approved to include paved, private streets measuring 28 feet from back of curb to back of curb. Sidewalks are approved for 5 feet wide attached throughout the development;
3. No parking signs (fire lane) signs shall be placed on the private streets and shall be included as part of the CC&R's;
4. Trees located on the corners shall be of a variety that will accommodate large vehicles, including fire equipment and trash trucks;
5. Setbacks are approved for zero-lot-lines for the attached single-family dwelling lots, front yard setbacks to 10' for living area and 5' street side setbacks for internal lots within the development;
6. The applicant shall work with staff on the reconfiguration of the private street providing access to Lots 11 & 12. This shall be completed at the time of submittal of the final plat.

CONDITIONS OF APPROVAL

1. The approved Preliminary Plat for the Starpointe Subdivision Phase Two 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 be \$12,000.00. 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 private streets shall have a minimum street width of 36' with detached sidewalks, and shall be constructed to ACHD standards, unless a waiver is granted by Council.**
4. **A revised landscape plan shall be submitted at the time of final plat showing any proposed or required fencing and pathways within the development. Street trees**

along the private streets shall be shown on the revised plan and installed per Chapter 8, including Section 8-8C-2-M(2) Street Trees.

5. Streetlights shall comply with the Star City Code and shall be of the same design throughout the entire subdivision. Streetlights shall be continuous throughout the subdivision and shall be maintained by the Homeowners Association. **Streetlights shall be installed and energized prior to issuing of building permits. Applicant shall submit a streetlight design at Final Plat submittal. Streetlights shall comply with the Star City Code regarding light trespass and "Dark Sky" initiative.**
6. The property with the approved Preliminary Plat shall be satisfactorily weed abated, preventing a public nuisance, per Star City Code.
7. All signed Irrigation District Agreements with the Irrigation Districts shall be provided to the City of Star with each subsequent Final Plat application.
8. 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.
9. A plat note supporting the "Right to Farm Act" as per Idaho Code Title 22, Chapter 45, shall be shown on the Final Plat.
10. A copy of the CC&R's shall be submitted to the City of Star at Final Plat.
11. 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.
- 12. 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, including mailbox cluster location. The mailbox cluster shall be covered with an architectural structure to be approved by Staff prior to signature of final plat.**
- 13. The Applicant shall submit a private street maintenance plan, including future funding, in compliance with Section 8-4D-3C of the UDC, with the submittal of the final plat application.**
14. Private street shall be maintained by the Homeowners Association.
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 a 2" (High Density Polyethylene) HDPE SDR-11 roll pipe in the shared utility trench to be used for future fiber optic and/or copper telecommunication cables.**
- 22. All additional Condition of Approval as required by Council within the modified Development Agreement.**

Council Decision:

Councilmember Hershey made a motion, seconded by Councilmember Nielson for approval. The Council voted 4-0 to approve the Annexation and Zoning, Development Agreement Modification, Preliminary Plat, Private Street and Preliminary Plat Amendment applications on .

Dated this 19th day of March 2024.

Star, Idaho

By: _____
Trevor A. Chadwick, Mayor

ATTEST:

Jacob M. Qualls, City Clerk