

FINDINGS OF FACT AND CONCLUSIONS OF LAW
COLT HEIGHTS SUBDIVISION
FILE NO. PP-22-09/PR-22-03

The above-entitled Preliminary Plat and Private Street land use applications came before the Star City Council for their action on January 3, 2023, and on February 7, 2023, at which time public testimony was taken and the public hearing was closed. The Star City Council, having requested and taken oral and written testimony, and having duly considered the matter, does hereby make the following Findings of Fact and Conclusions of Law.

Procedural History:

A. Project Summary:

The Applicant is seeking approval of a Preliminary Plat and Private Street for a proposed residential subdivision consisting of 5 residential lots and 2 common lots. The property is located on the north side of the existing Colt Place Subdivision in Star, Idaho and consists of 10.96 acres with a proposed density of .46 dwelling units per acre. The subject property is generally located north of Floating Feather Road, west of N. Plummer Road and will be accessed from W. Wyatt Earp Drive. Ada County Parcel Number S0405438440.

B. Application Submittal:

A neighborhood meeting was held on July 13, 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 11, 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 November 1, 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 October 27, 2022 and December 21, 2022. Notice was sent to agencies having jurisdiction in the City of Star on August 11, 2022. The property was posted in accordance with the Star Unified Development Code on December 21, 2022.

D. History of Previous Actions:

January 17, 2006	Council approved applications for annexation and zoning (AZ-06-01) and Preliminary Plat (PP-06-01) for the Connor-Carson
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Property. Property size is 47.26 acres, zoned R-3 with a development agreement. The Preliminary Plat consisted of 122 single family residential lots with 14 common lots on 47.26 acres with a density of 2.6 units per acres. The Development Agreement included a condition of approval restricting no more than 5 lots north of Foothill Canal.

June 6, 2006 Council approved Final Plat (FP-06-10) for Phase 1 of Colt Place, formerly known as Connor-Carson property. Phase 1 has 49 residential lots, reduced from 53 originally proposed.

April 2, 2013 Council approved Final Plat (FP-13/01) for Phase 2 of Colt Place consisting of 30 residential lots, reduced from 34 originally proposed.

June 17, 2014 Council approved Final Plat (FP-14-05) for Phase 3 of Colt Place consisting of 29 residential lots, reduced from 30 originally proposed.

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

	Zoning Designation	Comp Plan Designation	Land Use
Existing	Residential (R-3-DA)	Estate Urban Residential	Vacant
Proposed	Residential (R-3-DA)	Estate Urban Residential	Single-Family Residential
North of site	RUT (County)	Rural Residential	Star Acres Subdivision
South of site	Residential (R-3-DA)	Estate Urban Residential	Colt Place Sub. No. 2
East of site	Residential (R-4-DA)	Neighborhood Residential	Approved Langtree Bungalows
West of site	RUT (County)	Estate Urban Residential	Vacant

F. Development Features.

PRELIMINARY PLAT & PRIVATE STREET:

Colt Heights Subdivision consists of 5 single-family detached residential lots and 2 common lots for a total of 7 lots on 10.96 acres. Residential lots range in size from 1.0 acres to 1.39 acres with an average buildable lot size of 1.23 acres. The gross density of the development is 0.46 dwelling units per acre.

Primary access and frontage for the lots will be from W. Wyatt Earp Drive using proposed Wooden Wagon Lane and proposed Silverpeak Lane, which will be a private street. Silverpeak Lane will provide access to each residential lot. A hammerhead, on the west end of Silverpeak

Lane will provide turn around access for the fire department. The access and turn-around shall be approved by the Fire District.

As earlier stated, the City Council originally approved five (5) residential lots on this property located north of the Foothills Ditch as part of the Colt Place Subdivision annexation in 2006. Included in the original conditions of approval in the Development Agreement was the following:

- i. Future development at a density not to exceed three (3) du/acre and not more than five (5) lots north of the Foothills Ditch;
- ii. Developer must meet the requirements, if any, of Idaho Fish and Game and the Army Corps of Engineers prior to final plat of any subject ground north of Foothills ditch;
- iii. Developer must continue the historic path of the irrigation drainage through the subject property from Star Acres.

In July of 2022, the applicant submitted a preliminary plat with five 1 plus acre lots encompassing the entire 10.98 acres. Staff required the applicant to notify both the Army Corps of Engineers and Idaho Fish and Game to address issues related to the original concerns by the City Council that were part of the three conditions of approval. On October 13, 2022, City Staff, including the City Engineer met on-site with the applicant's representative and representatives from Army Corp of Engineers and walked the entire site. A correspondence addressing that visit is included within this record and indicates that there may be some areas on the property that could require further wetland delineation be studied, based on the original site layout. In discussions with the Army Corp representatives on-site, it was Staff's understanding that future wetlands delineation may be required in small areas of the development, mostly in the eastern portions of the property and as a result of the proposed private street (The applicant has recently provided Staff with a copy of a Delineation report dated December 28, 2006). Based upon the site visit and meeting with the Army Corp representatives, Staff met with the applicant and made a suggestion that the preliminary plat be redesigned to cluster the residential lots to the west and leave the eastern portion of the property as open space, thus reducing the amount of disturbance to the more sensitive area of the property. It was also suggested that the eastern area may make for an excellent community park.

As redesigned and resubmitted to Staff, Lot 1 of the development is 4.63 acres or approximately 43% of the parcel and is being set aside as an open area to address the comments from the Army Corp of Engineers and help with the concerns of the neighbors regarding wildlife habitat and drainage. The future use and ownership of this lot will need to be determined by Council. The applicant suggests that the area be dedicated to the City as natural park area. The applicant has agreed to provide a passive pathway within the property to connect to any future pathway along the Foothill Ditch and also to connect to the natural pathway to the east within the Langtree Bungalows development.

On November 17, 2022, Staff arranged a meeting between the property owner and his representatives and several neighboring property owners to review the proposed concept of clustering the residential lots to the west and leaving the eastern portion as open space.

Section 8-4E-2 of the UDC allows Council to waive landscaping requirements for subdivisions with densities of 1 acre or less. Given the large lot size and density of this development, and with the potential protection of Lot 1, staff is supportive of the waiver for open space.

The Unified Development Code, Section 8-6B-2 requires public and private street widths to be a minimum of thirty-six feet (36') wide, unless specifically approved by Council. The applicant is proposing 28-foot-wide private roads with no sidewalks. Staff is supportive of the street width and waiver of sidewalks, given the low density and number of homes served by the private road and recommends no parking on either side of the street. **The reduced width and sidewalk waiver will also minimize disturbance of the property, which was a request by neighboring property owners.**

ADDITIONAL DEVELOPMENT FEATURES:

- 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 provided streetlight locations. Staff will require a light at the intersection of W. Wyatt Earp Dr. and Wooden Wagon Lane. Applicant shall provide streetlight style/design to City Staff for approval, prior to installation. **Shielding of streetlights may be required to protect adjacent properties from fugitive light.**
- Mailbox Clusters
Applicant has not provided approval from the Star Postmaster for the indicated location of the mailbox cluster. This will be required prior to signing the final plat. The applicant shall work with the Postmaster on relocation of the cluster if a private gate is utilized on the private street.
- Street Names
Applicant has not provided documentation from Ada County that the street names are acceptable and have been approved. This will be required prior to signing the 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 has not proposed changes to the current setbacks of the R-3 zone. **Staff recommends that the five residential lots be required to adhere to the R-1 setbacks to further protect adjacent rural residences.**
- Block lengths – The single block meet the 750' block length requirement.

ADDITIONAL ITEMS FOR COUNCIL CONSIDERATION Items that should be considered by the applicant and Council include the following:

- Private Street Width of 28' with no parking or sidewalks;
- Private Gate for Private Street;
- R-1 Setbacks
- ITD Proportionate Share Fees;
- Dedication of Open Space to City including initial preparation of pathways, tree cleanup, etc.;
- Fencing along northern boundary of development
- Additional landscaping to address fugitive car headlights

STAFF ANALYSIS & RECOMMENDATIONS

Staff is supportive of the initially submitted five lot preliminary plat without the set aside open space that was originally approved and conditioned by Council as part of the annexation and overall design of the Colt Place Subdivision. The submittal matches what was originally approved and expected by the surrounding community at the time of approval. The applicant has satisfied the original Development Agreement conditions of approval by working with the Army Corp of Engineers and Fish and Game. Any disturbance of sensitive wetland areas would be required to be delineated under the supervision of the Army Corp.

Staff is also supportive of the revised preliminary plat with the preserved open space and believes that it is a superior design that addresses as many of the concerns from the Army Corp of Engineers regarding potential wetland delineation, Fish and Game on the protection of wildlife and the concerns of the neighboring property owners.

G. Existing Site Characteristics:

Existing Site Characteristics: The property is currently vacant ground.

Irrigation/Drainage District(s): Middleton Irrigation Association
Middleton Mill Ditch Company
P.O. Box 848
Middleton, Idaho 83644

Flood Zone: This property is located in an area of minimal flood hazard, Zone X.
FEMA FIRM panel: 16001C0130J
Effective Date: 6/19/2020

Special *On-Site Features:*

- ★ Areas of Critical Environmental Concern – No critical environmental concerns identified, per Idaho Department of Fish and Game and Army Corp of Engineers documents received.
- ★ Evidence of Erosion – No known areas.
- ★ Fish Habitat – No known areas.
- ★ Mature Trees – Yes. Trees in eastern section of property to be preserved within open space proposed to be dedicated to the City.
- ★ Riparian Vegetation – No.
- ★ Steep Slopes – Yes.
- ★ Stream/Creek – None. Existing irrigation/drainage ditches.
- ★ Unique Animal Life – No “Special Status” animal life has been identified, per Idaho Fish and Game documentation received.
- ★ Unique Plant Life – No “Special Status” plant life has been identified, per Idaho Fish and Game documentation received.
- ★ Unstable Soils – No known issues.
- ★ Wildlife Habitat – Yes. Approximately 43% of overall property to be permanently preserved for habitat.
- ★ Historical Assets – No historical assets have been observed.

H. *Agencies Responding:*

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

City Engineer	December 20, 2022
Star Trans. & Pathway Committee	August 29, 2022
ACHD	August 24, 2022
Idaho Dept of Fish & Game	November 1, 2022
US Army Corps of Engineers	November 4, 2022 Email

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

Katy Slater	Email	November 18, 2022
	Email	December 26, 2022
Carol Ward	Email	December 26, 2022
Robert Fehlau	Letter	December 26, 2022
Peggy Fahy	Email	December 27, 2022

J. 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.

Unified Development Code:

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

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.

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-1	35'	30'	30'	10'	20'
R-2	35'	20'	20'	10'	20'
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.

8-3B-3: RESIDENTIAL DISTRICTS:

- A. Comply with Section 8-3A-1: ZONING DISTRICTS AND PURPOSE ESTABLISHED.
- B. When development is planned with lots that directly abut existing lots within a Rural

Residential area, or "Special Transition Overlay Area" as shown on the Comprehensive Plan Land Use map, an appropriate transition shall be provided for the two abutting residential lot types. A transition shall take into consideration site constraints that may exist and may include clustering of the urban lots in order to provide an open space area avoiding urban lots directly abutting rural residential lots, or may include the provision of a buffer strip avoiding urban lots directly abutting rural residential lots, or may include setbacks within the urban lots similar to the rural residential lots directly abutting, or may include the provision of one half to one acre size lots directly abutting the rural residential lots.

- C. Urban style development, as guided by provisions within the comprehensive plan and this Title, is required to limit urban sprawl, however, densities of no more than 1 to 2 dwelling units per acre are to be designed within the floodplain, ridgeline developable areas and hillside developable areas (both as defined within the comprehensive plan).
- D. Housing developments with densities of R-11 and higher shall be designed to limit height, increase setbacks and/or provide additional landscaping along the perimeter of the development, if determined by the council, where abutting areas are planned for lower densities.
- E. Rezoning to R-11 and higher shall not be allowed unless adequate ingress/egress to major transportation corridors is assured.
- F. All new residential, accessory uses or additions/remodels within the residential zones shall pave all unpaved driveways to the home.
- G. Spite strips, common lots, unreasonable development phasing, or other means of any type purposely or unintentional that may result in the blocking of services or development, including but not limited to sewer, water, streets, or utilities are prohibited in any zoning district within the City of Star.
- H. In any development that requires a traffic signal as part of the approval process, the developer shall be responsible for providing an Emergency Opticom System to the intersection.
- I. Transitional Lots. For proposed residential developments located adjacent to a Special Transition Area only, as determined on the current Comprehensive Plan Land Use Map, transitional standards listed below shall be required if reasonable evidence is presented that adjacent properties will not be further subdivided in the future. This shall be through a legal encumbrance that prevents the adjacent land from being further subdivided. These encumbrances shall include:
 - a. Property with a Future Comprehensive Plan Land Use Map designation that does not allow future redevelopment to densities lower than one dwelling unit per acre.
 - b. Subdivision CC&R's preventing further redevelopment;
 - c. Easements granted to municipal or other political entities, voluntary development easements granted to conservation land trusts, or other, legal encumbrances conserving the property in perpetuity, such as deed restrictions.

This specifically excludes statements from landowners regarding future intent

without proof of legal encumbrance.

The allowed Transitional Density for new development adjacent to Special Transition Areas, shall be as follows:

Existing Transitional Lot Sizes	Allowed Immediately Adjacent Minimum Lot Size	Allowed Immediately Across the Road from Transitional Lot
<u>Lots larger than 1.1-acre</u>	<u>1 acre lots</u>	½ acre lots
Lots of 1 to 1.1-acre	½ acre lots	1/3 acre lots
Lots smaller than 1-acre	1/3 acre lots	R-3 density Maximum

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

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

A. Design Standards:

p1. 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.

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: 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:
 2. Must be at least fifty feet by one hundred feet (50' x 100') in area;
 3. 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.
 4. 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 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. Further, this property was previously approved under the original development agreement for Colt Place Subdivision, allowing for 5 lots.
5. The development preserves significant natural, scenic or historic features;

The Council finds that the preliminary plat, as presented with protected open space, will maintain known natural, scenic, or historic features that have been identified with this Preliminary Plat. The property has remained vacant.

8-4D-4: PRIVATE STREET FINDINGS:

A. The design of the private street meets the requirements of this article;

Council finds that the proposed private street meets the design standards in the Code.

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:

Council finds that it has not been presented with any facts stating this private road will cause damage, hazard or nuisance, or other detriment to persons, property or uses in the vicinity. Conditions of approval shall be placed to insure compliance with emergency services.

C. The use and location of the private street shall not conflict with the comprehensive plan and/or the regional transportation plan.

Council finds that the use is not in conflict with the comprehensive plan and/or regional transportation plan.

Public Hearing of the Council:

a. A public hearing on the application was heard by the City Council on January 3, 2023, and February 7, 2023, 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:

- Becky McKay
- Shawn L. Nickel, Planning Director

c. Written testimony in favor of or opposing the application was presented to the City Council at the hearing by:

- Katy Slater
- Peggy Fahy
- Carol Ward
- Amy Berg
- Michael Ware
- Maxine McCombs
- Rosalyn Studarus

- Layla Lockart
- Bob Fehlau
- Vic Warr

Deliberations and Conclusions of Law:

The Council reviewed the particular facts and circumstances of this proposed preliminary plat and private street 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 platting of the development. Review and discussion included development layout, emergency access/turn-around and street configuration, setbacks, open space, pathways and landscaping. The Council concluded that the Applicant's request, as conditioned, meets the requirements for preliminary plat and private streets. Council hereby incorporates the staff report and meeting minutes dated February 7, 2023 into the official decision as part of these Findings of Fact, Conclusions of Law.

Statement of Compliance:

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

Council hereby approves the Preliminary Plat and Private Street applications and includes the following allowances and conditions of approval to their decision to include the following:

- The applicant shall provide a public access easement for a future pathway along the Foothill Ditch prior to signature of final plat.
- The common open space lot shall be placed into permanent open space as a City park, conservation easement or land trust.
- A natural pathway shall be provided by the applicant. The applicant shall work with the City Staff on the details of the pathway.
- The subdivision is approved with an R-1 maximum density.
- Future structures shall meet the setback requirements of the R-1 zoning district. A 40' minimum setback shall apply along the entire northern property line of the development.
- ITD Proportionate Shares shall be paid to the City for each residential lot.
- Private street is hereby approved by Council with a 28' road width with no parking and shall be approved by the Star Fire District.
- Sidewalks shall be installed along both sides of the private street on N. Wooden Wagon Lane to the north side of the bridge across the Foothills Ditch.
- The maintenance of the private street shall be the sole responsibility of the Colt Heights neighborhood association.

CONDITIONS OF APPROVAL

- 1) **The applicant shall comply with the following Council added Conditions of Approval:**
 - a) **The applicant shall provide a public access easement for a pathway along the Foothill Ditch prior to signature of final plat.**
 - b) **The common open space lot shall be placed into permanent open space as a City park, conservation easement or land trust.**
 - c) **Sidewalks shall be installed along both sides of the private street on N. Wooden Wagon Lane to the north side of the bridge across the Foothills Ditch.**
- 2) The approved Preliminary Plat for the Colt Heights Subdivision shall comply with all statutory requirements of applicable agencies and districts having jurisdiction in the City of Star.
- 3)
- 4) **Applicant shall work with the Army Corp of Engineers regarding any wetland delineation associated with construction of the subdivision, including street and building pad locations.**
- 5) **Applicant shall meet all requirements of the City Engineer regarding development within the Hillside and/or sloped areas of the property.**
- 6) **The applicant agrees to a proportionate share assessment by ITD regarding impacts to the State Highway System. ITD has calculated the fees to be \$1,000.00 per residential unit. These fees will be collected by the City of Star, by phase, prior to final plat signature.**
- 7) **Applicant shall meet all the setback requirements in the Unified Development Code Section 8-3A-4 for the R-1 zone. A 40' structure setback shall be required along the entire north property line of the development.**
- 8) 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 add a streetlight at the intersection of W. Wyatt Earp Drive and Wooden Wagon Lane. Applicant shall also provide streetlight style/design to City Staff for approval, prior to installation. Streetlights shall comply with the Star City Code regarding light trespass and "Dark Sky" initiative and may require additional screening to protect neighboring properties.**
- 9) All signed Irrigation District Agreements with the Irrigation Districts shall be provided to the City of Star with each subsequent Final Plat application.
- 1) **Applicant shall provide 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.**
- 2) Private street must be built to fire district standards and pass an inspection by the Fire Marshall prior to use.
- 3) **The Applicant/Owner 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.**

- 4) The property with the approved Preliminary Plat shall be satisfactorily weed abated, preventing a public nuisance, per Star City Code.
- 5) 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.
- 6) **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.**
- 7) 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.
- 8) A plat note supporting the "Right to Farm Act" as per Idaho Code Title 22, Chapter 45, shall be shown on the Final Plat.
- 9) A copy of the CC&R's shall be submitted to the City of Star at Final Plat.
- 10) 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.
- 11) 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.
- 12) 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.
- 13) All common areas shall be owned and maintained by the Homeowners Association.
- 14) 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.**
- 15) A sign application is required for any subdivision signs.
- 16) **Unless otherwise provided, 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, high speed internet connectivity.**

Council Decision:

The Council voted 4-0 to approve the Preliminary Plat and Private Street for Colt Heights Subdivision on February 7, 2023.

Dated this 22nd day of February, 2023 .

Star, Idaho

By: _____
Trevor A. Chadwick, Mayor

ATTEST:

Jacob M. Qualls, City Clerk