

FINDINGS OF FACT AND CONCLUSIONS OF LAW
GARNET SUBDIVISION
FILE NO. AZ-23-01/DA-23-01/PP-23-01/PR-23-01

The above-entitled Annexation, Development Agreement, Preliminary Plat and Private Street land use applications came before the Star City Council for their action on May 2, 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 requesting approval of an Annexation & Zoning (R-1-DA), Development Agreement, a Combined Preliminary Plat/Final Plat for a proposed residential development consisting of 5 residential lots and a Private Street. The property is located at 6697 Foothill Road in Star, Idaho, and consists of 5.15 acres with a proposed density of 1.03 dwelling units per acre. The subject property is generally located on the south side of Foothill Road, between Blessinger Road and Can Ada Road. Canyon County Parcel No. R3379700000.

B. Application Submittal:

A neighborhood meeting was held on September 1, 2023, 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 March 28, 2023.

C. Notice of Public Hearing:

Notice of Public Hearing on the application for the City of Star Council was published in accordance with the requirements of Title 67, Chapter 65, Idaho Code and the Star Unified Development Code on April 7, 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 March 28, 2023. Notice was sent to agencies having jurisdiction in the City of Star on February 21, 2023. The property was posted in accordance with the Star Unified Development Code on April 8, 2023.

D. History of Previous Actions:

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

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

	Zoning Designation	Comp Plan Designation	Land Use
Existing	Rural Residential (RR) Canyon County	Low Density Residential	Single Family Dwelling/Vacant Ground
Proposed	Residential R-1-DA	Low Density Residential	Single Family Residential Subdivision
North of site	Rural Residential (RR) Canyon County	Low Density Residential/Special Transitional Overlay Area	Foster Heights Single Family Residential Subdivision
South of site	Rural Residential (RR) Canyon County	Estate Urban Residential	Agricultural Use
East of site	Residential (R-1)	Low Density Residential	Ryken Meadows Subdivision
West of site	Rural Residential (RR) Canyon County	Low Density Residential	Single Family Residential

F. *Development Features:*

ANNEXATION & ZONING:

The annexation and zoning request from Canyon County Rural Residential (RR) to Residential (R-1-DA) on the applicant's property will allow for the development and subdivision of the subject property into a residential use consistent with land uses on surrounding properties in the area. Municipal sewer and water are not available to this portion of the Star Impact Area. The overall density of the proposed development as submitted is 1 dwelling unit per acre. The Comprehensive Plan Land Use Map designates this property as Low Density Residential *suitable primarily for single family residential use. Densities in this land use area are a maximum of 1 dwelling unit per acre.* Although the surrounding parcels may redevelop in the future when services are extended, the properties to the north are designated as a Special Transition Overlay Area in the Comprehensive Plan, where *an appropriate transition shall be provided for the two abutting residential types.* Goal 8.3 of the Comprehensive Plan *encourages the development of a diverse community that provides a mix of land uses and housing types.* **Based on the submitted preliminary plat, the lots proposed meet the intent and requirements for Special Transition Overlay Areas.**

COMBINED PRELIMINARY/FINAL PLAT:

The preliminary/final plat submitted contains five (5) single family residential lots of 1-acre each, and a private street to access the lots. The preliminary/final plat indicates primary access for the development from Foothill Road via a private street with a 60-foot-wide easement with a **paved**

driving surface measuring 20 feet in width and borrow ditches on each side. The Unified Development Code Section 8-4D-3-B requires all streets to be a minimum of thirty-six feet (36') wide and constructed to ACHD/CHD4 standards. Staff recommends a minimum of 26' in road width with at least no parking on one side of the roadway, with approval from the Star Fire District.

The preliminary/final plat indicates that the development will not contain landscaped 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 rural nature of this development, staff is supportive of the waiver for open space. **Staff will still require street trees to be located along the frontages within the building lots.**

ADDITIONAL DEVELOPMENT FEATURES:

- Private Street
The development is proposing a private street. The private street shall be built to the construction standards of ACHD, to include paving. The applicant is proposing a 20' width for the private street. Street widths shall be determined by the Council and Star Fire District. Star Fire District requires a minimum of 20' width for private streets with no parking and 26' for parking on one-side. As part of 8-4D-3C, *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. A reserve account condition shall be included in the recorded CC&R's*
- Sidewalks
The applicant is not proposing sidewalks within the development. With adequate street width established and the small number of lots, staff is supportive of no sidewalks in the development. The UDC allows for the Council to waive sidewalks in certain circumstances.
- Lighting
Given the rural area, streetlights should be minimal to address safety at the intersection of the private street and Foothill Road. Any lighting in the development shall reflect the "Dark Sky" criteria of the City. The Applicant has submitted a streetlight plan and design that are in compliance with City requirements.
- Street Name
The street names designated on the preliminary plat will need to be approved by City Staff prior to acceptance of the final plat application. *The Applicant shall work with City Staff on this approval process.*

- Subdivision Name
The subdivision name designated on the preliminary plat will need to be approved by City Staff prior to acceptance of the final plat application. *The Applicant shall work with City Staff on this approval process.*
- Landscaping - As required by the Unified Development Code, Chapter 8, Section 8-8C-2-M (2) Street Trees; A minimum of one street tree shall be planted for every thirty-five (35) linear feet of street frontage. The applicant shall use "Treasure Valley Tree Selection Guide", as adopted by the Unified Development Code. Section 8-8C-2, J5 states that a minimum of one deciduous shade tree per four thousand (4,000) square feet of common area shall be provided. **The submitted landscape plan appears to satisfy these requirements for street trees.**
- Setbacks – **The applicant is not requesting a setback waiver and will follow the setbacks for the R-1 zone as identified in this report.**
- Mailbox Cluster – **The Applicant shall work with the applicable Postmaster on approval for mail delivery boxes/cluster. This approval documentation will need to be provided to City Staff prior to signing the mylar.**
- Star Fire District Review – The Fire District review indicates that fire sprinklers will be required for all 5 future homes.

DEVELOPMENT AGREEMENT

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

- **ITD Proportionate Share Fees;**
- **Future Development**
- **Fire Sprinklers requirements**

The Development Agreement may also contain additional items as directed by the City Council as part of the review and approval process.

H. *On-Site Features:*

- ★ Areas of Critical Environmental Concern – No known areas.
- ★ Evidence of Erosion – No evidence.
- ★ Fish Habitat – No.
- ★ Floodplain – No.

- ✧ Mature Trees – Scrub trees that will be removed and replaced.
- ✧ Riparian Vegetation – No.
- ✧ Steep Slopes – No.
- ✧ 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.
- ✧ Historical Assets – No historical assets have been observed.
- ✧ Wildlife Habitat – No known sensitive wildlife habitat observed.

I. *Agencies Responding:*

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

ITD	March 13, 2023
Star Fire District	April 10, 2023
Southwest District Health Dept.	February 24, 2023
Middleton School District	March 16, 2023
Canyon Highway District No. 4	February 21, 2023

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:

Low Density Residential

Suitable primarily for single family residential use. Densities in this land use area are a maximum of 1 dwelling unit per acre. It is the intent of this land use designation to provide larger lots and help transition from higher densities to the Rural Residential land uses, typically to the north of the City. Densities may be limited due to the availability of infrastructure however sewer and water may be extended to serve these properties where available, and wells and septic systems may be permitted for lots in this land use designation if approved by the applicable Health Department. Modified street sections and a reduction in light pollution (by reducing lighting standards) may be offered for a more rural feel. Clustering is allowed to preserve open space.

Special Transition Overlay Area

Development adjacent to, and potentially within, this area is to provide for an appropriate transition between existing and new home sites where new urban development is being planned adjacent to previously approved and constructed rural county developments of years past. Site layout is to provide for a transition in density and lot sizing.

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 Estate and Neighborhood I Residential Land Use is to encourage urban style development densities to limit urban sprawl.

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

C. Site layout shall adjacent to and within provide the Special Transition Overlay Area for a transition in density and lot sizing.

D. High Density residential uses should be located in close proximity to commercial centers located near highway corridors floors within the Central Business District land use area and on upper. High Density residential uses otherwise should not be dispersed throughout the community and should not be located along the Boise River.

E. High Density residential may be limited to ensure compatibility and transition between uses adjacent to the site.

F. High Density residential design specifications may include increased setbacks for multistory buildings and increased landscape buffers.

8.5.4 Policies Related to The Special Transition Overlay Areas

A. Development adjacent to and within the Special Transition Overlay Area is to provide for an appropriate transition between existing and new home sites where new urban development is being planned adjacent to previously approved and constructed rural county developments of years past.

B. Site layout is to provide for a transition in density and lot sizing with all policies regarding compatibility herein applying.

C. Modified street sections, such as with no curbs gutters or sidewalks, should be encouraged for adjacent compatibility where determined appropriate.

D. When an urban density residential development is planned with lots that directly abut lots within a Special Transition Overlay Area an appropriate transition is to be provided for the two abutting residential lot types. A transition must take into consideration site constraints that provide transitional lots and/or open space area avoiding urban lots directly abutting Special Transition Overlay Area lots.

E. Larger setbacks should be required for new lots planned to abut existing Special Transition Overlay Area lots.

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.

Unified Development Code:

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

B. Standards:

1. The subject property shall meet the minimum dimensional standards of the proper district.
2. The city may require a development agreement in conjunction with the annexation and zoning, or rezone, pursuant to Idaho Code section 67-6511A, which may include a concept plan.

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

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

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

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

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

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

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

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

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

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

<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

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.

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'

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 DISTRICT ADDITIONAL RESIDENTIAL DISTRICT STANDARDS:

- A. 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
Lots larger than 1.1-acre	1 acre lots	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:

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: COMMON OPEN SPACE AND SITE AMENITY REQUIREMENTS - STANDARDS:

- 4. Developments with a density of less than 1 dwelling unit per acre may request a waiver of open space and amenities to the Council. Developments with a density of less than 2 dwelling

units per acre may request a 50% reduction in total required open space and amenities to the Council.

8-6A-5: COMBINED PRELIMINARY AND FINAL PLAT PROCESS:

A. Applicability: A subdivision application may be processed as both a preliminary and final plat if all of the following exist:

1. The proposed subdivision does not exceed five (5) lots (excluding common and/or landscaping lots); or a previous plat was approved on the subject property; and
2. No new street dedication, excluding widening of an existing street, is required; and
3. No major special development considerations are involved, such as development in a floodplain or hillside development.

B. Preapplication Conference: The applicant shall complete a preapplication conference with the administrator prior to submittal of an application for a combined preliminary and final plat. The purpose of this meeting is to discuss early and informally the purpose and effect of this title and the criteria and standards contained herein.

C. Neighborhood Meeting: Applicants are required to hold a neighborhood meeting, in conformance with Section 8-1A-6C, to provide an opportunity for public review of the proposed project prior to the submittal of an application. The applicant shall provide a summary of the meeting, including questions and concerns of the neighbors and how the submitted application addresses those issues.

D. Application Requirements: Applications and fees, in accord with subsection 8-6A-3 of this article shall be submitted.

E. Contents of Final Plat: The final plat shall include all items required in subsection 8-6A-4B of this article or any additional items required by the Administrator.

F. Decision: A decision on a combined preliminary and final plat is made by the city council.

8-6A-7: REQUIRED FINDINGS:

In consideration of a preliminary plat or combined preliminary and final plat, the decision-making body shall make the following findings:

- A. The plat is in conformance with the comprehensive plan;
- B. Public services are available or can be made available and are adequate to accommodate the proposed development;
- C. There is public financial capability of supporting services for the proposed development;
- D. The development will not be detrimental to the public health, safety or general welfare; and

E. The development preserves significant natural, scenic or historic features.

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

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

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

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

The goal of the Comprehensive Plan for Residential Districts is to encourage the development of a diverse community that provides a mixture of land uses, housing types, and a variety of employment options, social and recreational opportunities, and where possible provides an assortment of amenities within walking distance of a residential development. The Council finds that this annexation and zoning is in compliance with the Comprehensive Plan.

2. The map amendment complies with the regulations outlined for the proposed district, specifically, the purposes statement.

The Council finds that the residential purpose statement states that the purpose of the residential districts is to provide for a range of housing opportunities consistent with the Star Comprehensive Plan. Connection to the Star sewer and water district is a requirement for all residential districts, when available. Residential districts are distinguished by the allowable density of dwelling units per acre and corresponding housing types that can be accommodated within the density range. Council finds that this request is consistent with the statement.

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

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

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

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

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

The Council finds the majority of the property is already annexed. The annexation and rezone request proposed is reasonably necessary for the continued, orderly development of the City.

8-6A-7: PRELIMINARY PLAT FINDINGS:

1. The plat is in conformance with the Comprehensive Plan;
The Council finds that the Preliminary Plat, as originally submitted and accepted meets all requirements associated with Section 8-6A-3 of the UDC and is consistent with the Comprehensive Plan and will meet the intent of the Land Use designation. Further, the property is required to develop under the guidelines of the Comprehensive Plan and requirements of the Unified Development Code.
2. Public Services are available or can be made available and are adequate to accommodate the proposed development;
The Council finds that Agencies having jurisdiction on this parcel were notified of this action. The City has not received notice that public services are not available or cannot be made available for this development. Emergency services were reviewed and mitigation fees will be required to serve the Police Department and Star Fire District.
3. There is public financial capability of supporting services for the proposed development;
The Council finds that the City has not received notice from any jurisdictional agency that there are any problems with public financial capability for this development.
4. The development will not be detrimental to the public health, safety or general welfare;
The Council finds that the City has not been made aware of any known detriment that will be caused by this development. Residential uses are a permitted use and are compatible with other residential uses in the immediate area.
5. The development preserves significant natural, scenic or historic features;
The Council finds that there are no known natural, scenic, or historic features that have been identified with this Preliminary Plat. The property has been in previous agricultural production.

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 April 18, 2023, at which time testimony was heard and the public hearing was closed. The City Council tabled the application to May 2, 2023 and requested City Staff and the City Attorney to review ownership concerns brought up at the hearing. On May 2, 2023, the City Council continued the public hearing and made their decision at that time.

b. Oral testimony regarding the application was presented to the City Council by:

- Shawn L Nickel, City Planning Director gave Presentation
- Steve Arnold
- Jeff Kramer
- Victor Islas, Star Fire District
- Bruce Bayne, CDH4
- Ryan Morgan, Star Sewer & Water District Engineer
- Chris Yorgason, City Attorney

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

None

Deliberations and Conclusions of Law:

The Council reviewed the particular facts and circumstances of this proposed annexation, preliminary plat and private street applications in accordance with the City of Star Title 8 (Unified Development Code), deliberated on the matter, resulting in review of the record, including the

staff report, and discussions on the annexation and platting of the development. Review and discussion included development layout, access and street configuration, house sprinklers, street lights, reduced street width, and irrigation. The Council placed conditions of approval on the application to address these concerns. Council concluded that the Applicant's request, as conditioned, meets the requirements for annexation, preliminary plat and private streets. Council hereby incorporates the staff report dated May 2, 2023 into the official decision as part of these Findings of Fact, Conclusions of Law.

Statement of Compliance:

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

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

- **The applicant shall extend the bus stop turnout located to the east into the frontage of the new subdivision.**
- **All homes shall be required to provide fire sprinklers in compliance with the Star Fire District.**
- **The Council approves the revised preliminary plat showing a reversed lot layout as discussed in the public hearing (two lots adjacent to east property line).**
- **The applicant shall provide a streetlight at the entrance to the subdivision.**
- **The Council hereby approves the reduced private street width to a minimum of 24' with no parking or 26' with parking on one side as determined by the Fire District. The Council waives the requirement for sidewalks within the subdivision.**

Conditions of Approval:

1. The approved Preliminary/Final Plat for the Garnet Subdivision shall comply with all statutory requirements of applicable agencies and districts having jurisdiction in the City of Star.
2. The subdivision shall meet all requirements of Canyon Highway District #4 and Star Fire District.
3. **The applicant shall enter into a Development Agreement with the City, agreeing to proportionate share assessment by ITD regarding impacts to the State Highway System. These fees are currently being calculated at \$1,000.00 per residential lot. These fees will be collected by the City of Star, by phase, prior to final plat signature. The development agreement shall be signed and recorded as part of the ordinance for annexation and zoning and shall contain the details of the fees to be collected.**
4. **The private street shall be constructed to CDH4 and Star Fire District standards. An access permit shall be obtained by Canyon Highway District #4 prior to construction.**

Star Fire District shall inspect and approve private street prior to signature of final plat.

5. **A plat note shall be added to the final plat stating, "Lots fronting Foothill Road are subject to a roadway slope easement from the road right-of-way, in favor of Canyon Highway District No. 4 for the construction and maintenance of the roadway shown hereon".**
6. **The Applicant shall provide documentation that the subdivision name has been approved and reserved and accurately reflected on the final plat before the final plat can be signed.**
7. **The Applicant shall provide documentation that the street names for the development have been approved and are reflected correctly on the final plat, before the mylar can be signed.**
8. **A letter from the US Postal Service shall be given to the City at Final Plat stating the subdivision is in compliance with the Postal Service. Mailbox cluster locations shall be determined and located based on the Postmaster.**
9. **All approvals relating to hillside issues and requirements shall be completed and approved by the City Engineer prior to signing the final plat. Construction of any kind is prohibited prior to approval.**
10. **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.**
11. Private street shall be maintained by the Homeowners Association.
12. Streetlights shall comply with the Star City Code and shall be of the same design throughout the entire subdivision. Streetlights shall be continuous throughout the subdivision and shall be maintained by the Homeowners Association. **Streetlights shall be installed and energized prior to issuing of building permits.** Design shall follow Code with requirements for light trespass and "Dark Skies" lighting.
13. The property with the approved Preliminary Plat shall be satisfactorily weed abated, preventing a public nuisance, per Star City Code.
14. 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 as needed, with regularity, 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.
15. **A plat note** supporting the "Right to Farm Act" as per Idaho Code Title 22, Chapter 45, shall be shown on the Final Plat.
16. All signed Irrigation District Agreements with the Irrigation Districts shall be provided to the City of Star with each subsequent Final Plat application.
17. Street trees shall be installed per Chapter 8, Section 8-8C-2-M(2) Street Trees to include one (1) tree per thirty-five (35) linear feet.

18. 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.
19. A plat note supporting the "Right to Farm Act" as per Idaho Code Title 22, Chapter 45, shall be shown on the Final Plat.
20. A copy of the CC&R's shall be submitted to the City of Star at Final Plat.
21. 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.
22. 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.
23. 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.
24. Applicant shall provide the City with one (1) full size, one (1) 11"x17" copy and an electronic copy of the **signed recorded final plat** with all signatures, prior to any building permits being issued.
25. The mylar/final plat shall be signed by the owner, Surveyor, Health District, and City Engineer, prior to being delivered to the City of Star for City Clerk's signature.
26. All common areas shall be owned and maintained by the Homeowners Association.
27. 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.**
28. A sign application is required for any subdivision signs.
29. **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.**

Council Decision:

The Council voted 4-0 to approve the Annexation, Development Agreement, Preliminary Plat and Private Street for Garnet Subdivision on May 2, 2023.

Dated this 20th day of May 2023.

Star, Idaho

By: _____

Trevor A. Chadwick, Mayor

ATTEST:

Jacob M. Qualls, City Clerk