

FINDINGS OF FACT AND CONCLUSIONS OF LAW
MINK CREEK SUBDIVISION
FILE NO. PP-23-02

The above-entitled Preliminary Plat land use application 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 seeking approval of a Preliminary Plat and Final Plat for a subdivision consisting of 9 residential lots, 1 commercial lot and 1 industrial lot. The property is located at 9374 W. State Street, 350 N. Calhoun Place and 8802 W. State Street in Star, Idaho, and consists of 48.48 acres. **The preliminary plat application was originally approved in 2019 as part of application AZ-19-03/PP-19-02 for Mink Creek Subdivision.** The subject property is generally located on the north side of W. State Street between N. Moyle Avenue and Hwy 16. Ada County Parcel No's. S0409428015, S0409314900, S0409438650 & S0409438401.

B. Application Submittal:

The Land Use application was deemed complete on April 12, 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 16, 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 April 13, 2023. Notice was sent to agencies having jurisdiction in the City of Star on April 5, 2023. The property was posted in accordance with the Star Unified Development Code on April 18, 2023.

D. History of Previous Actions:

Council approved applications for the Annexation (AZ-19-03), Preliminary Plat (PP-19-02), Conditional Use (CU-19-02) and Temporary Use Permit (TP-19-01) for the Mink Creek Subdivision consisting of 48.48 acres with 11 total lots (9 residential, 1 common and 1 commercial).

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

	Zoning Designation	Comp Plan Designation	Land Use
Existing	Mixed-Use (MU)	Mixed-Use (MU)	Vacant/Gravel Pit
Proposed	Mixed-Use (MU)	Mixed-Use (MU)	Single Family Residential/Commercial/ Industrial
North of site	Mixed-Use (MU) Rural Urban Transition (RUT)	Mixed-Use (MU) Estate Urban Residential	Single Family Residential Agricultural
South of site	Light Industrial (LI)	Light Industrial	Greyloch Cabinets
East of site	Rural Urban Transition (RUT)	Neighborhood Residential	Single Family Residential Agricultural
West of site	Rural Urban Transition (RUT)	Estate Urban Residential	Single Family Residential Agricultural

F. *Development Features.*

ANNEXATION & ZONING:

PRELIMINARY/FINAL PLAT:

The preliminary/final plat submitted contains nine (9) single family residential lots, one (1) commercial lot, one (1) industrial lot and one (1) common lot (pond) for a total of 12 lots. The industrial lot has been developed as Greyloch Cabinets. The commercial lot is for future development. The development will extend N. Calhoun Place, an existing street that has established right of way to the north. The residential lots are between 21,000 square feet and 39,000 square feet in size. The lots will be serviced with central sewer and water provided by the Star Sewer and Water District. The common lot will include the pond, which will serve as a water amenity for the development. The original Preliminary Plat (PP-19-02), approved in 2019, expired prior to the submittal of the Final Plat application. This new preliminary plat application will approve the plat and allow the applicant to receive approval of the accompanying final plat.

The existing pond was approved and constructed as part of the original CUP for the gravel pit. The CUP also approved the proposed residential uses in the existing Mixed-Use zoning district.

ADDITIONAL DEVELOPMENT FEATURES:

- Sidewalks
Section 8-4A-17 of the Unified Development Code requires that local streets have five foot (5') wide detached sidewalks with a six foot (6') wide planter strip on both sides of the road. **The Applicant is showing attached sidewalks without planter strips. The applicant shall provide an updated plan showing the proper sidewalks with planter strips prior to signing the mylar, unless a waiver is approved by Council. Because the application was originally approved with attached sidewalks, Council may wish to consider a waiver to this requirement.**
- Lighting
Streetlights shall reflect the "Dark Sky" criteria with all lighting. The same streetlight design shall continue throughout the entire development. The Applicant has provided a streetlight location plan that satisfies code. **The applicant has not submitted a streetlight design or cut sheet for approval. Applicant must provide a streetlight design/cut to Staff and receive approval prior to signing the mylar.**
- Street Name
The street name is the extension of an existing road that has been approved by Ada County.
- Landscaping - As required by the Unified Development Code, Chapter 8, Section 8-8C-2-M (2) Street Trees; A minimum of one street tree shall be planted for every thirty-five (35) linear feet of street frontage. The applicant shall use "Treasure Valley Tree Selection Guide", as adopted by the Unified Development Code. Section 8-8C-2, J5 states that a minimum of one deciduous shade tree per four thousand (4,000) square feet of common area shall be provided. **The submitted landscape plan does not satisfy these requirements for street trees. The Applicant shall submit a revised landscape plan showing the correct number of trees, with detached sidewalks, all street trees should be shown on the plan. If street trees are to be planned by the builder, the Certificate of Occupancy may be withheld pending confirmation that the correct number and species of tree(s) have been planted.**
- Setbacks – **Staff has recommended R-1 setbacks for the development.**
- Mailbox Cluster – **The Applicant shall work with the Star Postmaster on approval for mail delivery boxes/cluster. This approval documentation will need to be provided to City Staff prior to signing the mylar.**
- Economic Corridors Access and Roadway Connection Management Plan– The current adopted ECAMP Map shows a designation for a "Conceptual Alignment of a Proposed Future Collector" in the area of this proposed preliminary/final plat. In 2019, the original

preliminary plat was reviewed under the adopted plan that also designated a future roadway in the area of the subject property. ACHD, in 2019, recommended that any roadway connection providing access to the proposed subdivision be constructed as a local street rather than a collector roadway. In their final report to the City dated July 10, 2019, ACHD also removed the requirement for a stub of the public street to the north.

H. *On-Site Features:*

- ✧ Areas of Critical Environmental Concern – No known areas.
- ✧ Evidence of Erosion – No evidence.
- ✧ Fish Habitat – No.
- ✧ Floodplain – No.
- ✧ Mature Trees – None.
- ✧ 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.

Central District Health Dept.	April 13, 2023
DEQ	April 7, 2023
Idaho Dept of Fish & Game	April 18, 2023
Drainage District #2 (represented by Sawtooth Law)	April 11, 2023
ACHD (Original Review Letter)	July 10, 2019

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

Steve Thiessen

K. *Comprehensive Plan and Unified Development Code Provisions:*

Comprehensive Plan:

8.2.3 Land Use Map Designations:

Mixed Use

Generally suitable for a mixture of uses which may, at the sole discretion of the Council, include office, commercial, light industrial, and/or residential depending upon the specific area designated as Mixed Use. See Mixed Use Implementation Policies for specific criteria. Development within this land use designation is to proceed through the PUD and/or development agreement process. Identifying areas for mixed-use development has two objectives. The first objective is to give the city a better tool to manage the type of developments through the planned unit development and/or the Development Agreement process. The second objective is that this land use designation will allow the development community to be more innovative in design and placement of structures. Development design guidelines should also be established to guide development within mixed-use areas. Rezoning within this land use designation is to be strictly monitored by the city to assure that the Mixed Use areas are not being used simply to justify high density residential use.

8.3 Goal:

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

8.4 Objectives:

- Implement the Land Use Map and associated policies as the official guide for development.
- Manage urban sprawl in order to minimize costs of urban services and to protect rural areas.
- Encourage land uses that are in harmony with existing resources, scenic areas, natural wildlife areas, and surrounding land uses.

8.5.3 Policies Related Mostly to the Urban Residential Planning Areas:

A. The 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.

8.8.7 Policies Related Mostly to The Mixed Use Planning Areas

A. Council, at their sole discretion, shall determine what mix of uses are appropriate for any mixed use area considering existing property owners rights.

B. Development within the Mixed Use Designation is to proceed through the CUP, PUD, and/or Development Agreement process, and a concept plan must be included with any such proposed use.

C. In general, mixed use areas along state highways should be predominantly commercial with a very minor component of residential unless the residential is placed on upper floors as part of a mixed use building.

D. Mixed use areas along state and U.S. Highways where direct access to the state highway is prohibited, like along State Highway 16 between State Highway 44 and US Highway 20/26, should be predominately residential with a minor component of neighborhood commercial, or light industrial if sufficient roadway access, by means of backage or other roads, to the State Highway is provided.

E. Mixed use areas located between commercial and residential land use designations are to provide a compatible transition between the higher intensity use of commercial and the lower intensity use of Estate and Neighborhood Residential. Uses for these mixed use areas could include multi-family housing and or office related uses if determined by the Council through the public hearing process, to be appropriate.

8.5.9 Additional Land Use Component Policies:

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

Unified Development Code:

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

(MU) MIXED USE DISTRICT: To provide for a mixture of uses which may, at the sole discretion of the Council, include office, commercial, and/or residential depending upon the specific comprehensive plan area designated as Mixed Use. Development within this zone is to proceed through the PUD process unless a development agreement has already been executed for the particular property. Identifying areas for mixed-use development has two objectives. The first objective is to give the city a better tool to manage the type of developments through the planned unit development and/or the Development Agreement process. The second objective is that this zone may allow the development community to be more innovative in design and placement of structures subject to Council review and approval. Rezoning within this land use designation is to be strictly monitored by the city to assure that the Mixed-Use areas are not being used simply to justify high density residential use. Residential uses may be part of an overall mixed-use development that includes a non-residential component and may not exceed 30% of the overall size of the development.

<u>ZONING DISTRICT USES</u>	A	R-R	MU
Accessory structure	A	A	C
Dwelling:			
Multi-family 1	N	N	C
Secondary 1	A	A	C
Single-family attached	N	N	C
Single-family detached	P	P	C
Two-family duplex	N	N	C

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	Minimum Yard Setbacks Note Conditions
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	Note Conditions	Front ⁽¹⁾	Rear	Interior Side	Street Side
MU	35'	For MU and CBD - Unless otherwise approved by the Council as a part of a PUD or development agreement, all residential buildings shall follow the residential setbacks shown in this table based upon the project density and all other buildings shall follow setbacks for the C-2 zone ⁽³⁾ .			
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.

8-4E-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-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.

8-6A-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.

Public Hearing of the Council:

- a. A public hearing on the application was heard by the City Council on May 20, 2023, at which time testimony was heard and the public hearing was closed, and the Council 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
 - Nate Mitchell
 - Brian Burnett

- Victor Islas, Star Fire District

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 preliminary plat and private 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, access and street configuration. 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 preliminary plat. 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 the following conditions of approval to their decision to approve the applications to include the following:

- **Detached sidewalks shall be provided on the public street.**

Conditions of Approval:

1. The approved Preliminary/Final Plat for the Mink Creek 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. **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.**
4. 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. **Streetlight design/cut sheet shall be submitted to Staff and approved prior to signing the mylar. 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.

5. **The Applicant shall provide a revised preliminary/final plat that shows the correct sidewalk widths, detached sidewalks and planter strips in the development. This shall be required prior to signing the mylar.**
6. **Street trees shall be installed per Chapter 8, Section 8-8C-2-M(2) Street Trees. Applicant shall provide locations for the local street trees at the time of final plat. If driveway locations will not be determined until sale of the lot, Applicant agrees to not receive the Certificate of Occupancy until street trees are confirmed in place. The applicant shall provide a revised landscape plan showing all the required trees.**
7. The property with the approved Preliminary Plat shall be satisfactorily weed abated, preventing a public nuisance, per Star City Code.
8. 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.
9. 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.
10. Pressurized irrigation systems shall comply with the Irrigation District(s) and the City of Star Codes. Plans for pressurized irrigation systems shall be submitted to, and approved by the City of Star Engineer, prior to installation.
11. A plat note supporting the "Right to Farm Act" as per Idaho Code Title 22, Chapter 45, shall be shown on the Final Plat.
12. A copy of the CC&R's shall be submitted to the City of Star at Final Plat.
13. A 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.
14. 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.
15. 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.
16. 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.
17. 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.
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.

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