

FINDINGS OF FACT AND CONCLUSIONS OF LAW
LEGADO SUBDIVISION (FORMERLY STAR RIVER RANCH NORTH SUBDIVISION)
PRELIMINARY PLAT AMENDMENT/PRIVATE STREET
FILE NO. PP-22-05 MOD/PR-24-05

The above-entitled Preliminary Plat Modification and Private Street land use application came before the Star City Council for their action on December 17, 2024, at which time public testimony was taken and the public hearing was closed. The Star City Council, having requested and taken oral and written testimony, and having duly considered the matter, does hereby make the following Findings of Fact and Conclusions of Law.

Procedural History:

A. Project Summary:

Request: The Applicant is seeking approval of a Preliminary Plat Modification and Private Street with gates for a proposed residential subdivision consisting of 71 single-family residential lots and 12 common lots. The property is located on the west side of Bent Lane in Star, Canyon County, Idaho and consists of 23.77 acres with a proposed density of 2.99 dwelling units per acre. The property is currently zoned Residential R-5. The original preliminary plat was approved by City Council on March 23, 2023. The subject property is generally located south of Hwy 44 and west of Bent Lane in Star, Idaho. Canyon County Parcel Number R3403500000.

B. Application Submittal:

A neighborhood meeting was held on February 15, 2024, 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 16, 2024.

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 2, 2024. 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 30, 2024. The property was posted in accordance with the Star Unified Development Code on December 3, 2024.

D. *History of Previous Actions:*

- **May 1, 2007** – Council approved an application for Hidden Meadows Subdivision Annexation and Zoning with Preliminary Plat to R-5. The development consisted of 108 residential lots and 24 common lots on approximately 24 acres.
- **July 19, 2022** – Council tabled application for Preliminary Plat (PP-22-05) for Star River Ranch North Subdivision to September 6, 2022.
- **September 6, 2022** – Council tabled application for Preliminary Plat (PP-22-05) for Star River Ranch North Subdivision to March 7, 2023.
- **March 7, 2023** – Council tabled application for Preliminary Plat (PP-22-05) for Star River Ranch North Subdivision to March 21, 2023.
- **March 21, 2023** – Council approved application for Preliminary Plat/PUD (PP-22-05) for Star River Ranch North Subdivision. The preliminary plat was approved for a maximum of 71 single family residential lots with 12 common lots on 23.77 acres.

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

	Zoning Designation	Comp Plan Designation	Land Use
Existing	Residential (R-5)	Estate Urban Residential	Vacant
Proposed	Residential (R-5)	Estate Urban Residential	Single Family Residential
North of site	Mixed-Use (MU) AG (Canyon Co)	Estate Urban Residential	Vacant/Agricultural Single family residential
South of site	Residential (R-2)	Estate Urban Residential	Star River Ranch Common Lot/ vacant/agricultural/Single Family Residential
East of site	AG (Canyon Co)	Estate Urban Residential	Vacant/Agricultural
West of site	Mixed Use (MU)	Estate Urban Residential	Old East Canyon Development Vacant/Agricultural

F. *Development Features:*

PRELIMINARY PLAT:

PRELIMINARY PLAT: (Original Application Review)

The Preliminary Plat submitted contains 71 single family residential lots, and 12 common area lots for a total of 83 lots. The gross density of the proposed development is 2.99 dwelling units/acre. The residential lots range in size from approximately 7,949 square feet to 14,342

square feet with the average buildable lot area of 9,280 square feet. The applicant has indicated in their Open Space Exhibit that the development will contain a total of 4.34 acres (18.3%) of overall open space, which includes 3.38 acres within the proposed plat and .96 acres located within an area in Star River Ranch No. 1. The applicants intent is to improve this .96-acre area for a future dog park that will be utilized by both subdivisions. The total usable open space proposed is 3.63 acres (15.4%) . The Unified Development Code, Section 8-4E-2 states that all developments shall have a total of 15% open space and 10% usable open space. The current preliminary plat, as submitted satisfies these requirements. Streets are proposed to be public throughout the development and will measure 36 ft from back of curb to back of curb and satisfy Section 8-4D-34B(4) of the UDC.

The development will be primarily accessed off Bent Lane via Balto Street. There will also be access via Silverthorne Avenue from Bent Lane along the south. Silverthorne Avenue will connect to the future northern collector road when that property is developed.

The current Unified Development Code, Section 8-4E-2 requires a development of this size to have 2 site amenities. The preliminary plat shows a total of 3 amenities. The applicant is proposing a large, central open area that will house 2 soccer fields. The applicant is also proposing connected walking paths within the development and a future dog park.

ADDITIONAL DEVELOPMENT FEATURES:

- **Sidewalks:** - Sidewalks are proposed at five-foot (5') widths and will be attached throughout the overall subdivision. **At the time of submittal, detached sidewalks were not required under the UDC that was in affect at the time of submittal of the application. Staff recommends that the Council consider requiring detached sidewalks that meet the current intent of the City for streetscapes.**
- **Lighting:** - Streetlights shall reflect the "Dark Sky" criteria with all lighting. The same streetlight design shall continue throughout the entire development. The applicant has not submitted a streetlight plan, indicating location of lights or a street light design. A condition of approval will be required to receive staff approval of streetlights prior to final plat approval.
- **Landscaping:** - As required by the Unified Development Code, Chapter 8, Section 8-8C-2-M (2) Street Trees; A minimum of one street tree shall be planted for every thirty-five (35) linear feet of street frontage. The applicant shall use "Treasure Valley Tree Selection Guide", as adopted by the Unified Development Code. The landscape plan submitted with the Preliminary Plat shows street trees throughout the large common area and dog park as required per code. The submitted landscape plan appears to satisfy these requirements. Not all street trees are on the landscape plan and appear to be located by the builder. A condition of approval will be to hold certificates of occupancy until trees are planted per code. Common areas along the roads do not contain the necessary

number of trees called for by code. A condition of approval will be to submit a new plan showing the correct number of street trees in all the common areas.

- **Setbacks:** – The Applicant is requesting 5-foot side yard setbacks that were allowed in the R-5 zoning district at the time of submittal of the application and prior to the June 7, 2022 Code revision. All other setbacks of the current R-5 zone are consistent with the new R-3 setbacks established by the June 7, 2022 UDC rewrite.
- **Block Length:** - Blocks 2 and 3 are over 750' in length. Therefore, Council must approve the waiver to the block length for these areas.
- **Mailbox Cluster:** - Applicant has provided communication to the Star Postmaster and they are awaiting his response on cluster location.
- **Subdivision Name:** - Applicant has provided documentation showing approval for the subdivision name.
- **Street Names:** - Applicant has provided documentation showing approval for the street names as public streets. New street names will be required to conform to the private road naming conventions.
- **Phasing:** - Applicant is proposing the development will be built out in two phases.

PRELIMINARY PLAT: (Modification Application Review)

The Preliminary Plat submitted contains 71 single family residential lots, and 11 common area lots and 1 common driveway, for a total of 83 lots. The gross density of the proposed development is 2.99 dwelling units/acre. The residential lots range in size from approximately 6,260 square feet to 14,716 square feet with the average buildable lot area of 9,319 square feet. The applicant has indicated in their Open Space Exhibit that the development will contain a total of 4.86 acres (20.45%) of overall open space, which includes 3.81 acres (16.03%) of usable open space. The Unified Development Code, Section 8-4E-2 states that all developments shall have a minimum of 15% open space and 10% usable open space. The current preliminary plat, as submitted satisfies these requirements.

Streets are now proposed to be private throughout the development. The applicant is proposing local streets to be 36 feet from back of curb to back of curb located in a 40-foot Right of Way with an 8-foot-wide planter strip and 5-foot-wide detached sidewalks. These measurements satisfy Section 8-4D-34B(4) of the Unified Development Code. The applicant has also removed the entrance road on the southwest corner of the property and is proposing a shared driveway instead. Under Section 8-6B-2D, common/shared driveways shall not be permitted for residential developments unless an approved, emergency turnaround is provided, and the driveway is approved by the Fire District. Staff

recommends that the entrance road be added back to the plan as a shared drive does not meet code and the secondary entrance is necessary for emergency access.

The applicant is proposing that the main entrance to the development be divided by a median, creating 18-foot-wide driving lanes with 7-foot-wide planter strips and 5-foot-wide detached sidewalks. This will require Fire District approval.

The development will be primarily accessed off Bent Lane via Balto Street. There will also be access via Silverthorne Avenue which will connect to a future collector road, Landruff Lane, to the north when that property is developed. **Silverhorne Street was originally connected to Bent Lane on the south. Staff recommends that connection still be made for emergency access and to eliminate the shared drive proposed on the new plan.**

The current Unified Development Code, Section 8-4E-2 requires a development of this size to have 2 site amenities. The original preliminary plat proposed a total of 3 amenities. The revised preliminary plat is now removing pickleball courts and replacing it with a pool. There will also be a large open, grass area and walking paths throughout the development.

ADDITIONAL DEVELOPMENT FEATURES:

- **Sidewalks:** - Sidewalks are proposed at five-foot (5') widths and will be detached throughout the overall subdivision.
- **Lighting:** - Streetlights shall reflect the "Dark Sky" criteria with all lighting. The same streetlight design shall continue throughout the entire development. The applicant has not submitted a streetlight plan, indicating location of lights or a street light design. A condition of approval will be required to receive staff approval of streetlights prior to final plat approval.
- **Landscaping:** - As required by the Unified Development Code, Chapter 8, Section 8-8C-2-M (2) Street Trees; A minimum of one street tree shall be planted for every thirty-five (35) linear feet of street frontage. The applicant shall use "Treasure Valley Tree Selection Guide", as adopted by the Unified Development Code. The landscape plan submitted with the Preliminary Plat shows street trees throughout the large common area and dog park as required per code. The submitted landscape plan appears to satisfy these requirements.
- **Setbacks:** - The Applicant is requesting 5-foot side yard setbacks that were allowed in the R-5 zoning district at the time of submittal of the application and prior to the June 7, 2022 Code revision. All other setbacks of the current R-5 zone are consistent with the new R-3 setbacks established by the June 7, 2022 UDC rewrite.
- **Block Length:** - Matanuska and Talkeetna streets are over 750' in length. Council will need to approve these private street lengths.

- **Mailbox Cluster:** - Applicant has provided communication from the Star Postmaster depicting the approved location of the mailbox clusters. All clusters shall be covered with an architecturally designed cover, to be approved by the Administrator prior to final plat signature. All covers shall be provided with lighting and shall be stained/painted and kept in good condition at all times
- **Subdivision Name:** - Applicant has provided documentation showing approval for the subdivision name.
- **Street Names:** - Applicant has provided documentation showing approval for the street names and they are showing accurately on the submitted preliminary plat. New street names will be required to conform to the private road naming conventions.
- **Phasing:** - Applicant is proposing the development will be built out in two phases.
- **Gates:** - **The applicant is proposing the private streets to be gated. Unified Development Code section 8-4D-3(4) states that private gates or other obstacles shall not be allowed, unless approved by Council and the Fire District.**

G. Existing Site Characteristics:

Existing Site Characteristics: The property is now currently vacant land/pasture.

Irrigation/Drainage District(s): - Canyon County Water Company, LTD.
P.O. Box 11
Star, ID 836669

Flood Zone: This property is located in flood hazard Zone AE.
FEMA FIRM Panel: 16027C0259G
FIRM Effective Date: 6/07/2019
Base Flood Elevation: AE 2541.0 feet

Special On-Site Features:

- ✪ Areas of Critical Environmental Concern – None identified.
- ✪ Evidence of Erosion – No known areas.
- ✪ Fish Habitat – No known areas.
- ✪ Mature Trees – None.
- ✪ Riparian Vegetation – No.
- ✪ Steep Slopes – None.
- ✪ Stream/Creek – None.
- ✪ Unique Animal Life – No unique animal life has been identified.
- ✪ Unique Plant Life – No unique plant life has been identified.
- ✪ Unstable Soils – No known issues.

- ✪ Wildlife Habitat – No wildlife habitat has been developed or will be destroyed.
- ✪ Historical Assets – No historical assets have been observed.

H. *Agencies Responding:*

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

Star Fire District

October 7, 2024

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

None

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

COMPREHENSIVE PLAN (As of Submittal of Original Application – Under Old Plan):

8.2.3 Land Use Map Designations:

Neighborhood Residential:

Suitable primarily for single family residential use. Densities in the majority of this land use area are to range from 3 units per acre to 5 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 adjacent to existing residential lots of one acre and larger where those existing larger lots are not likely to be subdivided in the future.

8.3 Goal:

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

8.4 Objectives:

- Manage urban sprawl in order to minimize costs of urban services and to protect rural areas.
- Retain and encourage rural areas where it will not result in increased costs for urban service.
- Encourage land uses that are in harmony with existing resources, scenic areas, natural wildlife areas, and surrounding land uses.

8.5.3 Policies Related Mostly to the Urban Residential Planning Areas:

- A. The Neighborhood Residential Land Use is to encourage urban style development densities to limit urban sprawl.
- B. Low densities within the Neighborhood Residential Land Use are to be designed within the floodplain, ridgeline developable areas, hillside developable areas and where new residential lots are proposed adjacent to existing residential lots of one acre and larger where those existing larger lots are not likely to be subdivided in the future.

8.5.9 Additional Land Use Component Policies:

- Encourage flexibility in site design and innovative land uses.
- Encourage landscaping to enhance the appearance of subdivisions, structures, and parking areas.
- Require more open space and trees in subdivisions.
- Work with Ada County Highway District (ACHD), Canyon Highway District #4 (CHD4), and Idaho Department of Transportation (ITD) for better coordination of roadway and access needs.
- Support well-planned, pedestrian-friendly developments.
- Dark sky provision should be adopted within the code to assure down style lighting in all developments and Star should consider joining the International Dark Sky Association.
- The City should utilize the 2018 Treasure Valley Tree Selection Guide when requiring trees within developments.

18.4 Implementation Policies:

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

UNIFIED DEVELOPMENT CODE (As of Submittal of Application – Prior to UDC Update):

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

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

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

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

8-3A-3: USES WITHIN ZONING DISTRICTS

<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

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

8-3A-4: ZONING DISTRICT DIMENSIONAL STANDARDS (As of Submittal of Application – Prior to UDC Update):

Zoning District	Maximum Height Note Conditions	Minimum Yard Setbacks Note Conditions			
		Front (1)	Rear	Interior Side	Street Side
R-5	35'	15' to living area/side load garage 20' to garage face	15'	5'	20'

8-3A-4: ZONING DISTRICT DIMENSIONAL STANDARDS (Current UDC Standards as of 6-7-22):

Zoning District	Maximum Height Note Conditions	Minimum Yard Setbacks Note Conditions			
		Front ⁽¹⁾	Rear	Interior Side	Street Side
R-3	35'	15' to living area/side load garage	15'	7.5' ⁽²⁾	20'
R-5		20' to garage face			

Notes:

1. Front yard setback shall be measured from the face of the garage to the face of the sidewalk, allowing for 20' of parking on the driveway without overhang onto the sidewalk.
2. Zero-Lot-Line and reduced front and rear setback waivers may be requested through the Development Agreement process. All other side yard setback requests for detached structures shall not be granted waivers, unless as part of a Planned Unit Development.

3. All setbacks in the CBD, C-1, C-2, LO, IL, PS, RC and M-U zone shall maintain a minimum 15' when adjacent to a residential use or zone.
4. As approved by the Fire District.

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

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

A. Design Standards:

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

B. Construction Standards:

1. Obtain approval from the county street naming committee for a private street name(s);
2. Contact the transportation authority to install an approved street name sign that complies with the regulations of the county street naming ordinance;
3. Roadway and Storm Drainage: The private street shall be constructed in accord with the roadway and storm drainage standards of the transportation authority or as approved by the city of Star based on plans submitted by a certified engineer.
4. Street Width: The private street shall be constructed within the easement and shall have a travel lane that meets ACHD width standards for the City of Star, or as determined by the Council and Star Fire District.
5. Sidewalks: A five foot (5') attached or detached sidewalk shall be provided on one side of the street in commercial districts. This requirement may be waived if the applicant can demonstrate that an alternative pedestrian path exists.
6. Fire Lanes: All drive aisles as determined by the Star Fire District to be fire lanes, shall be posted as fire lanes with no parking allowed. In addition, if a curb exists next to the drive aisle, it shall be painted red.
7. No building permit shall be issued for any structure using a private street for access to a

public street until the private street has been approved.

C. The applicant or owner shall establish an on-going maintenance fund through the Owner's association with annual maintenance dues to ensure that funds are available for future repair and maintenance of all private streets. This shall be a requirement in a development agreement and/or as part of a planned unit development. A reserve account condition shall be included in the recorded CC&R's and shall be provided to the City for review. The condition of approval shall include the following:

1. Private Road Reserve Study Requirements.

- a. At least once every three years, the board shall cause to be conducted a reasonably competent and diligent visual inspection of the private road components that the association is obligated to repair, replace, restore, or maintain as part of a study of the reserve account requirements of the common interest development, if the current replacement value of the major components is equal to or greater than one-half of the gross budget of the association, excluding the association's reserve account for that period. The board shall review this study, or cause it to be reviewed, annually and shall consider and implement necessary adjustments to the board's analysis of the reserve account requirements as a result of that review.
- b. The study required by this section shall at a minimum include:
 - i. Identification of the private road components that the association is obligated to repair, replace, restore, or maintain.
 - ii. Identification of the probable remaining useful life of the components identified in paragraph (1) as of the date of the study.
 - iii. An estimate of the cost of repair, replacement, restoration, or maintenance of the components identified in paragraph (1).
 - iv. An estimate of the total annual contribution necessary to defray the cost to repair, replace, restore, or maintain the components identified in paragraph (1) during and at the end of their useful life, after subtracting total reserve funds as of the date of the study.
 - v. A reserve funding plan that indicates how the association plans to fund the contribution identified in paragraph (4) to meet the association's obligation for the repair and replacement of all private road components.
- c. A copy of all studies and updates shall be provided to the City, to be included in the development application record.

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

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

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

B. Granting approval of the private street would not cause damage, hazard, or nuisance, or other detriment to persons, property, or uses in the vicinity; and

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

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

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

1. The total land area of all common open space shall equal or exceed fifteen percent (15%) of the total gross acreage of land area of the development. A minimum of 10% of the total gross acreage of the development shall be for useable area open space. Open space shall be designated as a total of 15% minimum for residential developments in all zones with densities of R-2 or greater.
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 1 dwelling unit per acre or less may request a waiver of open space and amenities to the Council. Developments with a density of 2 dwelling units per acre or less may request a 50% reduction in total required open space and amenities to the Council.
5. For multi-family developments, see Section 8-5-20 for additional standards.

B. Qualified Usable Area Open Space: The following qualifies to meet the useable area 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, as determined by the Administrator;
 - c. Ponds or water features where active fishing, paddle boarding, or other activities are provided (50% qualifies towards total required usable area open space, must be accessible by all residents to qualify. Ponds must be aerated. All ponds shall be provided with safety floatation devices (rings) located at reasonable distances, as determined by the administrator;

- d. A plaza.
 - e. Common lots that include a pathway providing local or regional connectivity that is a minimum of 20' in width.
 - f. Irrigation easements/ditches when a pathway is included (to be measured from the center of the ditch to the property line of the common lot).
2. Additions to a public park or other public open space area.
 3. The buffer area along collector and arterial streets may be included in required overall common open space for residential subdivisions.
 4. Parkway along local residential streets with detached sidewalks that meet all the following standards may count toward the common open space requirement:
 - a. The parkway is a minimum of eight feet (8') in width from street curb to edge of sidewalk and includes street trees as specified otherwise herein.
 - b. Except for alley accessed dwelling units, the area for curb cuts to each residential lot or common driveway shall be excluded from the open space calculation. For purposes of this calculation, the curb cut area shall be a minimum area of twenty-six feet (26') by the width of the parkway.
 - c. Stormwater detention facilities do not qualify to meet the common area open space requirements, unless all of the following is met:
 1. Must be at least fifty feet by one hundred feet (50' x 100') in area;
 2. Specifically designed as a dual use facility, as determined by the administrator, to include minimal slopes, grass throughout, and guarantee of water percolation within 24 hours of storm event.
 3. Is located in a development that has a second usable open space area that contains a qualified site amenity as herein defined.
 5. Visual natural space, including open ditches, wetlands, slopes or other areas that may not be readily accessible to residents, and is provided with open style fencing, may qualify for up to 20% of the required open space

total, as determined by the Administrator.

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 with an enlarged deck and changing and restroom facility (pools shall count towards 3 required site amenities).
 - b. Children's play structures.
 - c. Sports courts.
 - d. Additional open space in excess of 10% qualified 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;
 - h. Pond and/or waterway amenities including, but not limited to docks, shade structures, ADA access, and fish stocking.
6. Community Gardens.

D. Location: The common open space and site amenities shall be located on a common lot or an area with a common maintenance agreement.

E. Maintenance:

1. All common open space and site amenities shall be owned by and be the

responsibility of an owners' association for the purpose of maintaining the common area and improvements thereon.

8-3B-3: RESIDENTIAL DISTRICTS: ADDITIONAL RESIDENTIAL DISTRICT STANDARDS

J. Additional residential standards applying to all new residential subdivisions:

a. Residential Elevations:

- i. Building elevations for all residential uses shall be submitted with any development application and will be included as part of any preliminary plat, development agreement and/or any other condition of approval.
- ii. Single-Family Residential Building Front and Side Elevation Minimum Standards. These standards shall be reviewed for compliance with all submitted residential building permits under the Building Zoning Certificate process. Council may adopt these standards as part of a development agreement or preliminary plat approval. The following minimum standards shall be applied to all new residential structure elements in all zones:
 1. Exterior finishes shall be primarily horizontal/vertical wood or wood product siding, brick, stucco, stone, or other decorative masonry product. **A minimum of three (3) architectural elements shall be provided for all single-family residential structures.** These elements shall include, but are not limited to, shingled, horizontal or vertical siding, stone or brick highlights, garage door windows or hardware, colored window frames, or other architectural treatments deemed appropriate by the administrator.

8-3B-3 - FIGURE EXTERIOR ARCHITECTURAL ELEMENTS:



2. Two-story detached structures should provide a minimum of one, second story side window per side elevation, when appropriate.
 3. A minimum one (1) foot overhang shall be provided on all roof overhangs. Administrator may approve deviation from this standard.
 4. Dwellings backing up to collector or arterial streets shall have rear elevations and/or architectural designs that provide depth and dimension, avoiding the flat-wall appearance. These elements must be functional and may not be minimized or created solely for the purpose of compliance with this provision.
 5. Additional landscaping buffers may also be required.
- b. Dwelling Unit Design. Building styles shall be spread throughout the entire development (including all contiguously owned and phased properties). Nowhere within the development shall any fewer than 5 different exterior elevation styles and/or floorplans be located adjacent to each other. The number of different dwelling styles within a development shall be as follows:
- a. 1 to 50 units = minimum of 5 architectural styles and/or floorplans
 - b. 51 to 100 units = minimum of 7 architectural styles and/or floorplans
 - c. 101 and over units = minimum of 10 architectural styles and/or floorplans
- c. Homeowners Associations. All subdivisions shall be maintained by a Homeowners association with appropriate Conditions, Covenants and Restrictions (CC&R's). CC&R's are not enforceable by the City and are private contracts between the developer and the property owner.
- d. Irrigation and drainage ditches shall not be covered, tiled or re-routed as part of any new residential development unless specifically approved by Council and the applicable irrigation and/or drainage district. Perforated piping may be considered as an option if tiling is allowed.

8-4A-21: MAILBOXES:

All mailbox clusters shall be approved by the postmaster prior to installation. All clusters shall be covered with an architecturally designed cover, to be approved by the Administrator prior to final plat signature. All covers shall be provided with lighting and shall be stained/painted and kept in good condition at all times. The administrator may issue a letter of violation to the HOA when any mailbox cluster or cover falls into disrepair. Maintenance

shall be included in the CC&R's. A turnout shall be installed adjacent to the mailbox cluster to provide community access, if approved by the transportation authority and postmaster. The design shall be included as part of the preliminary plat submittal.



8-6A-3: PRELIMINARY PLAT PROCESS

A. Preapplication Conference: The applicant shall complete a preapplication conference with the administrator or designee prior to submittal of an application for a preliminary 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.

B. 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.

C. Application Requirements: A complete subdivision application form and preliminary plat data as required in this title, together with fees shall be submitted to the administrator. At the discretion of the administrator or city engineer, appropriate supplementary information may also be required to sufficiently detail the proposed development within any special development area, including, but not limited to, hillside, planned unit development, floodplain, cemetery, manufactured home parks, and/or hazardous or unique areas of development. When possible, any unresolved access or traffic generation issues related to ACHD/HD4 or ITD regulated roadways should be resolved by the applicant prior to acceptance of any application. The administrator may require a letter from the appropriate transportation agency or servient property owner to be submitted with the application.

D. Required Information and Data: The contents of the preliminary plat and related information shall be in such a form as stipulated by the City Council, however, additional maps or data deemed necessary by the administrator may also be required. The applicant shall submit to the

administrator at least the following:

1. Two (2) copies of the preliminary plat of the proposed subdivision, drawn in accordance with the requirements hereinafter stated. Each copy of the preliminary plat shall be submitted on good quality paper, be professionally drafted, shall have the dimensions of not less than twenty-four inches by thirty-six inches (24" x 36"), and shall be drawn to a scale of not less than one inch to one hundred feet (1"=100') and contain a drafting date and north arrow.
2. For hillside developments, one (1) bound copy of the preliminary engineering plans (not meant to be cross sections or detailed designs) showing streets, water, sewers, sidewalks, and other required public improvements, together with preliminary site grading, drainage and irrigation plans of the proposed subdivision. Such engineering plans shall contain sufficient information and detail to make a determination as to conformance of the proposed improvements to applicable regulations, ordinances and standards.
3. Two (2) copies of a landscape plan showing all open space, common areas, amenities, street trees and development signage;
4. Additional information on the preliminary plat and separately submitted information to include the following:
 - a. The name of the proposed subdivision, as approved in advance by the Ada County Engineering office;
 - b. The name, address, telephone and email of the applicant, developer, engineer and surveyor or drafter who prepared the preliminary plat;
 - c. The names and addresses of all adjoining property owners and recorded plats within three hundred feet (300') of the external boundaries of the land being considered for subdivision.
 - d. The land use and existing and proposed zoning of the proposed subdivision and the adjacent land;
 - e. Streets, street names, rights of ways and roadway widths, including adjoining streets or roadways;
 - f. Lot lines and blocks showing the dimensions and numbers of each, together with area of each lot in acres and square feet;
 - g. Contour lines, shown at five-foot (5') intervals where the land slope is greater than ten percent (10%) and at two-foot (2') intervals where land slope is ten percent (10%) or less, referenced to an established benchmark, including location and elevation;
 - h. Any proposed or existing utilities, including, but not limited to, power poles, storm and sanitary sewers, irrigation laterals, ditches, bridges, culverts, water mains and fire hydrants;
 - i. Any flood zone information including FEMA FIRM panels;
 - j. The legal description of the boundary of the property being subdivided with the

- seal of the surveyor of record;
 - k. Phasing plan showing all proposed phases of the development;
 - l. Preliminary irrigation analysis showing availability of water rights and distribution of irrigation to the lots within the proposed subdivision, or waiver request;
 - m. One (1) copy of a site report of the highest seasonal groundwater elevation prepared by a licensed engineer;
 - n. narrative, signed by the applicant, fully describing the proposed subdivision, including such information as number and type of uses on the lots (residential single, two or multi-family, commercial, etc.), common lots and the proposed uses of those lots (open space, parks, playgrounds, landscaping, or other uses) and any other information deemed necessary to explain the intent of the development including how it relates to other concurrently submitted applications (annexations, rezones, PUD's, CUP's, etc.).
 - o. Neighborhood meeting information including sign-in sheet, copy of meeting letter, copy of mailing labels, and detailed summary of neighbor questions and concerns and how the development has been designed to address those concerns;
 - p. A vicinity map showing the relationship of the proposed plat to the surrounding area (1/2-mile radius);
 - q. Deeds, affidavit of legal interest, address labels, postal service location approval, ACHD traffic study review status, electronic copies, or any other required information deemed necessary by the administrator to allow for proper review of the application;
 - r. A conceptual site plan shall be submitted for any non-residential developments showing building locations, parking and loading areas, traffic access drives and traffic circulation and trash enclosure locations;
 - s. Any additional required information for special area of developments including, but not limited to hillsides, wetlands or as further specified in this Title.
5. Additional information in the application as determined by the administrator may include the following:
- a. Building elevations, including multi-family uses, non-residential uses, clubhouses, well houses, or other elevations deemed necessary to assist the Council in their decision regarding a development;
 - b. Colored site plan and renderings of a subdivision detailing residential lot locations, open space and common areas, buffers, roadways, waterways and irrigation ditches, fencing, signs and landscaping.

E. Acceptance: Upon receipt of the preliminary plat, and compliance with all other requirements as provided for herein, the administrator shall certify the application as complete and shall affix the date of acceptance.

F. Decision: A decision on a preliminary plat for a parcel of land is made by the City Council after receiving a recommendation from the administrator and a public hearing is held.

8-6A-7: PRELIMINARY PLAT FINDINGS:

1. The plat is in conformance with the Comprehensive Plan;
The Council finds that the Preliminary Plat modification request, as presented, does not meet all requirements associated with the Unified Development Code. Section 8-4D-1 requires private streets to be approved by City Council. Further, Council finds that the intent and purpose of private streets is to provide access and frontage and where private streets will maintain or enhance the safety of the development. Council does not believe that safety can be maintained in this development.
2. Public Services are available or can be made available and are adequate to accommodate the proposed development;
The Council finds that the City has been made aware of potential public health and safety issues from the City Police Chief, who testified that private streets would pose a concern with police protection, including limited ability to enforce traffic laws on private property.
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 been made aware of potential public health and safety issues from the City Police Chief, who testified that private streets would pose a concern with police protection, including limited ability to enforce traffic laws on private property.
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: REQUIRED FINDINGS (PRIVATE STREETS):

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

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

Council finds that there is a potential for the proposed private street to be detrimental to future property owners within the accompanying subdivision. The Council finds that the City has been made aware of potential public health and safety issues from the City

Police Chief, who testified that private streets would pose a concern with police protection, including limited ability to enforce traffic laws on private property.

Public Hearing of the Council:

a. A public hearing on the application was heard by the City Council on December 17, 2024, 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:

- Shawn L Nickel, Planning Director
- Conner Lindstrom
- Tim Eck
- Pete Baliki
- Star Police Chief Zach Hessing
- Chris Spilano
- Norka Helmik
- Ryan Morgan, City Engineer

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 preliminary plat modification 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, street configuration, police concerns, and drainage and stub street issues. The Council concluded that the Applicant’s request is not in the best interest of the City, and may pose potential emergency service provider issues associated with converting the public roadways with this subdivision into private streets. Council hereby incorporates the staff report dated December 17, 2024 into the official decision as part of these Findings of Fact, Conclusions of Law.

Council added to the required Development Agreement the following conditions of approval to their decision:

- The applicant shall retain the southern, north/south street access to Bent Lane within the final plat.

Council Decision:

The Council voted 3-0 (Nielson absent) to deny the Preliminary Plat Modification and Private Street for Legado Subdivision (formerly Star River Ranch North Subdivision) on December 17, 2024.

Dated this 21st day of January 2025.

ATTEST:

Shelly Tilton, City Clerk

By: _____
Trevor A. Chadwick, Mayor