

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**  
**STARGAZER SUBDIVISION**  
**FILE NO. AZ-21-04/DA-21-06/PP-21-01**

The above-entitled Annexation, Development Agreement and Preliminary Plat land use applications came before the Star City Council for their action on October 19, 2021, 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 an Annexation and Zoning (R-3), a Development Agreement, and a Preliminary Plat for a proposed residential subdivision consisting of 125 residential lots and 10 common lots. The property is located at 2987 & 3035 N. Hamlet Lane, and 10820 & 10824 W. New Hope Road in Star, Idaho. The property consists of 41.96 acres with a proposed density of 3 dwelling units per acre. The subject property is generally located on the northwest corner of the intersection of N. Brandon Road and W. New Hope Road. Ada County Parcel No's R3843650400, R3843650100, R3843650300 & R3843650200.

The applicant has agreed to limit the total density of the Subdivision to 3 dwelling units per acre, including the potential redevelopment of the Bruneel Lot in the future. The applicant agrees to remove 3 lots within the Stargazer Subdivision to a total of 122 residential lots, with the ability of (Bruneel's) Lot 15, Block 1 to re-subdivide into a maximum total of 6 lots (including the existing home). This will be included as a condition of approval on the Preliminary Plat and the Development Agreement.

*B. Application Submittal:*

A neighborhood meeting was held on February 22, 2021, 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 April 20, 2021.

*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 22, 2021. 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 20, 2021. Notice

was sent to agencies having jurisdiction in the City of Star on April 22, 2021. The property was posted in accordance with the Star Unified Development Code on June 2, 2021.

*D. History of Previous Actions:*

There have been no previous requests through the City for development of this property. The property is part of an existing, 4-lot County Subdivision (Hutton Ranchettes Subdivision).

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

	<b>Zoning Designation</b>	<b>Comp Plan Designation</b>	<b>Land Use</b>
<b>Existing</b>	County Rural Transitional (RUT)	Estate Residential	Single Family Dwellings/ Pasture
<b>Proposed</b>	R-3-DA	Estate Residential	Single Family Residential
<b>North of site</b>	R-3-DA	Estate Residential	Collina Vista Sub.
<b>South of site</b>	County Rural Transitional (RUT) / Residential (R-4)	Neighborhood Residential	Rusty Spur Ranchettes
<b>East of site</b>	Residential (R-3)	Estate Residential	Greendale / Greendale Grove Subdivisions
<b>West of site</b>	Residential (R-3-DA)	Estate Residential	Roselands Subdivision

*F. Development Features:*

**ANNEXATION & REZONE:**

The annexation and rezone request from County Rural Urban Transition (RUT) to Residential (R-3) on the applicant’s property will allow for the subdivision of the property to develop with urban densities that will be consistent with the current Comprehensive Plan Map. The overall gross density of the proposed development is 2.97 dwelling units per acre. The current Comprehensive Plan Land Use Map designates this property as Estate Residential, with an anticipated density of 1 to 3 dwelling units per acre. The requested density is within this designation. The requested zoning designation and density meets the intent of the Comprehensive Plan.

**PRELIMINARY PLAT:**

The Preliminary Plat submitted contains 125 single family residential lots, and 10 common area lots for a total of 135 total lots. **Council approved the preliminary plat with a maximum of 122 residential lots.** The buildable, residential lots range in size from 5,750 square feet to 12,162 square feet with an average buildable lot of 8,061 square feet. The applicant has indicated that the development will contain a total of 6.77 acres (16.2%) of open space. The

applicant states that useable open space, not including street buffers and endcaps equal to 5.55 acres (13.3%) exceeding the requirement for usable open space in the current Unified Development Code, Section 8-4E-2. Streets are proposed to be public and will measure 36 ft from back of curb to back of curb and satisfy Section 8-4D-34B(4) of the UDC.

According to the plat map, two of the existing four homes will remain and be platted within the development. The first home will be on Lot 16, Block 1 and will have direct access on a public street. The second home will be located on Lot 10, Block 4, also with direct street access. This leaves 123 new buildable lots in the development.

The development will be accessed on the west via Meadow Lilly Street off Roseland Way. Access on the east off N. Brandon Road and W. Bellatrix Street. Access on the south will be directly off W. New Hope Road via N. Bright Light Avenue. The current private street, Hamlet Lane will be replaced by the new public street, N. Bright Light Avenue. The development will also have a stub road on the north of the property, N. Hosa Avenue, that will connect with the Collina Vista development in the future.

The development will have a five (5) foot detached sidewalk along W. New Hope Road with a landscape strip and a twenty-five (25) foot buffer.

The current Unified Development Code, Section 8-4E-2 requires a development of this size to have 4 site amenities. The applicant is proposing a children's play structure, covered picnic shelter and pathway connections for access to the development and park. The development is also proposing 3 open areas that measure 50 ft by 100 ft or larger, that qualify as an amenity, per Section 8-4E-2.

#### **ADDITIONAL DEVELOPMENT FEATURES:**

- Sidewalks  
Internal sidewalks are proposed at five-foot (5') widths and will be attached throughout 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 submitted a streetlight design that satisfies the Star City standards.  
The streetlight plan submitted needs lights added to the intersections of N. Brandon Road and W. New Hope Road. N. Brandon Road and W. Bellatrix Street and W. Wild Aster Street and N. Nembus Avenue. All other proposed light locations satisfy code requirements.

- Street Names  
Street names will be approved by the Ada Street Naming Committee prior to signature of final plat.
- 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. Client shall update the landscape plan to show the appropriate trees in the common areas. Because the preliminary plat was revised after the original submittal of the application, a revised landscape plan referencing all new changes shall be submitted prior to final plat.
- Setbacks – Client is not requesting any set back waivers and will adhere to the R-3 requirements outlined earlier in this report.
- Block lengths – All blocks meet the 750' block length requirement.
- Mailbox Cluster – Star Postmaster Mel Norton has approved the mailbox cluster for the entire development to be placed on Block 4, Lot 8 in the northeast corner of the lot facing N. Bright Light Avenue. Approval letter included in the application packet.
- Phasing – The development is proposing to be built out in two (2) phases.
- Pressure Irrigation – Block 2, Lot 20 will have a new pressure irrigation pump station installed that will be maintained by the homeowner's association.

#### H. *On-Site Features:*

- ✪ Areas of Critical Environmental Concern – No known areas.
- ✪ Evidence of Erosion – No known areas.
- ✪ Fish Habitat – No known areas.
- ✪ Mature Trees – Some, around homes.
- ✪ Riparian Vegetation – No known areas.
- ✪ 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.
- ✪ Wildlife Habitat – No wildlife habitat has been developed or will be destroyed.
- ✪ Historical Assets – No historical assets have been observed.

I. *Agencies Responding:*

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

Keller and Associates	June 02, 2021
ITD	March 4, 2021
ACHD	June 14, 2021
DEQ	April 30, 2021
Farmer's Union Ditch Company	June 03, 2021
West Ada School District	June 7, 2021
Central District Health	April 20, 2021
COMPASS	May 10, 2021

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

None

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

Comprehensive Plan:

8.2.3 Land Use Map Designations:

Neighborhood Residential:

Suitable primarily for single family residential use. Densities in the majority of this land use area are to range from 3 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

C. Site layout within the Special Transition Overlay Area is to provide for a transition in density and lot sizing. Base densities may be significantly reduced or home sites may be clustered to increase open space within a portion of a site when property is within this overlay.

#### 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:

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

B. Standards:

1. The subject property shall meet the minimum dimensional standards of the proper district.
2. The city may require a development agreement in conjunction with the annexation and zoning, or rezone, pursuant to Idaho Code section 67-6511A, which may include a concept plan. In addition to other processes permitted by city and state code, exceptions or waivers of standards, other than use, may be permitted through execution of a development agreement. A development agreement and concept plan shall be required for any rezone to a mixed-use zone, high density zone or land which includes steep slope (land over 25%) or floodway.
3. The termination of a development agreement shall result in the reversal of the official zoning map amendment approval and applicable development approval for any undeveloped portion of property subject to the development agreement. The undeveloped property subject to the development agreement shall be rezoned to the district classification as designated by the development agreement. When no designation is provided, the property shall revert to its original zoning or, if the original designation no longer exists, to the closest current equivalent zoning as determined by the current Comprehensive Plan Land Use Map designation.
4. An amendment or termination of a previously recorded development agreement shall be recorded in the office of the county recorder by the clerk.
5. An approved development agreement must be executed within ninety (90) days of the meeting at which the development agreement is approved by the city council. A one-time administrative extension of maximum thirty (30) days may be granted by the zoning administrator. Additional extensions may be approved by majority vote of the city council. Failure to execute the development agreement within the required timeframe will result in the denial of all related applications.

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

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

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

R RESIDENTIAL DISTRICT: To provide regulations and districts for various residential neighborhoods. Gross density in a Residential (R) district shall be determined according to the numeral following the R. The numeral designates the maximum number of dwelling units per acre. In zoning designations of R-1, R-2, R-3, R-4 and R-5, housing shall be single family detached unless approved with a PUD or development agreement. Connection to municipal water and sewer facilities are required for all subdivision and lot split applications submitted after the effective date hereof in all districts exceeding one dwelling unit per acre. Wells and septic systems may be permitted for larger lots in this land use designation that are not adjacent to municipal services, as determined by the Sewer District, and if approved by the applicable Health Department. Private streets may be approved in this district for access to newly subdivided or split property. This district does allow for some non-residential uses as specified in 8-3A-3.

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

### **8-3A-3: USES WITHIN ZONING DISTRICTS**

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



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

**8-3A-4: ZONING DISTRICT DIMENSIONAL STANDARDS:**

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

Notes:

1. Front yard setback shall be measured from the face of the garage to the face of the sidewalk, allowing for 20' of parking on the driveway without overhang onto the sidewalk.
2. Interior side yard setbacks for lots with 50' or less of lot width shall be allowed 5' interior side yard setbacks for one and two-story structures.

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

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

1. The total land area of all common open space shall equal or exceed fifteen percent (15%) of the gross land area of the development. Ten percent (10%) of that area shall be usable open space.
2. Each development is required to have at least one site amenity.
3. One additional site amenity shall be required for each additional twenty (20) acres of development area, plus one additional amenity per 75 residential units.

B. Qualified Open Space: The following may qualify to meet the common open space requirements:

1. Any open space that is active or passive in its intended use, and accessible or visible by all residents of the development, including, but not limited to:
    - a. Open grassy area of at least fifty feet by one hundred feet (50' x 100') in area;
    - b. Qualified natural areas;
    - c. Ponds or water features where active fishing, paddle boarding or other activities are provided (50% qualifies towards total required open space, must be accessible by all residents to qualify.) ponds must be aerated;
    - d. A plaza.
  2. Additions to a public park or other public open space area.
  3. The buffer area along collector and arterial streets may be included in required overall common open space for residential subdivisions.
  4. Parkway along local residential streets with detached sidewalks that meet all the following standards may count toward the common open space requirement:
    - a. The parkway is a minimum of eight feet (8') in width from street curb to edge of sidewalk and includes street trees as specified otherwise herein.
    - b. Except for alley accessed dwelling units, the area for curb cuts to each residential lot or common driveway shall be excluded from the open space calculation. For purposes of this calculation, the curb cut area shall be a minimum area of twenty-six feet (26') by the width of the parkway.
    - c. Stormwater detention facilities do not qualify to meet the common area open space requirements, unless all of the following is met:
      1. Must be at least fifty feet by one hundred feet (50' x 100') in area;
      2. Specifically designed as a dual use facility, as determined by the administrator, to include minimal slopes, grass throughout, and guarantee of water percolation within 24 hours of storm event.
      3. Is located in a development that has a second usable open space area that contains a qualified site amenity as herein defined.
  5. Visual natural space, including open ditches, wetlands, slopes or other areas that may not be readily accessible to residents, and is provided with open style fencing, may qualify for up to 20% of the required open space total.
- C. Qualified Site Amenities: Qualified site amenities shall include, but not be limited to, the following:
1. Clubhouse;

2. Fitness facilities, indoors or outdoors;
  3. Public art;
  4. Picnic area; or
  5. Recreation amenities:
    - a. Swimming pool.
    - b. Children's play structures.
    - c. Sports courts.
    - d. Additional open space in excess of 5% usable space.
    - e. RV parking for the use of the residents within the development.
    - f. School and/or Fire station sites if accepted by the district.
    - g. Pedestrian or bicycle circulation system amenities meeting the following requirements:
      - (1) The system is not required for sidewalks adjacent to public right of way;
      - (2) The system connects to existing or planned pedestrian or bicycle routes outside the development; and
      - (3) The system is designed and constructed in accord with standards set forth by the city of Star;
- D. Location: The common open space and site amenities shall be located on a common lot or an area with a common maintenance agreement.
- E. Maintenance:
1. All common open space and site amenities shall be the responsibility of an owners' association for the purpose of maintaining the common area and improvements thereon.

**8-1E-1: DEFINITIONS - TERMS DEFINED**

TRANSITIONAL LOT OR PROPERTY: The size of a new residential lot when being proposed adjacent to an established residential use. The ratio for lots adjacent to properties shall be determined on a case-by-case basis, when considering the size of the development potential for the existing use. This shall not be required if separated by an existing roadway or large canal where the distance between new structures and existing structures equal or exceed 100 feet.

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

- B. When development is planned with lots that directly abut existing lots within a Rural Residential area, or "Special Transition Overlay Area" as shown on the Comprehensive Plan Land Use map, an appropriate transition shall be provided for the two abutting

residential lot types. A transition shall take into consideration site constraints that may exist and may include clustering of the urban lots in order to provide an open space area avoiding urban lots directly abutting rural residential lots, or may include the provision of a buffer strip avoiding urban lots directly abutting rural residential lots, or may include setbacks within the urban lots similar to the rural residential lots directly abutting, or may include the provision of one half to one acre size lots directly abutting the rural residential lots.

### **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 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 annexation request is reasonably necessary for the continued, orderly development of the City.*

### **8-6A-7: PRELIMINARY PLAT FINDINGS:**

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

### **Public Hearing of the Council:**

- a. A public hearing on the application was heard by the City Council on June 15, 2021 and October 19, 2021, 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:
  - Jane Suggs
  - Zach Bruneel
  - Jason Arey
- 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 and zoning and preliminary plat application in accordance with the City of Star Title 8 (Unified Development Code), deliberated on the matter, resulting in review of the record, including the staff report, and discussions on the rezoning and platting of the development. Review and discussion included development layout, access and street configuration, density, setbacks, one-open space, pathways and landscaping, and redevelopment of a portion of the property in the future. The Council concluded that the Applicant's request meets the requirements for rezones, preliminary plat and private streets. Council hereby incorporates the staff report dated June 15, 2021 and the Staff Memo dated October 19, 2021 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 the following conditions of approval to their decision to approve the applications to include the following:

- Add pathway to the north into the open space between Lots 8 & 10, Block 1. Pathway shall be paved or concrete surface.
- Lot 15, Block 1 shall be permitted to re-subdivide with a maximum of 6 residential lots, including the existing dwelling. The owner shall submit all required applications to the City for approval.

### Conditions of Approval:

1. **Lot 15, Block 1 shall be permitted to re-subdivide with a maximum of 6 residential lots, including the existing dwelling. The owner shall submit all required applications to the City for approval.**
2. **The applicant shall submit a revised preliminary plat with a maximum of 122 residential lots. The revised preliminary plat shall be submitted prior to acceptance of the final plat application.**
3. The approved Preliminary Plat for the Stargazer Subdivision shall comply with all statutory requirements of applicable agencies and districts having jurisdiction in the City of Star.
4. All public streets shall have a minimum street width of 36' and shall be constructed to ACHD standards.
5. The stub street shall be built in accordance with Star Fire District requirements.
6. 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 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.
7. 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 prior to any building occupancy. Design shall follow Code with requirements for light trespass and "Dark Skies" lighting. **Applicant/Owner shall submit a streetlight plan, showing the required additional streetlight locations prior to Final Plat approval.**
8. Street trees shall be installed per Chapter 8, including Section 8-8C-2-M(2) Street Trees including one (1) tree per thirty-five (35) linear feet. This shall include the berm along W. New Hope Road.
9. Common area trees shall be provided as stated in Section 8-8C-2, J5, including one (1) tree per four thousand (4,000) square feet. **A revised landscape plan shall be provided prior to final plat submittal showing the correct number of trees in the common areas and street buffers and shall include any revisions to the preliminary plat.**
10. The property with the approved Preliminary Plat shall be satisfactorily weed abated, preventing a public nuisance, per Star City Code.
11. All signed Irrigation District Agreements with the Irrigation Districts shall be provided to the City of Star with each subsequent Final Plat application.
12. 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.
13. A plat note supporting the "Right to Farm Act" as per Idaho Code Title 22, Chapter 45, shall be shown on the Final Plat.
14. A copy of the CC&R's shall be submitted to the City of Star at Final Plat.

15. A form signed by the Star Sewer & Water District shall be submitted to the City prior to the signature of the Final Plat stating that all conditions of the District have been met, including annexation into the District.
16. A plat note shall state that development standards for residential development shall comply with the effective building and zoning requirements at time of building permit issuance, unless amended in the Development Agreement or CUP conditions.
17. Development standards for single family residential units shall comply with effective building and zoning requirements at time of building permit issuance, or as approved through the Development Agreement or as stated herein.
18. All common areas shall be owned and maintained by the Homeowners Association.
19. The applicant shall provide a sign, to be located at all construction entrances, indicating the rules for all contractors that will be working on the property starting at grading and running through home sales that addresses items including but not limited to dust, music, dogs, starting/stopping hours for contractors (7a.m. start time). **Sign shall be approved by the City prior to start of construction.**
20. A sign application is required for any subdivision signs.
- 21. Owner/Developer will agree to install a 2" (High Density Polyethylene) HDPE SDR-11 roll pipe in the shared utility trench to be used for future fiber optic and/or copper telecommunication cables.**

**Council Decision:**

The Council voted 4-0 to approve the Annexation, Development Agreement and Preliminary Plat for Stargazer Subdivision on October 19, 2021.

Dated this 16th day of November 2021.

Star, Idaho

By: \_\_\_\_\_

Trevor A. Chadwick, Mayor

ATTEST:

\_\_\_\_\_  
Jacob M. Qualls, City Clerk