

**FINDINGS OF FACT AND CONCLUSIONS OF LAW  
WILLOWBROOK DEVELOPMENT ANNEXATION  
AZ-21-12/DA-21-20**

The above-entitled Annexation and Zoning application came before the Star City Council for action on May 9, 2023 and June 20, 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. Proposed Project Summary:***

The Applicant is requesting approval of an Annexation and Zoning (R-2-DA) with a Development Agreement for a proposed master planned development, with a conceptual plan consisting of up to 1,094 single-family residential lots, 2 non-residential lots for future neighborhood commercial and municipal services, and an 18-hole golf course on approximately 726.6 acres. The residential density proposed would not exceed 1.5 dwelling units per acre. The property is located west of Highway 16 in Star, Idaho. The project is exclusively in Ada County.

The subject property is generally located between Hwy 16 and Can Ada Road, and Deep Canyon Drive and Lanktree Gulch Road/Purple Sage Drive. Ada County Parcel No.'s R3626110480, R3626121000, R3626121100, R3626130010, R3626130190, R3626130460, R3626130510, R3626140010, R3626150080, R3626150160, R3626150210, R3626150220, R3626160010, R3626160300, R3626170020, R3626170040, R3626170060, R3626170150, R3626170250, R3626170320, & R3626170500.

***B. Application Submittal:***

A neighborhood meeting was held on June 2 & 3, 2021 and September 29, 2022 in compliance with the application submittal requirement of the Star Unified Development Code (Section 8-1A-6C). The Land Use applications were submitted and accepted by the City on July 15, 2021. Original notice was sent to agencies having jurisdiction in the City of Star on August 24, 2021. Subsequent agency notification was sent on November 7, 2022.

***C. Application Timeline & Scheduling Process:***

The current Willowbrook Application was originally submitted on July 15, 2021 for Annexation & Zoning to Residential R-3 with a Development Agreement, and a Planned Unit Development (PUD) with a conceptual plan that included a total of 1,554.8 acres, including 831.02 acres within Canyon County, and a total lot count of approximately 1,618 residential lots (1002 single-family units/ 616 townhome units). As the residential lots proposed in the application were only on the

Ada County portion of the development, a residential density of 2.26 dwelling units per acre was proposed.

The City of Star held 3 workshops with the applicant and invited guests to discuss details and initial agency and service provider concerns and comments. The applicant and their team, City Staff, the Mayor and City Council members, along with representatives from Fire, Police, Sewer & Water District, School Districts, COMPASS, Transportation Agencies, and other agencies were present throughout the 3 nights of meetings. The public was notified and provided the option of attending and viewing the meetings in person (limited due to COVID protocol) and via Zoom. The public was not permitted to speak or ask questions as these were not public hearings. Public notice was sent out on December 22, 2021 for the 3 workshops. The meetings were held on the following dates:

1. January 25, 2022 – Transportation - In attendance were representatives from ACHD, ITD, Canyon Highway District #4, COMPASS, Star City Staff, Star City Council (Nielsen absent), the Applicant & their team.
2. February 8, 2022 – Agency Discussion – In attendance were representatives from West Ada School District, Middleton School District, Idaho Department of Water Resources, Star Sewer & Water District, City of Star Engineer, Star-Middleton Fire District, Star Police, Star Transportation & Pathway Committee, Star City Staff, Star City Council, the Applicant & their team.
3. February 22, 2022 – Additional Utility Discussion – In attendance were Star-Middleton Fire District, Star Transportation & Pathway Committee, Idaho Power, Star Postmaster, Intermountain Gas, Star City Staff, Star City Council (Nielsen absent), the Applicant & their team.

On June 23, 2022, the applicant revised the development application, removing the Canyon County property and the proposed PUD, and modified the zoning designation to Residential R-2 on 726.6 acres in Ada County. The new proposed residential lot count was reduced to a maximum of 1,094 lots, and an overall residential density of 1.5 dwelling units per acre. The applicant also removed all proposed attached townhomes in favor of exclusively single-family detached residential. The reasoning behind the removal of the PUD application is that, per UDC Section 8-7-3 Planned Unit Developments "in cases where subdivision platting would be necessary, concurrent review of preliminary plat is required." The applicant has not submitted a preliminary plat application at this time, therefore, the PUD application was not appropriate.

#### **D. 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 19, 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 12, 2023. The property was posted in accordance with the Star Unified Development Code on April 28, 2023.

#### **E. *Property History:***

##### **Ada County Approval of Hillsdale Estates Subdivision**

The Hillsdale Estates Subdivision was approved by Ada County in the 1990's as part an application known as a "Non-Farm Development". Other examples of these type of developments approved by Ada County include Spurwing Subdivision, Moon Lakes Ranch Subdivision, Trellis Subdivision (Riverbirch Golf Course), Rivervine Subdivision (Eagle), Dunwoody Subdivision (Meridian), and Saddle Ridge Estates (Kuna). Non-Farm subdivisions such as those listed above and many others were approved by the County between the late 1980's through the mid- 2000's in the Rural Residential (RR) zones all over unincorporated Ada County. The concept and intent of these subdivisions was to allow property owners with land greater than 20-acres to develop their land into residential lots of 1-acre minimum up to 25% of the entire acreage. The remaining 75% of the land was set aside as open space. Early in its existence, the County required a 15-year deed restriction on the 75% open space from future development. Later revisions to the Ada County Code removed the 15-year deed restriction and stipulated that no development be allowed on the open space until City services were extended and a rezone was approved to allow for higher densities. This was usually done through annexation into a City, as most of the Cities in Ada County supplied their own sewer and water (Eagle and Star was the exception as they were developed with Sewer Districts). It was the intent of Ada County to allow redevelopment of these open areas as growth and services expanded into the rural areas of the County.

##### **City of Star 2018 Annexation Approval**

In 2018, an annexation of 1553.9 acres was approved for the original Willowbrook development, which included the Canyon County property, by City Council with an R-2-DA zoning designation and a maximum allowance of 3,108 residential homes. The Development Agreement was never signed by the applicant, and the annexation application was officially withdrawn on May 16, 2019.

#### **F. *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>	RR Rural Residential (Ada County)	Estate Residential 1-3 Units/Acre	Agricultural/Vacant
<b>Proposed</b>	Residential (R-2-DA)	Estate Residential 1-3 Units/Acre	Single Family Residential/Commercial

<b>North of site</b>	RR Rural Residential (Ada County)	Estate Residential 1-3 Units/Acre Existing Public Use/Parks & Open Space (BLM)	Agricultural/Open Space (BLM) Residential
<b>South of site</b>	RUT Rural Urban Transition/RR Rural Residential (Ada County) Residential R-1	Estate Residential 1-3 Units/Acre	Single Family Residential/Agricultural
<b>East of site</b>	RR Rural Residential (Ada County)	Estate Residential 1-3 Units/Acre	Single Family Residential/Agricultural
<b>West of site</b>	RR Rural Residential (Ada County)  AG/RR Rural Residential (Canyon Co)	Estate Residential 1-3 Units/Acre  Residential/Rural Residential (Canyon County)	Single Family Residential/Agricultural

**\*2020 Comprehensive Plan Land Use Map**

***G. Development Features (As Proposed by the Applicant with Staff analysis and comments included):***

**ANNEXATION & REZONE:**

The Applicant is requesting approval of an annexation and zoning application with a zoning designation of Residential (R-2-DA) on approximately 726.6 acres. The Applicant is also requesting approval of a conceptual plan that includes residential and non-residential uses, including a golf course and related amenities, together with neighborhood commercial and municipal (civic) uses, including public infrastructure. The proposed R-2 residential zoning designation would allow for a maximum residential density of two (2) dwelling units per acre. The applicant is proposing 1.5 dwelling units per acre. The property is located in an area that will be serviceable with central sewer and water provided by the Star Sewer and Water District in the future. The property will be accessed by existing and newly proposed roads and all roads in the development will be public. The requested zoning designation and density meets the intent of the applicable 2020 Comprehensive Plan Land Use Map.

**CONCEPTUAL PLAN FOR RESIDENTIAL:**

The submitted conceptual plan for the Willowbrook Development includes up to 1,094 residential lots with a total maximum density of approximately 1.5 dwelling units per acre on

approximately 726.6 acres. The applicants narrative describes the residential as “a variety of home types for various homebuyers, small lot patio homes for active older adults and those seeking lower maintenance properties, and additional lot size options and corresponding home types in between the estate and patio home sizes. The housing variety will be aligned to be compatible with surrounding residential development. Higher density lots will be located on the interior, while larger estate are located along the outside adjacent to existing homes. The exact sizes and configurations of residential lots will have to be reviewed and approved by the City with the future preliminary plat and PUD applications, and none of the planned residential uses will occur until and unless approved as part of those applications.” The Council should consider the minimum lot sizes listed on the conceptual plan when determining compatibility and transition to adjacent residential lots and uses. The future preliminary plat will detail the exact sizes and will apply any conditions in the approved development agreement and future PUD. **Staff would recommend that any future conditions of the preliminary plat be included a modified development agreement at the time of preliminary plat review.**

#### **DEVELOPMENT AGREEMENT IN LIEU OF CONDITIONAL USE PERMIT:**

The applicant is requesting, within their application, approval of the proposed golf course facility and the municipal uses (sewer and water facility) as part of the proposed Development Agreement. Section 8-3A-3D of the UDC states that *when submitting a CUP, PUD or development agreement for a mixed-use zone, or for multiple conditional uses on one site, all uses that are contemplated for the development shall be identified with the application and shall be reviewed by the council to determine which may be permitted, which should remain as conditional uses and which should be prohibited. A development agreement may be used in lieu of a conditional use permit application or a PUD application if the council makes the findings as otherwise required.* The proposed golf course and sewer and water facility uses allow for the City, through 8-3A-3D, to review these two conditional uses as part of the Development Agreement. Both uses are allowed in the Residential (R-2) zone through Conditional Use Permit.

#### **PROPOSED GOLF COURSE FACILITY:**

The applicant is requesting approval of the proposed privately owned public golf course use as part of their first phase of the development. The applicant states that the use will include an 18-hole championship course, together with associated clubhouse, restaurant and bar, and pro shop on approximately 175-acres. A golf course requires a conditional use permit approval. Because the restaurant and bar are considered a commercial use, staff is recommending that Council review the 18-hole golf course layout, clubhouse, pro shop and associated amenities including driving range as part of this current development agreement, and require the restaurant and bar be reviewed in the future as part of the Planned Unit Development application with the additional commercial uses. The final course and driving range layout and clubhouse, including details on parking, landscaping, access, building elevations, and other design standards will be subject to a future Certificate of Zoning Compliance (CZC) and Design Review application with the City. **Council should consider the golf course use as proposed**

**within this application and consider the required findings of fact and proposed staff conditions of approval. The Council may add additional conditions or modify staff proposed conditions, if necessary.**

#### **PROPOSED MUNICIPAL (CIVIC) USES:**

The applicant states in their narrative that wastewater treatment and water supply facilities will be built by Willowbrook and dedicated to Star Sewer and Water District for operation. Public infrastructure and public utilities require a conditional use permit. The wastewater treatment and water supply facility, including details on parking, landscaping, access, building elevations, and other design standards will be subject to a future Certificate of Zoning Compliance (CZC) and Design Review application with the City. **Council should consider the golf course use as proposed within this application and consider the required findings of fact and proposed staff conditions of approval. The Council may add additional conditions or modify staff proposed conditions, if necessary.**

#### **FUTURE COMMERCIAL USES:**

The applicant states that all future, additional commercial uses within the development will be approved as part of the future Planned Unit Development. The applicant is proposing within the narrative a concept that includes approximately 110,00 square feet of neighborhood commercial space to provide "convenient services and retail opportunities for area residents and visitors". The applicant has also indicated that further land will be provided for additional civic uses, including potential fire/police/EMS services for the purpose of providing "improved safety and services for all adjacent residents".

#### **FUTURE PLANNED UNIT DEVELOPMENT & PRELIMINARY PLAT:**

As previously stated in this report and referenced in Section 8-7-3 of the UDC, Planned Unit Developments require concurrent review with a preliminary plat. The applicant has proposed that both the Preliminary Plat and Planned Unit Development will be submitted in the future for review and approval by Council. In addition to the specific commercial land uses that will need to be reviewed for compatibility with neighboring land uses, development details will be provided to the City for further review. This includes but will not be limited to building setbacks, roadway standards, building elevations, street light standards, open space and amenities, mailbox locations and pathway details. In addition, the applicant will be subject to all requirements set forth in the UDC, Chapter 6, Subdivision Regulations. The City Engineer has indicated that additional reports will be necessary in order to properly review the future development. These reports will address hillsides, slopes, geotechnical, stormwater management and grading. Updated traffic information will also be required by the transportation agencies prior to final City approval. **Staff has provided within this report the appropriate sections of the Unified Development Code for PUD's and Preliminary Plats for the purpose of**

**providing Council with information on what additional steps will be necessary as the application process proceeds.**

The proposed intent of the applicant to proceed with a future Planned Unit Development appears to meet the purpose statement for development under Section 8-7-1 of the UDC. Initial review of the conceptual plan indicates that the applicant has addressed the following:

- *"preserves natural, scenic and historic features"*
- *"Innovative design that creates visually pleasing and cohesive patterns of development"*
- *"Allows for innovative design that creates visually pleasing and cohesive patterns of development"*
- *"Creates functionally integrated development that allows for a more efficient and cost-effective provision of public services."*
- *"By allowing dimensional standard deviations, exceptions in land uses allowed and pre-approvals of specific uses as conditions of approval within the PUD application process, the City expects in return a unique development that provides upgraded open space and amenities, mixed uses, multiple residential styles and superior site design."*

**Open Space & Amenities.**

The applicant has stated that "the featured amenity in the Willowbrook development is the 175-acre, 18-hole golf course, which includes a driving range and clubhouse amenities, and this will be provided as the first phase of the development, providing immediate public benefit." In addition, the conceptual plan also includes "approximately 89 additional acres of usable natural areas with hiking trails plus approximately 31 acres of buffers, parkways, and open grassy areas for residents to enjoy". The Unified Development Code requires 15% total open space with 10% of the development to provide usable open space. A development of this size requires a total of 15 site amenities as defined in the applicable UDC. Qualified amenities listed in the Code include *clubhouses, recreation amenities, additional open spaces in excess of 15%, School and/or Fire Station sites if accepted the district, and pedestrian or bicycle system amenities*. While these details will be reviewed in the future PUD and Preliminary Plat applications, **the Applicant should be prepared to address open space details with Council at the public hearing. This would include clubhouses, locations and functionality of pathway systems, open natural areas, etc.**

**ADDITIONAL DEVELOPMENT ANALYSIS:**

- Transitional Lots  
Both the applicable Comprehensive Plan and the Unified Development Code address Transitional Lots. The 2020 Land Use Map designates all of the existing County residential lots in Hillsdale Estates Subdivision, Monument Ridge Ranch Subdivision,



Chucker Point Subdivision and Star Ridge Estates as "Special Transition Overlay Area". There are several areas within the Comp Plan text and the UDC that reference the Overlay Area and Transitional Lots.

The Comprehensive Plan references the following:

- *8.2.3 Land Use Designations - Estate Residential: **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.*
- *8.5.3 Policies Related Mostly to the Urban Residential Planning Areas: 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 adjacent to and within the Special Transition Overlay Area shall provide for a transition in density and lot sizing.*
- *8.5.4 Policies Related to The Special Transitional Overlay Areas: A. Development adjacent to and within the Special Transition Overlay Area is to provide for an appropriate transition between existing and new home sites where new urban development is being planned adjacent to previously approved and constructed rural county developments of years past. B. Site layout is to provide for a transition in density and lot sizing with all policies regarding compatibility herein applying. D. When an urban density residential development is planned with lots that directly abut lots within a Special Transition Overlay Area an appropriate transition is to be provided for the two abutting residential lot types. A transition must take into consideration site constraints that provide transitional lots and/or open space area avoiding urban lots directly abutting Special Transition Overlay Area lots.*

The Unified Development Code requires the following:

- *8-1E-1: DEFINITIONS 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: 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.*****

**Based on the above referenced Sections of the Comp Plan and UDC, Staff recommends that the applicant be required to provide a minimum of one-half acre lots (2 units per acre) in the areas illustrated in the Staff Exhibit that is part of the Council packet. This would potentially affect approximately 163 lots on the submitted conceptual plan that are immediately adjacent to existing Transitional Lots as designated in the "Special Transition Overlay Area" of the Land Use Map.**

- Transportation and Traffic Agency Reviews  
Staff received review letters from ACHD, ITD and Canyon Highway District #4 that have been included in the Council packet for review. These agencies are the transportation authorities for the City of Star. **Council should consider the agency conditions and, where appropriate, include any necessary conditions in the Development Agreement.**
- Lighting  
Future Streetlights, Residential and Commercial uses shall reflect the "Dark Sky" criteria with all lighting. The same streetlight design shall continue throughout the entire development. Lighting details will be part of the future PUD and Preliminary Plat applications.
- Pathway Committee Review  
**The Star Transportation and Pathways Committee will be reviewing the application and will provide comment to Council prior to the public hearing. Staff will update the record when the comments are received.**

- Phasing and Project Build-Out

The applicant has indicated that the anticipated full build-out of the development could be 25 years, under current market and growth trends. The TIS that was submitted and analyzed by the transportation agencies contemplated a 2045 build-out. A detailed phasing plan will be required as part of the preliminary plat application.

- Impact Fees

The developer will be responsible for the following fees that will be assessed per each residential lot platted. These fees are necessary to ensure that development pays for itself rather than burdening the public.

1. City Park Impact Fees	\$2,050.00
2. Star Fire District Impact Fees	\$809.00
3. ACHD Impact Fees	\$3,493.00 (adjusted yearly)
4. ITD Proportionate Shares	\$1,000.00
5. Police Mitigation Fees	\$1,120.00
6. Fire Mitigation Fees	\$1,200.00

## **DEVELOPMENT AGREEMENT (DA)**

Previous City policy regarding Development Agreements provides that Staff drafts the agreement after the public hearing is completed and once an approval decision is made by Council and conditions of approval on the annexation and zoning are identified through the public hearing process. The applicant has provided a draft DA as part of their submittal packet. Staff will use this submitted document as the basis for the final agreement if approval is granted by Council for the application.

Through the Development Agreement process, the applicant is proposing to work with the City to provide further assurances that the development will be built as presented and/or modified by the Council through the review process. Items that should be considered by the applicant and Council include, but may not be limited to the following:

- Transportation Impact and Mitigation Conditions as Recommended by ACHD, ITD & CHD#4
- Maximum Density Allowed
- Sewer & Water Conditions Including Annexation into District
- Provisions for Potential Fire Station
- ITD Proportionate Share Fees
- Mitigation Fees
- Golf Course Facility Approval without Restaurant & Bar
- Municipal Uses Approval including Public Infrastructure and Public Utility
- Residential Transitional Lots

- Open Space/Amenities/Pathways
- Future PUD & Preliminary Plat

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

- ★ Areas of Critical Environmental Concern – No known areas of critical concern.
- ★ Evidence of Erosion – No known areas.
- ★ Fish Habitat – No known areas.
- ★ Mature Trees – None.
- ★ Riparian Vegetation – Unknown.
- ★ Steep Slopes – Yes.
- ★ 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 – Yes. Area includes non-threatened wildlife species (fox, hawks, turkey, etc.). No sensitive wildlife habitat has been determined.
- ★ Historical Assets – No historical assets have been observed.

#### **I. *Agencies Responding:***

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

Central District Health Department	September 10, 2021
Black Canyon Irrigation District	January 13, 2022
Department of Environmental Quality	February 18, 2022
Bureau of Land Management	March 3, 2022
West Ada School District	January 5, 2023
Canyon Highway District #4	March 27, 2023
Ada County Highway District	April 20, 2023
Idaho Transportation Department	April 20, 2023
Star Fire District	April 24, 2023
Ada County Sherriff	April 26, 2023
Star Sewer & Water District	April 26, 2023
City of Star Engineering Department	April 27, 2023
Ada County Highway District Memo	April 27, 2023

#### **J. Staff received the following letters & emails in support and opposition of the development application:**

An Grace	May 4, 2023
Barbara Barsness	February 18, 2022
Bill Roberts	February 10, 2022

Brandon Bohl	May 7, 2023
Cathe Thomas	February 25, 2022
Chris Gilbert	February 12, 2023
Chris & Connie Kelley	May 9, 2023
Cindi Caldwell	March 1, 2022
Citizens For Star	February 18, 2023
Citizens For Star	February 22, 2023
Citizens For Star	April 11, 2023
Citizens For Star	April 12, 2023
Citizens For Star	April 13, 2023
Citizens For Star	April 17, 2023
Citizens For Star	April 21, 2023
Craig Jackson	April 17, 2023
Dana DeChambeau	February 16, 2022
David Rockwell	February 11, 2022
David Welch	April 23, 2023
Debbie Allen	April 24, 2023
Debbie Shaklee	March 1, 2022
Diane Greene	May 4, 2023
Diane Moya	February 15, 2022
Don & Shawna Biava	February 16, 2022
Doug Braddock	April 24, 2023
Doug & Gail Whitsett	March 1, 2022
Doug & Gail Whitsett	May 9, 2023
Doug Stewart	February 11, 2022
Dylan Spellman	February 22, 2022
Edward Kearney	April 24, 2023
Gary Brookshier	March 13, 2022
Greg & Deborah Fisher	April 24, 2023
Hillsdale HOA	April 24, 2023
HJ Enterprises	May 5, 2023
Jack & Melinda Klure	May 5, 2023
James Morris	April 13, 2022
Jeannie Walker	February 25, 2022
Jeffrey Busby	May 7, 2023
Jesse Stoneberg	March 1, 2022
Jim Owsley	
Joe Cacopardo	February 27, 2022
Joe Heard	February 21, 2022
Jordan Cassel	February 23, 2022
Katherine Dwyer	May 6, 2023
Kelle Watkins	
Ken Smith	February 23, 2022

Ken Stearns	February 24, 2022
Kevin Herbert	February 24, 2022
Kim Sullivan	January 31, 2022
Kim Wickstrum	April 4, 2023
Kim Wickstrum	April 20, 2023
Kim Wickstrum	May 5, 2023
Kyriacos Kalfas	April 15, 2022
Layne & Anadeane Galbraith	October 25, 2021
Linda Aman	February 14, 2022
Linda Wambolt	January 16, 2022
Lindsey Moore	February 8, 2022
Lindsey Moore	May 4, 2023
Mark Carringer	February 25, 2022
Mark Clutter	March 3, 2022
Marti Phipps	February 12, 2022
Megan Beaston	February 24, 2022
Michael Flanagan	May 7, 2023
Monte Smith	January 18, 2022
Monte Smith	February 5, 2022
Monte Smith	February 16, 2022
Morgan Sotelo	February 22, 2022
Nicholas Kalfas	April 16, 2022
Nosh Makujina	May 7, 2023
Paul Egert	April 24, 2023
Richard Beery	July 6, 2021
Richard Moore	February 6, 2022
Richard Moore	March 15, 2022
Rob Harbottle	February 23, 2022
Ron & Darcie Grote	February 22, 2022
Sailing Hawk Subdivision	
Samuel Hunter	February 15, 2022
Sara Kalfas	April 18, 2022
Shane Smith	February 25, 2022
Steve Burton	January 27, 2022
Steve Burton	May 5, 2023
Steve & Allyson Holdsambeck	February 19, 2022
Tammi Chase	May 4, 2023
Tom & Barbara Daggett	February 9, 2022
William Slendorn	February 18, 2022
Zach Omsirisack	February 22, 2022
Willowbrook Petition	

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

### **COMPREHENSIVE PLAN (adopted 12-8-20 version):**

#### *8.2.3 Land Use Map Designations:*

##### *Estate Residential*

*Suitable primarily for single family residential use. Densities in this land use area are to range from 1 unit per acre to 3 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. Clustering is encouraged to preserve open space. A density bonus may be considered if open space is preserved, and land of at least 40% of additional preserved open space is developable.*

#### *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.*

#### *Objectives:*

- A. Preserve the family friendly feel of Star.*
- C. Manage urban sprawl in order to minimize costs of urban services and to protect rural areas.*
- D. Retain and encourage rural areas where it will not result in increased costs for urban services.*
- F. Encourage public participation in the land use planning process.*
- G. Encourage land uses that are in harmony with existing resources, scenic areas, natural wildlife areas, and surrounding land uses.*
- H. Require the conservation and preservation of open spaces and public access to the Boise River and BLM lands and interconnected pathways to be open to the public in new developments.*

*8.5.3 Policies Related Mostly to the Urban Residential Planning Areas:*

- A. The Estate and Neighborhood 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 adjacent to and within the Special Transition Overlay Area shall provide for a transition in density and lot sizing.*

*8.5.4 Policies Related to The Special Transitional Overlay Areas:*

- A. Development adjacent to and within the Special Transition Overlay Area is to provide for an appropriate transition between existing and new home sites where new urban development is being planned adjacent to previously approved and constructed rural county developments of years past.*
- B. Site layout is to provide for a transition in density and lot sizing with all policies regarding compatibility herein applying.*
- C. Modified street sections, such as with no curbs gutters or sidewalks, should be encouraged for adjacent compatibility where determined appropriate.*
- D. When an urban density residential development is planned with lots that directly abut lots within a Special Transition Overlay Area an appropriate transition is to be provided for the two abutting residential lot types. A transition must take into consideration site constraints that provide transitional lots and/or open space area avoiding urban lots directly abutting Special Transition Overlay Area lots.*
- E. Larger setbacks should be required for new lots planned to abut existing Special Transition Overlay Area lots.*

*8.5.9 Additional Land Use Component Policies:*

- A. Upon review of specific development applications, the Council may approve uses considering that the boundaries of the various land use designations shown on the Land Use Map are contemplated to be slightly flexible based upon existing property lines and other site considerations.*
- E. Encourage public participation in the land use planning process.*
- F. With regard to land-use planning, property owners and residents within Star's Comprehensive Planning area who live outside the city limits and are not entitled to vote in city elections are encouraged to provide public input for consideration by the City Council.*



- G. Develop processes for public participation and materials that describe the development and public hearing processes.*
- I. Develop a harmonious blend of opportunities for living, working, recreation, education, shopping, and cultural activities.*
- K. Buffer and transition development is to occur between conflicting types of land use.*
- L. Encourage landscaping to enhance the appearance of subdivisions, structures, and parking areas.*
- M. Amend the code to require tree lined streets where appropriate.*
- N. Require more open space and trees in subdivisions.*
- O. 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.*
- Q. The Star Fire District is encouraged to respond to development applications by advising the city's Planning Department of the impact that the proposed development will have, if approved, on the standard response time.*
- T. Support well-planned, pedestrian-friendly developments.*
- U. 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.*
- V. 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 (UDC) (adopted 6-23-20 version):**

##### **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.*

*6. Applicant may be responsible to participate in reimbursement costs associated with traffic studies, in proportionate share contributions that may be established with transportation authorities, relative to traffic signals, access, and/or construction improvements associates with State Highways 16, 20/26 & 44.*

*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.*

#### **8-1B-4: CONDITIONAL USES:**

*A. Purpose: The purpose of this section is to establish procedures that allow for a particular use on a specific property subject to specific terms and conditions of approval.*

*B. Applicability: The provisions of this section apply to all uses identified as conditional use within this title. In addition to other processes permitted by city and state code, exceptions or waivers of standards, other than use, may be permitted through issuance of a conditional*

*use permit, development agreement or PUD.*

*C. Process:*

- 1. The applicant shall complete a pre-application conference with the administrator prior to submittal of an application for a conditional use.*
- 2. A neighborhood meeting shall be held by the applicant pursuant to Section 8-1A-6C of this title.*
- 3. An application and appropriate application fees shall be submitted to the City on forms provided by the city.*
- 4. Prior to issuing the conditional use permit, the administrator may require additional information, including studies, concerning the social, economic, fiscal or environmental effects of the proposed conditional use.*

*D. Standards: In approving any conditional use, the city council may prescribe appropriate conditions, bonds and safeguards in conformity with this title that:*

- 1. Minimize adverse impact of the use on other property.*
- 2. Control the sequence and timing of the use.*
- 3. Control the duration of the use.*
- 4. Assure that the use and the property in which the use is located is maintained properly.*
- 5. Designate the location and nature of the use and the property development.*
- 6. Require the provision for on site or off-site public facilities or services.*
- 7. Require more restrictive standards than those generally required in this title.*
- 8. Require mitigation of adverse impacts of the proposed development upon service delivery by any political subdivision, including school districts, that provides services within the city.*

*E. Findings: The council shall base its determination on the conditional use permit request upon the following:*

- 1. That the site is large enough to accommodate the proposed use and meet all the dimensional and development regulations in the district in which the use is located.*
- 2. That the proposed use shall meet the intent of the Star comprehensive plan and be in compliance with the requirements of this title.*
- 3. That the design, construction, operation and maintenance will be compatible with other uses*

in the general neighborhood and with the existing or intended character of the general vicinity.

4. That the proposed use, if it complies with all conditions of the approval imposed, will not adversely affect other property in the vicinity.

5. That the proposed use will be served adequately by essential public facilities and services such as highways, streets, schools, parks, police and fire protection, drainage structures, refuse disposal, water, and sewer.

6. That the proposed use will not create excessive additional costs for public facilities and services and will not be detrimental to the economic welfare of the community.

7. That the proposed use will not involve activities or processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.

8. That the proposed use will not result in the destruction, loss or damage of a natural, scenic or historic feature considered to be of major importance as determined by the City.

*F. Time Limitations and Extensions:*

*1. A conditional use permit, upon council approval, shall be valid for a maximum period of twenty-four (24) months unless otherwise approved by the City Council. During this time, the applicant shall commence the use as permitted in accord with the conditions of approval, satisfy the requirements set forth in the conditions of approval, and acquire building permits and commence construction of permanent footings or structures on or in the ground. Once all requirements are satisfied, permits are acquired and the use is commenced, the conditional use permit will become permanent unless otherwise revoked by the city council.*

*2. A conditional use permit that also requires platting: The final plat must be recorded within this twenty-four (24) month period.*

*a. For projects with multiple phases, the twenty-four (24) month deadline shall apply to the first phase. In the event that the development is made in successive contiguous segments or multiple phases, such phases shall be constructed within successive intervals of one year from the original date of approval. If the successive phases are not submitted within the one-year interval, the conditional use approval of the future phases shall be null and void.*

*3. Time Extension. Upon written request and filed by the applicant prior to the termination of the period in accord with this subsection F, the administrator may authorize a single, administrative time extension to commence the use not to exceed one (1), twelve (12) month period. The administrator may require the conditional use comply with the current provisions of this chapter. Additional requests must be approved by the council.*

*a. Council approval of requests for time extension for an approved conditional use shall be*

*determined by the city council at a public hearing and will not be granted if any of the following conditions exist:*

*(1) Significant amendments to the comprehensive plan or this unified development code have been adopted that change the basis under which the conditional use permit was granted.*

*(2) Significant changes in land use have occurred in the area that will impact or be impacted by the project.*

*(3) Hazardous conditions have developed or have been discovered that will impact the project.*

*4. Community facilities and/or services are no longer adequate to serve the project.*

*a. The city council may place additional requirements, modify the previous approval or deny the request for time extension.*

*b. No more than one-time extension may be granted to a single conditional use.*

#### *G. Transfers and Modifications:*

*1. Conditional use permits are an entitlement to the specific property on which the approval was granted and upon property sale the entitlement transfers to the new owner(s) without further application or approval, provided, however, the new owner(s) shall be bound by the same conditions of approval as the original permit holder(s). This is for a specific use and may not be used for other applications.*

*2. A conditional use permit is not transferable from one property to another.*

*3. All requested modifications to an approved conditional use shall be considered by the city council at a public hearing. The city council may modify the conditions, limitations and/or scope of the permit.*

#### *H. Revocation:*

*1. A conditional use permit may be revoked or modified by the city council, upon notice and public hearing, for breach or violation of any condition of approval or limitation of the permit.*

*2. If the city council decides to revoke a conditional use permit, either on its own action or upon complaint to the city council, the administrator shall notify the permit holder of its intention to revoke the conditional use permit and provide the permit holder with the opportunity to contest the revocation.*

*3. Fifteen (15) days' prior notice of the hearing shall be given to the permit holder and all property owners of record (to be obtained from the County Assessor's office) within the radius required in subsection 8-1A-4B of this article.*

4. The council shall make findings of fact and conclusions of law supporting its decision to revoke the conditional use permit. If the council decides not to revoke the conditional use permit, no findings of fact and conclusions of law shall be made.

5. An affected person may appeal the decision of the city council under the administrative procedure act of the state of Idaho, Idaho Code title 67, chapter 52.

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

CONDITIONAL USE: A use that, owing to some special characteristics attendant to its operation or installation (for example, potential danger, hours of operation, or noise), is allowed in a district subject to approval by the council and subject to special requirements in conformance with this title and as enabled by Idaho Code section 67-6512.

DEVELOPMENT AGREEMENT: A written agreement as a condition of annexation or rezone between the council and an owner or applicant concerning the use or development of a property in accord with Idaho Code section 67-6511A and chapter 1, "Administration", of this title.

GOLF COURSE: An area of land laid out for the game of golf with a series of nine (9) or eighteen (18) holes, each including tee, fairway and putting green, and often one or more natural or artificial hazards, and which may include a driving range and clubhouse with restaurant and bar.

PLANNED UNIT DEVELOPMENT (PUD): Property planned as a unit that demonstrates innovation and creativity in site design to protect natural features, preserve open space and create public amenities. A well-designed urban type development characterized by a wide mix of uses, on site amenities, trip capture, and connectivity within the community; conservation of open space and preservation of environmental attributes; an emphasis on community character and forming a sense of community. A PUD may contain a specific use exception for uses not allowed in the zoning district and may allow for a density bonus.

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.

#### **8-3A-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.*

***P PLANNED UNIT DEVELOPMENT:** This designation, following any zoning designation noted on the official zoning map of the city (i.e., R-4-P), indicates that the development was approved by the city as a planned unit development, with specific allowances and design approved by Council.*

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

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

*A. Permitted uses and accessory uses shall be reviewed in accord with this title. It shall be unlawful and a violation of this title for any person to conduct any permitted use in any district, unless such person first obtains each applicable permit from the city.*

*B. Uses that are listed as C shall be subject to a conditional use permit approval through the public hearing process. Conditional uses shall be approved in accord with the procedures and regulations for conditional uses set forth in this title. It shall be unlawful and a violation of this title for any person to conduct any conditional use in any district, unless such person shall first obtain a conditional use permit approval through the public hearing process from the city.*

*C. The administrator shall interpret the appropriate district for land uses not specifically mentioned by determining the district in which similar uses are permitted. If the administrator determines that a proposed use is not specifically mentioned and is not similar to any specifically mentioned use the administrator shall determine that the use is prohibited.*

*D. When submitting a CUP, PUD or **development agreement** for a mixed-use zone, or for **multiple conditional uses on one site**, all uses that are contemplated for the development shall be identified with the application and shall be reviewed by the council to determine which may be permitted, which should remain as conditional uses and which should be prohibited. **A***



**development agreement may be used in lieu of a conditional use permit application** or a PUD application if the council makes the findings as otherwise required.

*E. 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 in lieu of a PUD.*

*F. As of the adoption of this ordinance the Rural transitional district zone (RT) has been eliminated for new zoning. Properties with a Rural transitional zoning designation (RT) on the effective date of this ordinance shall be considered nonconforming use properties subject to the nonconforming use regulations herein, and shall automatically revert to Rural Residential (RR) for the purpose of zoning until a time that they are rezoned to a district that meets the adopted Comprehensive Plan Land Use Map.*

<b><u>ZONING DISTRICT USES</u></b>	<b><i>A</i></b>	<b><i>R-R</i></b>	<b><i>R</i></b>
<i>Accessory structure</i>	<i>A</i>	<i>A</i>	<i>A</i>
<i>Dwelling:</i>			
<i>Multi-family <sup>1</sup></i>	<i>N</i>	<i>N</i>	<i>C</i>
<i>Secondary <sup>1</sup></i>	<i>A</i>	<i>A</i>	<i>A</i>
<i>Single-family attached</i>	<i>N</i>	<i>N</i>	<i>C</i>
<b><u>Single-family detached</u></b>	<i>P</i>	<i>P</i>	<b><u>P</u></b>
<i>Two-family duplex</i>	<i>N</i>	<i>N</i>	<i>P</i>
<b><u>Golf Course</u></b>	<i>C</i>	<i>C</i>	<b><u>C</u></b>
<b><u>Public infrastructure; Public utility mayor, minor and yard <sup>1</sup></u></b>	<i>C</i>	<i>C</i>	<b><u>C</u></b>

		<b><i>Minimum Yard Setbacks</i></b>
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<b>Zoning District</b>	<b>Maximum Height</b>	<b>Note Conditions</b>			
	<b>Note Conditions</b>	<b>Front (1)</b>	<b>Rear</b>	<b>Interior Side</b>	<b>Street Side</b>
R-2	35'	20'	20'	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. *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.*

**8-3B-3: RESIDENTIAL DISTRICTS:**

- A. *Comply with Section 8-3A-1: ZONING DISTRICTS AND PURPOSE ESTABLISHED.*
- B. *When development is planned with lots that directly abut existing lots within a Rural Residential area, or "Special Transition Overlay Area" as shown on the Comprehensive Plan Land Use map, an appropriate transition shall be provided for the two abutting residential lot types. A transition shall take into consideration site constraints that may exist and may include clustering of the urban lots in order to provide an open space area avoiding urban lots directly abutting rural residential lots, or may include the provision of a buffer strip avoiding urban lots directly abutting rural residential lots, or may include setbacks within the urban lots similar to the rural residential lots directly abutting, or may include the provision of one half to one acre size lots directly abutting the rural residential lots.*
- C. *Urban style development, as guided by provisions within the comprehensive plan and this Title, is required to limit urban sprawl, however, densities of no more than 1 to 2 dwelling units per acre are to be designed within the floodplain, ridgeline developable areas and hillside developable areas (both as defined within the comprehensive plan).*
- D. *Housing developments with densities of R-11 and higher shall be designed to limit height, increase setbacks and/or provide additional landscaping along the perimeter of the development, if determined by the council, where abutting areas are planned for lower densities.*
- E. *Rezoning to R-11 and higher shall not be allowed unless adequate ingress/egress to major transportation corridors is assured.*
- F. *All new residential, accessory uses or additions/remodels within the residential zones shall pave all unpaved driveways to the home.*
- G. *Spite strips, common lots, unreasonable development phasing, or other means of*

*any type purposely or unintentional that may result in the blocking of services or development, including but not limited to sewer, water, streets, or utilities are prohibited in any zoning district within the City of Star.*

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

**Staff has included this section of the UDC as a reference only. As the application submitted does not include a request for a PUD or Preliminary Plat, findings of fact will not be provided by Council during this public hearing process. The intent of including this section is to provide information that will be necessary for review as the development application proceeds.**

*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. Parkways 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.*

**8-6A-3: PRELIMINARY PLAT PROCESS:** Staff has included this section of the UDC as a reference only. As the application submitted does not include a request for a Preliminary Plat, findings of fact will not be provided by Council during this public hearing process. The intent of including this section is to provide information that will be necessary for review as the development application proceeds.

*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. Any unresolved access or traffic generation issues related to ACHD or ITD regulated roadways shall be resolved by the applicant prior to acceptance of any application. A letter from the appropriate transportation agency or servient property owner shall 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. A 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.*

**8-7-1: PURPOSE - PLANNED UNIT DEVELOPMENTS:** Staff has included this section of the UDC as a reference only. As the application submitted does not include a request for a PUD, findings of fact will not be provided by Council during this public hearing process. The intent of including this section is to provide information that will be necessary for review as the development application proceeds.

*A. The purpose of the planned unit development (PUD) requirements is to provide an opportunity for exemplary site development that meets the following objectives:*

- 1. Preserves natural, scenic and historic features of major importance;*
- 2. Allows for innovative design that creates visually pleasing and cohesive patterns of development; and*
- 3. Creates functionally integrated development that allows for a more efficient and cost-effective provision of public services.*

*B. It is not the intent that the PUD process be used solely for the purposes of deviation from the dimensional standards in the district, however deviations from dimensional and other standards within this title, may be approved by the council if the PUD incorporates design features that add to the overall design and quality of the proposed development. By allowing dimensional standard deviations, exceptions in land uses allowed and pre-approvals of specific uses as conditions of approval within the PUD application process, the City expects in return a unique development that provides upgraded open space and amenities, mixed uses, multiple residential styles and superior site design.*

#### **8-7-2: APPLICABILITY:**

*A planned unit development can be developed in any district.*

#### **8-7-3: PROCESS:**

*A. Preapplication Meeting: The applicant shall complete a preapplication conference with the administrator or designee prior to submittal of an application for a planned unit development. The meeting should be held well in advance of the preparation of the planned unit development application, and before a neighborhood meeting is scheduled. A draft site plan and preliminary*

*plat map (if required) shall be provided to staff at the meeting.*

*B. Application Requirements: An application, map requirements, and fees, shall be submitted to the administrator.*

*1. At the discretion of the administrator, designee 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, floodplain, cemetery, manufactured home parks, or hazardous or unique areas of development. Phasing plans shall be included in the application if the project is to be phased.*

*2. A site amenity plan shall be provided with the planned unit development application.*

*C. Concurrent Review: Concurrent review of other applications may be required as determined by the administrator. **In cases where subdivision platting would be necessary, concurrent review of preliminary plat is required.***

*D. Public Hearing Requirements: All planned unit development applications shall comply with the public notice and hearing procedures contained within this title.*

*E. A development agreement, when associated with an annexation and/or rezone, may be used in lieu of a Planned Unit Development application for deviations to dimensional standards with the requirement that all findings required for a PUD are addressed with the council action in the development agreement.*

#### **8-7-4: STANDARDS:**

*The council may approve planned unit developments, in accord with the following standards:*

##### *A. General Use Standards:*

*1. Deviations from Underlying District Requirements: Deviations from dimensional and other standards within this title, may be approved by the council if the PUD incorporates design features that add to the overall design and quality of the proposed development. The exception is that along the periphery of the planned development, the applicable setbacks as established by the district shall not be reduced.*

*2. Allowed Uses: Applicant may request that specific conditional use(s) be allowed in the district as principal permitted use(s) and up to twenty-five percent (25%) of non-permitted uses be allowed as permitted uses if the council finds that compatibility within the PUD, compatibility with adjacent planned uses and compliance with the intent of the comprehensive plan is provided. It is at the sole discretion of the Council to approve non-permitted uses within the*

*development, including the maximum amount of those non-permitted uses.*

*3. Private Streets and Service Drives: The uses within the planned unit development are interconnected through a system of roadways and/or pathways as appropriate. Private streets and service drives may be permitted, if designed and constructed to the transportation authority standards and in accord with this title. The approval of private streets shall not prevent access and/or interconnectivity to adjacent properties or otherwise create unreasonable development opportunities.*

*4. Buildings Clustered: Buildings shall be clustered where practical to preserve scenic or environmentally sensitive areas in the natural state, or to consolidate small open spaces into larger, more usable areas for common use and enjoyment.*

*B. Private Open Space: In addition to the common open space and site amenity requirements of this title, a minimum of eighty (80) square feet of additional, private, usable open space shall be provided for each residential unit not planned as single-family detached. This requirement can be satisfied through porches, patios, decks, and enclosed yards. Landscaping, entryway and other accessways do not count toward this requirement.*

*C. Residential Use Standards:*

*1. Housing Types: A variety of housing types may be included within a single planned development, such as attached units (townhouses, duplexes), detached units (patio homes), single-family and multi-family units, regardless of the district classification of the site, provided that the overall density limit of the district is maintained. A minimum of two (2) housing types shall be provided for all PUD's.*

*E. Conditions, Bonds and Safeguards: In approving the planned unit development, the council may prescribe appropriate conditions, additional conditions, bonds, and safeguards in conformity with this title that:*

- 1. Minimize adverse impact of the use on other property.*
- 2. Control the sequence and timing, or phasing, of the uses.*
- 3. Control the duration of the use. Assure that the use and the property in which the use is located is maintained properly.*
- 4. Designate the exact location and nature of the use and the property development.*
- 5. Require the provision for on site or off-site public facilities or services.*
- 6. Require more restrictive standards than those generally required in this title.*
- 7. Require mitigation of adverse impacts of the proposed development upon service delivery by*

*any political subdivision, including school districts, which provides services within the city.*

**8-7-5: REQUIRED FINDINGS:**

*Upon recommendation from the administrator, the council shall make a full investigation and shall, at the public hearing, review the application. In order to grant a planned development request, the council shall make the following findings:*

*A. The planned unit development demonstrates exceptional high quality in site design through the provision of cohesive, continuous, visually related and functionally linked patterns of development, street and pathway layout, and building design.*

*B. The planned unit development preserves the significant natural, scenic and/or historic features.*

*C. The arrangement of uses and/or structures in the development does not cause damage, hazard, or nuisance to persons or property in the vicinity.*

*D. The internal street, bike and pedestrian circulation system is designed for the efficient and safe flow of vehicles, bicyclists and pedestrians without having a disruptive influence upon the activities and functions contained within the development, nor place an undue burden upon existing transportation and other public services in the surrounding area.*

*E. Community facilities, such as a park, recreational, and dedicated open space areas are functionally related and accessible to all dwelling units via pedestrian and/or bicycle pathways.*

*F. The proposal complies with the density and use standards requirements in accord with its title.*

*G. The amenities provided are appropriate in number and scale to the proposed development.*

*H. The planned unit development is in conformance with the comprehensive plan.*

**CITY COUNCIL FINDINGS OF FACT AND CONCLUSIONS OF LAW**

**8-1B-1C: ANNEXATION AND ZONING FINDINGS:**

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

*The Council finds that the applicants request for Annexation and Zoning (Map Amendment) complies with the intent and applicable provisions of the adopted Comprehensive Plan, specifically the December 8, 2020 Plan that was in affect at the time of submittal and acceptance of the application. 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 these Comprehensive Plan goals. The Council further finds that the Estate Residential Land Use Designations as stated in Sections 8.2.3 and 8.5.3 Policies of the 2020 Comprehensive Plan encourage low densities not to exceed 1 to 2 units per acre in areas of the 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. Site layout adjacent to and within the Special Transition Overlay Area shall provide for a transition in density and lot sizing. Policy 8.5 states that The Estate and Neighborhood Residential Land Use should encourage urban style development densities to limit urban sprawl. Council finds that, regarding Special Transitional Overlay Areas stated in Section 8.5.4 Policies, that development adjacent to and within the Special Transition Overlay Area is to provide for an appropriate transition between existing and new home sites where new urban development is being planned adjacent to previously approved and constructed rural county developments of years past. Site layout is to provide for a transition in density and lot sizing with all policies regarding compatibility herein applying, and that a transition must take into consideration site constraints that provide transitional lots and/or open space area avoiding urban lots directly abutting Special Transition Overlay Area lots. Council finds that the proposed conceptual plan that is part of this annexation application meets these policies. Further, Council finds that, per 18.4 Implementation Policies, that 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.*

2. The map amendment complies with the regulations outlined for the proposed district.

*The Council finds that the applicants request for Annexation and Zoning (Map Amendment) complies with the regulations and purpose statement for the proposed Estate Residential zoning district and other sections of the adopted Uniform Development Code (UDC), specifically the June 23, 2020 Code that was in affect at the time of submittal and acceptance of the application. Specifically, the purpose statement states that housing in the R-2 zoning designations shall be single family detached, connection to municipal water and sewer facilities are required for all subdivisions*

*exceeding one dwelling unit per acre, and the district does allow for some non-residential uses as specified in 8-3A-3, including golf courses and public infrastructure allowed as conditional use permits. Council finds that when submitting a development agreement for multiple conditional uses on one site, all uses that are contemplated for the development shall be identified with the application and shall be reviewed by the council to determine which may be permitted, which should remain as conditional uses and which should be prohibited. A development agreement may be used in lieu of a conditional use permit application if the council makes the findings as otherwise required. The Council finds that findings of fact can be made for the multiple conditional use permits identified within the application (see findings for the conditional use permits). Council finds that, as stated in UDC 8-3B-3 Residential Districts, appropriate transitional lots, as conditioned by Council, have been provided adjacent to existing "Special Transition Overlay Area" lots as shown on the Comprehensive Plan Land Use Map. This includes setbacks within the proposed urban lots similar to the rural residential lots directly abutting and includes provisions of one half to one acre size lots directly abutting the rural residential lots, or densities of no more than 1 to 2 dwelling units per acre designed within ridgeline developable areas and hillside developable areas.*

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 this annexation and zoning of this property will be materially detrimental to the public health, safety or welfare. Council finds that significant roadway improvements to Can Ada Road, along with upgrades to other roadways and intersections and the new construction of Arie Road and its interchange will be provided as part of this development. The Council finds that the required conditions of approval that will be part of the Development Agreement will protect the public health, safety and welfare of the citizens of the City of Star and its Impact Area. Council further finds that additional hearings and input by agencies, City Staff and the public during future application phases, as conditioned, will further benefit the process moving forward.*

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.

*The Council finds that the City has not been presented with any information from agencies having jurisdiction that public services, with the conditions and requirements of the agencies adopted into the Development Agreement, will be adversely impacted. The Council finds that with the required ACHD, CHD4, Fire District and Park impact fees, together with ITD proportionate share fees, additional Fire and Police mitigation fees, including the upfront mitigation fee for Police service, and the provisions for future Fire and School sites, that growth should be able to pay for itself without burdening the agencies or citizens of the City and County.*

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

*The Council finds this annexation is reasonably necessary for the orderly development of the City. The Council finds that the annexation of this property will bring the development and requirements into and under the jurisdiction of the City. Council finds that the master planning of this property with the required conditions of approval, including immediate improvements to the existing and future roadway system and provisions for future fire and school facilities will provide for slow, steady growth in the City. Council finds that the extension of Star Sewer and Water facilities, including the deliverance of reclaimed water, not only benefits the approved development, but also provides additional services to the existing residents and uses in the immediate vicinity. Council finds that the proposed future open space, including the proposed golf course, along with the access to BLM land with proposed trails and parking, will benefit the entire community.*

#### **8-1B-4E CONDITIONAL USE FINDINGS:**

1. That the site is large enough to accommodate the proposed use and meet all the dimensional and development regulations in the district in which the use is located.

*The Council finds nothing in the record indicating that the site of the proposed golf course and municipal use would not be large enough to accommodate the proposed use or meet all of the dimensional and development regulations in the district in which the use would be located.*

2. That the proposed use will be harmonious with the Star comprehensive plan and in accord with the requirements of this title.

*The Council finds that the proposed use request is harmonious with the Star Comprehensive Plan and is in accord with the requirements of this Title. The proposed development meets the intent and purpose. Council finds that 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 by clustering the residential units around the proposed golf course, open space is preserved.*

3. That the design, construction, operation and maintenance will be compatible with other uses in the general neighborhood and with the existing or intended character of the general vicinity and that such use will not adversely change the essential character of the same area.

*The Council finds that operation of the proposed use will be compatible with the other uses in the general area. The golf course will provide mostly quiet, recreational and entertainment uses and aesthetic open spaces.*



4. That the proposed use, if it complies with all conditions of the approval imposed, will not adversely affect other property in the vicinity.

*The Council finds that the proposed use, with imposed conditions of approval, would not adversely affect other property in the vicinity. The Council has placed conditions regarding limitations on lighting, hours of operation, and requirements for further City review of landscaping, parking and other proposed amenities. Council finds that the golf course will be connected to a reclaimed water system provided by Star Sewer and Water District that, when in use, will minimize groundwater usage in the area and potentially recharge the local aquifer.*

5. That the proposed use will be served adequately by essential public facilities and services such as highways, streets, schools, parks, police and fire protection, drainage structures, refuse disposal, water, and sewer.

*The Council finds that the proposed use can be adequately served by essential public facilities and services. Council has placed conditions of approval requiring new and upgraded roadways to accommodate the proposed development of the golf course and associated residential neighborhood. Star Sewer and Water, Star Fire District and Star Police can adequately serve the proposed use.*

6. That the proposed use will not create excessive additional costs for public facilities and services and will not be detrimental to the economic welfare of the community.

*The Council finds that the proposed use would not create excessive additional costs for public facilities and would not be detrimental to the economic welfare of the community. The City has conditioned the application to include roadway improvements and mitigation fees. The development will also be responsible for payment of Fire and ACHD impact fees. Council finds that the commercial use will benefit the City economically through increased tax revenue.*

7. That the proposed use will not involve activities or processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.

*The Council finds that the proposed use would involve activities that would not be detrimental to any person, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors. Council has placed conditions of approval regarding lighting and hours of operation that will help protect the general welfare. Further, City Municipal Code regulates a noise ordinance to prevent additional detriment to surrounding properties and uses.*

8. That the proposed use will not result in the destruction, loss or damage of a natural, scenic or historic feature considered to be of major importance.

*The Council finds that the proposed use would not result in the destruction, loss or damage of natural, scenic or historic feature of major importance since none are apparent on this site. Council finds that a golf course would enhance the natural and scenic climate of the area more so than strictly residential uses, as would be allowed under the current Comprehensive Plan.*

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

a. A public hearing on the application was heard by the City Council on May 9, 2023 and June 20, 2023, at which time testimony was heard and the public hearing was closed. The City Council made their decision at that time.

b. Shawn L Nickel, City of Star Planning and Zoning Director presented the application.

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

- Nathan Mitchell
- Deborah Nelson
- Jaimie Markosian
- Nancy Collins
- Todd Collins
- Layne Galbraith
- Sabrina Newberry
- Rochelle Henson
- Richard Moore
- Colleen Moore
- Benjamin Shields
- Cherie Shields
- Ana Deane Galbraith
- Lisa Priapi
- Abigail Germaine
- Jim Junge
- Greg Miller
- Ben Pelka
- Kim Yanecko
- Gordon Sonne
- Niles Nordquist
- David Welch
- Russ Smerz
- Michael Flanagan
- Randy Biddle
- John Pickens
- Bob Lenigan
- Christine Welch
- Ronald Stout
- Steven Packard
- Pam Slendorn
- Kenneth Ricardson

- Kathleen Northrop
- Marci Miller
- Bob Lenigan
- Michael Keyes
- Chris Todd
- Peter Albinsen
- Steve Burton
- Anita Metro

d. Additional testimony from City Staff, Agencies

- Victor Islas, Star Fire District
- Zach Hessing, Star Police Chief

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

- Todd Collins
- Greg Miller
- Pam Slendorn

### **Deliberations and Conclusions of Law:**

The Council reviewed the particular facts and circumstances of the proposed applications in accordance with the City of Star Title 8 (Unified Development Code), took public testimony, and deliberated on the matter, resulting in review of the record, including the staff report, and discussions on the development. Review and discussion included access, density, transitional lots, traffic concerns, water concerns, golf course concerns, and environmental concerns.

The Council discussed conditions of approval on the annexation and zoning application, and the development agreement in lieu of for the golf course and municipal use that will be included as part of the accompanying Development Agreement. Council concluded that the Applicant's request meets the requirements for the annexation and zoning portion of the request. Council hereby incorporates the Council Packet with staff report dated May 9, 2023, together with all public and agency comments and the meeting minutes 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 applicable Unified Development Code and the intent and purpose of the applicable Comprehensive Plan and Map requirements for annexation and zoning.

Council added the following requirements to their decision to approve the annexation and zoning application that will be part of the Development Agreement conditions of approval to include the following:

- **The Council hereby approves the annexation of the 726.6 acres with a zoning designation of R-2-DA.**
- **A maximum density of 1.38 dwelling units per acre with maximum number of residential lots not exceeding 1,000 is hereby approved as part of this Annexation.**
- **The Council hereby approves the golf course and associated facility amenities including the clubhouse and accessory structures, restaurant/bar and driving range. Prior to approval of any additional commercial uses, the Applicant shall submit and receive approval of a Planned Unit Development (PUD) and Preliminary Plat. This approval shall be part of a new public hearing through City Council.**
- **All golf course details shall receive further review and approval through the Design Review Committee. The architecture of the clubhouse and restaurant shall meet current City design review standards.**
- **The golf course shall be hooked onto Star Sewer and Water District reclaimed water for application to the course at the time of availability through the Star Sewer and Water District.**
- **The applicant shall provide a minimum 10-acre Public School Site and a future Fire Station site within the development. The applicant shall work with the Star Fire District on the location of the station. The Fire Station site and School site shall be deeded to the appropriate agency with the first phase of the residential development.**
- **The development shall meet all requirements of the Star Fire District and Star Sewer and Water District.**
- **Adopt all recommended conditions of approval from ITD, ACHD & CHD4.**
- **Provide for one-half acre minimum residential lot sizes adjacent to all existing Hillsdale Estates Subdivision residential lots with matching lot lines as illustrated on Staff's Transitional Lot Exhibit dated May 9, 2023. A minimum 25-foot setback for all new structures shall be provided adjacent to existing residential lots.**
- **Provide a minimum 100-foot landscape buffer setback to proposed residential lots adjacent to Monument Ridge Subdivision as illustrated on Applicant's Exhibit dated May 9, 2023.**
- **Agreement from Applicant to pay all proportionate shares and mitigation fees in place at the time of recordation of Development Agreement to include the following:**

- **ITD Proportionate Shares - \$1,000.00 per lot at final plat phasing**
- **Star Fire District Mitigation Fees – \$1,200.00 per lot at time of residential building permit**
- **Star Police Mitigation Fees – \$1,120.00 per lot at time of residential building permit**
- **Developer shall pay an upfront mitigation fee of \$370,000.00 for Star Police Department services. These fees shall be deducted from the future Star Police Mitigation Fees that are collected at the time of residential building permit.**
- **The Development Agreement will be re-visited during the Preliminary Plat and Planned Unit Development in order to update or add any new conditions of approval that may be required by the City Council or other reviewing Agencies.**
- **Wing Road will not be connected to the development from Beacon Light Road.**
- **A traffic signal light at Hwy 44 and Can Ada Road shall be constructed by the applicant prior to the first day of operation of the Golf Course and Facilities. A latecomers agreement shall be entered between the applicant and the City and/or CHD4 for future reimbursement.**
- **Driving range hours of operation shall be from dawn to dusk with no lighting allowed.**
- **This entire development shall adhere to the City “Dark Sky Initiative” for all lighting. All residential structures shall provide recessed outside lighting within the roof soffits.**
- **Applicant shall provide conduit for future fiber-optic services at the time of construction of the infrastructure of the development.**
- **Future fire station lot shall be provided with all services during the construction of the development.**
- **No rock-crushing of aggregate shall be allowed without future Conditional Use Permit approval from the City.**
- **Construct a visual and sound barrier berm along the south side of the driving range. This shall be reviewed as part of the CZC application for the golf course.**

**Council Decision:**

Councilmember Nielson made a motion, seconded by Councilmember Hershey for approval. The Council voted 3-1 (Councilmember Salmonsens voted against) to approve the Annexation and Zoning and Development Agreement applications on June 20, 2023.

Dated this 18<sup>th</sup> day of July 2023.

Star, Idaho

By: \_\_\_\_\_  
Trevor A. Chadwick, Mayor

ATTEST:

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