

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**  
**MILESTONE SUBDIVISION PRELIMINARY PLAT & DA MODIFICATION**  
**PP-23-05/DA-21-15 MOD**

The above-entitled Preliminary Plat and Development Agreement Modification came before the Star City Council for action on March 5, 2024, at which time public testimony was taken and the public hearing was closed. The Star City Council, having requested and taken oral and written testimony, and having duly considered the matter, does hereby make the following Findings of Fact and Conclusions of Law.

**Procedural History:**

**A. *Proposed Project Summary:***

The Applicant is requesting approval of a Preliminary Plat (PP-23-05) and Development Agreement Modification (DA-21-15 MOD) for a proposed residential subdivision consisting of 72 residential lots and 11 common lots. The property is located at 2400 N. Pollard Lane in Star, Ada County, Idaho, and consists of 19.93 acres with a proposed density of 3.6 dwelling units per acre. The subject property is generally located on the east side of N. Pollard Lane between W. Beacon Light Road and W. Broken Arrow Street. Ada County Parcel No. S0404244210.

**B. *Application Submittal and Agency Transmittal:***

A neighborhood meeting was held on November 1, 2023, in compliance with the application submittal requirement of the Star Unified Development Code (Section 8-1A-6C). The Land Use applications were accepted by the City on December 8, 2023. Original notice was sent to agencies having jurisdiction in the City of Star on December 19, 2023.

**C. *Notice of Public Hearing:***

Notice of Public Hearing on the application for the City of Star City Council was published in accordance with the requirements of Title 67, Chapter 65, Idaho Code, and the Star Unified Development Code on January 9, 2024. Notice of this public hearing was mailed to property owners within three-hundred feet (300') of the subject property in accordance with the requirements of Title 67, Chapter 65, Idaho Code and Star Unified Development Code on January 4, 2024. The property was posted in accordance with the Star Unified Development Code on February 23, 2024.

**D. *Property History:***

The property was previously annexed into the City and zoned R-4 as part of the West Ada School District property. The property was subsequently sold to Toll Brothers.

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

	<b>Zoning Designation</b>	<b>Comp Plan Designation</b>	<b>Land Use</b>
<b>Existing</b>	Residential (R-4)	Neighborhood Residential	Agricultural/Residential
<b>Proposed</b>	Residential (R-4-DA)	Neighborhood Residential	Single Family Residential
<b>North of site</b>	Residential (R-2)	Estate Rural Residential	River Birch Golf Course
<b>South of site</b>	Residential (R-3-DA)	Estate Urban Residential	Iron Mountain/Iron Vista Subdivision
<b>East of site</b>	Residential (R-5-DA)/Mixed Use (MU)	Neighborhood Residential	Milestone Commons Subdivision
<b>West of site</b>	Residential (R-4)	Public Use/Open Space	Ag/Future School Site

**F. Development Features.**

**PRELIMINARY PLAT:**

The Preliminary Plat contains 72 single family detached residential lots, and 11 common area lots on 19.93 acres. This equates to 3.6 dwelling units per acre. The lots will have access and frontage from public streets. The development has two lot widths, including 45, and 55 feet with depths ranging from 115 to 121 feet. Single family detached lots will range in size from 5,135 square feet to 10,827 square feet with the average buildable lot of 6,014 square feet. The submitted preliminary plat includes all local roads with a 50-foot wide right of way with paved streets measuring 36 feet from back of curb to back of curb. Sidewalks are proposed to be detached with a 5-foot, concrete sidewalk and 8-foot side landscape strip, except along W. Stillmore Street, where the sidewalks is proposed to be attached. The applicant is proposing 6.23 acres (31.3%) of open space and 4.04 acres (20.3%) of usable open space. These percentages satisfy the Unified Development Code requirement of 15% open space with 10% usable.

The Unified Development Code, Section 8-4E-2 requires a development of this size to have a minimum of three (3) site amenities. The applicant is proposing a 1.0-acre central park with a bocce ball court and landscaped pathways. There will also be additional large open areas with seating and pathways. The residents of Milepost Commons will also have access to Milestone Ranch and their amenities, as the plan is to have this development also age restricted and an extension of Milestone Ranch.

Primary access to the development will be off N. Pollard Road via W. Stillmore Street, located south of the property. Milepost Commons will also provide stub streets on the south to Iron Mountain Vista Subdivision and the east to Milestone Ranch Subdivision.

**ADDITIONAL DEVELOPMENT FEATURES:**

- Sidewalks  
Internal sidewalks are proposed at five-foot (5') widths and will be detached with an eight-foot (8') landscape strip. The sidewalk along W. Stillmore Street will be attached.

- Lighting  
Streetlights shall reflect the “Dark Sky” criteria. The same streetlight design shall continue throughout the entire development. The applicant has not submitted a streetlight location plan, **this needs to be submitted and approved prior to approval of the final plat.** The Applicant has provided a streetlight design/cut sheet, and the proposed fixture meets city requirements and is the preferred fixture for use throughout the City of Star. The streetlights should match those in Milestone Ranch Subdivision.
- Street Names Applicant has provided documentation from Ada County that the street names are acceptable and have been approved.
- Subdivision Name – The applicant has provided documentation from Ada County that the proposed development name has been approved for use and reserved for this development.
- Landscaping - As required by the Unified Development Code, Chapter 8, Section 8-8C-2-M (2) Street Trees; A minimum of one street tree shall be planted for every thirty-five (35) linear feet of street frontage. The applicant shall use “Treasure Valley Tree Selection Guide”, as adopted by the Unified Development Code. Section 8-8C-2, J5 states that a minimum of one deciduous shade tree per four thousand (4,000) square feet of common area shall be provided. The submitted landscape plan appears to satisfy these requirements for the open areas and detached sidewalks.
- Setbacks – **The applicant is requesting an interior side yard setback of five (5’) which is consistent with the approved setbacks located in the Milestone Ranch Subdivision to the east.** The remaining setbacks are proposed to satisfy the R-4 zone requirements of the Unified Development Code.
- Block lengths – All blocks meet the 750’ block length requirement.
- Mailbox Cluster – Applicant has provided documentation from Mel Norton, Star Postmaster depicting the approved location for the mailbox cluster for the development. The approval is to add additional clusters to the Milestone Ranch mail clusters.
- Phasing – The development is scheduled to be built out in three (3) phases.
- Structure Height – Applicant is proposing that all residential structures will be single story.
- Applicant is proposing this development will be an age 55 and older, active adult community.

## DEVELOPMENT AGREEMENT

Through the Development Agreement process, the applicant is proposing to work with the City and neighboring property owners to provide further insurances that the development will be built as presented and/or modified by the Council through the review process. **The applicant is requesting a modification to the existing Development Agreement for the Milestone Ranch Subdivision in order to bring this new subdivision into the HOA management.** Items that should be considered by the applicant and Council include the following:

- **5 foot side yard setbacks consistent with Milestone Ranch Subdivision to the east;**
- ITD Proportionate Share Fees;
- Emergency Access

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

- ✧ Areas of Critical Environmental Concern – No known areas.
- ✧ Evidence of Erosion – No evidence.
- ✧ Fish Habitat – No.
- ✧ Floodplain – Yes.
- ✧ Mature Trees – None.
- ✧ Riparian Vegetation – None.
- ✧ Steep Slopes – None.
- ✧ Stream/Creek – None.
- ✧ Unique Animal Life – No unique animal life has been identified.
- ✧ Unique Plant Life – No unique plant life has been identified.
- ✧ Unstable Soils – No known issues.
- ✧ Historical Assets – No historical assets have been observed.
- ✧ Wildlife Habitat – No known sensitive wildlife habitat observed.

### ***H. Agencies Responding:***

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

ACHD	January 26, 2024
ITD	January 8, 2024
Star Fire District	February 28, 2024

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

None

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

## **COMPREHENSIVE PLAN:**

### 8.2.3 Land Use Map Designations:

#### Neighborhood Residential

Suitable primarily for single family residential use. Densities in the majority of this land use area are to range from 3 units per acre to 5 units per acre. Densities not exceeding 1 to 2 units per acre are to be encouraged in areas of the floodplain, ridgeline developable areas, hillside developable areas, and where new residential lots are proposed adjacent to existing residential lots of one acre and larger where those existing larger lots are not likely to be subdivided in the future.

### 8.3 Goal:

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

### 8.4 Objectives:

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

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

A. The Neighborhood Residential Land Use is to encourage urban style development densities to limit urban sprawl.

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

### 8.5.9 Additional Land Use Component Policies:

- Encourage flexibility in site design and innovative land uses.

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

18.4 Implementation Policies:

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

**UNIFIED DEVELOPMENT CODE (UDC):**

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

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

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

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

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

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

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

<b>Zoning District</b>	<b>Maximum Height Note Conditions</b>	<b>Minimum Yard Setbacks Note Conditions</b>			
		<b>Front (1)</b>	<b>Rear</b>	<b>Interior Side</b>	<b>Street Side</b>
R-4	35'	15' to living area 20' to garage face	15'	7.5' <sup>(2)</sup>	20'

Notes:

1. Front yard setback shall be measured from the face of the garage to the face of the sidewalk, allowing for 20' of parking on the driveway without overhang onto the sidewalk.
2. Zero-Lot-Line and reduced front and rear setback waivers may be requested through the Development Agreement process. All other side yard setback requests for detached structures shall not be granted waivers, unless as part of a Planned Unit Development.
3. All setbacks in the CBD, C-1, C-2, LO, IL, PS, RC and M-U zone shall maintain a minimum 15' when adjacent to a residential use or zone.
4. As approved by the Fire District.

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

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.

4. Developments with a density of less than 1 dwelling units per acre may request a reduction in total required open space and amenities to the Council. Developments with a density of less than 2 dwelling units per acre may request a 50% reduction in total required open space to the Council.

5. For multi-family developments, see Section 8-5-20 for additional standards.

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

1. Any open space that is active or passive in its intended use, and accessible or visible by all residents of the development, including, but not limited to:

a. Open grassy area of at least fifty feet by one hundred feet (50' x 100') in area;

b. Qualified natural areas;

c. Ponds or water features where active fishing, paddle boarding or other activities are provided (50% qualifies towards total required open space, must be accessible by all residents to qualify.) ponds must be aerated;

d. A plaza.

2. Additions to a public park or other public open space area.

3. The buffer area along collector and arterial streets may be included in required overall common open space for residential subdivisions.

4. Parkway along local residential streets with detached sidewalks that meet all the following standards may count toward the common open space requirement:

a. The parkway is a minimum of eight feet (8') in width from street curb to edge of sidewalk and includes street trees as specified otherwise herein.

b. Except for alley accessed dwelling units, the area for curb cuts to each residential lot or common driveway shall be excluded from the open space calculation. For purposes of this calculation, the curb cut area shall be a minimum area of twenty-six feet (26') by the width of the parkway.

c. Stormwater detention facilities do not qualify to meet the common area open space requirements, unless all of the following is met:

1. Must be at least fifty feet by one hundred feet (50' x 100') in area;

2. Specifically designed as a dual use facility, as determined by the administrator, to include minimal slopes, grass throughout, and guarantee of water percolation within 24 hours of storm event.

3. Is located in a development that has a second usable open space area that contains a qualified site amenity as herein defined.

5. Visual natural space, including open ditches, wetlands, slopes or other areas that may not be

readily accessible to residents, and is provided with open style fencing, may qualify for up to 20% of the required open space total.

C. Qualified Site Amenities: Qualified site amenities shall include, but not be limited to, the following:

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

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

1. The plat is in conformance with the Comprehensive Plan;  
*The Council finds that the Preliminary Plat, as approved and conditioned, meets all requirements associated with Section 8-6A-3 of the UDC and is consistent with the Comprehensive Plan and will meet the intent of the Land Use designation. Further, the property is required to develop under the guidelines of the Comprehensive Plan and requirements of the Unified Development Code.*
2. Public Services are available or can be made available and are adequate to accommodate the proposed development;

*The Council finds that Agencies having jurisdiction on this parcel were notified of this action. The City has not received notice that public services are not available or cannot be made available for this development. Emergency services were reviewed, and mitigation recommended by the Star Fire District.*

3. There is public financial capability of supporting services for the proposed development; *The Council finds that the City has not received notice from any jurisdictional agency that there are any problems with public financial capability for this development.*
4. The development will not be detrimental to the public health, safety, or general welfare; *The Council finds that the City has not been made aware of any known detriment that will be caused by this development. Residential uses are a permitted use and are compatible with other residential uses in the immediate area.*
5. The development preserves significant natural, scenic, or historic features; *The Council finds that there are no known natural, scenic, or historic features that have been identified with this Preliminary Plat. The property has been in previous agricultural production.*

**Public Hearing of the Council:**

- a. A public hearing on the application was heard by the City Council on March 5, 2024, 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:
  - Kyle Prewett
  - Adam Capell
- d. Additional testimony from City Staff, Agencies  
None
- e. Written testimony in favor of or opposing the application was presented to the City Council at the hearing by:  
None

**Deliberations and Conclusions of Law:**

The Council reviewed the particular facts and circumstances of this proposed preliminary plat application and development agreement modification in accordance with the City of Star Title 8 (Unified Development Code), deliberated on the matter, resulting in review of the record, including the staff report, and discussions on the platting of the development. Review and

discussion included development layout, access and street configuration, setbacks, open space, pathways and landscaping. The Council concluded that the Applicant's request meets the requirements for preliminary plat and development agreement modification. Council hereby incorporates the staff report dated March 5, 2024, together with the hearing minutes into the official decision as part of these Findings of Fact, Conclusions of Law.

**Statement of Compliance:**

Council finds and concludes that 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 preliminary plat.

Council added the following requirements to their decision to approve the Preliminary Plat that will be part of the Modified Development Agreement and Preliminary Plat conditions of approval to include the following:

1. Side yard setbacks shall be 7.5'. A waiver has not been granted as part of the DA Modification.
2. The applicant shall connect the sidewalk/pathway in the northwest corner of the development to N. Pollard Lane.

<b>CONDITIONS OF APPROVAL</b>
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1. The approved Preliminary Plat for the Milepost Commons Subdivision shall comply with all statutory requirements of applicable agencies and districts having jurisdiction in the City of Star.
2. **The applicant shall enter into a Development Agreement with the City, agreeing to proportionate share assessment by ITD regarding impacts to the State Highway System. ITD has calculated the fees to be \$1,000 per residential unit for a total of \$72,000. These fees will be collected by the City of Star, by phase, prior to final plat signature.** The development agreement shall be signed and recorded as part of the ordinance for annexation and zoning and shall contain the details of the fees to be collected.
3. Streetlights shall comply with the Star City Code and shall be of the same design throughout the entire subdivision. Streetlights shall be continuous throughout the subdivision and shall be maintained by the Homeowners Association. **Streetlights shall be installed and energized prior to issuing of building permits.** Design shall follow Code with requirements for light trespass and "Dark Skies" lighting. **Applicant/Owner shall work with staff and submit a streetlight plan designating locations that meet city standards prior to Final Plat approval.** Streetlights shall comply with the Star City Code regarding light trespass and "Dark Sky" initiative.
4. The property with the approved Preliminary Plat shall be satisfactorily weed abated, preventing a public nuisance, per Star City Code.

5. The entrance to N. Pollard Road shall be cleaned nightly to include dirt, dust, rocks, mud, and other debris. All trash shall be secured on site and trash receptacles emptied on a regular basis to avoid blowing debris.
6. During the entire construction process, dust from the site must be minimized as much as possible. Water trucks should be used as appropriate. Excess dust could result in fines and or work stoppage.
7. All signed Irrigation District Agreements with the Irrigation Districts shall be provided to the City of Star with each subsequent Final Plat application.
8. Street trees shall be installed per Chapter 8, Section 8-8C-2-M (2) Street Trees.
9. Common area trees shall be provided as stated in Section 8-8C-2, J5, including one (1) tree per four thousand (4,000) square feet.
10. Pressurized irrigation systems shall comply with the Irrigation District(s) and the City of Star Codes. Plans for pressurized irrigation systems shall be submitted to, and approved by the City of Star Engineer, prior to installation.
11. A plat note supporting the "Right to Farm Act" as per Idaho Code Title 22, Chapter 45, shall be shown on the Final Plat.
12. A copy of the CC&R's shall be submitted to the City of Star at Final Plat.
13. A form signed by the Star Sewer & Water District shall be submitted to the City prior to the signature of the Final Plat stating that all conditions of the District have been met, including annexation into the District.
14. A plat note shall state that development standards for residential development shall comply with the effective building and zoning requirements at time of building permit issuance, unless amended in the Development Agreement or CUP conditions.
15. Development standards for single family residential units shall comply with effective building and zoning requirements at time of building permit issuance, or as approved through the Development Agreement or as stated herein.
16. All common areas shall be owned and maintained by the Homeowners Association.
17. The applicant shall provide a sign, to be located at all construction entrances, indicating the rules for all contractors that will be working on the property starting at grading and running through home sales that addresses items including but not limited to dust, music, dogs, starting/stopping hours for contractors (7a.m. start time). **Sign shall be approved by the City prior to start of construction.**
18. A sign application is required for any subdivision signs.
19. **Owner/Developer will agree to install a 2" (High Density Polyethylene) HDPE SDR-11 roll pipe in the shared utility trench to be used for future fiber optic and/or copper telecommunication cables.**
- 20.

**Council Decision:**

Councilmember Nielson made a motion, seconded by Councilmember Wheelock, for approval. The Council voted 3-0 (Hershey absent) to approve the Preliminary Plat application and Development Agreement Modification on March 5, 2024.

Dated this 16<sup>th</sup> day of April, 2024.

Star, Idaho

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

ATTEST:

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