

FINDINGS OF FACT AND CONCLUSIONS OF LAW
TALEGA VILLAGE SUBDIVISION
FILE NO. AZ-22-11/RZ-22-03/DA-22-12/PP-22-17/CUP-22-05/PR-23-08

The above-entitled Annexation, Rezone, Development Agreement, Preliminary Plat, Conditional Use Permit and Private Street land use applications came before the Star City Council for their action on January 16, 2024, at which time public testimony was taken and the public hearing was closed. The Star City Council, having requested and taken oral and written testimony, and having duly considered the matter, does hereby make the following Findings of Fact and Conclusions of Law.

Procedural History:

A. Project Summary:

The Applicant is requesting approval of an Annexation and Zoning (Residential R-10-DA), a Rezone (from R-1 & C-2 to Residential R-10-DA), a Development Agreement, a Preliminary Plat for proposed residential and commercial uses consisting of 162 buildable lots (1 commercial lot, 1 multi-family lot, 65 single-family residential lots, 95 townhome lots and multiple common lots), a Conditional Use Permit for a proposed multifamily residential use (340 units), and a Private Street. A residential density of 10 du/acre is proposed. The property is located at 58 N. Truman Place and 8370 W. Shults Court in Star, Idaho. The entire property consists of 74.61 acres. The subject property is generally located on the northeast corner of State Highway 16 and State Highway 44. Ada County Parcels: R3720002880, R3720003030, R3720002500, R3720002480, R3720001505, R3720002412, & S0409417201.

B. Application Submittal:

A neighborhood meeting was held on March 15, 2022, in compliance with the application submittal requirement of the Star Unified Development Code (Section 8-1 A-6 C). The Land Use application was deemed complete on October 10, 2023.

C. Notice of Public Hearing:

Notice of Public Hearing on the application for the City of Star Council was published in accordance with the requirements of Title 67, Chapter 65, Idaho Code and the Star Unified Development Code on November 7, 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 November 2, 2023. Notice was sent to agencies having jurisdiction in the City of Star on August

15, 2023. The property was posted in accordance with the Star Unified Development Code on November 21, 2023.

D. History of Previous Actions:

On March 6, 2018, the Council voted 4 to 0 to approve CPA-18-01 Comprehensive Plan Map Amendment to Commercial; AZ-18-01, Annexation and Zoning to Commercial (C2) for the Eagle Crossroads, LLC. Application.

On December 8, 2021, Council approved the 2020 Comprehensive Plan Map Amendment, recognizing this property with single-family, townhomes, multi-family and commercial.

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

	Zoning Designation	Comp Plan Designation	Land Use
Existing	Commercial (C-2) Residential (R-1) Rural Urban Transition (RUT)	Commercial/High Density Residential/Compact Residential/Neighborhood Residential	Vacant
Proposed	Commercial (C-2-DA) Residential (R-10-DA)	Commercial/High Density Residential/Compact Residential/Neighborhood Residential	Commercial/Multi-Family Residential/Single-Family Residential
North of site	Residential (R-6-DA) City of Eagle	City of Eagle Comprehensive Plan	Approved 400 residential lot Cascade Springs Subdivision
South of site	Commercial (C-1) Residential (R-1) Rural Urban Transition (RUT)	Commercial	Hwy 44 Single Family Residential Vacant Agricultural
East of site	Residential (R-13/R-5) Commercial (C-2) Mixed Use (MU)	Commercial/High Density Residential/ Neighborhood Residential/Eagle’s Jurisdiction	Multi-Family Residential (Amazon Falls) Vacant (Junction Crossing)/Agricultural
West of site	Rural Urban Transition (RUT) Mixed Use (MU) Light Industrial (LI) Greyloch	Mixed Use Light Industrial	Hwy 16 Vacant Greyloch Cabinets

F. *Development Features.*

ANNEXATION & REZONE:

The annexation, zoning, and rezone request from County Rural Urban Transition (RUT) and Residential (R-1) and General Business District (C-2) to Residential (R-10-DA) on the applicant's property will allow for the development and subdivision of the subject property into a residential subdivision with accompanying commercial uses that will be consistent with the recently adopted Comprehensive Plan. The property consists of a total of 74.61 acres, including 55.68 acres for residential use and 18.93 acres for commercial use. The total proposed residential units is 500, with an overall gross residential density of 8.98 dwelling units per acre, which excludes the 18.93 acres that is currently designated for commercial in the calculations. A further density breakdown shows:

- Approximately 2.17 dwelling units per acre for the single family residential dwellings - The current Comprehensive Plan Land Use Map designates this portion of the property as Neighborhood Residential, with an allowed density of 3-5 dwelling units per acre;
- Approximately 9.25 dwelling units per acre for the townhomes – The current Comprehensive Plan Land Use Map designates the portion of the property as Compact Residential, with an allowed density of 5-10 dwelling units per acre;
- Approximately 22 dwelling units per acre for the multi-family dwellings - The current Comprehensive Plan Land Use Map designates this portion of the property as High Density Residential, with an allowed density of 10 plus dwelling units per acre.

The requested land uses of residential and commercial within the annexation and zoning and rezone applications meet the intent of the zoning designations intended in the Comprehensive Plan.

PRELIMINARY PLAT:

The proposed Preliminary Plat contains 161 residential lots, 1 commercial lot and 19 common area lots for a total of 181 total lots. The Preliminary Plat contains 65 single family residential lots with an average lot size of 8,400 square feet, 95 townhome lots with and 340 apartment units. The 65 single family residential lots range in size from 6,623 square feet to 15,690 square feet with the average buildable lot area of approximately 8,400 square feet. The 95 townhome lots range in size from 4,851 square feet to 9,016 square feet with the average lot size of 6,974 square feet. The 340 apartments are located on 1 parcel.

The Preliminary Plat has been submitted with information that does not meet UDC and the Ada County Surveyor requirements for plats. Specifically, platted lots require lot and block numbers, and common lots should be numbered within the individual blocks and not as parcels (A-Q). A

revised Preliminary Plat shall be submitted prior to final plat application that clearly shows compliance with all Ada County platting procedures.

All streets are proposed to be public within the single family and townhome residential portion of the development, with private driveways proposed within the multi-family residential section. Residential roads are proposed as follows: The road section for the Hamlin collector road and one internal roadway between the single family and the multi-family proposes a 60-foot wide right of way, with a roadway measurement of 36 feet from back of curb to back of curb, and a 5-foot-wide detached sidewalk with an 8-foot-wide park strip. The UDC requires sidewalks along collectors to be a minimum of 7 feet. The sidewalks along both sides of Hamlin Avenue shall be revised to include a 7 foot width. The remaining roadway sections in the residential development include a 50-foot-wide right of way with 36 feet from back of curb to back of curb and a 5-foot-wide detached sidewalk with an 8-foot-wide park strip.

The project has 55.68 acres of residential housing area. Section 8-4E-2 of the Unified Development Code states *"The total land area of all common open space shall equal or exceed fifteen percent (15%) of the total gross acreage of land area of the development. A Minimum of 10% of the total gross acreage of the development shall be for useable area open space. Open space shall be designated as a total of 15% minimum for residential developments in all zones with densities of R-2 or greater."* As the submitted site plan does not appear to have the correct calculations for open space, Staff has done its own calculation, and the residential area appears to exceed the required amount of open space. With 55.68 acres of total residential area, the development should have a total of 8.35 acres of total open space (15%) and 5.57 acres of usable open space (10%). Staff calculations of the submitted plans are as follows:

- Total provided Open Space* = 20.67 acres (37%). This breaks down as follows for the 3 individual residential sections of the development:
 - Single-Family = 8.54 acres (32.5%)
 - Townhomes = 9.09 acres (77.6%)
 - Multi-Family = 3.04 acres (17.2%)
- Total provided Usable Open Space* =
 - Single Family = 5.98 acres (22.7%)
 - Townhomes = 2.13 acres (18.2%)
 - Multi-Family = 2.52 acres (14.3%)

*All provided calculations have been determined by Staff as best as possible, as correctly detailed breakdowns of the open spaces has not been provided. Staff will require accurate calculations of total open space and usable open space from the applicant prior to final approval. This should include separated actual acreages of the 3 different residential types so Staff can properly review the calculations.

It is also unclear from the information submitted as to what type of common lots "Parcels G & H" are. If they are to be landscaped usable open space lots, they should be accessible to the residential portion of the development. They appear to be too large for the Hwy 16 required buffer. Staff recommends a pathway connection between Lots 3022 & 3023 to access the area.

Section 8-4E-2 also states *"Each development is required to have a least one site amenity. One additional site amenity shall be required for each additional twenty (20) acres of development area, plus one additional amenity per 75 residential units."* The Applicant is proposing 500 residential units on 55.68 acres, which requires a minimum of nine (9) amenities. The Applicant is proposing a tot lot, dog park, clubhouse, pool, 3 large open areas, a picnic shelter, walking paths and a bench as amenities. These meet the required number and kind of amenities as outline in the Unified Development Code. The pool shall be required to be a minimum of 3,600 square feet in size. It is assumed and also recommended that all amenities and open spaces shall be utilized by the residents of all 500 residential units.

Section 8-8C-2 paragraph J states "Any road designated as a principal arterial on the applicable highway district function class map: A minimum of forty feet (40') wide buffer area (not including right of way) shall be provided with the following plants per one hundred (100) linear feet of right of way: four (4) shade trees, three (3) evergreen trees, two (2) flowering/ornamental trees, and twelve (12) shrubs. Each required shade tree may be substituted with two (2) flowering/ornamental trees, provided that not more than fifty percent (50%) of the shade trees are substituted. A minimum seven foot (7') high buffer consisting of a berm, wall, fence, or combination thereof shall be provided within the buffer area. The maximum slope for any berm shall be three feet (3') horizontal distance to one foot (1') vertical distance. Unsightly fencing shall not be permitted." The Applicant has provided the correct buffer along Hwy 16 and the proposed landscape appears to satisfy the code requirements.

The development is currently provided with ingress/egress to the south from Highway 44 (State Street) via Hamlin Avenue. This is currently a right in/right out only and is subject to further access modification once the Hwy 16/44 interchange is constructed. There is a secondary access proposed via Amazon Drive, a public road through the Amazon Falls development off Short Road. This connection is not yet built and will need to cross the drainage ditch to connect to Hamlin Avenue. The council should consider the limited access and may want to condition this connection to be completed prior to any construction activities when making a decision on the application. The Applicant will need to receive approval from both transportation agencies (ITD and ACHD) and possibly the proper irrigation district and adhere to their requirements for access and improvements.

The applicant has provided a conceptual phasing plan showing 4 phases for the development. Phase 1 appears to be the apartments (17.67 acres), Phase 2 the townhomes (11.7 acres), Phase 3 the single family residential (26.3 acres) and Phase 4 the commercial portion (18.93 acres) of

the development. The council should consider this phasing plan and the timing of the commercial development when making a decision on the application.

ADDITIONAL DEVELOPMENT FEATURES:

- Sidewalks

Sidewalks are proposed at five-foot (5') widths and will be detached throughout the subdivision. The Hamlin Avenue sidewalks shall be 7 feet minimum. The Applicant is proposing 8-foot landscape strips throughout, satisfying the Unified Development Code.

- Streetlights

A streetlight location plan and design sample has been submitted by the applicant. Streetlights shall reflect the "Dark Sky" criteria with all lighting. The same streetlight design shall continue throughout the entire development. The proposed streetlight locations and proposed fixtures satisfy code and the City's requirements for a common style of streetlight. Although the streetlight plan and design meet City Code, upon installation and inspection, shielding of lights may be required to prevent light trespass as necessary.

- Subdivision and Street Names

The Applicant has provided approval from Ada County for the subdivision name with the application packet. No street name approval was included in the application materials, this will be required before signing the final plat.

- Landscaping

As required by the Unified Development Code, Chapter 8, Section 8-8C-2-M (2) Street Trees; A minimum of one street tree shall be planted for every thirty-five (35) linear feet of street frontage. For open areas, one shade tree shall be planted for every four thousand (4,000) square feet. The applicant shall use "Treasure Valley Tree Selection Guide", as adopted by the Unified Development Code. The proposed landscape plan appears to meet these requirements for street trees. In instances where street trees will be planted by the builder, certificate of occupancy may be held up if trees are not planted in accordance with this code.

Applicant should be prepared to address Staff's question on the landscaping and usability of "Parcels G & H".

- Mail Cluster

The Applicant has provided an approval letter from the Eagle Postmaster of a location for the mail clusters, however the map showing the approved location was not included in the application materials. Staff will require this map prior to signing

the final plat. Per Section 8-4A-20, all mailboxes and clusters shall be covered with an architecturally designed cover, to be approved by the Administrator prior to final plat signature. All covers shall be provided with lighting and shall be stained/painted and kept in good condition at all times. The administrator may issue a letter of violation to the HOA when any mailbox cluster or cover falls into disrepair. Maintenance shall be included in the CC&R's.

- Block Length

Part of Hamlin Avenue is already constructed, as the northern section is extended, Staff suggests the Applicant work with the Highway District and Fire District with regards to traffic calming techniques. Staff is supportive of the waiver to the block lengths in this development as only 1 appears to exceed the 750' limit.

- Setbacks

The applicant is not requesting any setback waivers and will adhere to the setbacks outlined in this report and as follows:

- Single-Family Detached = 15'/20' Front; 7.5' Side Yard; 15' Rear; 20' Street Side
- Townhomes = 0' Front; Zero-Lot Lines for Interior Sides; 5' Rear; 5' Exterior Side
- Multi-Family = N/A

- Common Driveways

The preliminary plat is currently showing two common driveways in the townhome section (lots 2030 & 2031). Section 8-6B-2D of the Unified Development Code states *"Common driveways shall serve a maximum of two (2) dwelling units and shall approved by the Fire District."* Staff recommends that the two lots be eliminated from the plat, as the Fire District has been denying all common and shared driveways due to emergency access and turn-around issues.

- Old Grange Hall Property:

The old grange hall property located currently at 8377 W Shultz Court is surrounded by this project. As Hwy 16 is improved, it will be necessary to provide access to this out-parcel internally within the Talega Village development. A cul-de-sac turn-around is designed north of the parcel. The right of way should be extended to provide legal access to this parcel.

CONDITIONAL USE PERMIT:**

The applicant is requesting approval of a Conditional Use Permit for 340 apartment units in approximately 22 buildings. The applicant has not indicated if the apartment units will be one or two bedroom units. For a two-bedroom unit, parking requirements are calculated at 2 spaces for each unit with 1 space being covered and .25 spaces per unit for guest parking. The Applicant is proposing approximately 500 parking spaces, based on what Staff can estimate. This number is

short approximately 265 parking spaces. Section 8-4B-2 of the Unified Development Code requires parking stalls to be a minimum of nine feet (9') wide and twenty feet (20') deep. Parking stall measurements are not clearly marked on the submitted plan. Prior to final approval, the Applicant shall provide to Staff a site plan that clearly meets all the requirements of the Unified Development Code.

Section 8-4B-3H of the Unified Development Code states that one bicycle parking space shall be provided for every twenty-five (25) vehicle parking spaces. Based on the required number of parking spaces, the Applicant will be required to provide 30 bicycle spaces, this is not clearly denoted on the submitted plan.

The Applicant has provided elevations for the proposed apartments, which appear to be three (3) stories tall. Section 8-4B-2 of the UDC requires "*all drive aisles adjacent to a building shall be a minimum of 25'0" or as required by the fire code, unless the building is 30 feet in height or greater, at which point the drive aisle shall be 26'0" or as otherwise approved by the Fire District.*" The drive aisles are not clearly marked on the submitted site plan or preliminary plat. The Applicant will be required to submit a site plan that clearly shows all drive aisle measurements, meeting code as required.

The Applicant is not asking for an exception of the height requirement, therefore buildings will be limited to thirty-five feet (35') in height, unless otherwise approved by Council.

All signage, including building and directionals require separate permit and approval from Staff prior to installation.

The applicant has submitted very brief color renderings of the proposed building, which will still need to go through design review (Certificate of Zoning Compliance) for approval prior to building permits being issued.

It is unclear from the site plan if the following requirements of Section 8-5-21 of the UDC has been included as part of the multi-family development. This includes:

- Any storage for recreational vehicles
- Location of the management office
- Location of maintenance storage area
- Location of the map of the development, including vehicle orientation map
- Maintenance and ownership responsibilities documents
- Architectural standards and materials
- Bicycle parking

**The site plan submitted for review for the multi-family residential provides very minimal information necessary for Staff to properly review the layout. Staff recommends that, if Council

approves the land use, that the applicant be required to submit a detailed site plan with information as required in Section 8-5-21 of the UDC, and that the site plan be brought before the Council and/or Design Review Committee for review and final approval. Because of the appearance of needed extra parking, the 500 unit count proposed may not be achievable.

DEVELOPMENT AGREEMENT:

Through the Development Agreement process, the applicant is proposing to work with the City to provide further insurance 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 the following:

- ITD Proportionate Share Fees at \$1,000.00 per residential unit
- Density
- Fire Sprinklers Requirements
- Parking Requirements
- Commercial Acreage/Use
- Traffic
- Potential phasing limitations on the project
- Access to the old Grange Hall property
- Guest parking for townhomes
- Hamlin Avenue 7' sidewalks
- Usability of "Parcels G & H" as related to landscaping
- Open space usage for entire development
- Access to Amazon Falls Drive prior to construction
- Elimination of common drive lots

STAFF ANALYSIS & RECOMMENDATIONS

Based upon the information provided to Staff in the applications and agency comments received to date, Staff finds that the proposed request for annexation and zoning, rezone, and preliminary plat, as conditioned, meets the requirements, standards and intent for development as they relate to the Unified Development Code and Comprehensive Plan. Regarding the conditional use permit for the multi-family residential, Staff would need additional information to make a clear recommendation on all aspects of the CUP application. Staff would recommend that the Council consider approval of the land use for multi-family residential with a maximum allowed density to be confirmed once the revised site plan is fully reviewed to determine if additional parking is required and density need to be reduced.

Traffic Concerns:

Staff is concerned with the amount of traffic that will be generated by the uses in this development upon full build-out in relationship with the current access to the site. Currently, Hamlin Avenue is the only access to the site. With the additional connection to Amazon Falls Drive to the east and access to Hwy 44 via Short Road, there will still be considerable traffic from this development, in addition to the currently approved residential and commercial developments north, east and west of Short Road. And if Hamlin Avenue is further restricted by ITD once the interchange is constructed, the strain on Short Road will be extreme. Staff has been informed by representatives of the two developments to the north and northeast of Talega Village (Cascade Springs and Fountain Park Subdivisions) that connection from Hamlin Road north towards Floating Feather Road and east towards Palmer Lane, are anticipated to be a minimum of 5-years out, based on current phasing of those projects and with the current market. The Palmer Lane signal light will also be necessary to handle all of the current and future traffic from the currently approved developments in Star and Eagle in this immediate area. Council may want to consider additional phasing and/or unit limitation conditions on this development until the proposed improvement to the traffic system are completed prior to final build-out of this development. While ACHD and ITD have provided initial review comments for this development, Staff has had discussions with both ITD and the Fire District regarding concerns on access and traffic. These two agencies will be providing additional comment prior to the public hearing.

STAFF NOTE:

During the Council public hearing review process, the Applicant provided Staff and Council with additional details listed to the concerns listed above. Included in this was updated information from ACHD, ITD and Star Fire District. These revisions were included in the revised submitted plans dated December 28, 2023. The revisions address the majority of Staff concerns regarding the application. Any unaddressed issues will be included within the Conditions of Approval.

G. Existing Site Characteristics:

Existing Site Characteristics: The property is currently vacant ground.

Irrigation/Drainage District(s): Middleton Irrigation Association
Middleton Mill Ditch Company
P.O. Box 848
Middleton, ID 83644

Pioneer Ditch Company
P.O. Box 70
Star, Idaho 86369

Flood Zone: This property is not currently located in a Special Flood Hazard Area.

Special *On-Site Features:*

- ✪ Areas of Critical Environmental Concern – No known areas.
- ✪ Evidence of Erosion – No evidence.
- ✪ Fish Habitat – No.
- ✪ Floodplain – No.
- ✪ Mature Trees – Several existing mature trees.
- ✪ Riparian Vegetation – None.
- ✪ Steep Slopes – None.
- ✪ Stream/Creek – Yes, Drainage District No. 2 main drain in the northern portion of property.
- ✪ 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.

ITD	March 21, 2023/October 25, 2023
ACHD	September 26, 2023
Ada County Dev. Services	February 27, 2023
COMPASS	March 13, 2023
West Ada School District	March 29, 2023
Central District Health	March 3, 2023
Star Fire Department	November 29, 2023

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

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 3.01 units per acre to 5 dwelling 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 immediately adjacent to existing residential lots of one acre and larger where those existing larger lots are not likely to be subdivided in the future.

COMPACT RESIDENTIAL - Suitable primarily for residential use allowing a mix of housing types such as single family, two family, and multi-family. Densities range from 5.01 units per acre to 10 units per acre.

HIGH DENSITY RESIDENTIAL - Suitable primarily for multi-family. This use should generally be located in close proximity to commercial centers and primary transportation corridors. The use is also suitable within the Central Business District in mixed-use buildings with commercial or office uses on the first floor and high density residential on upper floors. Densities range from 10.01 units per acre and up. Density may be limited to ensure compatibility and transition between uses adjacent to the site. Design specifications may include increased setbacks for multi-story buildings, landscape buffers, and transitional densities. Rezoning to this designation should not be allowed unless adequate ingress/egress to major transportation corridors are assured.

COMMERCIAL - Suitable primarily for the development of a wide range of commercial activities including offices, retail, and service establishments. Rezoning to this designation should not be allowed unless adequate ingress/egress to major transportation corridors are assured. Light industrial uses may be considered at the discretion of the City Council without amending this plan.

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.

- Encourage commercial development that is consistent with a family friendly feel, not overburdening the community with big box and franchise uses and discourage the development of strip commercial areas.

8.5.6 Policies Related Mostly to the Commercial Planning Areas:

- Assist in the provision of coordinated, efficient, and cost-effective public facilities and utility services, carefully managing both residential and non-residential development and design, and proactively reinforcing downtown Star's role as the urban core while protecting existing property rights. B. Encourage commercial facilities to locate on transportation corridors. C. Locate neighborhood services within walking distance to residential development. D. Discourage the development of strip commercial areas. E. Maintain and develop convenient access and opportunities for shopping and employment activities. F. Commercial areas of five acres or less should be encouraged in residential land use designations with appropriate zoning to allow for commercial services for residential neighborhoods and to limit trip lengths. Such commercial areas should be submitted for approvals with a Conditional Use Permit or Development Agreement to assure that conditions are placed on the use to provide for compatibility with existing or planned residential uses. These areas should be oriented with the front on a collector or arterial street.
- #### 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.

8.5.8 Policies Related Mostly to Open Space and Special Areas:

- A. Projects that hold a residential designation, where the developers would like to provide or dedicate amenities similar to those allowed in the Public Use/Parks/Open Space designation, may transfer unused density from these areas to other areas within the development, as may be approved by the City Council through the Planned Unit Development or Development Agreement processes.
- B. Where possible, open space should be located to be contiguous to public lands and existing open space areas.
- C. Open space should be designed to capitalize on and expand the open space areas around natural features and environmentally sensitive areas. Priorities for preservation include: The most

sensitive resources – floodways and floodplains (including riparian and wetland areas), slopes in excess of 25%, locally significant features, and scenic viewpoints. Fragmentation of open space areas should be minimized so that resource areas are able to be managed and viewed as an integrated network.

D. Open space areas along the Boise River should be designed to function as part of a larger regional open space network.

E. Require the conservation and preservation of open spaces and public access to the Boise River and BLM lands and interconnected pathways, open to the public, through new developments.

F. The city should work with property owners adjacent to the Boise River to maintain and enhance the river corridor as an amenity for residents and visitors and to obtain public pathway easements and to have pathways constructed. Uses which complement this public access include trails and interpretive signage.

G. Common areas in subdivisions should be centrally located for the residents use and should include micro-path connections where feasible.

H. Discourage development within the floodplain, excluding within the Riverfront Center area, in which development could mitigate floodplain areas and provide for civic space within the floodway and adjacent areas.

I. Floodway areas are to remain “open space” because of the nature of the floodway which can pose significant hazards during a flood event. Within the Riverfront Center, this floodway area should be developed as civic gathering area, open and park space, with the design allowing for floodwaters to inundate the area without contributing to hazard risk.

J. Floodway areas are excluded from being used for calculating residential and development densities.

K. Any portion of the floodway developed as a substantially improved wildlife habitat and/or wetlands area that is open to and usable by the public for open space, such as pathways, ball fields, parks, or similar amenities, as may be credited toward the minimum open space required for a development, if approved by the City Council.

L. Encourage land uses that are in harmony with existing resources, scenic areas, natural wildlife areas, and surrounding land uses.

M. Areas over 25% slope are to be “no development” areas except for city approved trails and except where isolated areas of steep slope are located on property where site grading can easily modify the steep slope area for buildable area. In those cases where grading can be accomplished to modify the isolated steep slope areas the surrounding land use designation will apply within the area designated “steep slope.”

N. Clustering of housing is to be encouraged where needed to preserve hillsides, natural features, and to avoid mass grading of land in areas determined to be preserved.

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:

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

B. Standards:

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

administrative extension of maximum thirty (30) days may be granted by the zoning administrator. Additional extensions may be approved by majority vote of the city council. Failure to execute the development agreement within the required timeframe will result in the denial of all related applications.

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

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

8-1B-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. Traffic studies may be required by the transportation authority prior to acceptance of an application.

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 plating: 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.

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

The following zoning districts are hereby established for the interpretation of this title, the zoning districts have been formulated to realize the general purposes as set forth in this title. In addition, the specific purpose of each zoning district shall be as follows:

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.

(C-2) GENERAL BUSINESS DISTRICT: To provide for the establishment of areas for commercial uses allowed in other commercial zones and commercial uses which are more intensive than those permitted in other commercial zones, and typically located adjacent to arterial roadways and not immediately adjacent to residential, including the establishment of areas for travel related services such as hotels, motels, service stations, drive-in restaurants, offices, limited warehousing, commercial services and retail sales.

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.

ZONING DISTRICT USES	R	C-2
Dwelling		
Multi-family ¹	C	N
Single-family attached	P	N
Single-family detached	P	N

Notes:

1. Indicates uses that are subject to specific use standards in accord with chapter 5 of

this title.

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

Zoning District	Maximum Height Note Conditions	Minimum Yard Setbacks Note Conditions			
		Front ⁽¹⁾	Rear	Interior Side	Street Side
R-6 to R-11 attached housing	35'	15' to living area 20' to garage 10' if alley load	15' 4' if alley load	7.5' (2)	20'
C-2	35'	20'	5'	0(4)	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.

8-3B-3: ADDITIONAL RESIDENTIAL DISTRICT STANDARDS

- 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.

H. In any development that requires a traffic signal as part of the approval process, the developer shall be responsible for providing an Emergency Opticom System to the intersection.

8-3C-1: ADDITIONAL COMMERCIAL DISTRICT STANDARDS:

ALL COMMERCIAL DISTRICTS:

A. Comply with Section 8-3A-1: ZONING DISTRICTS AND PURPOSE ESTABLISHED.

B. New commercial developments shall incorporate site and architectural design recommendations from the Architectural Overlay Design Guidelines for the Central Business District and Riverfront Center.

C. Site Improvements: 1) Prior to any ground disturbance for any commercial, industrial or other non-residential buildings, a Commercial Site Improvements application shall be submitted to the City for approval by the City Engineer. This shall include any new site development initiated prior to a City Building permit.

2) In any development that requires a traffic signal as part of the approval process, the applicant shall be responsible for providing an Emergency Opticom System to the intersection.

3) One (1) full-size copy of the construction drawings, drawn in accordance with the requirements hereinafter stated. The construction Drawings 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.

a. Application shall include compliance with Section 8-4A-8 and 8-4A-11 of this ordinance.

- b. Construction drawings shall include both above ground and below ground improvements, including the proposed building envelope of proposed improvements. Said improvements must include proposed finished grades of all impervious surfaces, and shall be in conformance with all Federal, State, and local regulations.
- c. Electronic file of all application materials in original .pdf format shall be submitted with the application on a thumb drive.

8-3G-1: ARCHITECTURAL OVERLAY DISTRICT:

- A. An Architectural Overlay District boundary is all of the existing CBD north of the Boise River, and approximately 750' on either side of SH-44 from city limit to city limit, including future annexations. This shall also include all other non-residential zoned uses and properties throughout the City. Single-family dwellings that are part of an approved PUD or Conditional Use Permit shall comply with this section.
- B. Architectural Overlay District includes the entirety of the South of the River Area Plan.
- C. The "STAR DESIGN GUIDELINES, CENTRAL BUSINESS DISTRICT AND RIVERFRONT CENTER" (the Guidelines), is adopted through this ordinance. It may be amended from time to time by a Resolution of the Star City Council and shall be used within the Architectural Overlay District.
- D. If the Architectural Overlay District Guidelines conflict with other parts of the City of Star code, the Architectural Overlay District Guidelines shall be used.

8-4B-3: REQUIRED NUMBER OF OFF-STREET PARKING SPACES:

- A. Required parking spaces for other permitted or conditional uses not listed herein or uses that are listed but may be different from normal operation, shall be determined by the administrator and/or Council. Among the factors for determining the number of spaces to be required for a use not listed herein, the administrator may compare the proposed use with a use which has similar traffic generating characteristics as outlined in the most recent version of the institute of transportation engineers trip generation manual.
- B. Minimum Number of Off-Street Parking Spaces: The minimum number of required off street vehicle parking spaces for residential uses shall be:

Type Of Use	Off-Street Parking Spaces Required
RESIDENTIAL	
Apartments or multi-family	For each unit with 2 or more bedrooms - 2 including 1 covered; for each 1 bedroom or studio unit - 1.5 including 1 covered.

dwelling

Guest parking shall be provided at a ratio of .25 spaces per unit.

COMMON OPEN SPACE AND SITE AMENITY REQUIREMENTS

8-4E-1: APPLICABILITY:

The standards for common open space and site amenities shall apply to all residential developments with a density exceeding one dwelling unit per acre.

8-4E-2: 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 total gross acreage of land area of the development. A minimum of 10% of the total gross acreage of the development shall be for useable area open space. Open space shall be designated as a total of 15% minimum for residential developments in all zones with densities of R-2 or greater.
2. Each development is required to have at least one site amenity.
3. One additional site amenity shall be required for each additional twenty (20) acres of development area, plus one additional amenity per 75 residential units.
4. Developments with a density of less than 1 dwelling unit per acre may request a waiver of open space and amenities to the Council. Developments with a density of less than 2 dwelling units per acre may request a 50% reduction in total required open space and amenities to the Council.
5. For multi-family developments, see Section 8-5-20 for additional standards.

B. Qualified Usable Area Open Space: The following qualifies to meet the useable area open space requirements:

1. Any open space that is active or passive in its intended use, and accessible or visible by all residents of the development, including, but not limited to:
 - a. Open grassy area of at least fifty feet by one hundred feet (50' x 100') in area;
 - b. Qualified natural areas, as determined by the Administrator;
 - c. Ponds or water features where active fishing, paddle boarding or other activities are provided (50% qualifies towards total required usable area open space, must be accessible by all residents to qualify.) ponds must be aerated;
 - d. A plaza.
 - e. Common lots that include a pathway providing local or regional connectivity that is a minimum of 20' in width.
 - f. Irrigation easements/ditches when a pathway is included (to be measured from the center of the ditch to the property line of the common lot).
2. Additions to a public park or other public open space area.

3. The buffer area along collector and arterial streets may be included in required overall common open space for residential subdivisions.
4. 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, as determined by the Administrator.
- C. Qualified Site Amenities: Qualified site amenities shall include, but not be limited to, the following:
 1. Clubhouse;
 2. Fitness facilities, indoors or outdoors;
 3. Public art;
 4. Picnic area; or
 5. Recreation amenities:
 - a. Swimming pool with an enlarged deck and changing and restroom facility (pools shall count towards 3 required site amenities).
 - b. Children's play structures.
 - c. Sports courts.
 - d. Additional open space in excess of 10% qualified usable space.
 - e. RV parking for the use of the residents within the development.
 - f. School and/or Fire station sites if accepted by the district.
 - g. Pedestrian or bicycle circulation system amenities meeting the following requirements:
 - (1) The system is not required for sidewalks adjacent to public right of way;
 - (2) The system connects to existing or planned pedestrian or bicycle routes outside the development; and
 - (3) The system is designed and constructed in accord with standards set forth by the city of Star;
- D. Location: The common open space and site amenities shall be located on a common lot or an area with a common maintenance agreement.

E. Maintenance:

1. All common open space and site amenities shall be owned by and be the responsibility of an owners' association for the purpose of maintaining the common area and improvements thereon.

8-5-21: MULTI-FAMILY DWELLING/DEVELOPMENT:

Multi-family developments with multiple properties shall be considered as one property for the purpose of implementing the standards set forth in this section.

A. Storage of Recreational Vehicles: No recreational vehicles, snowmobiles, boats or other personal recreation vehicles shall be stored on the site unless provided for in a separate, designated and screened area, and approved as part of the development.

B. Developments with Twenty Units Or More: Developments with twenty (20) units or more shall provide the following:

1. A property management office.
2. A maintenance storage area.
3. A map of the development at an entrance or convenient location for those entering the development.

C. Open Space 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. 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.

D. Amenities

1. The number of amenities shall depend on the size of multi-family development as follows:

a. A multi-family development with less than twenty (20) units, two (2) amenities shall be provided from two (2) separate amenity categories.

b. A multi-family development between twenty (20) and seventy-five (75) units, three (3) amenities shall be provided, with one from each amenity category.

c. A multi-family development with seventy-five (75) units or more, four (4) amenities shall be

provided, with at least one from each amenity category.

d. A multi-family development with more than one hundred (100) units, the Council shall require additional amenities commensurate to the size of the proposed development.

e. All multi-family developments greater than 75 units shall be required to provide a swimming pool with a changing and restroom facilities, and an enlarged deck. The minimum pool size shall be equal to the following:

(1) Developments between 75 and 149 units = 1,600 square feet

(2) Developments between 150 and 299 units = 2,400 square feet

(3) Developments over 300 units = minimum of 3,600 square feet

E. Any required traffic impact study shall be submitted and accepted by the appropriate transportation authority prior to submittal of an application. A hearing date before the Council shall not be scheduled until the traffic impact study has been approved and the transportation authority has issued a Staff report on the development application.

2. Amenity Categories. The council may consider other amenities in addition to those listed below.

a. Clubhouse.

b. Fitness facilities -Indoor/Outdoor.

c. Enclosed bike storage.

d. Public art.

e. Covered bus stops as approved by the School District or Regional Transportation Authority.

f. Ponds or water features.

g. Plaza.

h. Recreation areas.

i. Pool.

j. Walking trails and/or bike paths.

k. Children's play structures.

l. Sports courts.

m. Natural Areas (as approved by Council).

n. RV parking for the use of the residents within the development.

- o. Additional open space in excess of 5% usable space.
- p. School and/or Fire station sites if accepted by the district.
- q. 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
- E. Maintenance and Ownership Responsibilities: All multi-family developments shall record legally binding documents that state the maintenance and ownership responsibilities for the management of the development, including, but not limited to, structures, parking, common areas, and other development features.
- F. Architectural standards in Chapter 8 shall be applied to all multi-family developments.
- G. Signs:
 - (1) Addressing Signage. The following shall apply to all multi-family developments:
 - A. Approval from Fire District and Addressing Authority.
 - B. The sign(s) shall be front or back lit from dusk to dawn.
 - C. Sign materials shall be of wood, plastic or metal.
 - D. Minimum size of the plan view diagram portion of the sign shall be 3'x3' or presented at a larger size to be easily readable and visible from the distance of the intended viewer.
 - E. Text on the map shall be of a contrasting color to the background of the sign.
 - F. Maps can be produced as a digital print on a variety of substrates such as vinyl, paper, or a laminated graphic. The method of production needs to be compatible with the environmental conditions as well as with the structure that the map is to be integrated with.
 - G. Isometric or Three-Dimensional Signs are allowed if approved by the addressing agent.
 - H. Orientation: Vehicle oriented maps should always be positioned in the direction that a vehicle is facing.
 - I. The sign(s) shall be inspected annually by the owner/property manager for damage, visibility and legibility and appearance issues.

J. Nearby vegetation should be kept back from the sign(s) and low plantings used as to not block the sign when fully grown.

FIGURE 8-5-20(a)
ADDRESSING SIGN STYLE



8-1B-1C ANNEXATION/REZONE FINDINGS:

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

The Council finds that the purpose of the Star Comprehensive Plan is to promote the health, safety, and general welfare of the people of the City of Star and its Impact Area. Some of the prime objectives of the Comprehensive Plan include:

- ✓ *Protection of property rights.*
- ✓ *Adequate public facilities and services are provided to the people at reasonable cost.*
- ✓ *Ensure the local economy is protected.*
- ✓ *Encourage urban and urban-type development and overcrowding of land.*
- ✓ *Ensure development is commensurate with the physical characteristics of the land.*

The goal of the Comprehensive Plan for Residential Districts is to encourage the development of a diverse community that provides a mixture of land uses, housing types, and a variety of employment options, social and recreational opportunities, and where possible provides an assortment of amenities within walking distance of a residential development. The Council finds that this annexation and rezone is in compliance with the Comprehensive Plan.

2. The map amendment complies with the regulations outlined for the proposed district, specifically, the purposes statement.

The Council finds that the residential purpose statement states that the purpose of the residential districts is to provide for a range of housing opportunities consistent with the

Star Comprehensive Plan. Connection to the Star sewer and water district is a requirement for all residential districts, when available. Residential districts are distinguished by the allowable density of dwelling units per acre and corresponding housing types that can be accommodated within the density range. Council finds that this request is consistent with the statement.

3. The map amendment shall not be materially detrimental to the public health, safety, and welfare; and

The Council finds that there is no indication from the material and testimony submitted that the annexation rezoning of this property will be materially detrimental to the public health, safety or welfare.

4. The map amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city including, but not limited to, school districts.

The Council finds that the City has not been presented with any information from agencies having jurisdiction that public services will be adversely impacted other than traffic, which will continue to be impacted as the City grows. Emergency services were reviewed and mitigation recommended by the Star Fire District.

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

The Council finds the annexation and rezone request is reasonably necessary for the continued, orderly development of the City.

8-6A-7: PRELIMINARY PLAT FINDINGS:

1. The plat is in conformance with the Comprehensive Plan;
The Council finds that the Preliminary Plat, as approved and conditioned meets all requirements associated with Section 8-6A-3 of the UDC and is consistent with the Comprehensive Plan and will meet the intent of the Land Use designation. Further, the property is required to develop under the guidelines of the Comprehensive Plan and requirements of the Unified Development Code.
2. Public Services are available or can be made available and are adequate to accommodate the proposed development;
The Council finds that Agencies having jurisdiction on this parcel were notified of this action. The City has not received notice that public services are not available or cannot be made available for this development. Emergency services were reviewed and mitigation recommended by the Star Fire District.
3. There is public financial capability of supporting services for the proposed development;

The Council finds that the City has not received notice from any jurisdictional agency that there are any problems with public financial capability for this development.

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

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 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 or purpose.

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 would be compatible with the other uses in the general area.

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.

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.

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 not received notice from any agency having jurisdiction stating that this application will create excessive additional costs for the public facilities and services as the development will pay for all changes in services.

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.

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.

Public Hearing of the Council:

- a. A public hearing on the application was heard by the City Council on December 5, 2023 and again on January 16, 2024, at which time testimony was heard and the public hearing was closed. The City Council made their decision at that time.

- b. Oral testimony regarding the application was presented to the City Council by:

- Shawn L Nickel, Planning Director, Presented Application
- Dennis Jordan
- Jason Ramsey
- Chip Sitton
- Tom Romney
- Ryan Morgan, City Engineer/Star Sewer & Water District
- Todd Collins
- Victor Islas, Star Fire District

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

Todd Collins

Deliberations and Conclusions of Law:

The Council reviewed the particular facts and circumstances of this proposed annexation and zoning and preliminary plat application in accordance with the City of Star Title 8 (Unified Development Code), deliberated on the matter, resulting in review of the record, including the staff report, and discussions on the annexation, rezoning, conditional use and platting of the development. Review and discussion included development layout, access and street configuration, setbacks, open space and drainage, pathways and landscaping, and phasing. The Council concluded that the Applicant’s request meets the requirements for annexation, rezone, conditional use, private streets and preliminary plat. Council hereby incorporates the staff report dated December 5, 2023 into the official decision as part of these Findings of Fact, Conclusions of Law.

Statement of Compliance:

Council finds the Applicant has met all requirements of the Unified Development Code and the intent and purpose of the Comprehensive Plan and Map requirements.

Council added to the Preliminary Plat application and Development Agreement the following conditions of approval to their decision to approve the applications to include the following:

- **All proposed drainage areas within the recognized usable open space shall function as usable area, as defined in Code.**
- **There shall be no parking on Hamlin Lane**
- **All sidewalks within the townhome area shall be 5 feet in width.**
- **All designated pathways and sidewalks within the preliminary plat shall have public access easements recorded with the final plat.**
- **Amazon Falls Drive shall be connected to the approved development in the first phase and shall be approved by Star Fire prior to issuance of building permits.**
- **The applicant shall participate in a pro-rata share of the Palmer Lane signal light. The amount shall be determined in the future by ACHD and ITD.**
- **The applicant shall submit an updated traffic study to ITD with every new phase of the development.**
- **There shall be no storage units allowed within the commercial development.**
- **Phasing of the development shall include the following:**
 - **Horizontal improvements for the multi-family may be constructed as part of the initial phase one.**

- ITD and Star Fire District shall review and sign off on each phase of the multi-family prior to occupancy. ITD and Star Fire District shall also sign off on each phase additional residential and commercial phase of the development.
- CCR's for the HOA and/or management agreement shall include an irrevocable clause stating that the sidewalks/pathways will not be gated or otherwise prohibit access.

Conditions of Approval:

1. **The approved Conditional Use shall comply with all statutory requirements of applicable agencies and districts having jurisdiction in the City of Star. All required revisions indicated within the above report shall be included as part of these conditions of approval and contained within all newly submitted plans.**
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 \$1000.00 per residential unit for a total of \$500,000 (\$1000 x 500). These fees will be collected by the City of Star, by phase, prior to issuance of building permits and/or 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. **A revised preliminary plat shall be submitted indicating the 7 feet sidewalk along both sides of Hamlin Avenue and showing the correct lot and block numbering as required by Ada Count and the City of Star. This shall be submitted prior to final plat approval.**
4. **Prior to issuance of a building permit, all Star Sewer and Water District requirements shall be met. A letter of approval from the District shall be submitted with the building permit.**
5. **Prior to issuance of any building permits for any use in this development, a final plat shall be recorded with Ada County.**
6. **The multi-family buildings and townhome phase will need to go through the design review process (Certificate of Zoning Compliance) and receive approval prior to issuing building permits.**
7. **The applicant may be responsible for additional mitigation measures regarding noise and lighting for existing, adjacent residential uses when it is determined by the City that unreasonable, negative impacts are a direct result of any commercial business activity. This shall include, but not be limited to additional landscaping, fencing/walls, and light shields or relocation of light poles.**
8. **The multi-family and townhome developments shall contain the Code required number of parking spaces, proper size spaces, location and correct number of bicycle parking spots, clearly marked drive aisle dimensions and landscaping and amenities. This review shall be part of the required Design Review Committee (CZC application) approval prior to final approval of the CUP and building permits.**

9. **The Applicant shall provide renderings of the cover for the mail clusters and receive Staff approval, prior to signing the final plat and/or building permit. Mailbox covers shall be architecturally designed and shall include lighting.**
10. **The Applicant shall provide documentation from Ada County that the proposed street names have been approved and they shall be accurately reflected on the final plat prior to signature.**
11. 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.
12. A form signed by the Star Sewer & Water District shall be submitted to the City prior to issuance of building permit stating that all conditions of the district have been met, including annexation into the District.
13. 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 occupancy 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 any construction.**
14. The applicant shall obtain all the proper building permits from the City Building Department prior to occupancy of the unit.
15. The Conditional Use Permit may be revoked or modified by the City Council for any violation of any Condition of Approval.
16. **The applicant shall obtain a sign permit prior to any signage being placed on the site or building.**
17. A Certificate of Zoning Compliance will be required prior to the start of construction.
18. Any additional Condition of Approval as required by Staff and City Council.
Any Conditions of Approval as required by Star Fire Protection District.

Council Decision:

The Council voted 3-0 (Salmonsens absent) to approve the Annexation, Rezone, Development Agreement Conditional Use Permit, Preliminary Plat and Private Streets for Talega Village Subdivision on January 16, 2024.

Dated this 20th day of February, 2024.

Star, Idaho

By: _____

Trevor A. Chadwick, Mayor

ATTEST:

Jacob M. Qualls, City Clerk