

FINDINGS OF FACT AND CONCLUSIONS OF LAW
ROOSTER HOLLOW SUBDIVISION
FILE NO. RZ-21-03/DA-21-18/PP-21-07/PUD-21-02/PR-21-12

The above-entitled Annexation and Zoning, Rezone, Development Agreement and Preliminary Plat land use applications came before the Star City Council for their action on October 12, 2021, at which time public testimony was taken and the public hearing was closed. The Star City Council, having requested and taken oral and written testimony, and having duly considered the matter, does hereby make the following Findings of Fact and Conclusions of Law.

Procedural History:

A. Project Summary:

The Applicant is seeking approval of a Rezone (MU-DA to C-2-PUD-DA/R-5-PUD-DA), a Development Agreement, a Planned Unit Development, a Preliminary Plat and a Private Street for a proposed mixed-use development consisting of 46 single-family residential, 6 live/work units, 2 commercial and 4 light industrial lots and 6 common lots. The property is located at 6794 W. State Street (Hwy 44) in Star, Idaho and consists of 14.38 acres with a proposed density of 3.6 dwelling units per acre. The subject property is generally located on the north side of W. State Street (Hwy 44) approximately 1,000 feet east of Blessinger Road. Canyon County Parcel No. R3401500000 and R3401501000.

B. Application Submittal:

A neighborhood meeting was held on April 19, 2021, in compliance with the application submittal requirement of the Star Unified Development Code (Section 8-1 A-6 C). The Land Use application was deemed complete on June 10, 2021.

C. Notice of Public Hearing:

Notice of Public Hearing on the application for the City of Star Council was published in accordance with the requirements of Title 67, Chapter 65, Idaho Code and the Star Unified Development Code on September 29, 2021. Notice of this public hearing was mailed to property owners within three-hundred feet (300') of the subject property in accordance with the requirements of Title 67, Chapter 65, Idaho Code and Star Unified Development Code on September 27, 2021. Notice was sent to agencies having jurisdiction in the City of Star on June 16, 2021. The property was posted in accordance with the Star Unified Development Code on September 8, 2021.

D. History of Previous Actions:

May 2, 2006 Council approved the Annexation and Rezone of file AZ-06-08 contingent upon satisfactory resolution of a Development Agreement.

November 14, 2006 Council approved file AZ-06-08-DA, the Annexation of the East Canyon Land Acquisition Company, LLC property and its zoning to Multiple Use (MU-DA), through the successful resolution of the Development Agreement.

The Development Agreement has since been deemed invalid due to specific Conditions of Approval not being completed in a timely manner.

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

	Zoning Designation	Comp Plan Designation	Land Use
Existing	MU	Comm/Indust. Corridor Neighborhood Residential	Single Family Residential/Agricultural
Proposed	C-2-PUD-DA R-5-PUD-DA	Comm/Indust. Corridor Neighborhood Residential	Single Family Residential Commercial Light Industrial
North of site	MU-DA	Neighborhood Residential	Agricultural Use
South of site	County	Neighborhood Residential	Agricultural Use
East of site	MU-DA	Comm/Indust. Corridor Neighborhood Residential	Single Family Residential/Agricultural
West of site	County	Comm/Indust. Corridor Neighborhood Residential	Single Family Residential/Agricultural

F. *Development Features.*

REZONE:

The rezone request from Mixed Use (MU-DA) to Residential (R-5-PUD-DA) and Commercial (C-2-PUD-DA) on the applicant's property will allow for the subdivision of the property to develop with urban densities and land use types that will be consistent with the December 2020 Comprehensive Plan Land Use Map. The overall gross density of the entire proposed development is 3.6 dwelling units per acre, with a residential density of 4.63 dwelling units per acre. The current Comprehensive Plan Land Use Map designates this property as a Commercial/Industrial Corridor and Neighborhood Residential, with an anticipated density of 3 to 5 dwelling units per acre for residential. The requested density is within this recommended designation. The requested zoning designation and density meets the intent of the Comprehensive Plan and is compatible with the surrounding land uses.

PRELIMINARY PLAT AND PRIVATE STREETS:

The Preliminary Plat submitted contains 52 residential lots and 6 common lots for a total of 58 residential lots with a density of 3.6 dwelling units per acre. The lots are broken out as 26 single family detached unit lots, 20 single family attached unit lots and 6 live/work lots. There will also be 4 light industrial/manufacturing lots and 2 larger commercial lots. The buildable, single family residential lots range in size from 5,300 square feet to 9,551 square feet with an average buildable lot of 6,439 square feet. The attached unit lots range in size from 2,400 square feet to 5,176 square feet. The average attached unit lot is 3,113 square feet. The live/work lots are each 1,008 square feet. The light industrial/manufacturing lots are 5,486 square feet, 5,486 square feet, 5,505 square feet and 6,795 square feet. The applicant has indicated that the development will contain a total of 1.64 acres (17%) of open space. The applicant states that useable open space, not including street buffers and endcaps equals 1.16 acres (12%) exceeding the requirement for usable open space in the current Unified Development Code, Section 8-4E-2. The development will be accessed from a single, public ingress/egress off W State Street (Highway 44). The applicant will also construct a public, east west minor collector frontage road that is proposed to separate the residential and commercial portions of the development. This roadway is recognized in the adopted City's ECAMP Map. The local internal streets are proposed to be private within a fifty (50) foot easement with a street width of thirty-six (36) feet from back of curb to back of curb. This satisfies Section 8-4D-34B (4) of the Unified Development Code. The minor collector road is proposed to be in a sixty (60) foot right of way with a street width of forty-six (46) feet from back of curb to back of curb.

The development will have a minimum forty (40) foot street buffer along W. State Street (Highway 44). There will also be a five (5) foot detached sidewalk along W. State Street (Highway 44) which will satisfy section 8-4A-17 of the UDC.

The current Unified Development Code, Section 8-4E-2 requires a development of this size to have a minimum of 3 site amenities. The applicant is proposing an open grassy area on the southwest corner of the residential and a pickleball court. There will also be a tot lot in a pocket park in the attached unit area. These amenities satisfy Section 8-4E-2C of the Unified Development Code.

ADDITIONAL DEVELOPMENT FEATURES:

- Sidewalks
Applicant is proposing attached Internal sidewalks of five (5) feet in width.
- Lighting
Streetlights shall reflect the "Dark Sky" criteria with all lighting. The same streetlight design shall continue throughout the entire development. The applicant has submitted a streetlight plan showing lights throughout the development. Staff would like to see some additional locations; the applicant shall work with Staff on this prior

to final plat approval. The applicant has also provided a streetlight design/cut sheet that meets City requirements and uses the preferred fixture for the City of Star.

- Street Names

Applicant shall work with City Staff on street name approval and also addressing for this development.

- Subdivision Name

Applicant has provided a letter from Canyon County that the subdivision name has been approved 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 landscape plan as submitted appears to meet the requirements for trees in the street buffer along W. Floating Feather Road and the common open area. **The plan does not indicate street trees in the front of the single-family homes. Trees are required and shall be installed once homes are located on each lot.**

- Setbacks – Applicant is requesting specific setbacks through the PUD for the attached single-family dwellings and Live/Work units (zero lot-lines). All remaining setback standards for the R-5 and C-2 zoning districts will be adhered to as outlined earlier in this report.

- Mailbox Cluster – Star Postmaster, Mel Norton, has authorized the placement of a mailbox cluster in the commercial portion and the residential portion of the development. The approval letter and map with approved locations was included in the application packet.

- Phasing – Applicant is proposing to complete the development in two (2) phases.

PLANNED UNIT DEVELOPMENT

The application has been submitted as a Planned Unit Development (PUD). The PUD ordinance states that "a variety of housing types shall be included within a single planned development, including attached units (townhouses, duplexes), detached units (patio homes), single-family and multi-family units, regardless of the district classification of the site, provided that the overall density limit of the district is maintained. And while the Commercial District prohibits

single-family detached dwellings, "Deviations from the development standards and/or area requirements of the district" may be requested as part of the PUD process.

Also as allowed through the PUD process, the applicant may request that specific conditional use(s) be allowed in the district as principal permitted use(s). This would apply to the proposed Live/Work units and any currently planned commercial/industrial uses. At this time, the applicant has not proposed specific uses within the application request for the commercial and light industrial.

Through the PUD process, the applicant is able to achieve a truly mixed-use development, as envisioned in the Unified Development Code and Comprehensive Plan. Three types of residential (attached, detached, Live/Work) in addition to commercial and light industrial will provide unlimited opportunities in this project. The applicant is able to request specific setbacks, in addition to the Live/Work component and the use of private streets and driveways.

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. Items that should be considered by the applicant and Council include the following:

- Density;
- Setbacks;
- ITD Proportionate Share Fees;
- Specifically requested Conditional Use Approvals
- Emergency Access
- Future Development

G. Existing Site Characteristics:

Existing Site Characteristics: The property is currently in agricultural use with a single-family home and outbuildings.

Irrigation/Drainage District(s): - Middleton Irrigation Association, Inc.
Middleton Mill Ditch Company
PO Box 848
Middleton, ID 83644

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

FEMA FIRM Panel: 16027C0259G

FIRM Effective Date: 06/7/2019

Flood Zone: Zone X

Special On-Site Features:

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

H. Agencies Responding:

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

Keller and Associates	July 13, 2021
ITD	October 6, 2021
CHD4	July 22, 2021
DEQ	June 25, 2021
Star Fire District	October 5, 2021

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

No public comments have been received.

K. Comprehensive Plan and Unified Development Code Provisions:**Comprehensive Plan:****8.2.3 Land Use Map Designations:****Neighborhood Residential:**

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

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.

Commercial/Industrial Corridor

This area is located along the Hwy 44 corridor and is approximately 1,000 feet deep on both sides of the highway. Suitable primarily for the development of a wide range of commercial and light industrial activities including offices, retail, service establishments, manufacturing, warehousing, mini-storage and open storage, multi-tenant industrial park, and similar uses. Rezoning to this designation should not be allowed unless adequate ingress/egress to major transportation corridors are assured. All development within this land use shall be free of hazardous or objectionable elements such as excessive noise, odor, dust, smoke, or glare. Uses on the fringes shall transition to and be compatible with existing and future residential uses.

8.3 Goal:

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

8.4 Objectives:

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

8.5.3 Policies Related Mostly to the Urban Residential Planning Areas:

- A. The Neighborhood Residential Land Use is to encourage urban style development densities to limit urban sprawl.
- B. Low densities within the Neighborhood Residential Land Use are to be designed within the floodplain, ridgeline developable areas, hillside developable areas and

where new residential lots are proposed adjacent to existing residential lots of one acre and larger where

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

8.5.9 Additional Land Use Component Policies:

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

18.4 Implementation Policies:

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

Unified Development Code:

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

B. Standards:

1. The subject property shall meet the minimum dimensional standards of the proper district.
2. The city may require a development agreement in conjunction with the annexation and zoning, or rezone, pursuant to Idaho Code section 67-6511A, which may include a concept plan. In addition to other processes permitted by city and state code, exceptions or waivers of standards, other than use, may be permitted through execution of a development agreement. A development agreement and concept plan shall be required for any rezone to a mixed-use zone, high density zone or land which includes steep slope (land over 25%) or

floodway.

3. The termination of a development agreement shall result in the reversal of the official zoning map amendment approval and applicable development approval for any undeveloped portion of property subject to the development agreement. The undeveloped property subject to the development agreement shall be rezoned to the district classification as designated by the development agreement. When no designation is provided, the property shall revert to its original zoning or, if the original designation no longer exists, to the closest current equivalent zoning as determined by the current Comprehensive Plan Land Use Map designation.

4. An amendment or termination of a previously recorded development agreement shall be recorded in the office of the county recorder by the clerk.

5. An approved development agreement must be executed within ninety (90) days of the meeting at which the development agreement is approved by the city council. A one-time administrative extension of maximum thirty (30) days may be granted by the zoning administrator. Additional extensions may be approved by majority vote of the city council. Failure to execute the development agreement within the required timeframe will result in the denial of all related applications.

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

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

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

R RESIDENTIAL DISTRICT: To provide regulations and districts for various residential neighborhoods. Gross density in a Residential (R) district shall be determined according to the numeral following the R. The numeral designates the maximum number of dwelling units per acre. In zoning designations of R-1, R-2, R-3, R-4 and R-5, housing shall be single family detached unless approved with a PUD or development agreement. Connection to municipal water and sewer facilities are required for all subdivision and lot split applications submitted after the effective date hereof in all districts exceeding one dwelling unit per acre. Wells and septic systems may be permitted for larger lots in this land use designation that are not adjacent

to municipal services, as determined by the Sewer District, and if approved by the applicable Health Department. Private streets may be approved in this district for access to newly subdivided or split property. This district does allow for some non-residential uses as specified in 8-3A-3.

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.

LI LIGHT INDUSTRIAL DISTRICT: To provide for manufacturing, warehousing, mini-storage and open storage, multi-tenant industrial park, contractors yards, and similar uses. Limited office and commercial uses may be permitted as ancillary uses. All development within this land use shall be free of hazardous or objectionable elements such as excessive noise, odor, dust, smoke, or glare.

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

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 table above lists principal permitted (P), accessory uses (A), conditional (C), or prohibited (N) uses in the residential zone.

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

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-5	35'	15' to living area/side load garage 20' to garage face	15'	5'	20'
C-2	35'	20'	5'	0'	20'

Notes:

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

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

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

A. Design Standards:

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

B. Construction Standards:

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

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

1. Private Road Reserve Study Requirements.

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

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

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

- A. The design of the private street meets the requirements of this article;
- B. Granting approval of the private street would not cause damage, hazard, or nuisance, or other detriment to persons, property, or uses in the vicinity; and
- C. The use and location of the private street shall not conflict with the comprehensive plan and/or the regional transportation plan.

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

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

1. The total land area of all common open space shall equal or exceed fifteen percent (15%) of the gross land area of the development. Ten percent (10%) of that area shall be usable open space.

2. Each development is required to have at least one site amenity.

3. One additional site amenity shall be required for each additional twenty (20) acres of development area, plus one additional amenity per 75 residential units.

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

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

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

b. Qualified natural areas;

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

d. A plaza.

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

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

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

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

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

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

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

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

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

5. Visual natural space, including open ditches, wetlands, slopes or other areas that may not be readily accessible to residents, and is provided with open style fencing, may qualify for up to 20% of the required open space total.

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

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

E. Maintenance:

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

8-7-1: PURPOSE PLANNED UNIT DEVELOPMENTS:

- A. The purpose of the planned unit development (PUD) requirements is to provide an opportunity for exemplary site development that meets the following objectives:
1. Preserves natural, scenic and historic features of major importance;
 2. Allows for innovative design that creates visually pleasing and cohesive patterns of development; and
 3. Creates functionally integrated development that allows for a more efficient and cost-effective provision of public services.
- B. It is not the intent that the PUD process be used solely for the purposes of deviation from the dimensional standards in the district. (Ord. 215, 11-2-2011)

8-7-4: STANDARDS:

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

A. General Use Standards:

1. Deviations From Underlying District Requirements: Deviations from the development standards and/or area requirements of the district in accord with chapter 3, "District Regulations", of this title may be approved. The exception is that along the periphery of the planned development, the applicable setbacks as established by the district shall not be reduced.
2. Allowed Uses: Applicant may request that specific conditional use(s) be allowed in the district as principal permitted use(s).
3. Private Streets and Service Drives: The uses within the planned unit development are interconnected through a system of roadways and/or pathways as appropriate. Private streets and service drives may be permitted, if designed and constructed to the transportation authority standards and in accord with chapter 4, article E, "Private Street Requirements", of this title.
4. Buildings Clustered: Buildings shall be clustered to preserve scenic or environmentally sensitive areas in the natural state, or to consolidate small open spaces into larger, more usable areas for common use and enjoyment.

- B. Private Open Space: In addition to the common open space and site amenity requirements as set forth in chapter 4, "Regulations Applicable To All Districts", of this title, a minimum of eighty (80) square feet of private, usable open space shall be provided for each residential unit. This requirement can be satisfied through porches, patios, decks, and enclosed yards. Landscaping, entryway and other accessways do not count toward this requirement.

C. Residential Use Standards:

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

D. Infill Planned Developments: Properties of five (5) acres or less within the city of Star, that are located in areas already substantially developed (at least 80 percent of the land area within 300 feet of the boundaries of the parcel) and where water, sewer, streets, schools and fire protection have already been developed and are provided. Upon recommendation of the administrator, the council may approve exceptions to other sections of this title as an incentive for infill development, including, but not limited to the following:

1. The council may allow up to a twenty five percent (25%) increase in the density permitted for the district in which the site is located. It is at the sole discretion of the Council to approve the maximum density bonus requested. Density bonuses shall not be allowed in the CBD.
2. The council may also waive or modify open space and amenity requirements set forth in this section depending on the size and scale of the planned development and proximity to public open space, pathways or greenbelts.

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

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

8-1B-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 designations 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 goal for the Commercial/Industrial Corridor designation is to encourage development of a wide range of commercial and light industrial activities including offices, retail, service establishments, manufacturing, warehousing, mini-storage and open storage, multi-tenant industrial park, and similar uses. Rezoning to this designation should not be allowed unless adequate ingress/egress to major transportation corridors are assured. All development within this land use shall be free of hazardous or objectionable elements such as excessive noise, odor, dust, smoke, or glare. Uses on the fringes shall transition to and be compatible with existing and future residential uses. The Council finds that this 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. The general business district purpose statement provides 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. Council finds that this request is consistent with the statement.

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

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

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

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

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

The Council finds the 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.

8-4D-4: PRIVATE STREET FINDINGS:

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

Council finds that the proposed private street meets the design standards in the Code.

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

Council finds that it has not been presented with any facts stating this private road will cause damage, hazard or nuisance, or other detriment to persons, property or uses in the vicinity.

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

Council finds that the use is not in conflict with the comprehensive plan and/or regional transportation plan.

8-7-5 : PLANNED UNIT DEVELOPMENT FINDINGS:

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

The Council finds that the planned unit development includes a site design, street and pathway layout, and building design that is cohesive, continuous and visually and functionally appropriate for the area.

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

The Council finds that the planned unit development preserves significant natural, scenic and historic features found on the property.

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

The Council finds that the planned unit development is arranged so that the uses and structures will not cause damage, hazard or nuisance to persons or property in the vicinity.

- D. The internal street, bike and pedestrian circulation system is designed for the efficient and safe flow of vehicles, bicyclists and pedestrians without having a disruptive influence upon

the activities and functions contained within the development, nor place an undue burden upon existing transportation and other public services in the surrounding area.

The Council finds that the planned unit development has been designed to take into consideration internal street, bike and pedestrian circulation. CHD4 and ITD have reviewed and commented on the application with requirements incorporated into the approval of the development.

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

The Council finds that the planned unit development includes park, recreational and open space that will be functionally related and accessible to all dwelling units through the pedestrian and bicycle pathway system.

- F. The proposal complies with the density and use standards requirements in accord this title.

The Council finds that the planned unit development complies with the density and use standards requirement of the UDC.

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

The Council finds that the planned unit development includes the appropriate number and scale of amenities to the proposed development.

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

The Council finds that the planned unit development is in conformance to the comprehensive plan and the pertinent land use designations.

Public Hearing of the Council:

- a. A public hearing on the application was heard by the City Council, 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:
- Randy Wall
 - Mark Cron
 - Tami Cron
 - Sandy Smith
 - Ralph Burkey

- Delbert Elwood

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

None

Deliberations and Conclusions of Law:

The Council reviewed the particular facts and circumstances of this proposed annexation and zoning and preliminary plat application in accordance with the City of Star Title 8 (Unified Development Code), deliberated on the matter, resulting in discussions on the platting of the development. Discussion included development layout, access and private street configuration, density, setbacks, open space, pathways, landscaping and sidewalks. The Council concluded that the Applicant's request meets the requirements for annexation and zoning, and preliminary plat. Council hereby incorporates the staff report dated October 12, 2021 into the official decision as part of these Findings of Fact, Conclusions of Law.

Statement of Compliance:

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

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

- Open space shall meet minimum requirements for the UDC.
- Lighting shall be consistent with the Dark Sky/Fugitive Lighting requirements of the UDC. Architectural guidelines shall be established for all uses in the development.
- The residential streets shall be public unless a waiver is granted by CHD4 for the design standards. If this is not possible, the streets shall be allowed to be private.

Conditions of Approval:

1. The approved Preliminary Plat for the Rooster Hollow 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. 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. **The proportionate share amount, as determined by ITD is \$TBD.**
3. **Applicant shall satisfy all CHD4 requirements prior to issuing building permits.**

4. 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 any building permits being issued.** Design shall follow Code with requirements for light trespass and "Dark Skies" lighting. **Applicant/Owner shall work with Staff on additional light locations prior to Final Plat approval.**
5. Street trees shall be installed per Chapter 8, including Section 8-8C-2-M(2) Street Trees including one (1) tree per thirty-five (35) linear feet. **Trees shall be planted along the road in the single-family residential area as the lots are developed. Certificate of Occupancy will not be issued until trees are planted. The applicant shall submit a revised landscape plan showing street trees along the roadways prior to final plat approval.**
6. 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.
7. The property with the approved Preliminary Plat shall be satisfactorily weed abated, preventing a public nuisance, per Star City Code.
8. The entrance to W. State Street (Highway 44) 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.
9. 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.
10. All signed Irrigation District Agreements with the Irrigation Districts shall be provided to the City of Star with each subsequent Final Plat application.
- 11. Applicant will work with City Staff on finalizing the street names and addresses.**
12. Pressurized irrigation systems shall comply with the Irrigation District(s) and the City of Star Codes. Plans for pressurized irrigation systems shall be submitted to, and approved by the City of Star Engineer, prior to installation.
13. A plat note supporting the "Right to Farm Act" as per Idaho Code Title 22, Chapter 45, shall be shown on the Final Plat.
14. A copy of the CC&R's shall be submitted to the City of Star at Final Plat.
15. A form signed by the Star Sewer & Water District shall be submitted to the City prior to the signature of the Final Plat stating that all conditions of the District have been met, including annexation into the District.
16. A plat note shall state that development standards for residential development shall comply with the effective building and zoning requirements at time of building permit issuance, unless amended in the Development Agreement.
17. Development standards for single family residential units shall comply with effective building and zoning requirements at time of building permit issuance, or as approved through the Development Agreement or as stated herein.
18. All common areas shall be owned and maintained by the Homeowners Association.
19. The applicant shall provide a sign, to be located at all construction entrances, indicating the rules for all contractors that will be working on the property starting at grading and running through home sales that addresses items including but not limited to dust, music, dogs,

starting/stopping hours for contractors (7a.m. start time). **Sign shall be approved by the City prior to start of construction.**

20. A sign application is required for any subdivision signs.

21. Owner/Developer will agree to install a 2" (High Density Polyethylene) HDPE SDR-11 roll pipe in the shared utility trench to be used for future fiber optic telecommunication cables.

Council Decision:

The Council voted 4-0 to approve the Rezone, Planned Unit Development, Preliminary Plat and Private Street for Rooster Hollow Subdivision on October 12, 2021.

Dated this 7th day of December 2021.

Star, Idaho

By: _____
Trevor A. Chadwick, Mayor

ATTEST:

Jacob M. Qualls, City Clerk