

FINDINGS OF FACT AND CONCLUSIONS OF LAW
STAR RIVER RANCH NORTH SUBDIVISION
FILE NO. PP-22-05

The above-entitled Preliminary Plat land use application came before the Star City Council for their action on March 21, 2023, at which time public testimony was taken and the public hearing was closed. The Star City Council, having requested and taken oral and written testimony, and having duly considered the matter, does hereby make the following Findings of Fact and Conclusions of Law.

Procedural History:

A. Project Summary:

Request: The Applicant is seeking approval of a Preliminary Plat for a proposed residential subdivision consisting of 71 single-family residential lots and 12 common lots. The property is located on the west side of Bent Lane in Star, Canyon County, Idaho and consists of 23.77 acres with a proposed density of 2.99 dwelling units per acre. The property is currently zoned Residential R-5. The subject property is generally located south of Hwy 44 and west of Bent Lane in Star, Idaho. Canyon County Parcel Number R3403500000.

B. Application Submittal:

A neighborhood meeting was held on January 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 May 10, 2022.

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 July 1, 2022 and February 21, 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 May 10, 2022, February 16, 2023 and March 1, 2023. Notice was sent to agencies having jurisdiction in the City of Star on May 10, 2022. The property was posted in accordance with the Star Unified Development Code on February 22, 2023 and March 6, 2023.

D. *History of Previous Actions:*

- **May 1, 2007** – Council approved an application for Hidden Meadows Subdivision Annexation and Zoning with Preliminary Plat to R-5. The development consisted of 108 residential lots and 24 common lots on approximately 24 acres.

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

	Zoning Designation	Comp Plan Designation	Land Use
Existing	Residential (R-5)	Estate Urban Residential	Vacant
Proposed	Residential (R-5)	Estate Urban Residential	Single Family Residential
North of site	Mixed-Use (MU) AG (Canyon Co)	Estate Urban Residential	Vacant/Agricultural Single family residential
South of site	Residential (R-2)	Estate Urban Residential	Star River Ranch Common Lot/ vacant/agricultural/Single Family Residential
East of site	AG (Canyon Co)	Estate Urban Residential	Vacant/Agricultural
West of site	Mixed Use (MU)	Estate Urban Residential	Old East Canyon Development Vacant/Agricultural

F. *Development Features:*

PRELIMINARY PLAT:

The Preliminary Plat submitted contains 71 single family residential lots, and 12 common area lots for a total of 83 lots. The gross density of the proposed development is 2.99 dwelling units/acre. The residential lots range in size from approximately 7,949 square feet to 14,342 square feet with the average buildable lot area of 9,280 square feet. The applicant has indicated in their Open Space Exhibit that the development will contain a total of 4.34 acres (18.3%) of overall open space, which includes 3.38 acres within the proposed plat and .96 acres located within an area in Star River Ranch No. 1. The applicants intent is to improve this .96-acre area for a future dog park that will be utilized by both subdivisions. The total usable open space proposed is 3.63 acres (15.4%) . The Unified Development Code, Section 8-4E-2 states that all developments shall have a total of 15% open space and 10% usable open space. The current preliminary plat, as submitted satisfies these requirements. Streets are proposed to be public throughout the development and will measure 36 ft from back of curb to back of curb and satisfy Section 8-4D-34B(4) of the UDC.

The development will be primarily accessed off Bent Lane via Balto Street. There will also be access via Silverthorne Avenue from Bent Lane along the south. Silverthorne Avenue will connect to the future northern collector road when that property is developed.

The current Unified Development Code, Section 8-4E-2 requires a development of this size to have 2 site amenities. The preliminary plat shows a total of 3 amenities. The applicant is proposing a large, central open area that will house 2 soccer fields. The applicant is also proposing connected walking paths within the development and a future dog park.

ADDITIONAL DEVELOPMENT FEATURES:

- **Sidewalks:** - Sidewalks are proposed at five-foot (5') widths and will be attached throughout the overall subdivision. **At the time of submittal, detached sidewalks were not required under the UDC that was in affect at the time of submittal of the application. Staff recommends that the Council consider requiring detached sidewalks that meet the current intent of the City for streetscapes.**
- **Lighting:** - Streetlights shall reflect the "Dark Sky" criteria with all lighting. The same streetlight design shall continue throughout the entire development. The applicant has not submitted a streetlight plan, indicating location of lights or a street light design. A condition of approval will be required to receive staff approval of streetlights prior to final plat approval.
- **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. The landscape plan submitted with the Preliminary Plat shows street trees throughout the large common area and dog park as required per code. Not all street trees are on the landscape plan and appear to be located by the builder. A condition of approval will be to hold certificates of occupancy until trees are planted per code. Common areas along the roads do not contain the necessary number of trees called for by code. A condition of approval will be to submit a new plan showing the correct number of street trees in all the common areas.
- **Setbacks:** – The Applicant is requesting 5-foot side yard setbacks that were allowed in the R-5 zoning district at the time of submittal of the application and prior to the June 7, 2022 Code revision. All other setbacks of the current R-5 zone are consistent with the new R-3 setbacks established by the June 7, 2022 UDC rewrite.

- **Block Length:** - Blocks 2 and 3 are over 750' in length. Therefore, Council must approve the waiver to the block length for these areas.
- **Mailbox Cluster:** - Applicant has provided communication to the Star Postmaster and they are awaiting his response on cluster location.
- **Subdivision Name:** - Applicant has provided documentation showing approval for the subdivision name.
- **Street Names:** - Applicant has provided documentation showing approval for the street names and they are showing accurately on the submitted preliminary plat.
- **Phasing:** - Applicant is proposing the development will be built out in two phases, which could change, based on market conditions.

G. Existing Site Characteristics:

Existing Site Characteristics: The property is now currently vacant land/pasture.

Irrigation/Drainage District(s): - Canyon County Water Company, LTD.
P.O. Box 11
Star, ID 836669

Flood Zone: This property is located in flood hazard Zone AE.
FEMA FIRM Panel: 16027C0259G
FIRM Effective Date: 6/07/2019
Base Flood Elevation: AE 2541.0 feet

Special On-Site Features:

- ★ Areas of Critical Environmental Concern – None identified.
- ★ Evidence of Erosion – No known areas.
- ★ Fish Habitat – No known areas.
- ★ Mature Trees – None.
- ★ Riparian Vegetation – No.
- ★ Steep Slopes – None.
- ★ Stream/Creek – None.
- ★ Unique Animal Life – No unique animal life has been identified.
- ★ Unique Plant Life – No unique plant life has been identified.
- ★ Unstable Soils – No known issues.
- ★ 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.

Star City Engineer	March 9, 2023
CHD4	January 10, 2023
Star Fire District	March 1, 2023
COMPASS	June 6, 2022

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

Kawika Freitas Email	March 1, 2023
Kelsey Erickson Email	March 1, 2023
Shane Howey	February 27, 2023
Barb Aalund-Lowery	March 21, 2023
Star River Ranch Citizen	March 21, 2023
Stephanie Chang	March 19, 2023

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

COMPREHENSIVE PLAN (As of Submittal of Application – Under Old Plan):

8.2.3 Land Use Map Designations:

Neighborhood Residential:

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

8.3 Goal:

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

8.4 Objectives:

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

8.5.3 Policies Related Mostly to the Urban Residential Planning Areas:

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

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

8.5.9 Additional Land Use Component Policies:

- Encourage flexibility in site design and innovative land uses.
- 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 (As of Submittal of Application – Prior to UDC Update):

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.

8-3A-3: USES WITHIN ZONING DISTRICTS

<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

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

8-3A-4: ZONING DISTRICT DIMENSIONAL STANDARDS (As of Submittal of Application – Prior to UDC Update):

Zoning District	Maximum Height	Minimum Yard Setbacks Note Conditions			
	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'

8-3A-4: ZONING DISTRICT DIMENSIONAL STANDARDS (Current UDC Standards as of 6-7-22):

Zoning District	Maximum Height	Minimum Yard Setbacks Note Conditions			
	Note Conditions	Front ⁽¹⁾	Rear	Interior Side	Street Side
R-3	35'	15' to living area/side load garage	15'	7.5' ⁽²⁾	20'
R-5		20' to garage face			

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.

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

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

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

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

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

b. Qualified natural areas;

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

d. A plaza.

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

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

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

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

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

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

1. Must be at least fifty feet by one hundred feet (50' x 100') in area;
2. Specifically designed as a dual use facility, as determined by the administrator, to include minimal slopes, grass throughout, and guarantee of water percolation within 24 hours of storm event.

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

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

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

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

D. Location: The common open space and site amenities shall be located on a common lot or an area with a common maintenance agreement.

E. Maintenance:

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

8-6A-7: PRELIMINARY PLAT FINDINGS:

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

Public Hearing of the Council:

- a. A public hearing on the application was heard by the City Council on March 21, 2023, at which time testimony was heard and the public hearing was closed. The City Council made their decision at that time. The application was originally scheduled for July, 19, 2022, and then tabled to September 6, 2022 and March 7, 2023.
- b. Oral testimony regarding the application was presented to the City Council by:
 - Stephanie Hopkins
 - Jeff Bower

- Scott Hedrick
- Erica Endozain
- Pete Bilkki
- Eddie Sugden
- Tom Moore
- May Andrade
- Adam Andrade

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 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 platting of the development. Review and discussion included development layout, street configuration, setbacks, open space, pathways and landscaping. The Council concluded that the Applicant's request, as conditioned, meets the requirements for preliminary plat. Council hereby incorporates the staff report dated March 21, 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 required Development Agreement the following conditions of approval to their decision to approve the application to include the following:

- The applicant shall enter into a Development Agreement with the City to address specific development conditions.
- The subdivision is approved for a maximum of 71 residential lots.
- The site amenities shall be installed in Phase 1. The applicant shall remove the dog park area from the development and remove the soccer field from the common area plan. 2 new amenities shall be added to the development with details provided to Staff prior to final plat application.
- The large open space area shall not be constructed using bentonite or other materials that may prevent the area from properly draining. Additional usable open space may be required if the common area is not usable. The City Engineer shall approve the drainage plan specific to the usable open space area.

- The Council approves waivers to the block lengths in the development. The applicant shall work with the Highway District on traffic calming measures for those blocks.
- The development shall be required to provide detached sidewalks along all roadways.
- All pathways shall be paved.
- The Development shall have a separate Homeowners Association and CC&R's independent from Star River Ranch Subdivision.
- The development shall have conduit installed for future fiber-optic cables.

Conditions of Approval:

1. The approved Preliminary Plat for the Star River Ranch North Subdivision shall comply with all statutory requirements of applicable agencies and districts having jurisdiction in the City of Star.
2. All public streets shall have a minimum street width of 36' and shall be constructed to CHD4/ACHD standards. **Detached sidewalks shall be required throughout the development.**
3. **Applicant shall meet all the setback requirements in the Unified Development Code Section 8-3A-4, unless a waiver is applied for and approved by the council. 5-foot side yard setbacks have been approved by Council.**
4. 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 within the City of Star and/or City of Star Area of City Impact. **The Developer will pay the \$71,000.00 traffic mitigation fee determined by the Idaho Transportation Department as follows: the Developer will pay the city \$1,000.00 per buildable lot within each phase prior to signature on the final plat for the applicable phase.** The City will allocate the funds to roadway improvements in the vicinity of the project. The Developer shall pay this amount (unless otherwise revised by ITD) directly to the City of Star. The City will maintain this contribution in a specific Development Contributions account, to be distributed to ITD when requested for use with a specific Idaho Transportation Improvement Plan (ITIP) project within the City of Star Area of City Impact or City Limits in accordance with the terms of the Intergovernmental Agreement between the Idaho Transportation Department and the City of Star dated April 22, 2020. These fees will be collected by the City of Star, by phase, prior to final plat signature.
5. Streetlights shall comply with the Star City Code and shall be of the same design throughout the entire subdivision and shall be maintained by the Homeowners Association. Streetlights shall be installed prior to any building occupancy. Design shall follow Code with requirements for light trespass and "Dark Skies" lighting. **Applicant/Owner shall submit a streetlight plan and design prior to Final Plat approval. Streetlights shall comply with the Star City Code regarding light trespass and "Dark Sky" initiative.**
6. 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. **A new landscape plan shall be submitted prior to signing the final plat, depicting the correct number of street trees**

and site amenities in the common lots. For all trees to be located by the builder, the certificate of occupancy will be held until the required street trees are installed.

7. The property with the approved Preliminary Plat shall be satisfactorily weed abated, preventing a public nuisance, per Star City Code.
8. The property associated with this approved Preliminary Plat, in addition to the property of all future phases shall be properly maintained throughout the construction process to include trash picked up and trash receptacles emptied with regular frequency, streets swept and cleaned weekly, or as often as necessary including any streets used to access the property and all debris shall be prevented from accumulating on any adjacent property or public right of way and shall remove all debris from public way at least daily.
9. All signed Irrigation District Agreements with the Irrigation Districts shall be provided to the City of Star with each subsequent Final Plat application.
10. Pressurized irrigation systems shall comply with the Irrigation District(s) and the City of Star Codes. Plans for pressurized irrigation systems shall be submitted to, and approved by the City of Star Engineer, prior to installation.
11. A plat note supporting the "Right to Farm Act" as per Idaho Code Title 22, Chapter 45, shall be shown on the Final Plat.
12. A copy of the CC&R's shall be submitted to the City of Star at Final Plat.
- 13. A letter from the US Postal Service shall be given to the City at Final Plat stating the subdivision is in compliance with the Postal Service and indicating the location of the mailbox cluster(s).**
14. 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.
15. A plat note shall state that development standards for residential development shall comply with the effective building and zoning requirements at time of building permit issuance, unless amended in the Development Agreement or CUP conditions.
16. 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.
17. All common areas shall be owned and maintained by the Homeowners Association.
18. 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.**
19. A sign application is required for any subdivision signs.
- 20. 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 data lines. This is only necessary if there are not any vendors or empty conduit in the trench already.**

Council Decision:

The Council voted 4-0 to approve the Preliminary Plat for Star River Ranch North Subdivision on March 21, 2023.

Dated this 5th day of April, 2023.

Star, Idaho

By: _____

Trevor A. Chadwick, Mayor

ATTEST:

Jacob M. Qualls, City Clerk