

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FIRST STREET TOWNHOMES SUBDIVISION
FILE NO. PP-22-16/PR-22-07

The above-entitled Preliminary Plat and Private Street land use applications came before the Star City Council for their action on March 7, 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 and Private Street for a proposed residential subdivision consisting of 30 residential lots, 4 commercial lots and 3 common lots. The property is located at 10206 W. State Street in Star, Idaho and consists of 4.77 acres with a proposed density of 11 dwelling units per acre. The subject property is generally located on the north side of W. State Street, east of N. Taurus Way. Ada County Parcel No. S0408438600.

B. Application Submittal:

A neighborhood meeting was held on August 5, 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 11, 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 January 20, 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 January 17, 2023. Notice was sent to agencies having jurisdiction in the City of Star on December 13, 2022. The property was posted in accordance with the Star Unified Development Code on January 27, 2023.

D. History of Previous Actions:

October 16, 2007	Council approved Annexation and Zoning (AZ-07-08) of Multi Use (MU) with a Development Agreement and conceptual approval of a supermarket and retail space.
July 28, 2020	Council approved rezone (RZ-20-04) of the property from Multi Use (MU-DA) with a Development Agreement to Central Business District, Planned Unit Development (CBD-PUD-DA) with a Development Agreement (PUD-20-05). Ordinance Number 328.
September 7, 2021	Council approved a modification of the original Development Agreement (DA-20-16-MOD) to increase the residential uses and modify the timing for the commercial use.
April 19, 2022	Council approved modification of the Development Agreement (DA-20-16-MOD) including height allowance of 45 feet for front 2 commercial buildings and parking requirements.

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

	Zoning Designation	Comp Plan Designation	Land Use
Existing	CBD-PUD-DA	Central Business District	Bare Land
Proposed	CBD-PUD-DA	Central Business District	Residential
North of site	Residential (R-4)	Neighborhood Residential	Rockbridge Subdivision
South of site	Limited Office	Central Business District	Commercial
East of site	Rural Urban Transition (RUT)	Central Business District	Single Family Residential/Bare Land
West of site	Commercial (C-2)	Central Business District	Animal Clinic/Bare Ground

F. Development Features:

PRELIMINARY PLAT & PRIVATE STREET:

The Preliminary Plat submitted contains 30 single family residential lots, 4 Commercial lots and 3 common lots on 4.77 acres with a proposed residential density of 11 dwelling units per acre. The lots will have access and frontage from a proposed private street. Residential building lots will be either 1603 square feet or 1995 square feet in size. Each townhome will have a two (2) car garage accessed from a private street with the front doors opening to access a common area.

Three (3) of the residential lots are required to be live/work style units (Lots 10, 20 & 30) per the Planned Unit Development approval of this development. The signed Development Agreement calls for residential units adjacent to 1st Street (or W. Stella View Street) to be live/work and have office and storefront entrances facing the street. The submitted preliminary plat shows all residential units designed in the same configuration.

The private streets are proposed based on Staff's recommendations to the applicant. The north/south street entrance from W. State Street will provide the main access to the development until the east/west collector street is dedicated to ACHD and functions as intended in the adopted ECAMP, with connections east to Seneca Springs Way, and west to Taurus Way. Until this happens, the east/west street will continue as an improved private street. Access to the townhomes will be through permanent private streets. These streets need to meet all standards of the Star Fire District. To provide for additional guest parking in the residential area of the development, staff recommended that N. Baldy Lane be widened to allow parking along the west side of the street. The applicant provided a revised site plan showing 13 guest parking spaces along N. Baldy Lane. **A revised preliminary plat shall be submitted prior to final plat application detailing updated street widths.**

The Unified Development Code, Section 8-4E-2 requires a development of this size to have a minimum of 1 site amenity. The applicant is proposing a shade structure and playground equipment within a pocket park area, together with a walking paths and common open space between the residential units.

ADDITIONAL DEVELOPMENT FEATURES:

- Sidewalks
Internal sidewalks are proposed at five-foot (5') widths and will be both attached and detached throughout the development. The east-west collector street should be designed with detached sidewalks.
- 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 proposed streetlight plan. Staff recommends that streetlights be added at the corner of N. Baldy Lane and W. Merab Lane as well as at N. Mimi Lane and W. Merab Lane. Staff also suggests that the proposed streetlight on W. Merab Lane be moved to the south, across the street to better light the access to the common area. The light at W. Merab Lane and N. Mimi Lane should be positioned to also light the entrance to the tot lot. Staff also recommends a streetlight on W. Stellar View Street at the entrance to the common lot.
The applicant will need to provide a design/cut sheet for City approval. The proposed cobra head lights do NOT meet city requirements. Applicant will be

required to work with Staff and submit an updated cut sheet and design before signature of the final plat. Applicant will also need to submit a photometric plan for the entire site for approval prior to signature of the final plat.

- Street Names
Applicant has provided documentation from Ada County that the street names are acceptable and have been approved for this development.
- Subdivision Name
Applicant has provided a letter from Ada 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 submitted landscape is for the retail portion of the development. Applicant has not provided a landscape plan for the residential portion. A condition of approval will be included requiring a full landscape plan be submitted for review and approval by staff prior to submission of any final plat applications.**
- Setbacks – The Development Agreement includes the setbacks below:
 - Commercial Uses** – Current CBD Zoning Standards
 - Minimum Residential Lot Frontage:** 30 feet
 - Front Setbacks (Measured from the back of sidewalk or property line):** 20 feet for garage; 10' Living Area
 - Rear Setbacks:** 20 feet or 5' maximum for alley loaded garages;
 - Interior Setbacks:** 5' side for detached, 0' feet (for zero-lot lines)
 - Local Street Side Setbacks:** 20 feet (waiver requested adjacent to east-west Collector.)
 - Maximum Building Height:** 35 feet for residential; 45' approved by Council for Commercial.
- Mailbox Cluster – Applicant has provided documentation from the Star Postmaster depicting the approved location for the mailbox cluster within the development as a single location. Cluster will be located on the northside of W. Stellar View Street near the intersection of N. Baldy Lane.
- Phasing – The applicant has not provided a phasing plan for the development. It is assumed that the residential portion of the subdivision will be built in a single phase.

- Storm Water - Will be retained on site and utilize Drain 9 and two pervious paver sections in the private road.

G. Existing Site Characteristics:

Existing Site Characteristics: The property is currently vacant ground.

Irrigation/Drainage District(s): Pioneer Ditch Company
P.O. Box 70
Star, Idaho 83669

Flood Zone: This property is not currently located in a Flood Hazzard Area.
FEMA FIRM Panel Number: 16001C0130J
Effective Date: 6/19/2020

Special On-Site Features:

- ✧ Areas of Critical Environmental Concern – No known areas.
- ✧ Evidence of Erosion – No evidence.
- ✧ Fish Habitat – No.
- ✧ Floodplain – No.
- ✧ Mature Trees – Yes.
- ✧ 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.
- ✧ 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	January 6, 2023
Star Fire District	February 3, 2023
DEQ	January 5, 2023
ACHD	January 13, 2023
COMPASS	January 2023

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

Rockbridge Subdivision HOA

J. Comprehensive Plan and Unified Development Code Provisions:

Comprehensive Plan:

8.2.3 Land Use Map Designations:

Central Business District:

The Central Business District is planned to be a vibrant downtown center for the community. Uses encouraged are commercial, retail, civic, private offices, and entertainment. High density housing is encouraged on the upper floors of mixed-use buildings and at the fringes of the land use designation. Developments in this district are to place an emphasis on pedestrian and bicycle access and compatibility.

8.3 Goal:

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

8.4 Objectives:

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

8.5.3 Policies Related Mostly to the Urban Residential Planning Areas:

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

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

8.5.9 Additional Land Use Component Policies:

- Encourage flexibility in site design and innovative land uses.

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

Unified Development Code:

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.

(CBD) CENTRAL BUSINESS DISTRICT: To provide for commercial, retail, civic, office, and entertainment uses. High density housing is encouraged on the upper floors of mixed-use buildings and may also be allowed at the fringes of the land use designation shown on the comprehensive plan. Live/work designed development is also encouraged in this district. Developments in this district are to place an emphasis on pedestrian and bicycle access and compatibility. Special emphasis shall be placed on development in the central downtown area to encourage and create a vibrant, walkable downtown community that incorporates the Boise River as an active amenity.

(PUD) 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. When submitting a CUP, PUD or development agreement for a mixed-use zone, or for multiple conditional uses on one site, all uses that are contemplated for the development shall be identified with the application and shall be reviewed by the council to determine which may be permitted, which should remain as conditional uses and which should be prohibited. A development agreement may be used in lieu of a conditional use permit application or a PUD application if the council makes the findings as otherwise required.

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	CBD
Dwelling:	
Multi-Family	N
Secondary	N
Single-Family Attached (approved thru PUD)	N
Single-Family Detached	N
Two-Family Duplex	N
Live/Work Multi-Use (approved thru PUD)	C

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	0' for common walls 7.5' at end of building	
CBD	35'	0'	0'	0' ⁴	
C-2	35'	20'	5'	0' ⁴	
MU	35'	For MU and CBD - Unless otherwise approved by the Council as a part of a PUD or development agreement, all residential buildings shall follow the residential setbacks shown in this table based upon the project density and all other buildings shall follow setbacks for the C-2 zone ⁽³⁾ .			

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.

Note Conditions:

A. Minimum Property Size:

1. Each property shall be of sufficient size to meet the minimum setbacks as established in this section.
2. Minimum property size shall be determined exclusive of land that is used for the conveyance of irrigation water, drainage, creek or river flows unless: a) the water is conveyed through pipe or tile; and b) included as part of a utility easement that generally runs along the property lines.
3. When two (2) or more parcels of land, each of which is of inadequate area and dimension to qualify for a permitted use under the requirements of the district in which the parcels are located, are held in one ownership, they shall be used as one property for such use.

B. Minimum Street Frontage:

1. Properties with street frontages on cul-de-sacs or at approximately a ninety-degree (90°) angle shall be a minimum of twenty feet (20') measured as a chord measurement.
2. Street knuckles shall be separated from through traffic by a landscape island. Properties with frontages on such knuckles shall be a minimum of twenty feet (20') measured as a chord measurement.
3. All other properties with street frontage shall have a minimum of thirty feet (35').

C. Additional Setback Criteria:

1. Chimneys, pop out windows, direct vent gas fireplaces, entertainment centers, window seats and other projections which do not increase the usable floor area and do not exceed eight feet (8') in width may project up to two feet (2') into any required setback, provided that projections that are at finished grade, including, but not limited to, chimneys and fireplaces, do not encroach within a side yard utility easement.
2. One detached accessory building that is less than two hundred (200) square feet in area and nine feet (9') or less in height shall be allowed in the required rear yard. In no case shall an

accessory building be allowed in the street yard or the required side yard.

3. Accessory structures, such as decks and patios, which are one foot (1') or less in height, as measured from the property's finished grade, may occupy any yard area.

4. In all residential zones garages and carports opening onto a side street must have a minimum distance between the opening of such garage or carport and the side street lot line of not less than twenty feet (20').

5. Front yard setback from arterial and collector streets (as identified on the highway district functional classification map) is 30 feet in all residential zoning districts.

6. Street side setback on arterial and collector streets (as identified on the highway district functional classification map) is 20 feet in all residential zoning districts.

7. Setback areas are subject to drainage compliance or otherwise specified within this title.

8. If a Planned Unit Development is approved, waivers to setbacks may be permitted if determined by the council to be appropriate for the development and that such waivers will be compatible with the area and shall meet emergency service requirements.

9. Building eaves may project up to two feet (2') into any required setback.

10. Patio covers may project to within 10' of the rear yard setback provided that posts or foundations are not located within the required setback, and utility easements are not encroached upon.

D. Maximum Height Limit:

1. Height exceptions shall not be permitted except by discretion of the council with the submittal of a conditional use permit or development agreement application.

2. The maximum height limitations shall not apply to the following architectural features, not intended for human occupation: spire or steeple, belfry, cupola, chimney. Such architectural features shall have a maximum height limit of twenty feet (20'), as measured from the roofline.

3. The maximum height limitations shall not apply to the following: amateur radio antenna; bridge tower; fire and hose tower; observation tower; power line tower; smokestack; water tank or tower; ventilator; windmill; wireless communication facility, or other commercial or personal tower and/or antenna structure; or other appurtenances usually required to be placed above the level of the ground and not intended for human occupancy.

4. No exception shall be allowed to the height limit where the height of any structures will constitute a hazard to the safe landing and takeoff of aircraft in an established airport.

E. All new residential and accessory structures of any size within any zoning district shall comply with residential setbacks.

F. Spite strips, common lots, unreasonable development phasing, or other means of any type purposely or unintentional that may result in the blocking of services or development, including but not limited to sewer, water, streets, or utilities are prohibited in any zoning district within the City of Star.

8-4D-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. Residential private streets may request a waiver of sidewalks to be approved by Council.
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: COMMON OPEN SPACE AND SITE AMENITY REQUIREMENTS - STANDARDS:

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

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

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

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

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

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

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

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

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

b. Qualified natural areas;

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

d. A plaza.

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

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

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

a. The parkway is a minimum of eight feet (8') in width from street curb to edge of sidewalk and

includes street trees as specified otherwise herein.

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

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

1. Must be at least fifty feet by one hundred feet (50' x 100') in area;
2. Specifically designed as a dual use facility, as determined by the administrator, to include minimal slopes, grass throughout, and guarantee of water percolation within 24 hours of storm event.
3. Is located in a development that has a second usable open space area that contains a qualified site amenity as herein defined.

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

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

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

(2) The system connects to existing or planned pedestrian or bicycle routes outside the development; and

(3) The system is designed and constructed in accord with standards set forth by the city of Star;

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

8-6A-7: PRELIMINARY PLAT FINDINGS:

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

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. Conditions of approval shall be placed to insure compliance with emergency services.

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.

Public Hearing of the Council:

a. A public hearing on the application was heard by the City Council on March 7, 2023, 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:

- Jeff Likes
- Brian Kirschenman

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 and private street 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, emergency access/turn-around and street configuration, setbacks, open space, pathways and landscaping. The Council concluded that the Applicant's request, as conditioned, meets the requirements for preliminary plat and private streets. Council hereby incorporates the staff report dated March 7, 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 and Private Street application the following conditions of approval to their decision to approve the applications to include the following:

- The development shall maintain downward lighting that will not be detrimental to the neighboring residential uses.
- 8' arborvitae shall be provided along the northern boundary of the residential development per the approved plans.
- Construction hours shall be limited to between 7am – 8pm.
- \$1,000 per lot ITD proportionate shares shall be collected for each building lot within the development at the time of final plat.

Conditions of Approval:

1. The approved Preliminary Plat for the First Street Townhomes Subdivision shall comply with all statutory requirements of applicable agencies and districts having jurisdiction in the City of Star.
2. **Prior to submittal of the residential phase of the final plat, the applicant shall submit a Certificate of Zoning Compliance (Design Review) application for review and approval by Staff. The application shall include Staff's list of details from the Staff Review and Recommendation section of the staff report.**
3. **The applicant has entered 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 \$30,000 (\$1,000 per residential lot). These fees will be collected by the City of Star, by phase, prior to final plat signature. The development agreement contains the details of the fees to be collected.**
4. **As per the Development Agreement, the owner shall participate in the cost of the future traffic signal located at the intersection of W. State Street and N. Seneca Springs Way. The owners share for this development shall be \$25,000.00. Payment shall be made to the City prior to occupancy of the first building on the property.**
5. **Applicant shall provide a revised Preliminary Plat and Landscape Plan that indicates that ten (10%) percent usable open space is provided as required by the Unified Development Code. In addition, street trees meeting the 35' distance requirement shall be designated for the east-west collector street and in front of all residential units. 8' Arborvitae shall be provided along the entire northern boundary.**
6. Streetlights shall comply with the Star City Code and shall be of the same design throughout the entire subdivision. Streetlights shall be continuous throughout the subdivision and shall be maintained by the Homeowners Association. **Streetlights shall be installed and energized prior to issuing of building permits.** Design shall follow Code with

requirements for light trespass and "Dark Skies" lighting. **Applicant/Owner shall work with staff and submit a streetlight design that meets city standards prior to Final Plat approval. Streetlights shall comply with the Star City Code regarding light trespass and "Dark Sky" initiative. A photometric plan shall also be submitted and approved prior to signing the final plat.**

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 Final 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, 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. Street trees shall be installed per Chapter 8, Section 8-8C-2-M(2) Street Trees. Applicant shall provide locations for the local street trees at the time of final plat. If driveway locations will not be determined until sale of the lot, Applicant agrees to not receive the Certificate of Occupancy until street trees are confirmed in place.**
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 plat note supporting the "Right to Farm Act" as per Idaho Code Title 22, Chapter 45, shall be shown on the Final Plat.
13. A copy of the CC&R's shall be submitted to the City of Star at Final Plat.
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 and Private Street for First Street Townhomes Subdivision on March 7, 2023.

Dated this 5th day of April, 2023.

Star, Idaho

By: _____
Trevor A. Chadwick, Mayor

ATTEST:

Jacob M. Qualls, City Clerk