



STAR CITY COUNCIL MEETING & WORKSHOP AGENDA

City Hall - 10769 W State Street, Star, Idaho

Tuesday, February 16, 2021

7:00 pm

1. **CALL TO ORDER** (Welcome/Pledge of Allegiance)
2. **INVOCATION** – Bill Krause, Eagle Christian Church
3. **ROLL CALL**
4. **APPROVAL OF AGENDA** (Approval of Agenda as it stands/Amend Agenda) Action Item
5. **CONSENT AGENDA** Action Items
 - *All matters listed within the Consent Agenda have been distributed to each member of the Star City Council for reading and study, they are considered to be routine and will be enacted by one motion of the Consent Agenda or placed on the Regular Agenda by request.*
 - A. Regular Meeting Minutes of February 2, 2021
 - B. Findings of Fact & Conclusions of Law for:
 1. Rivercreek Landing Subdivision – (AZ-20-17/DA-20-23/PP-20-14)
 2. Sellwood Place Subdivision (AZ-20-20/DA-20-25/PP-20-18)
 3. Brietenbach Ridge Subdivision (AZ-20-21/DA-20-27/PP-20-19)
 - C. Final Plats for:
 1. Star River Ranch Phase 2 (FP-21-01)
6. **PUBLIC INPUT**
7. **WORKSHOPS**
 - A. Canyon Highway District #4 Workshop to discuss Impact Fees/Capital Improvement Plan
 - B. Star Sewer and Water District Workshop on Kingsbury Road SSWD Facility
8. **ADJOURNMENT** Action Item

Limited seating is available at the City Council Meeting at City Hall due to COVID-19. The meeting can be viewed via a link posted to the City of Star website at staridaho.org. This link will be posted by Tuesday, February 16, 2021. Information on how to participate in a public hearing remotely will be posted to staridaho.org under the February 16th meeting information. The public is always welcomed to submit comments in writing.



STAR CITY COUNCIL MEETING MINUTES

February 2, 2021

1. CALL TO ORDER:

The regular meeting of the Star City Council was held on Tuesday, February 2, 2021 at Star City Hall, 10769 W. State Street, Star, Idaho. Mayor Trevor Chadwick called the meeting to order at 7:00 pm and all stood for the Pledge of Allegiance.

2. INVOCATION: Barton Shaw, Eagle Christian Church

3. ROLL CALL:

Council Present: David Hershey, Michael Keyes, Jennifer Salmonsens, Kevin Nielsen

Council Absent: None

4. APPROVAL OF THE AGENDA:

Keyes moved to approve the agenda. Hershey seconded the motion.

VOTE: *Approved. Ayes – Hershey, Keyes, Salmonsens, Nielsen. Motion carried.*

5. CONSENT AGENDA:

Salmonsens moved to approve the consent agenda. Nielsen seconded the motion. On item 5F2, Findings of Facts for Saddlewood Subdivision Preliminary Plat, Keyes abstained from voting and Salmonsens added a condition that the applicant shall provide ADA compliant services for all pathways and trails. The Mayor removed 5C, Building Code Adoption from the agenda.

VOTE: *Approved. Ayes – Hershey, Keyes, Salmonsens, Nielsen. Motion carried.*

6. PRESENTATIONS:

Transportation Committee – Council Adoption and Recommendation to ACHD for IFYWP

Chairman, John Tensen outlined the Prioritization Request Form, the seven top projects and time frames, and then added additional requests. The Mayor mentioned that ACHD had reached out for some other gap projects. Tom Laws introduced himself as the new Planning and Programming Supervisor and staff liaison.

Keyes moved to approve as presented by the Transportation Committee. Salmonsens seconded the motion.

VOTE: *Approved. Ayes – Hershey, Keyes, Salmonsens, Nielsen. Motion carried.*

7. OLD/NEW BUSINESS:

A) Public Hearing – RiverCreek Landing Subdivision Annexation and Zoning, Development Agreement, and Preliminary Plat

Continuation from tabled public hearing on 12/01/20. The Mayor re-opened the public hearing. No ex parte contact from Council members.

Applicant: Dean Waite – 4283 Nystrom Way, Boise ID 83713

Waite reviewed the project and changes that were made in response to neighborhood concerns, including number of lots, size of lots, boundaries, buffers, walking paths, fencing, single level homes, and usable open space. There was discussion regarding the usable open space, amending to an R-4, a street light plan, mailbox cluster, storm water, fencing, and stub road and presenting a specific landscaping plan.

Public Testimony:

Joe Abreu – 2730 N Rolling Hills Dr, Star ID 83669

Abreu mentioned that he was not contacted for the neighborhood meeting. He requested a larger buffer, larger lots and that homes along the school property and West side be single story. He also pointed out that the neighborhood meetings seem to be scheduled at the same time as City Council meetings.

Jake Conklin – 11347 W Dallan Ct, Boise ID 83713

Conklin expressed support for the project. As a realtor, he talked about the tight market and the need for more homes to sell.

Online, Cody Larsen – 9393 W Beacon Light, Star ID 83669

Larsen met with Waite and agreed to the new plan but was not clear on the landscaping. There was discussion regarding the height of the berm, fencing style, trees and the need for a specific landscaping plan.

Rebuttal:

Waite addressed the concerns from the public testimony. He agreed to work with Larsen regarding landscaping. City Planning Director, Shawn Nickel suggested making the landscape plan a condition of approval in the development agreement and prior to final plat, to be reviewed by the Larsens and Council. There were discussions regarding landscape, borders, ADA compliant pathways, berms, and easements. The Mayor closed the public hearing and went into deliberations. The Council expressed support of this project and further discussed the conditions.

Nielsen moved to approve with the conditions of approval to continue to work with the Larsens, confirming the 5-6 ft berm, solid fence instead of trees, ADA compliant asphalt or concrete paths, 10% useable open space, the landscape plan prior to the final plat as previously stated by Nickel, R-4 zoning, single story homes that were previously identified and side yard setbacks. Keyes seconded the motion.

VOTE: *Approved with conditions. Ayes – Hershey, Keyes, Salmonsens, Nielsen. Motion carried.*

B) Public Hearing – Paint Point Subdivision Rezone and Development Agreement, Preliminary Plat, and Private Street

Continuation from tabled public hearing on 01/05/21. The Mayor re-opened the public hearing. No ex parte contact from Council members.

Applicant: Richard Williams – 11275 Floating Feather Rd, Star ID 83669

Williams went over the changes that had been requested, including road widening, parking, sidewalks, landscaping and buffering. There was discussion regarding ACHD and the private road, storm water drainage, location of the mailbox cluster, streetlights, a landscape plan for common area, density and compliance with the CC&Rs.

Public Testimony:

Ellen Morse – 11282 W Floating Feather Rd, Star ID 83669

Morse pointed out the zoning of all the surrounding properties and expressed that this project, with an R-5 zoning, did not fit in with the neighborhood.

Bob Fehlau – 2203 N Sunny Ln, Star ID 83669

Fehlau's main concern was that this lot is not suited for that density in this area.

Online, Nicole Seymour – 1540 N Wild Mustang Pl, Star ID 83669

Seymour's main concerns were with the density; she feels that an R-3 would be more agreeable, and with the water catch meeting up with her property.

Online, Del Martens – 1586 N Wild Mustang Pl, Star ID 83669

Martens talked about the rules of being able to protest a rezoning and a grantor. He would like to see an R-2, or at the least an R-3. He believes the density does not fit with the surrounding community and mentioned that the fence was not secure.

Online, Kevan Wheelock – 1481 N Star Rd, Star ID 83669

Wheelock addressed a sidewalk connection and would like to see less density and a continuous walk path and talked about the R-5 zoning.

Rebuttal:

Williams addressed the concerns from the public input. The Mayor and Council discussed the zoning, density and drainage. The Mayor closed the public hearing and went to deliberations. There was further discussion regarding the zoning and density.

Hershey moved to table until March 2, with direction to address sidewalks, drainage, and reduce the density closer to R-2. Salmonsens seconded the motion.

VOTE: *Tabled until March 2, 2021. Ayes – Hershey, Keyes, Salmonsens, Nielsen. Motion carried.*

C) Public Hearing – Sellwood Place Subdivision Annexation and Zoning, Development Agreement and Preliminary Plat

Continuation from tabled public hearing on 01/05/21. The Mayor re-opened the public hearing. No ex parte contact from Council members.

Applicant: – **Wendy Shrief** – 2760 Excursion Way, Meridian ID 83642

Shrief outlined the changes that were requested including landscaping, amenity package, paths, open space, irrigation ditch, and streetlights. There were questions and discussion regarding sidewalks, lighting, and the storm water plan.

Public Testimony:

Robert Fehlau – 2203 N Sunny Ln, Star ID 83669

Fehlau had a handout on elevation changes, fencing, home views and density. He would like to see single story homes, larger lots and setbacks, and have the wetland areas remain natural.

Vic Warr – 2050 N Brandon Rd, Star ID 83669

Warr's concerns included the density, fencing, storm drains and catch basins, lighting, and would like to see single story homes due to the elevation. There was further discussion regarding types of fencing, and storm drainage.

Online, Ann Kuck – 10399 W Rolling Hills Dr, Star ID 83669

Kuck would also like to see single level homes, asked about maintenance of the irrigation ditch, and would like to keep the wildlife area.

City Engineer, Ryan Morgan – 131 SW 5th Ave Suite A, Meridian ID 83642

Morgan addressed the concerns of water runoff and gave a detailed explanation of processes, requirements, a geotechnical report and encouraged French drains to be put on the back of the property.

Rebuttal:

Shrief addressed the concerns from the public input. There was further discussion regarding drainage and the wetland area and talk of determining if it was a riparian area. Associate **Riley Verner** also commented. The Mayor closed the public hearing and went to deliberations. There was discussion regarding the open space being kept natural and single-story homes.

Keyes moved to approve with the conditions of single-story homes in pre-determined area, solid fencing, French drains unless the city engineer says it is not necessary, detached sidewalks along Brandon, riparian area determination, and management of fugitive lighting. Hershey seconded.

VOTE: *Approved with conditions. Ayes – Hershey, Keyes, Salmonsens, Nielsen. Motion carried.*

SHORT BREAK

D) Public Hearing – Breitenbach Ridge Subdivision Annexation and Zoning, Development Agreement and Preliminary Plat

The Mayor opened the public hearing. No ex parte contact from Council members.

Applicant: Bob Unger – 9662 W Arnold Rd, Boise ID 83714

The applicant was seeking approval of an Annexation and Zoning (R-2), a Development Agreement and Preliminary Plat for a proposed residential subdivision consisting of 22 residential lots and 4 common lots. Unger gave an overview of the project including roads, sewer and water, open space and common area, irrigation, sidewalks, and storm drainage. There were questions and discussion regarding water rights and storm water, irrigation ditch, mailbox cluster, driveway, landscaping, usable open space, and subdividing.

Public Testimony:

Online, John Schram – 3353 N Munger Rd, Star ID 83669

Schram commented on the connectivity in the area and requested a connection to the North.

Rebuttal:

Unger responded that he saw no need to connect to the North and that ACHD had no interest in a connection. The Mayor closed the public hearing and went to deliberations. There were discussions regarding proper irrigation and canal.

Keys moved to approve with conditions no further subdivision of large lots, irrigation issues would have to be resolved before final plat approval. Nielsen seconded the motion.

VOTE: *Approved with conditions. Ayes – Hershey, Keyes, Salmonsens, Nielsen. Motion carried.*

E) Ordinance No 328 Whitener Rezone

Hershey moved to dispense with the rules to be able to approve the Ordinance after reading once by title only. Keys seconded the motion. All ayes from Council.

Keys moved to approve Ordinance 328. Salmonsens seconded the motion. Roll call vote.

VOTE: *Approved. Ayes – Hershey, Keyes, Salmonsens, Nielsen. Motion carried.*

F) Review/Discussion on Hunters Creek Park Improvement Bid/Contract

Presented by City Engineer, Ryan Morgan. There were 8 bids with a wide range. There was a discussion regarding Stroth, who we contracted with for our River House. Morgan confirmed the Alternates: 1) 10 ft wide sidewalk between ball fields to the flagpole, 2) Sidewalk that runs EW from flagpole to the parking lot by skate park, 3) Star in the middle of concrete area to be a blue color, 4) Asphalt pathway along the E side of park, 5) Scoreboards. It was confirmed that the funding comes from the Capital Improvement budget.

Hershey moved to award the contract to Stroth, not to exceed \$299,518.00. Nielsen seconded the motion.

VOTE: *Approved for Stroth. Ayes – Hershey, Keyes, Salmonsens, Nielsen. Motion carried.*

8. DISCUSSION:

A) Food Snack Vendors in the City

City Planning Director, Shawn Nickel led a discussion regarding vendors in the City Parks, including permits, fees, and requirements and enforcements.

B) Update on the South of the River Plan

City Planner Asst, Ryan Field reported that the project is moving forward. Dates are set for stakeholder meetings and they will then hold public meetings. The Architectural Overlay project is happening simultaneously.

Preliminary concepts went out and feedback was incorporated. Completion dates for both are fairly on track with the original timelines.

8. REPORTS:

Police Chief, Jake Vogt – Nothing to report

Planning Director, Shawn Nickel – Nothing to report

Councilman Hershey – Nothing to report

Councilman Keyes – The Transportation Committee has been busy, and Keyes expressed thanks for the work on the Integrated 5-year Work Plan. There is a shift of responsibilities in some of the committees. The Pathways and Beautification Committee will be put in with the Transportation Committee, who will take on the responsibility for pathways, and the Pathways and Beautification Committee will take on parks and will have a new name. (See Salmonsens report below).

Councilwoman Salmonsens – The committee's new name will be the "Parks, Arts and Beautification Committee." The committees will come and present an update in a couple of weeks.

Councilman Nielsen – Nothing to report

Mayor Chadwick – The Mayor has been meeting with several businesses who are interested in coming to Star. The River House has been successful and will soon have a fee structure for approval. The 4th of July fireworks show is being planned.

9. ADJOURNMENT: The Mayor adjourned the meeting at 10:16 pm.

Respectfully submitted:

Approved:

Meredith Hudson, Deputy City Clerk

Trevor A Chadwick, Mayor

FINDINGS OF FACT AND CONCLUSIONS OF LAW
RIVERCREEK LANDING SUBDIVISION
FILE NO. AZ-20-17/DA-20-23/PP-20-14

The above-entitled Annexation & Zoning, Development Agreement, and Preliminary Plat land use applications came before the Star City Council for their action on February 2, 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 an Annexation and Zoning (R-5), a Development Agreement, and Preliminary Plat for a proposed residential subdivision originally consisting of 147 residential lots and 15 common lots. The property is located at 3013 N. Pollard Lane, at the southwest corner of W. Beacon Light Road and N. Pollard Lane in Star, Idaho, and consists of 34.8 acres with a proposed density of 3.98 dwelling units per acre. The subject property is generally located on the south side of W, Beacon Light Road, west of N. Pollard Lane. Ada County Parcel No. S0404223010.

B. Application Submittal:

A neighborhood meeting was held on June 16, 2020 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 29, 2020.

C. Notice of Public Hearing:

Notice of Public Hearing on the application for the City of Star Council was published in accordance with the requirements of Title 67, Chapter 65, Idaho Code and the Star Unified Development Code on November 1, 2020. 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 October 29, 2020. Notice was sent to agencies having jurisdiction in the City of Star on October 29, 2020. The property was posted in accordance with the Star Unified Development Code on November 17, 2020.

D. History of Previous Actions:

There have been no previous requests through the City for development of this property.

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

	Zoning Designation	Comp Plan Designation	Land Use
Existing	County Rural Transitional (RUT)	Neighborhood Residential	Agricultural
Proposed	R-5-DA	Neighborhood Residential	Estate Residential
North of site	County Rural Transitional (RUT)	Neighborhood Residential	Single Family Residential / Agriculture
South of site	R-2	Neighborhood Residential	Vacant / Agricultural / Future High School
East of site	R-2	Neighborhood Residential	River Birch Golf Course
West of site	County Rural Transitional (RUT)	Neighborhood Residential	Single Family / Residential Redtail Ranch Performance Horses LLC

F. *Development Features.*

ANNEXATION & REZONE:

The annexation and rezone request from County Rural Urban Transition (RUT) to Medium Density Residential (R-5) on the applicant's property will allow for the subdivision of the property to develop with urban densities that will be consistent with the current Comprehensive Plan Map. The overall gross density of the proposed development is 3.98 dwelling units per acre. The current Comprehensive Plan Land Use Map designates this property as Neighborhood Residential, with an anticipated density of 3 to 5 dwelling units per acre. The requested density is aligned with this designation. The requested zoning designation and density meets the intent of the Comprehensive Plan. **The final density as approved by Council is 3.44 dwelling units per acre, and the zoning designation was approved for R-4.**

PRELIMINARY PLAT:

The Preliminary Plat submitted originally contained 147 single family residential lots, and 15 common area lots for a total of 162 total lots. The residential lots range in size from 4,419 square feet to 8,000 square feet with the average buildable lot area of 7,300 square feet. The applicant has indicated that the development will contain a total of 5.50 acres (15.8%) of open space. This meets the minimum requirement for usable open space in the current Unified Development Code, Section 8-4E-2. 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 accessed on the north from W. Beacon Light Road. There will also be access on the east of the development to N. Pollard Lane. The development will also have a stub road located on the southwest edge of the property that will terminate at the property line with the possibility to extend in the future.

The current Unified Development Code, Section 8-4E-2 requires a development of this size to have 4 site amenities. The applicant is proposing a 10 ft wide exercise pathway around the eastern perimeter of block 7. The applicant also calls out a park and additional walking paths. These other features are not specified on the preliminary plat. This will be a condition of approval for the final plat and all 4 amenities need to be called out.

This application was originally heard by Council on December 1, 2020. At this meeting, Council tabled the application and directed the applicant to address density, setbacks, floodplain issues and work with the neighbors to the west and in the middle of the development (Larsen's). The applicant and Staff has met with neighbors and the applicant has submitted a revised preliminary plat and will update the Council at the upcoming hearing. Staff has reviewed the updated plat for compliance with the Comprehensive Plan and Unified Development Code and finds that it meets the requirements and is therefore in support of the submitted revisions. **As approved by Council, the conceptual Layout dated February 2, 2021 (to be revised as a preliminary plat) contains 128 residential lots, and 11 common area lots for a total of 139 lots. Total open space was revised to include 5.93 acres (17.1%). Useable open space area must be a minimum of 10%. This will be verified with the revised preliminary plat and landscape plan, to be submitted prior to acceptance of final plat application.**

ADDITIONAL DEVELOPMENT FEATURES:

- Sidewalks
Sidewalks are proposed at five-foot (5') widths and will be attached throughout the overall subdivision.
- 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 street light design. A condition of approval will be required to receive staff approval of streetlights prior to final plat approval.
- Street Names
Street names will be approved by the Ada Street Naming Committee prior to signature of final plat.

- Landscaping - As required by the Unified Development Code, Chapter 8, Section 8-8C-2-M (2) Street Trees; A minimum of one street tree shall be planted for every thirty-five (35) linear feet of street frontage. The applicant shall use "Treasure Valley Tree Selection Guide", as adopted by the Unified Development Code. The landscape plan submitted with the Preliminary Plat does not show street trees throughout the entire development. A revised landscape plan will need to be submitted that shows the correct number of trees for each street within the subdivision. This will be a condition of approval for the final plat.
- Setbacks – Applicant is requesting a five (5) foot side yard setback for all homes in the development. This satisfies the Unified Development Code Dimensional Standards found in Section 8-3A-4 for the R-4 zone.
- It appears that the applicant is requesting a street side yard setback of 15 feet. As stated in the Unified Development Code Dimensional Standards (Section 8-3A-4), this setback requirement is 20 feet in the R-4 zone. Applicant shall meet this code unless a waiver is applied for and approved.
- Floodplain – A portion of the property on the east is within an unstudied Zone A Flood Zone. The applicant has been in contact with staff and the City Engineer regarding this area. The applicant has submitted a request to waive an initial flood study of the area with the understanding that this area of the subdivision cannot develop until the flood study is completed and BFE is established for construction of that phase. A condition of approval will be placed on the preliminary plat addressing this.

H. *On-Site Features:*

- ★ Areas of Critical Environmental Concern – Floodway Zone A on eastern portion of property with undetermined BFE. Applicant has submitted waiver with Preliminary Plat.
- ★ 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.

I. *Agencies Responding:*

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

Keller and Associates	October 15, 2020
ITD	December 30, 2020
ACHD	January 20, 2021
DEQ	November 6, 2020
West Ada School District	November 20, 2020
Central District Health	November 2, 2020
Idaho Dept. of Water Resources	November 4, 2020

J. Staff received the following neighbor letters for the development:

- Steve Greene – 9999 W Star Acres Drive, Star, ID 83669
- Cody and Sally Larsen, 9393 W. Beacon Light Rd, Star
- Loren Macey and James Baker, 9605 W. Beacon Light Rd, Star

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.

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.
- 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.

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

8-3A-3: USES WITHIN ZONING DISTRICTS

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

<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'

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.

8-4E-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.

8-1E-1: DEFINITIONS - TERMS DEFINED

TRANSITIONAL LOT OR PROPERTY: The size of a new residential lot when being proposed adjacent to an established residential use. The ratio for lots adjacent to properties shall be determined on a case by case basis, when considering the size of the development potential for the existing use. This shall not be required if separated by an existing roadway or large canal where the distance between new structures and existing structures equal or exceed 100 feet.

8-3B-3: ADDITIONAL RESIDENTIAL DISTRICT STANDARDS - RESIDENTIAL DISTRICTS:

When development is planned with lots that directly abut existing lots within a Rural Residential area, or "Special Transition Overlay Area" as shown on the Comprehensive Plan Land Use map, an appropriate transition shall be provided for the two abutting residential lot types. A transition shall take into consideration site constraints that may exist and may include clustering of the urban lots in order to provide an open space area avoiding urban lots directly abutting rural residential lots, or may include the provision of a buffer strip avoiding urban lots directly abutting rural residential lots, or may include setbacks within the urban lots similar to the rural residential lots directly abutting, or may include the provision of one half to one acre size lots directly abutting the rural residential lots.

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

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

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

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

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

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

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

this request is consistent with the statement.

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

The Council finds that there is no indication from the material and testimony submitted that this annexation and zoning 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.

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

The Council finds this annexation is reasonably necessary for the orderly development of the City.

8-6A-7: PRELIMINARY PLAT FINDINGS:

1. The plat is in compliance with the Comprehensive Plan;
The Council finds that the Plat, as approved, will be consistent with the Comprehensive Plan and will meet 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.
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.
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 scheduled before the City Council on December 1, 2020, at which time testimony was heard and the Council tabled the application to February 2, 2021. A public hearing on the application was again held before the City Council on February 2, 2021, at which time testimony was heard and the public hearing was closed. The City Council made their decision at that time.
- b. Oral testimony in favor of the application was presented to the City Council by:
 - Dean Waite, Todd Campbell Construction, P.O. Box 140298, Boise, ID – The applicant
- c. Oral testimony to the application was further presented to the Council by:
 - Joe Abreh, 273 N. Rolling Hills Dr, Star
 - Jake Conklin, 11347 W. Dallan Ct, Boise
 - Will Eason, 10174 W. Star Acres Dr, Star
 - Steve Greene – 9999 W Star Acres Drive, Star
 - Cody Larsen, 9393 W. Beacon Light Rd, Star
 - Loren Macey, 9605 W. Beacon Light Rd, Star
 - James Baker, 9605 W. Beacon Light Rd, Star
 - Bob Fehlau, 2203 N. Sunny Ln, Star
- d. Written testimony in favor of or opposing the application was presented to the City Council by:
None

Deliberations and Conclusions of Law:

The Council reviewed the particular facts and circumstances of this proposed annexation and zoning application in accordance with the City of Star Title 8 (Unified Development Code), deliberated on the matter, resulting in discussions on the annexation and platting of the development. Discussion included development layout, density, setbacks, access, floodplain, transitional lots, landscape buffers and berms, open space, fencing and restrictions on single story homes.

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.

The Owner requested and received approval of the annexation and rezone from Rural Transition (RUT-Ada County) to Residential (R-4-DA) with a Development Agreement, which fits within the neighboring properties.

Council added conditions of approval to include an R-4 zoning, single story homes along specific lots, revised preliminary plat, updated landscape plan showing berm and fencing along eastern boundary of neighboring property to be reviewed by owner and Council, hard surfaces for all pathways, and a minimum of 10% usable open space.

Conditions of Approval:

1. The approved Preliminary Plat (as revised) for the Rivercreek Landing Subdivision shall comply with all statutory requirements of applicable agencies and districts having jurisdiction in the City of Star.
2. **Prior to ANY construction and/or earthwork on the eastern phases of the subdivision, the applicant shall determine the Base Flood Elevation for the existing floodplain on the property and submit and receive approval of a LOMR from FEMA. The applicant shall work with the City Engineer, including the submittal of a Flood Hazard Permit to the City. This shall also be a condition of approval within the Development Agreement.**
3. All public streets shall have a minimum street width of 36' and shall be constructed to ACHD standards.
4. **Applicant shall meet all the setback requirements in the Unified Development Code Section 8-3A-4 for the R-4 zone, including side street setbacks of 20 feet.**
5. 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.
6. 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/design prior to Final Plat approval. Streetlights shall comply with the Star City Code regarding light trespass and "Dark Sky" initiative.**
7. **The applicant shall submit a revised preliminary plat and landscape plan for review by Staff prior to submittal of final plat for phase one of the development. The landscape plan shall include all proposed amenities.**
8. 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. **The revised landscape plan shall be submitted that shows the correct placement and number of trees throughout the development and shall include a minimum of 10% usable open space. This shall be required prior to Final Plat approval. In addition, the landscape plan shall be revised to match the approved conceptual Layout dated February 2, 2021 and revised preliminary**

plat and shall include details regarding the required landscape berm and trees proposed along the western boundary of the neighboring property (9393 W. Beacon Light Rd). This plan shall be reviewed by the above-mentioned property owner and by Council prior to final approval.

9. **All pathways in the subdivision shall be provided with a hard surface of either concrete or pavement.**
10. **Lots 2 thru 5, Block 8, and Lots 14 & 15, Block 7 of the approved conceptual Layout dated February 2, 2021 shall be limited to one-story homes. This shall also be a condition of approval within the Development Agreement.**
11. The property with the approved Preliminary Plat shall be satisfactorily weed abated, preventing a public nuisance, per Star City Code.
12. All signed Irrigation District Agreements with the Irrigation Districts shall be provided to the City of Star with each subsequent Final Plat application.
13. 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.
14. A plat note supporting the "Right to Farm Act" as per Idaho Code Title 22, Chapter 45, shall be shown on the Final Plat.
15. A copy of the CC&R's shall be submitted to the City of Star at Final Plat.
16. 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).
17. 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.
18. 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.
19. 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.
20. All common areas shall be owned and maintained by the Homeowners Association.
21. 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.**
22. A sign application is required for any subdivision signs.

Council Decision:

The Council voted unanimously to approve the Annexation and Zoning to Residential (R-4-DA), Development Agreement, Preliminary Plat for Rivercreek Landing Subdivision on February 2, 2021.

Dated this 17th day of February 2021.

Star, Idaho

By: _____
Trevor A. Chadwick, Mayor

ATTEST:

Meredith Hudson, Deputy City Clerk

FINDINGS OF FACT AND CONCLUSIONS OF LAW
SELLWOOD PLACE SUBDIVISION
FILE NO. AZ-20-20/DA-20-25/PP-20-18

The above-entitled Annexation & Zoning, Development Agreement, and Preliminary Plat land use applications came before the Star City Council for their action on February 2, 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 requested approval of an Annexation and Zoning (R-4-DA), a Development Agreement, and Preliminary Plat for a proposed residential subdivision originally consisting of 76 residential lots and 12 common lots. The property is located at 2200 & 2359 N. Brandon Road in Star, Idaho, and consists of 21.35 acres with a proposed density of 3.56 dwelling units per acre. The subject property is generally located on the east side of N. Brandon Road, south of W. New Hope Road. Ada County Parcel No. S0405314915 & S0405244552.

B. Application Submittal:

A neighborhood meeting was held on October 28, 2020 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 November 24, 2020.

C. Notice of Public Hearing:

Notice of Public Hearing on the application for the City of Star Council was published in accordance with the requirements of Title 67, Chapter 65, Idaho Code and the Star Unified Development Code on November 29, 2020. Notice of this public hearing was mailed to property owners within three-hundred feet (300') of the subject property in accordance with the requirements of Title 67, Chapter 65, Idaho Code and Star Unified Development Code on November 25, 2020. Notice was sent to agencies having jurisdiction in the City of Star on November 25, 2020. The property was posted in accordance with the Star Unified Development Code on December 22, 2020.

D. History of Previous Actions:

There have been no previous requests through the City for development of this property.

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

	Zoning Designation	Comp Plan Designation	Land Use
Existing	County Rural Transitional (RUT)	Neighborhood Residential	Agricultural/Residential
Proposed	R-4	Neighborhood Residential	Neighborhood Residential
North of site	County Rural Transitional (RUT)	Neighborhood Residential	Agricultural/Residential Proposed Canvasback Subdivision (R-4-DA)
South of site	County Rural Transitional (RUT)	Neighborhood Residential	Agricultural/Residential
East of site	County Rural Transitional (RUT)	Neighborhood Residential	Agricultural/Residential

F. *Development Features.*

ANNEXATION & REZONE:

The annexation and rezone request from County Rural Urban Transition (RUT) to Medium Density Residential (R-4) on the applicant's property will allow for the subdivision of the property to develop with urban densities that will be consistent with the current Comprehensive Plan Map. The overall gross density of the proposed development is 3.56 dwelling units per acre. The current Comprehensive Plan Land Use Map designates this property as Neighborhood Residential, with an allowed density of 3 to 5 dwelling units per acre. The requested density is aligned with the current land use designation. The requested zoning designation and density meets the intent of the Comprehensive Plan.

PRELIMINARY PLAT:

The Preliminary Plat submitted contains 76 single family residential lots, and 9 common area lots for a total of 85 total lots. The residential lots range in size from 6,300 square feet to 27,934 square feet with the average buildable lot area of 7,526 square feet. The applicant has indicated that the development will contain a total of 3.20 acres (15.00%) of open space with 2.14 acres (10.00%) of qualified open space. This meets the minimum requirement for usable open space in the current Unified Development Code, Section 8-4E-2. Streets are proposed to be public throughout the development. Proposed local streets measure 36 ft from back of curb to back of curb on the submitted preliminary plat with a 50-foot easement. This street width satisfies the requirements of the UDC.

The development will be accessed on the west N. Brandon Road. The development will also have a stub road located on the southeast edge of the property that will terminate at the property line with the possibility to extend in the future. It does appear that the development has an emergency access, also off N. Brandon Road on the south parcel.

The development has 1 cul-de-sac that measures approximately 150 feet long. This satisfies the requirements of Section 8-6B-2-B4.

The applicant is **NOT** requesting any setback waivers from current code.

The applicant has not indicated more than 1 phase for the development of this subdivision.

This application was originally heard by Council on January 5, 2021. At the meeting, Council tabled the application and directed the applicant to review the location of the entrance to the subdivision on Brandon Road with ACHD for possible relocation, detached sidewalks along Brandon Road, irrigation and drainage issues, and an updated landscape plan. The applicant will provide Council with an updated landscape plan and will update the Council on the other issues at the upcoming hearing. The applicant has indicated that ACHD does not support moving the access to the south on Brandon Road. As approved by Council, the preliminary plat contains 76 residential lots, 15 common area lots and 2 common driveway lots for a total of 93 lots. Residential lots range from 6,228 square feet to 14,760 square feet (existing home lot). Total open space approved includes 3.30 acres (15.5%) with a total useable open space area of 2.14 acres (10%).

ADDITIONAL DEVELOPMENT FEATURES:

- Sidewalks
Sidewalks are proposed at five-foot (5') widths and will be attached throughout the overall subdivision.
- Street Names
Street names will be approved by the Ada Street Naming Committee prior to signature of final plat.
- Landscaping - As required by the Unified Development Code, Chapter 8, Section D Street Trees; the minimum density of one (1) tree per thirty-five (35) linear feet is required. The landscaping plan submitted does not meet this requirement. This condition may be met by the developer by installing trees in the front yards of each lot once the driveway locations have been established. Code also calls for 1 shade tree per 4000 square feet of open space. Lot 33 Block 1 and Lot 1 Block 3 and Lot 24, Block 2 do not show a sufficient number of trees and must be revised before the final plat can be signed. **Prior to the approval of the final plat, the applicant shall be required to submit an updated**

landscape plan showing all trees required trees. (Please see "Tree Selection Guide for Streets and Landscapes throughout Idaho", as adopted by the Unified Development Code.)

- Amenities – Based on the size of the property, three amenities are required per the UDC Section 8-4E-2. The applicant has not disclosed the amenities that are proposed for this development. **Prior to the approval of the final plat, the applicant shall be required to submit an updated landscape plan for approval indicating which amenities will be installed. The applicant shall also be prepared to provide information to the Council at the hearing on the types of amenities that will be provided.**
- Streetlights – A streetlight design has not been submitted with the application. Streetlights shall meet the City's requirements and intent for "Dark Sky" lighting, including the downward illumination of all lighting. **A condition of approval will be included with the preliminary plat requiring the applicant to submit a streetlight plan and work with Staff on streetlight types, and provide details, including design and locations, at submittal of final plat.**
- Shared Driveway – The development appears to have 2 shared driveways on the northwest portion of the development. Each drive appears to service 2 dwellings and are approximately 120 feet in length and 28 feet in width. Shared driveways must be approved by the Fire District. To date, the Fire District has not provided review and approval for these driveways.

H. *On-Site Features:*

- ★ Areas of Critical Environmental Concern – No known areas.
- ★ Evidence of Erosion – No known areas.
- ★ Fish Habitat – No known areas.
- ★ 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.
- ★ Wildlife Habitat – No wildlife habitat has been developed or will be destroyed.
- ★ Historical Assets – No historical assets have been observed.

I. *Agencies Responding:*

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

Keller and Associates	December 10, 2020
Star Fire	December 30, 2020
West Ada School District	December 17, 2020
DEQ	December 04, 2020
Ada County Development Services	November 27, 2020
Central District Health	December 1, 2020
ITD	December 30, 2020

J. Staff received the following neighbor letters for the development:

- Ann and Lonn Kuck, 10399 W. Rolling Hills Drive, Star, ID
- Kris Tatko, 2533 N. Wing Road, Star, ID
- Lisa & Russell Jensen, 2393 N. Sunny Lane, Star, ID
- Robert Fehlau, 2203 N. Sunny Lane, Star, ID

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.

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.
- C. Site layout within the Special Transition Overlay Area is to provide for a transition in density and lot sizing.

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.

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

8-3A-3: USES WITHIN ZONING DISTRICTS

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

<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-4	35'	15' to living area 20' to garage face	15'	5' per story (2)	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.

8-4E-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. Parkways along local residential streets with detached sidewalks that meet all the following standards may count toward the common open space requirement:
 - a. The parkway is a minimum of eight feet (8') in width from street curb to edge of sidewalk and includes street trees as specified otherwise herein.
 - b. Except for alley accessed dwelling units, the area for curb cuts to each residential lot or common driveway shall be excluded from the open space calculation. For purposes of this calculation, the curb cut area shall be a minimum area of twenty-six feet (26') by the width of the parkway.
 - c. Stormwater detention facilities do not qualify to meet the common area open space requirements, unless all of the following is met:
 - 1. Must be at least fifty feet by one hundred feet (50' x 100') in area;
 - 2. Specifically designed as a dual use facility, as determined by the administrator, to include minimal slopes, grass throughout, and guarantee of water percolation within 24 hours of storm event.
 - 3. Is located in a development that has a second usable open space area that contains a qualified site amenity as herein defined.
- 5. Visual natural space, including open ditches, wetlands, slopes or other areas that may not be readily accessible to residents, and is provided with open style fencing, may qualify for up to 20% of the required open space total.
- 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.

8-1E-1: DEFINITIONS - TERMS DEFINED

TRANSITIONAL LOT OR PROPERTY: The size of a new residential lot when being proposed adjacent to an established residential use. The ratio for lots adjacent to properties shall be determined on a case by case basis, when considering the size of the development potential for the existing use. This shall not be required if separated by an existing roadway or large canal where the distance between new structures and existing structures equal or exceed 100 feet.

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

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

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

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

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

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

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

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

The Council finds that there is no indication from the material and testimony submitted that this annexation and zoning 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.

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

The Council finds this annexation is reasonably necessary for the orderly development of the City.

8-6A-7: PRELIMINARY PLAT FINDINGS:

1. The plat is in compliance with the Comprehensive Plan;

The Council finds that the Plat, as approved, will be consistent with the Comprehensive Plan and will meet 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.
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.
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 scheduled before the City Council on January 5, 2021, at which time testimony was heard and the Council tabled the application to February 2, 2021. A public hearing on the application was again held before the City Council on February 2, 2021, at which time testimony was heard and the public hearing was closed. The City Council made their decision at that time.
- b. Oral testimony in favor of the application was presented to the City Council by:
 - Wendy Shrief, JUB Engineers, 2760 W. Excursion, Meridian, ID – The applicant
- c. Oral testimony to the application was further presented to the Council by:
 - Jeff Langford, 4645 N. Brandon Road, Star, ID
 - Chuck Cooley, 2645 N. Brandon Road, Star, ID
 - Tom Spiller, 10965 W. Beagle Flats Lane, Star, ID
 - Travis Chesley, 2357 N. Brandon Road, Star, ID
 - Maxine McCombs 2211 N. Schreiner Lane, Star, ID
 - Vic Warr, 2050 N. Brandon Road, Star, ID
 - Robert Fehlau 2203 N. Sunny Lane, Star, ID 83669
 - Ann Kuck 10399 Rolling Hills Dr, Star, ID 83669
 - Riley Verner, 2803 Arthur Street, Boise, ID
 - Ryan Morgan, Keller & Associates- City Engineer
- d. Written testimony in favor of or opposing the application was presented to the City Council by:
None

Deliberations and Conclusions of Law:

The Council reviewed the particular facts and circumstances of this proposed annexation and zoning application in accordance with the City of Star Title 8 (Unified Development Code), deliberated on the matter, resulting in discussions on the annexation and platting of the development. Discussion included development layout, access, irrigation ditches, wetlands and open space, restrictions on single story homes on the east, erosion concerns to the south, and roadway alignment at the entrance to the subdivision.

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.

The Owner requested the annexation and rezone from Rural Transition (RUT-Ada County) to Residential (R-4-DA) with a Development Agreement, which fits within the neighboring properties.

Council added conditions of approval to include single story homes along the 5 eastern lots, detached sidewalks along Brandon Road, Solid fencing along the southern boundary of the development, French drains along the southern boundary if required by the City Engineer, management of fugitive lighting in back yards of external lots, and having the applicant work with the Army Corp of Engineers to review any potential wetlands mitigation.

Conditions of Approval:

1. The approved Preliminary Plat for the Sellwood Place 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.
3. **Lots 8, and 10-13, Block 6, as they appear on the approved preliminary plat, shall be limited to one-story homes. This shall be a condition within the Development Agreement.**
4. **The applicant shall provide solid fencing along the entire southern boundary of the development. In addition, the applicant shall work with the City Engineer to determine if additional drainage (French drain) is necessary to alleviate potential erosion along the southern property boundary. This shall be a condition within the Development Agreement.**

5. **The applicant shall work with the Army Corp of Engineers to determine if wetland area exists within the development and if mitigation is necessary. Documentation from the Corp shall be provided to staff prior to approval of construction drawings. This shall be a condition within the Development Agreement.**
6. **The applicant shall manage fugitive lighting directed towards existing land uses to the east and south of the development.**
7. **The applicant shall provide detached sidewalk along the entire frontage of the subdivision on Brandon Road.**
8. All public streets shall have a minimum street width of 36' and shall be constructed to ACHD standards.
9. Applicant shall meet all the setback requirements in the Unified Development Code Section 8-3A-4, including side street setbacks of 20 feet and 5' side yard setbacks per story.
10. The shared driveways shall be approved by and built-in accordance with ACHD and Star Fire District requirements.
11. 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/design prior to Final Plat approval. Streetlights shall comply with the Star City Code regarding light trespass and "Dark Sky" initiative.**
12. 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. In addition, a minimum of three (3) amenities shall be provided in the development. **A revised landscape plan shall be submitted that shows the correct placement and number of trees throughout the development along with type and location of site amenities. This will be required prior to Final Plat approval.**
13. The property with the approved Preliminary Plat shall be satisfactorily weed abated, preventing a public nuisance, per Star City Code.
14. All signed Irrigation District Agreements with the Irrigation Districts shall be provided to the City of Star with each subsequent Final Plat application.
15. 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.
16. A plat note supporting the "Right to Farm Act" as per Idaho Code Title 22, Chapter 45, shall be shown on the Final Plat.
17. A copy of the CC&R's shall be submitted to the City of Star at Final Plat.
18. 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.
19. 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.

20. 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.
21. All common areas shall be owned and maintained by the Homeowners Association.
22. 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 any construction.**
23. A sign application is required for any subdivision signs.
24. Any additional Condition of Approval as required by Staff and City Council.

Council Decision:

The Council voted unanimously to approve the Annexation and Zoning to Residential (R-4-DA), Development Agreement, Preliminary Plat for Sellwood Place Subdivision on February 2, 2021.

Dated this 17th day of February 2021.

Star, Idaho

By: _____
Trevor A. Chadwick, Mayor

ATTEST:

Meredith Hudson, Deputy City Clerk

FINDINGS OF FACT AND CONCLUSIONS OF LAW
BREITENBACH RIDGE SUBDIVISION
FILE NO. AZ-20-21/DA-20-27/PP-20-19

The above-entitled Annexation & Zoning, Development Agreement, and Preliminary Plat land use applications came before the Star City Council for their action on February 2, 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 requested approval of an Annexation and Zoning (R-2-DA), a Development Agreement, and Preliminary Plat for a proposed residential subdivision consisting of 22 residential lots and 4 common lots. The property is located at 12250 & 12300 W. New Hope Road in Star, Idaho, and consists of 20.4 acres with a proposed density of 1.08 dwelling units per acre.

B. Application Submittal:

A neighborhood meeting was held on November 18, 2020 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 December 22, 2020.

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 December 24, 2020. 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 December 22, 2020. Notice was sent to agencies having jurisdiction in the City of Star on December 22, 2020. The property was posted in accordance with the Star Unified Development Code on January 19, 2021.

D. History of Previous Actions:

There have been no previous requests through the City for development of this property.

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

	Zoning Designation	Comp Plan Designation	Land Use
Existing	County Rural Transitional (RUT)	Neighborhood Residential	Agricultural/Residential
Proposed	R-2	Neighborhood Residential	Estate Residential
North of site	County Rural Transitional (RUT)	Neighborhood Residential	Agricultural/Residential
South of site	R-3	Neighborhood Residential	Agricultural/Residential (Proposed Craftsman North Subdivision)
East of site	R-2	Neighborhood Residential	Agricultural/Residential
West of site	County Rural Transitional (RUT)	Neighborhood Residential	Agricultural/Residential

F. *Development Features.*

ANNEXATION & REZONE:

The annexation and rezone request from County Rural Urban Transition (RUT) to Low Density Residential (R-2) on the applicant's property will allow for the subdivision of the property to develop with urban densities that will be consistent with the current Comprehensive Plan Map. The overall gross density of the proposed development is 1.08 dwelling units per acre. The Comprehensive Plan Land Use Map previously designated this property as Neighborhood Residential, with an allowed density of 3 to 5 dwelling units per acre. The requested density is aligned with this land use designation. The requested zoning designation and density meets the intent of the Comprehensive Plan.

PRELIMINARY PLAT:

The Preliminary Plat submitted contains 22 single family residential lots, and 4 common area lots for a total of 26 total lots. The buildable residential lots range in size from 17,535 square feet to 19,023 square feet with the average buildable lot area of 18,298 square feet. Two existing homes will remain at the north of the development on platted lots that will be 3.60 and 3.89 acres, respectively. The applicant has indicated that the development will contain a total of 2.22 acres (10.88%) of open space. This meets the minimum requirement for usable open space in the current Unified Development Code. Section 8-4E-2A(4) allows up to a 50% reduction in total required open space. Streets are proposed to be public throughout the development. Proposed

local streets measure 36 ft from back of curb to back of curb on the submitted preliminary plat within a 50-foot right of way which satisfies Section 8-6B-2 of the Unified Development Code

The development will be accessed on the south from W. New Hope Road. The development will also have two stub roads located on the southeast and southwest edge of the property that will terminate at the property line with the possibility to extend in the future.

The applicant is **NOT** requesting any setback waivers from current code.

The applicant has not indicated more than 1 phase for the development of this subdivision.

ADDITIONAL DEVELOPMENT FEATURES:

- Sidewalks
Sidewalks are proposed at five-foot (5') widths and will be detached throughout the overall subdivision with an eight-foot (8') landscape strip.
- Street Names
Street names will be approved by the Ada Street Naming Committee prior to signature of final plat.
- Landscaping - As required by the Unified Development Code, Chapter 8, Section D Street Trees; the minimum density of one (1) tree per thirty-five (35) linear feet is required. The development has approximately 670 feet of frontage along W. New Hope Road. This requires 19 trees and 19 are shown on the landscape plan. All of the interior streets in the development show the required number of trees, 100 trees are required and 101 are on the landscape plan. Code also calls for 1 shade tree per 4000 square feet of open space. The landscape plan has 1 tree per 8000 square feet. Lot 5 Block 4 requires 4 trees and Lot 8 Block 4 requires 7 trees. Prior to the approval of the final plat, the applicant shall be required to submit an updated landscape plan showing all required trees. (Please see "Tree Selection Guide for Streets and Landscapes throughout Idaho", as adopted by the Unified Development Code.)
- Amenities – Based on the size of the property, one amenity are required per the UDC Section 8-4E-2. The applicant is proposing a covered picnic area with a barbeque in the northeast common lot. In the northwest common lot, the applicant is proposing a couple of picnic tables and they are providing a 10-foot paved pathway along the north of the property that will be public and will connect to the common areas and the sidewalks in the development.
- Streetlights – A streetlight plan has been submitted and does meet the requirements of the UDC for placement. A design has not been submitted with the application. Streetlights shall meet the City's requirements and intent for "Dark Sky" lighting,

including the downward illumination of all lighting. **A condition of approval will be included with the preliminary plat requiring the applicant to work with Staff on streetlight types, and provide details, including design and final locations, at submittal of final plat.**

- Shared Driveway – The development proposes to have one (1) shared driveway on the northern portion of the development to access the two large acreage lots. This drive will service the existing homes and allows for access to their existing driveways. The Unified Development Code Section 8-6B-2D(5) requires the driveway to be paved. A fire hydrant is shown on the preliminary plat on the shared drive to service both existing homes. Shared driveways must be approved by the Fire District. To date, the Fire District has not provided review and approval for these driveways.

H. *On-Site Features:*

- ★ Areas of Critical Environmental Concern – No known areas.
- ★ Evidence of Erosion – No known areas.
- ★ Fish Habitat – No known areas.
- ★ Mature Trees – Yes, to be retained.
- ★ 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.

I. *Agencies Responding:*

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

Keller and Associates	January 14, 2021
Star Fire	January 27, 2021
West Ada School District	January 25, 2021
Ada County Development Services	December 22, 2020
Central District Health	December 29, 2020
ACHD	January 12, 2021
ITD	January 22 & 26, 2021
Farmer's Union Ditch Company	January 22, 2021

J. Staff received the following neighbor letters 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.

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.

C. Site layout within the Special Transition Overlay Area is to provide for a transition in density and lot sizing.

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.

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

8-3A-3: USES WITHIN ZONING DISTRICTS

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

<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-2	35'	20'	20'	10'	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.

8-4E-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. Parkways along local residential streets with detached sidewalks that meet all the following standards may count toward the common open space requirement:
 - a. The parkway is a minimum of eight feet (8') in width from street curb to edge of sidewalk and includes street trees as specified otherwise herein.
 - b. Except for alley accessed dwelling units, the area for curb cuts to each residential lot or common driveway shall be excluded from the open space calculation. For purposes of this calculation, the curb cut area shall be a minimum area of twenty-six feet (26') by the width of the

parkway.

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

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

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

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.

8-1E-1: DEFINITIONS - TERMS DEFINED

TRANSITIONAL LOT OR PROPERTY: The size of a new residential lot when being proposed adjacent to an established residential use. The ratio for lots adjacent to properties shall be determined on a case by case basis, when considering the size of the development potential for the existing use. This shall not be required if separated by an existing roadway or large canal where the distance between new structures and existing structures equal or exceed 100 feet.

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

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

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

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

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

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

The Council finds that the residential purpose statement states that the purpose of the residential districts is to provide for a range of housing opportunities consistent with the Star Comprehensive Plan. Connection to the Star sewer and water district is a requirement for all residential districts, when available. Residential districts are distinguished by the allowable density of dwelling units per acre and corresponding

housing types that can be accommodated within the density range. Council finds that this request is consistent with the statement.

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

The Council finds that there is no indication from the material and testimony submitted that this annexation and zoning 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.

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

The Council finds this annexation is reasonably necessary for the orderly development of the City.

8-6A-7: PRELIMINARY PLAT FINDINGS:

1. The plat is in compliance with the Comprehensive Plan;
The Council finds that the Plat, as approved, will be consistent with the Comprehensive Plan and will meet 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.
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.
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 scheduled before the City Council on February 2, 2021, at which time testimony was heard and the public hearing was closed. The City Council made their decision at that time.
- b. Oral testimony in favor of the application was presented to the City Council by:
 - Bob Unger, ULC Management, LLC, 9662 W. Arnold Rd, Boise, ID – The applicant
- c. Oral testimony to the application was further presented to the Council by:
 - John Schram, 3353 N. Munger Road, Star
- d. Written testimony in favor of or opposing the application was presented to the City Council by:
None

Deliberations and Conclusions of Law:

The Council reviewed the particular facts and circumstances of this proposed annexation and zoning application in accordance with the City of Star Title 8 (Unified Development Code), deliberated on the matter, resulting in discussions on the annexation and platting of the development. Discussion included development layout, access, irrigation ditches, open space and restrictions on redevelopment of 2 large northern lots.

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.

The Owner requested the annexation and rezone from Rural Transition (RUT-Ada County) to Residential (R-2-DA) with a Development Agreement, which fits within the neighboring properties.

Council added a condition of approval to include a deed restriction on further redevelopment of the two (2) large lots on the north end of the development, and for the applicant to work with the irrigation district and Star Sewer and Water on any unresolved issues.

Conditions of Approval:

1. The approved Preliminary Plat for the Breitenbach Ridge 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.
3. **The applicant shall work with the Irrigation District and Star Sewer and Water District on any unresolved issues.**
4. **The applicant shall agree to a deed restriction on the two (2) northern lots restricting each from redevelopment. This shall be included in the Development Agreement.**
5. All public streets shall have a minimum street width of 36' and shall be constructed to ACHD standards.
6. Applicant shall meet all the setback requirements in the Unified Development Code Section 8-3A-4, including side street setbacks of 20 feet and 10' side yard setbacks per story.
7. The shared driveway shall be paved and shall further meet all requirements of the Star Fire District.
8. The stub streets shall be built in accordance with ACHD and Star Fire District requirements.
9. 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. **Applicant/Owner shall submit a streetlight plan/design prior to Final Plat approval. Streetlights shall comply with the Star City Code regarding light trespass and "Dark Sky" initiative.**
10. 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. In addition, a minimum of three (3) amenities shall be provided in the development. **A revised landscape plan shall be submitted that shows the correct placement and number of trees in the common areas, prior to Final Plat approval.**
11. The property with the approved Preliminary Plat shall be satisfactorily weed abated, preventing a public nuisance, per Star City Code.
12. All signed Irrigation District Agreements with the Irrigation Districts shall be provided to the City of Star with each subsequent Final Plat application.
13. 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.
14. A plat note supporting the "Right to Farm Act" as per Idaho Code Title 22, Chapter 45, shall be shown on the Final Plat.
15. A copy of the CC&R's shall be submitted to the City of Star at Final Plat.
16. 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.
17. 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.

18. 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.
19. All common areas shall be owned and maintained by the Homeowners Association.
20. 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 any construction.**
21. A sign application is required for any subdivision signs.
22. Any additional Condition of Approval as required by Staff and City Council.

Council Decision:

The Council voted unanimously to approve the Annexation and Zoning to Residential (R-2-DA), Development Agreement, Preliminary Plat for Breitenbach Ridge Subdivision on February 2, 2021

Dated this 17th day of February 2021.

Star, Idaho

By: _____
Trevor A. Chadwick, Mayor

ATTEST:

Meredith Hudson, Deputy City Clerk