

FINDINGS OF FACT AND CONCLUSIONS OF LAW
SEAN SUNDWALL ANNEXATION & ZONING
FILE NO. AZ-25-08

The above-entitled Annexation & Zoning land use application came before the Star City Council for their action on January 20, 2026, 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-3) for property located in unincorporated Ada County. The property, once annexed, will be merged into existing, adjacent properties. The property is located near W. Happy Day Drive in Star, Idaho, and consists of .15 acres. The subject property is generally located north of W. Joplin Road, north of W. Happy Day Drive. Ada County Parcel No. S0419428132.

B. Application Submittal:

A neighborhood meeting was held on December 9, 2025, 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 30, 2025.

C. Notice of Public Hearing:

Notice of Public Hearing on the application for the City of Star Council was published in accordance with the requirements of Title 67, Chapter 65, Idaho Code and the Star Unified Development Code on January 2, 2026. 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 30, 2025. Due to the type of request, notice was not given to agencies having jurisdiction in the City of Star. The property was posted in accordance with the Star Unified Development Code on January 2, 2026.

D. History of Previous Actions:

The city does not have any previous land use history for this parcel.

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

	Zoning Designation	Comp Plan Designation	Land Use
Existing	Rural Urban Transition (RUT)	South of the River Neighborhood Residential	Vacant Ground
Proposed	Residential (R-3)	South of the River Neighborhood Residential	Single Family Residential
North of site	Rural Urban Transition (RUT)	South of the River Neighborhood Residential	Single Family Residential/AG (Jerry Gage Property)
South of site	Residential (R-3))	South of the River Neighborhood Residential	Star Pointe Subdivision
East of site	Rural Urban Transition (RUT)	South of the River Neighborhood Residential	Single Family Residential/AG (Aldrich Property)
West of site	Rural Urban Transition (RUT)	South of the River Neighborhood Residential	Single Family Residential/AG (Jerry Gage Property)

F. *Development Features:*

ANNEXATION & REZONE:

The annexation and rezone request from Rural Urban Transition (RUT) to Residential (R-3) on the applicant's property will bring the applicants property into the City of Star and allow for the property to then be incorporated into the existing, adjacent residential lots located in the Starpointe Subdivision. This will be handled through the Lot-Line-Adjustment application process. Because the property being annexed is non-buildable, due to its size, dimensions and location, a development agreement is not necessary as part of this annexation.

G. *On-Site Features:*

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

- ✧ Unstable Soils – No known issues.
- ✧ Historical Assets – No historical assets have been observed.
- ✧ Wildlife Habitat – No known sensitive wildlife habitat observed.

H. *Agencies Responding:*

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

Agencies were not notified due to the type of application request.

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

None

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

Comprehensive Plan:

8.2.3 Land Use Map Designations:

South of the River Planning Area:

Planning for the Boise River, including a new riverfront center, focusing on its adjacency to water and the natural environment, creating connected communities, and developing new family-friendly neighborhoods. The South of the River Subarea Plan comprises the area south of the Boise River to Chinden Road and between State Highway 16 (SH 16) and the north extension of Can-Ada Road. The area offers a more market-supportable balance between housing and commercial areas. The plan provides a greater degree of connectivity in both the transportation and pathway systems and integrates open space and amenities throughout the Subarea, identifying potential locations and connectivity.

It builds on the natural assets and other waterway and topographic features within the area of the Boise River and the southern bench as it elevates to Hwy 20/26.

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:

- Preserve the family friendly feel of Star.
- Implement the Land Use Map and associated policies as the official guide for development.
- Manage urban sprawl in order to minimize costs of urban services and to protect rural areas.
- Work to create a vibrant Central Business District.
- Encourage commercial development that is consistent with a family friendly feel, not overburdening the community with big box and franchise uses and discourage the development of strip commercial areas.

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.

8-3A-3: USES WITHIN ZONING DISTRICTS

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

Zoning District Uses	R-3
Dwelling:	
Single-family detached	P

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 is to 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. The Council finds that this annexation and zoning is in compliance with these goals within 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 District is the appropriate zoning district to apply to this type of annexation.

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

The Council finds that there is no indication from the material and testimony submitted that the annexation and zoning of this property will be materially detrimental to the public health, safety or welfare. Council has included conditions of approval on the development.

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 by this annexation.

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

The Council finds that the annexation and zoning of the subject property is reasonably necessary for the continued, orderly development of the City.

Public Hearing of the Council:

a. A public hearing on the application was heard by the City Council on January 20, 2026, 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, Against or Neutral) regarding the application was presented to the City Council by:

- Shawn L Nickel, City Planning Director gave Staff Presentation
- Sean Sundwall, Applicant

c. Public sign-ins that did not testify (In-favor, Against or Neutral):

Carrie Gilshrap

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

None

Deliberations and Conclusions of Law:

The Council reviewed the particular facts and circumstances of this proposed annexation and zoning in accordance with the City of Star Title 8 (Unified Development Code), deliberated on the matter, resulting in review of the record, including the staff report, and discussions on the annexation and zoning of the property. Review and discussion included the applicants intent to incorporate the land associated with this annexation into existing residential lots in the Starpointe Subdivision. Council concluded that the Applicant's request meets the requirements and findings for annexation and zoning. Council hereby incorporates the staff report dated January 20, 2026 into the official decision as part of these Findings of Fact, Conclusions of Law.

Statement of Compliance:

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

Council Decision:

The Council voted 4-0 to approve the Annexation and Zoning for Sean Sundwall on January 20, 2026.

Dated this 16th day of February, 2026.

Star, Idaho

By: _____
Trevor A. Chadwick, Mayor

ATTEST:

Shelly Tilton, City Clerk