

**FINDINGS OF FACT AND CONCLUSIONS OF LAW
INSPIRADO COMMERCIAL & ROADWAY ANNEXATION
AZ-23-04**

The above-entitled Annexation and Zoning application came before the Star City Council for action on July 18, 2023, at which time public testimony was taken and the public hearing was closed. The Star City Council, having requested and taken oral and written testimony, and having duly considered the matter, does hereby make the following Findings of Fact and Conclusions of Law.

Procedural History:

A. Proposed Project Summary:

The Applicant is requesting approval of an Annexation and Zoning (MU Mixed Use & Residential R-3) and a Development Agreement modification for two future commercial parcels and a parcel for future roadway. The properties are located at 7230 W. Chinden Blvd and the intersection of W. Old School Drive and N. Mystic Creek Ave, Meridian, Ada County, Idaho, and consists of a total of 5.26 acres. The subject property is generally on the north side of Hwy 20/26 (Chinden Road) between N. Star Road and Hwy 16. Ada County Parcel No's. S0420449210, S0420347000 & S0420347101.

B. Application Submittal and Agency Transmittal:

A neighborhood meeting was held on April 17, 2023, in compliance with the application submittal requirement of the Star Unified Development Code (Section 8-1A-6C). The Land Use applications were accepted by the City on June 8, 2023. Original notice was sent to agencies having jurisdiction in the City of Star on June 8, 2023.

C. Notice of Public Hearing:

Notice of Public Hearing on the application for the City of Star City Council was published in accordance with the requirements of Title 67, Chapter 65, Idaho Code, and the Star Unified Development Code on June 30, 2023. Notice of this public hearing was mailed to property owners within three-hundred feet (300') of the subject property in accordance with the requirements of Title 67, Chapter 65, Idaho Code and Star Unified Development Code on June 27, 2023. The property was posted in accordance with the Star Unified Development Code on July 7, 2023.

D. Property History:

August 17, 2021	The public hearing was tabled to January 11 to allow for ACHD and ITD additional time to provide comments.
January 11, 2022	Council approved applications for Annexation and Zoning (AZ-21-09), Preliminary Plat (PP-21-22), Planned Unit Development (PUD – 21-01) and

a Development Agreement (DA-21-11) for Inspirado Subdivision. The preliminary plat was approved for 195 single family residential lots, 2 multi-family residential lots, 1 commercial lot, 4 multi-use lots and 24 common lots.

September 6, 2023 Council approved application for final plat for phase one for 61 residential lots.

November 15, 2022 Council approved application for final plat for phase two for 43 residential lots.

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

	Zoning Designation	Comp Plan Designation	Land Use
Existing	RUT (County)	South of the River Planning Area	Approved Single Family Residential/ Commercial
Proposed	MU-DA R-3-DA	South of the River Planning Area	Commercial/Mixed Use/Future Roadway
North of site	MU-PUD-DA	South of the River Planning Area	Single Family Residential/ Commercial
South of site	RUT (County)	City of Meridian Impact Area	Agriculture
East of site	RUT (County)	South of the River Planning Area	Vacant
West of site	MU-PUD-DA	South of the River Planning Area	Approved Mixed Use/Commercial

F. Development Features (As Proposed by the Applicant with Staff analysis and comments included):

ANNEXATION & REZONE:

The Applicant is requesting approval of an Annexation and Zoning (MU Mixed Use & Residential R-3) and a Development Agreement modification for two future commercial parcels and a parcel for future roadway. The subject properties are located at 7230 W Chinden Blvd and consist of Parcel Numbers S0420347000, S0420347101 and S0420449210. The parcels are adjacent the existing Inspirado Subdivision to the north. The project is 4.2 acres and is generally located northeast of the Chinden Blvd and Star Rd intersection. The subject properties are currently vacant. S0420449210 is an outparcel which is being included now to ensure Old School Drive is able to be constructed and connected in its entirety consistent with other improvements within the original Inspirado approval. The new parcels to be included within the existing Inspirado Development are currently within Ada County and requesting annexation into the City of Star.

The applicant is requesting MU and R-3 zoning. This is consistent with the adjacent zoning designations and Comprehensive Plan Map and South of the River Plan.

In reviewing the application and proposed Mixed Use zoning designation and uses allowed, Council should consider excluding specific uses such as Multi-Family and other Residential, Storage Facilities or other uses that Council has voiced concerns about in past applications for Mixed Use zones.

ITD has responded that the two Mixed Use parcels on Hwy 20/26 were not considered as part of the original Traffic Impact Study (TIS). Staff recommends a condition of approval in the development agreement requiring the applicant to work with ITD and ACHD on all related requirements by the transportation agencies.

DEVELOPMENT AGREEMENT

Through the Development Agreement process, the applicant is proposing to work with the City and/or neighboring property owners to provide further insurances that the development will be built as presented and/or modified by the Council through the review process. Items that should be considered by the applicant and Council include the following:

- Allowed Mixed Uses, including Multi-family and Storage Facilities
- ITD Proportionate Share Fees and Updated TIS
- Emergency Access

G. *On-Site Features:*

- ✧ Areas of Critical Environmental Concern – No known areas.
- ✧ Evidence of Erosion – No evidence.
- ✧ Fish Habitat – None.
- ✧ Floodplain – No.
- ✧ Mature Trees – None.
- ✧ Riparian Vegetation – No.
- ✧ Steep Slopes – None.
- ✧ Stream/Creek – Yes.
- ✧ 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.

Ada County
ITD

July 7, 2023

July 6, 2023

I. Staff received the following letters & emails in support and opposition of the development application:

No public comments have been received on this application.

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

COMPREHENSIVE PLAN:

8.2.3 Land Use Map Designations:

Mixed-Use:

Generally suitable for a mixture of uses which may, at the sole discretion of the Council, include office, commercial, light industrial, and/or residential depending upon the specific area designated as Mixed Use. See Mixed Use Implementation Policies for specific criteria. Development within this land use designation is to proceed through the PUD and/or development agreement process.

Identifying areas for mixed-use development has two objectives. The first objective is to give the city a better tool to manage the type of developments through the planned unit development and/or the Development Agreement process. The second objective is that this land use designation will allow the development community to be more innovative in design and placement of structures. Development design guidelines should also be established to guide development within mixed-use areas. Rezoning within this land use designation is to be strictly monitored by the city to assure that the Mixed-Use areas are not being used simply to justify high density residential use.

8.4 Objectives:

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

8.5.3 Policies Related Mostly to the Urban Residential Planning Areas:

- A. The Neighborhood Residential Land Use is to encourage urban style development densities to limit urban sprawl.
- B. Low densities within the Neighborhood Residential Land Use are to be designed within the floodplain, ridgeline developable areas, hillside developable areas and where new residential lots are proposed adjacent to existing residential lots of one acre and larger where those existing larger lots are not likely to be subdivide in the future.

8.5.6 Policies Related Mostly to The Commercial Planning Areas

Assist in the provision of coordinated, efficient, and cost-effective public facilities and utility services, carefully managing both residential and non-residential development and design, and proactively reinforcing downtown Star's role as the urban core while protecting existing property rights.

Encourage commercial facilities to locate on transportation corridors.

Locate neighborhood services within walking distance to residential development.

Discourage the development of strip commercial areas.

Maintain and develop convenient access and opportunities for shopping and employment activities.

Commercial areas of five acres or less should be encouraged in residential land use designations with appropriate zoning to allow for commercial services for residential neighborhoods and to limit trip lengths. Such commercial areas should be submitted for approvals with a Conditional Use Permit or Development Agreement to assure that conditions are placed on the use to provide for compatibility with existing or planned residential uses. These areas should be oriented with the front on a collector or arterial street.

Allow for some light industrial uses within the Commercial areas at the sole discretion of the City Council.

8.5.7 Policies Related Mostly to The Mixed-Use Planning Areas

- A. Council, at their sole discretion, shall determine what mix of uses are appropriate for any mixed-use area considering existing property owners rights.
- B. Development within the Mixed-Use Designation is to proceed through the CUP, PUD, and/or Development Agreement process, and a concept plan must be included with any such proposed use.

- C. In general, mixed-use areas along state highways should be predominantly commercial with a very minor component of residential unless the residential is placed on upper floors as part of a mixed-use building.
- D. Mixed use areas along state and U.S. Highways where direct access to the state highway is prohibited, like along State Highway 16 between State Highway 44 and US Highway 20/26, should be predominately residential with a minor component of neighborhood commercial, or light industrial if sufficient roadway access, by means of backage or other roads, to the State Highway is provided.
- E. Mixed use areas located between commercial and residential land use designations are to provide a compatible transition between the higher intensity use of commercial and the lower intensity use of Estate and_Neighborhood Residential. Uses for these mixed-use areas could include multi-family housing and or office related uses if determined by the Council through the public hearing process, to be appropriate.

8.5.9 Additional Land Use Component Policies:

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

18.4 Implementation Policies:

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.

21.1 – South of the River Planning Area

Refer to the South of the River Area Document

UNIFIED DEVELOPMENT CODE (UDC):

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;
 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; and
 5. The annexation (as applicable) is in the best interest of city.

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

MU MIXED USE DISTRICT: To provide for a mixture of uses which may, at the sole discretion of the Council, include office, commercial, and/or residential depending upon the specific

comprehensive plan area designated as Mixed Use. Development within this zone is to proceed through the PUD process unless a development agreement has already been executed for the particular property. Identifying areas for mixed-use development has two objectives. The first objective is to give the city a better tool to manage the type of developments through the planned unit development and/or the Development Agreement process. The second objective is that this zone may allow the development community to be more innovative in design and placement of structures subject to Council review and approval. Rezoning within this land use designation is to be strictly monitored by the city to assure that the Mixed-Use areas are not being used simply to justify high density residential use. Residential uses may be part of an overall mixed-use development that includes a non-residential component and may not exceed 30% of the overall size of the development.

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.

8-3E-1: MU MIXED USE DISTRICT: ADDITIONAL MIXED-USE DISTRICT STANDARDS

- A. Comply with Section 8-3A-1: ZONING DISTRICTS AND PURPOSE ESTABLISHED
- B. All development applications within a mixed-use district shall be accompanied by a conditional use permit, planned unit development, or development agreement application, which shall include a concept plan of the development.
- C. The administrator shall make a recommendation to the applicant regarding what mix of uses are appropriate for any mixed-use development and shall then make a recommendation to the Council.
- D. The development shall include uses from two (2) or more of the land use categories such as residential, commercial, office, light industrial, public space or agricultural.
- E. Mixed-use areas along state highways, where adequate access can be provided for commercial use, shall be predominantly commercial with a very minor component of residential unless the residential is placed on upper floors as part of a mixed-use building.
- F. For any mixed-use development which includes a residential component, a minimum of two (2) housing types, including but not limited to, single-family detached dwellings, single family attached dwellings and multi-family dwellings, shall be required. This excludes multi-family that is proposed to be placed solely on upper floors as part of a mixed-use building.
- G. The Council may place requirements on a mixed-use development, including a ratio of uses and/or timing of phases, to ensure that the overall development maintains its mixed-use intent.

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>	
USES	MU
Accessory structure - Residential or Commercial	C/P
Adult business/adult entertainment	N
Agriculture, forestry, fishing	N
Airport	N
Animal care facility ₁	C
Artist studio ₁	P
Arts, entertainment, recreation facility ₁	C
Asphalt plant ₁	N
Auction facility	C
Automated Teller Machine (ATM) ₁	A
Automotive hobby ₁	A
Automotive mechanical/electrical repair and maintenance	C
Bakery- Retail or Manufacturing	P/C
Bar/tavern/lounge/drinking establishment	C
Barbershop/styling salon	P
Bed and breakfast	C
Beverage bottling plant	N
Boarding house	C
Brewery/Distillery	C
Brewpub/Wine Tasting	C
Building material, garden equipment and supplies	C
Campground/RV park ₁	C
Caretaker Unit ₁	A
Cement or clay products manufacturing	N
Cemetery ₁	N
Chemical manufacturing plant ₁	N
Child Care center (more than 12) ₁	C
Child Care family (6 or fewer) ₁	A
Child Care group (7-12) ₁	C
Child Care-Preschool/Early Learning ₁	C
Church or place of religious worship ₁	C
Civic, social or fraternal organizations	C

Concrete batch plant ¹	N
Conference/convention center	C
Contractor's yard or shop ¹	N
Convenience store	C
Dairy farm	N
Drive-through establishment/drive-up service window ¹	C
Dwelling:	
Multi-family ¹	C
Secondary ¹	C
Single-family attached	C
Single-family detached	C
Two-family duplex ¹	C
Live/Work Multi-Use ¹	C
Educational institution, private	C
Educational institution, public	C
Equipment rental, sales, and services	C
Events Center, public or private (indoor/outdoor)	C
Fabrication shop	N
Farm	N
Farmers' or Saturday market	C
Feedlot	N
Financial institution	C
Fireworks Stands	P
Flammable substance storage	N
Flex Space	C
Food products processing	N
Fracking	N
Gasoline, Fueling & Charging station with or without convenience store ¹	C
Golf course/Driving Range	C
Government office	C
Greenhouse, private	A
Greenhouse, commercial	C
Guesthouse/granny flat	C
Healthcare and social services	C

Heliport	N
Home occupation ¹	A
Hospital	C
Hotel/motel	C
Ice manufacturing plant	N
Institution	C
Junkyard	N
Kennel	C
Laboratory	C
Laboratory, medical	C
Lagoon	N
Laundromat	P
Laundry and dry cleaning	C
Library	N
Manufactured home ¹	C
Manufactured home park ¹	N
Manufacturing plant	N
Meatpacking plant	N
Medical clinic	P
Mining, Pit or Quarry (excluding accessory pit) ¹	N
Mining, Pit or Quarry (for accessory pit) ¹	A
Mortuary	C
Museum	P
Nursery, garden center and farm supply	C
Nursing or residential care facility ¹	C
Office security facility	C
Parking lot/parking garage (commercial)	C
Parks, public and private	P
Pawnshop	P
Personal and professional services	P
Pharmacy	P
Photographic studio	P
Portable classroom/modular building	P

(for private & public Educational Institutions) ¹	
Power plant	N
Processing plant	N
Professional offices	C
Public infrastructure; Public utility major, minor and yard ¹	C
Public utility yard	N
Recreational vehicle dump station	A
Recycling center	N
Research activities	C
Restaurant	C
Retail store/retail services	C
Retirement home	C
Riding Arena or Stable, Private/Commercial	N
Salvage yard	N
Sand and gravel yard	N
Service building	C
Shooting range (<u>Indoor/Outdoor</u>)	C/N
Shopping center	C
Short Term Rentals ¹	A
Solid waste transfer station	N
Storage facility, outdoor (commercial) ¹	C
Storage facility, self-service (commercial) ¹	C
Swimming pool, commercial/public	P
Television station	C
Temporary living quarters ¹	N
Terminal, freight or truck ¹	N
Truck stop	C
Turf farm	N
Vehicle emission testing ¹	C
Vehicle impound yard ¹	N
Vehicle repair, major ¹	C
Vehicle repair, minor ¹	C
Vehicle sales or rental and service ¹	C

Vehicle washing facility ¹	C
Vehicle wrecking, junk or salvage yard ¹	N
Veterinarian office	C
Vineyard	C
Warehouse and storage	C
Wholesale sales	C
Winery	C
Wireless communication facility ¹	C
Woodworking shop	N

DIMENSIONAL STANDARDS:

Zoning District	Maximum Height	Minimum Yard Setbacks			
	Note Conditions	Note Conditions			
		Front (1)	Rear	Interior Side	Street Side
MU	35'	For MU and CBD - Unless otherwise approved by the Council as a part of a PUD or development agreement, all residential buildings shall follow the residential setbacks shown in this table based upon the project density and all other buildings shall follow setbacks for the C-2 zone (3).			

Notes:

1. Front yard setback shall be measured from the face of the garage to the face of the sidewalk, allowing for 20' of parking on the driveway without overhang onto the sidewalk.
2. Zero-Lot-Line and reduced front and rear setback waivers may be requested through the Development Agreement process. All other side yard setback requests for detached structures shall not be granted waivers, unless as part of a Planned Unit Development.
3. All setbacks in the CBD, C-1, C-2, LO, IL, PS, RC and M-U zone shall maintain a minimum 15' when adjacent to a residential use or zone.
4. As approved by the Fire District.

CITY COUNCIL FINDINGS OF FACT AND CONCLUSIONS OF LAW

8-1B-1C: ANNEXATION AND ZONING FINDINGS:

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

The Council finds that the applicants request for Annexation and Zoning (Map Amendment) complies with the intent and applicable provisions of the adopted 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 goals and 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.*
- ✓ Ensure development is commensurate with the physical characteristics of the land.*
- ✓ Economic development efforts on the enhancement of the business climate for entrepreneurs and small businesses*
- ✓ Enhance and develop Star's economy which will build a stronger community.*

Council finds that the Comprehensive Plan Land Use Designation for Mixed Use is generally suitable for a mixture of uses which may, at the sole discretion of the Council, include office, commercial, light industrial, and/or residential depending upon the specific area designated as Mixed Use. See Mixed Use Implementation Policies for specific criteria. Development within this land use designation is to proceed through the PUD and/or development agreement process. Identifying areas for mixed-use development has two objectives. The first objective is to give the city a better tool to manage the type of developments through the planned unit development and/or the Development Agreement process. The second objective is that this land use designation will allow the development community to be more innovative in design and placement of structures. Development design guidelines should also be established to guide development within mixed-use areas. Rezoning within this land use designation is to be strictly monitored by the city to assure that the Mixed-Use areas are not being used simply to justify high density residential use.

2. The map amendment complies with the regulations outlined for the proposed district. *The Council finds that the applicants request for Annexation and Zoning (Map Amendment) complies with the regulations and purpose statement for the proposed Mixed Use and Residential zoning district and other sections of the adopted Uniform Development Code (UDC). Council finds that the purpose of the district is to provide for a mixture of uses which may, at the sole discretion of the Council, include office, commercial, and/or residential depending upon the specific comprehensive plan area designated as Mixed Use. Development within this zone is to proceed through the PUD process unless a development agreement has already been executed for the particular property. Identifying areas for mixed-use development has two objectives. The first objective is to give the city a better tool to manage the type of developments through the planned unit development and/or the Development Agreement process. The second objective*

is that this zone may allow the development community to be more innovative in design and placement of structures subject to Council review and approval. Rezoning within this land use designation is to be strictly monitored by the city to assure that the Mixed-Use areas are not being used simply to justify high density residential use. Residential uses may be part of an overall mixed-use development that includes a non-residential component and may not exceed 30% of the overall size of the development.

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

The Council finds the materials and testimony submitted in this annexation and zoning application request will help ensure the uses of this property will not be materially detrimental to the public health, safety or welfare. The Council finds that the required conditions of approval that will be part of the Development Agreement will protect the public health, safety and welfare of the citizens of the City of Star and its Impact Area.

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.

The Council finds that the City has not been presented with any information from agencies having jurisdiction, that public services, with the conditions and requirements of the agencies adopted into the Development Agreement, will be adversely impacted.

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

The Council finds this annexation and zoning is reasonably necessary for the orderly development of the City. The Council finds that the annexation of this property will bring the property, with requirements, into and under the jurisdiction of the City. Council finds that approval of the requested annexation and proposed use of this property with the required conditions of approval, is in the best interest of the City of Star.

Public Hearing of the Council:

- a. A public hearing on the application was heard by the City Council on July 18, 2023, at which time testimony was heard and the public hearing was closed. The City Council made their decision at that time.
- b. Shawn L Nickel, City of Star Planning and Zoning Director presented the application.
- c. Oral testimony in favor of or opposing the application was presented to the City Council by:
- Nicolette Womack
 - Randy Clarno
 - Jannette Johnson

d. Additional testimony from City Staff, Agencies

None

e. 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 the proposed applications in accordance with the City of Star Title 8 (Unified Development Code), took public testimony, and deliberated on the matter, resulting in review of the record, including the staff report, and discussions on the development. Review and discussion included access, traffic concerns, parking, noise, lights, landscaping, buffers and previous County actions.

The Council discussed conditions of approval on the annexation and zoning, and conditional use permit applications, and the conditions of approval that will be part of the accompanying Development Agreement. Council concluded that the Applicant's request meets the requirements for the annexation and zoning and conditional use permit request. Council hereby incorporates the Council Packet with staff report dated July 18, 2023, together with all public and agency comments and the meeting minutes into the official decision as part of these Findings of Fact, Conclusions of Law.

Statement of Compliance:

Council finds and concludes that the Applicant has met all requirements of the applicable Unified Development Code and the intent and purpose of the applicable Comprehensive Plan and Map requirements for annexation and zoning.

Council added the following requirements to their decision to approve the annexation and zoning application that will be part of the Development Agreement conditions of approval to include the following:

1. No residential uses shall be allowed on the two Mixed-Use parcels unless as part of a Live/Work or Multi-Use development.
2. The roadway parcel shall be used as public right of way only and shall be dedicated to the public in the future at the City's request.

Council Decision:

Councilmember Nielson made a motion, seconded by Councilmember Hershey for approval. The Council voted 3-0 (Councilmember Salmonsens absent) to approve the Annexation and Zoning, Development Agreement and Conditional Use Permit applications on July 18, 2023.

Dated this 15th day of August 2023.

Star, Idaho

By: _____

Trevor A. Chadwick, Mayor

ATTEST:

Jacob M. Qualls, City Clerk