

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**  
**HACIENDA DE ESTRELLA SUBDIVISION**  
**FILE NO. DA-21-19 MOD/PUD-24-04/PP-24-06**

The above-entitled Development Agreement Modification, Planned Unit Development and Preliminary Plat land use applications came before the Star City Council for their action on May 6, 2025, 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 a Planned Unit Development, a Development Agreement Modification, and Preliminary Plat for a proposed mixed-use development consisting of 38 residential lots, 8 live/work lots, and 5 commercial lots. The property is located on the southwest corner of Hwy 44 and Bent Lane in Star, Idaho, and consists of 14.24 acres. The subject property is located on the southwest corner of State Hwy 44 and Bent Lane. Canyon County Parcel No's. R3401000000 & R3401001200.

*B. Application Submittal:*

A neighborhood meeting was held on May 13, 2024, 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 July 24, 2024.

*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 April 19, 2025. 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 April 21, 2025. Notice was sent to agencies having jurisdiction in the City of Star on July 24, 2024. The property was posted in accordance with the Star Unified Development Code on April 17, 2025.

*D. History of Previous Actions:*

August 17, 2021	Council approved applications for Annexation and Zoning (AZ-21-13), Development Agreement (DA-21-19) and Conditional Use Permit (CUP-21-04) for Grace Assisted Living Facility. The property was zoned commercial (C-2-DA).
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E. *Comprehensive Plan Land Use Map and Zoning Map Designations:*

	<b>Zoning Designation</b>	<b>Comp Plan Designation</b>	<b>Land Use</b>
<b>Existing</b>	Commercial (C-2-PUD-DA)	Commercial	Vacant Ground
<b>Proposed</b>	Commercial (C-2-PUD-DA)	Commercial	Commercial and Residential
<b>North of site</b>	Mixed Use (MU)	Commercial/Industrial Corridor	Agricultural Residential
<b>South of site</b>	Residential (R-2 & R-5)	Estate Urban Residential	Star River Ranch & Legado Subdivisions
<b>East of site</b>	Commercial (C-2-DA) Residential (R-5) Agricultural (County)	Commercial/Industrial Corridor/Estate Urban Residential	Agricultural Residential
<b>West of site</b>	Residential (R-2-DA) Commercial (C-2-PUD-DA)	Estate Urban Residential/Commercial Industrial Corridor	Sorano Estates Subdivision

F. *Development Features.*

**PLANNED UNIT DEVELOPMENT/PRELIMINARY PLAT:**

Through the Planned Unit Development (PUD) process, the applicant requests approval of multiple land use types within the development including, single family attached residential, live-work and neighborhood commercial. The PUD will allow the proposed uses to be integrated together to provide for pathway connections, parking and landscaping, setbacks and amenities in one approval process. **Within the existing C-2 zoning district, the proposed non-conforming land uses (attached residential and live/work) will make up 3.05 acres (21.42%) of the total development.**

The Planned Unit Development overall master plan consists of 46 residential units including 38 single-family attached dwellings, 8 live/work units and 5 commercial lots, with multiple common lots.

The neighborhoods include different lot sizes and residential dwellings:

**Single-Family Attached:** 38 units

2,725 to 2,727 square feet (average lot dimensions: (27' x 101')

**Live/Work Units:** 8 units

2,490 to 2,739 square feet (average dimensions: (30' x 83')

**Commercial Lots:** 5 lots

20,382 to 48,655 square feet

**Proposed Setbacks:**

Code Requirement	Front Yard Setback - 15' to living area/side load garage 20' to garage face	Rear Yard Setback – 15'	Interior Side Yard Setback 7.5'	Street Side Yard Setback 20'
Requested Setback	20' to living area/side 20' garage face Zero-Lot-Lines for Attached Units	10'	5' (10' between Buildings)	20'

Council originally approved 0-lot line side yard setbacks for the Grace Assisted Living residential units. This is recorded in the DA (**see attached exhibit**). Any additional variations will need to be included in the requested Development Agreement Modification.

**The Star Fire District has indicated in their review letter that they would support the proposed 5' side yard setbacks (10' between buildings) without fences between buildings.**

Sewer and Water will be provided by the Star Sewer and Water District and is in close proximity to the property. Annexation into the Sewer and Water District will be required.

The roads in the preliminary plat will be public throughout the development. There will be three main road sections within this plat.

**Landruff Lane – To be built along the southern portion of the development**

This is proposed to be 47 feet from back of curb to back of curb with a 7-foot detached sidewalk. The planter strip is only 2 feet wide and does not satisfy the 8-foot requirement in Section 8-8C-1. Landruff Lane will be built by multiple developments and should be consistent in design and construction. The Sorano Estates Development to the west, is proposing the same width of pavement, but with 12-foot-wide planter strips.

**Bent Lane – Existing road along the eastern portion of the development to be improved**

Bent Lane will be improved on the development side by adding 13 feet of pavement along with a curb and gutter. There will also be a 7-foot detached sidewalk with an 8-foot landscape strip.

**Interior Local Roads – To be constructed**

The local roads are proposed to be 36 feet from back of curb to back of curb with attached 5-foot sidewalks. The attached sidewalks were not previously approved by the existing Development Agreement and will need to be approved by Council.

This property also has frontage along State Highway 44. The Applicant will be required to build an 8-foot-wide detached sidewalk with an 8-foot landscape strip. The Applicant may also bond for the sidewalk as allowed by the highway district.

**As per Highway District #4 policy, all sidewalks are located outside of the right of way, which will put ownership and maintenance on the HOA. It is also the policy of HD4 to have all street drainage above ground.**

The Unified Development Code, Section 8-4E-2, requires a development of this size to have a minimum of one (1) site amenity. The total open space within the development is 2.5 acres, or 17.56 percent of the site. The usable open space provided is 2.35 acres, or 16.50 percent. A central common area is in the center of the project consisting of 14,389 square feet. The lot includes a covered picnic area and park benches, satisfying this requirement.

**The C-2 zoned commercial lots should be limited to uses compatible with the future, adjacent residential uses. Staff is recommending that the Council consider the following C-1 uses for the future commercial.**

- **Allowed uses outright\* (principally permitted & conditional use) within the C-1 zoned properties: Artist Studio; Barbershop/Styling Salon; Financial Institutions w/out drive-through; Healthcare and Social Services; Library; Medical Clinic; Personal and Professional Services; Pharmacy; Photographic Studio; Professional Offices. All principally permitted uses in C-1 zone unless otherwise listed herein.**

**\* Subject to CZC and Design Review Approval**

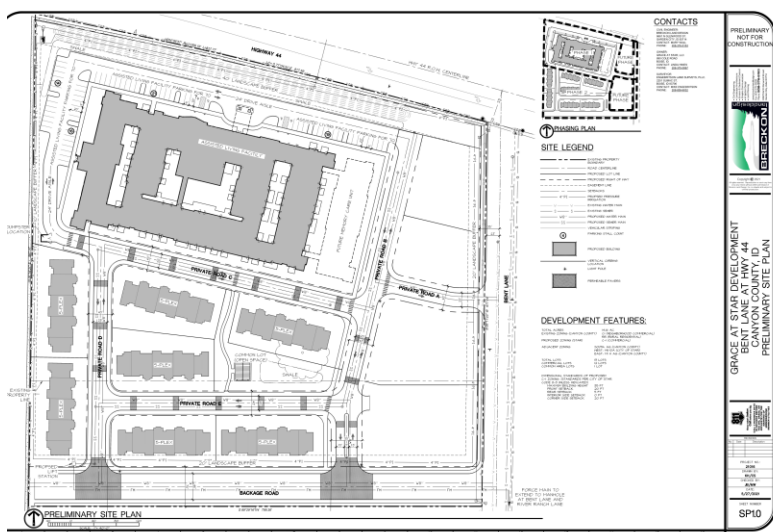
- **Uses Allowed only as Conditional Uses within the C-1 zoned properties: Animal Care Facility; Drive-through establishment /drive-up service window; Building Material, Garden Equipment and Supplies; Civic, Social or Fraternal Organizations; Educational Institution, Flex Space; Government Office; Laundromat; Laundry and Dry Cleaning; Portable Classroom/Modular Building; Nursery, Garden Center and Farm Supply; Nursing or Residential Care Facility; Restaurant; Retirement Home; Warehouse and Storage; Shooting range (indoor/outdoor); Shopping or Commercial center;**
- **Prohibited Uses in this Development other than already approved through PUD (not already listed as prohibited in the Code): Automotive Mechanical/Electrical Repair and Maintenance; Bar/Tavern/Lounge/ Drinking Establishment; Brewpub/Wine Tasting; Convenience Store; Conference/Convention Center; Equipment rental, sales, and services; Events/Entertainment Facility, public or private (indoor/outdoor); Golf Course/Driving Range; Hospital (for profit); Hotel/motel; Mortuary; Pawnshop; Public;**

**Farmers or Saturday Market; Fireworks Stand; Hospital (non-profit); Gasoline, Fueling & Charging Station with or without Convenience Store; Laboratory; Laboratory, Fabrication shop; Food products processing; Greenhouse commercial; Vehicle repair, major; Vehicle repair, minor; Vehicle sales or rental and service; Vehicle washing facility; Medical; Multi-family residential; Multiple Use Building; Office Security Facility; Parking Lot/Parking Garage-Commercial; Public Infrastructure; Public Utility major, minor and yard; Recreational vehicle dump station; Recycling center; Research Activities; Swimming Pool, Commercial/Public; Wireless Communication Facility; Storage facility, outdoor (commercial); Storage facility, self-service (commercial)**

#### **ADDITIONAL DEVELOPMENT FEATURES:**

- Lighting – Streetlights shall reflect the “Dark Sky” criteria with all lighting. The same streetlight design shall continue throughout the entire development. The applicant has not submitted a streetlight plan or design with the application packet. **The Applicant shall work with Staff on a plan that meets city requirements. This will be required before the final plat can be signed.**
- Street Names – Applicant has provided approval from Canyon County for the proposed street names.
- Subdivision Name – Applicant has provided approval from Canyon County for the proposed subdivision name.
- Landscaping - As required by the Unified Development Code, Chapter 8, Section 8-8C-2-M (2) Street Trees; A minimum of one street tree shall be planted for every thirty-five (35) linear feet of street frontage. The applicant shall use “Treasure Valley Tree Selection Guide”, as adopted by the Unified Development Code. Section 8-8C-2, J5 states that a minimum of one deciduous shade tree per four thousand (4,000) square feet of common area shall be provided. **The submitted landscape plan does not appear to satisfy these requirements. All streets are to have street trees every 35 feet. If street trees are to be placed by the builder, Certificate of Occupancy may be withheld until trees are verified in place per code.**
- Block lengths – **Not all blocks meet the 750’ block length requirement and will need to be approved as a waiver through this Council action.**
- Mailbox Cluster – Applicant has received approval from Star Postmaster for the location of the mailbox clusters. **The approval letter and map do not appear to provide the same location of the cluster. The Applicant will need to confirm with Postmaster prior to installation.**
- Phasing – The Applicant is proposing the project be built in one single phase.

- Mitigation fees – All future building permits shall be subject to emergency service mitigation fees, as determined by Council.
- Future Home Elevations/Building Permits – The applicant shall meet all future residential building standards associated with Section 8-3B-3J of the UDC. The applicant has submitted building elevations for review by Staff and Council. **The submitted elevations appear to satisfy UDC Section 8-3B-3 and contain a minimum of 3 architectural elements. A concept for the live/work has been submitted by the applicant. Future CZC and Design Review shall be required for all commercial and live/work buildings.**
- Structure Height – Applicant is proposing that all residential structures will be thirty-five (35') in height or less.
- Fencing – Staff will require as a condition of approval for the applicant to provide a fencing plan showing all required and proposed fencing and/or buffering.
- **Parking** – **The applicant has designed the development to include additional parking for guests for the attached residential and live/work uses. This includes approximately 13 on-street parking spaces within the attached residential area of the development and an off-street parking lot containing an additional 16 parking spaces. These 29 spaces, along with a requirement for shared parking easements with the commercial lots, guarantees the availability of additional parking within the entire development.**
- **APPROVED GRACE ASSISTED LIVING SITE PLAN** – The previously approved Grace Assisted Living Facility include the mixture of commercial and residential uses:



## DEVELOPMENT AGREEMENT (Modified):

Through the Development Agreement process, the applicant is proposing to work with the City and, when applicable, 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:

- Proposed Setbacks (5' side yard with 10' between buildings and no fencing)
- Approved Commercial Use
- ITD Proportionate Share Fees
- Street Trees
- Shared Parking and Access Easements
- Fencing and Buffering Plan
- Compliance With Weed Abatement Code
- Future Emergency Mitigation Fees
- Future Residential Building Elevations
- Maintenance of Residential Sidewalks

### H. *On-Site Features:*

- ★ Areas of Critical Environmental Concern – No known areas.
- ★ Evidence of Erosion – No evidence.
- ★ Fish Habitat – No.
- ★ Floodplain – Yes (Zone AE).
- ★ 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.
- ★ Historical Assets – No historical assets have been observed.
- ★ Wildlife Habitat – No known sensitive wildlife habitat observed.

### I. *Agencies Responding:*

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

ITD  
Highway District #4  
Star Fire District

August 12, 2024 (TIS Acknowledgment)  
February 27, 2025  
October 4, 2024

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

No public comments have been received to date.

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

**Comprehensive Plan:**

.2.3 Land Use Map Designations:

Commercial

Suitable primarily for the development of a wide range of commercial activities including offices, retail, and service establishments. Rezoning to this designation should not be allowed unless adequate ingress/egress to major transportation corridors are assured. Light industrial uses may be considered at the discretion of the City Council without amending this plan.

Commercial/Industrial Corridor

This area is located along the Hwy 44 corridor and is approximately 1,000 feet deep on both sides of the highway. Suitable primarily for the development of a wide range of commercial and light industrial activities including offices, retail, service establishments, manufacturing, warehousing, mini-storage and open storage, multi-tenant industrial park, and similar uses. Rezoning to this designation should not be allowed unless adequate ingress/egress to major transportation corridors are assured. All development within this land use shall be free of hazardous or objectionable elements such as excessive noise, odor, dust, smoke, or glare. Uses on the fringes shall transition to and be compatible with existing and future residential uses.

8.3 Goal:

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

8.4 Objectives:



- Implement the Land Use Map and associated policies as the official guide for development.
- Work to create a vibrant Central Business District.
- 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.
- 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.

#### 8.5.6 Policies Related Mostly to the Commercial Planning Areas

- A. 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.
- B. Encourage commercial facilities to locate on transportation corridors.
- C. Locate neighborhood services within walking distance to residential development.
- D. Discourage the development of strip commercial areas.
- E. Maintain and develop convenient access and opportunities for shopping and employment activities.
- F. 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.
- G. Allow for some light industrial uses within the Commercial areas at the sole discretion of the City Council.

#### 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:**

#### **8-1E-1: TERMS DEFINED:**

COMMERCIAL USE: An occupancy of a building, structure or other property which involves any retail sale, wholesale distribution, office, entertainment service, recreational area, restaurant, room for rent, manufacturing, hybrid production facility or other nonresidential use. However, this definition shall not include home occupations, churches, public schools, hospitals, public civic centers or public recreation facilities, or other facilities owned by, or operated strictly for the benefit of the public.

MIXED USE DEVELOPMENT: The development of a tract of land which includes uses from two (2) or more of the land use categories such as residential, commercial, office, light industrial, public space or agricultural. See also definition of Multiple Use Building and Live/Work Unit.

PLANNED UNIT DEVELOPMENT (PUD): Property planned as a unit that demonstrates innovation and creativity in site design to protect natural features, preserve open space and create public amenities. A well-designed urban type development characterized by a wide mix of uses, on site amenities, trip capture, and connectivity within the community; conservation of open space and preservation of environmental attributes; an emphasis on community character and forming a sense of community. A PUD may contain a specific use exception for uses not allowed in the zoning district and may allow for a density bonus.

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

The following zoning districts are hereby established for the interpretation of this title, the

zoning districts have been formulated to realize the general purposes as set forth in this title. In addition, the specific purpose of each zoning district shall be as follows:

(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.

(C-2) GENERAL COMMERCIAL DISTRICT: To provide for the establishment of areas for commercial uses allowed in other commercial zones and commercial uses which are more intensive than those permitted in other commercial zones, and typically located adjacent to arterial roadways and not immediately adjacent to residential, including the establishment of areas for travel related services such as hotels, motels, service stations, drive-in restaurants, offices, limited warehousing, commercial services and retail sales.

(PUD) PLANNED UNIT DEVELOPMENT: This designation, following any zoning designation noted on the official zoning map of the city (i.e., R-4-PUD), indicates that the development was approved by the city as a planned unit development, with specific allowances and design approved by Council.

(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

<b><u>ZONING DISTRICT USES</u></b>	<b>C-1</b>		<b>C-1</b>
Accessory structure - Residential or Commercial	A	Concrete batch plant 1	N
Adult business/adult entertainment	N	Conference/convention center	P
Agriculture, forestry, fishing	N	Contractor's yard or shop 1	N
Airport	N	Convenience store	C
Animal care facility 1	P	Dairy farm	N
Artist studio1	P	Drive-through establishment/drive-up service window 1	C
Arts, entertainment, recreation facility1	C	Dwelling:	
Asphalt plant 1	N	Multi-family 1	N
Auction facility	N	Secondary 1	N
Automated Teller Machine (ATM) 1	A	Single-family attached	N
Automotive hobby 1	N	Single-family detached	N
Automotive mechanical/electrical repair and maintenance	C	Two-family duplex <sup>1</sup>	N
Bakery- Retail or Manufacturing	P	Live/Work Multi-Use 1	N
Bar/tavern/lounge/drinking establishment	C	Educational institution, private	C
Barbershop/styling salon	P	Educational institution, public	C
Bed and breakfast	P	Equipment rental, sales, and services	C
Beverage bottling plant	N	Events/Entertainment Facility, public or private (indoor/outdoor) 1	C
Boarding house	N	Fabrication shop	N
Brewery/Distillery	C	Farm	N
Brewpub/Wine Tasting	C	Farmers' or Saturday market	C
Building material, garden equipment and supplies	C	Feedlot	N
Campground/RV park 1	N	Financial institution	P

	<b>C-1</b>		<b>C-1</b>
Caretaker Unit 1	A	Flammable substance storage	N
Cement or clay products manufacturing	N	Flex Space	C
Cemetery 1	N	Food products processing	C
Chemical manufacturing plant 1	N	Fracking	N
Child Care center (more than 12) 1	C	Gasoline, Fueling & Charging station with or without convenience store 1	C
Child Care family (6 or fewer) 1	A	Golf course/Driving Range	C
Child Care group (7-12) 1	C	Government office	P
Child Care-Preschool/Early Learning1	C	Greenhouse, private	N
Church or place of religious worship1	C	Greenhouse, commercial	C
Civic, social or fraternal organizations	P	Guesthouse/granny flat	N
Healthcare and social services	P	Power plant	N
Heliport	N	Processing plant	N
Home occupation 1	N	Professional offices	P
Hospital	C	Public infrastructure; Public utility major, minor and yard 1	C
Hotel/motel	C	Public Utility Yard	C
Ice manufacturing plant	N	Recreational vehicle dump station	C
Institution	C	Recycling center	C
Junkyard	N	Research activities	P
Kennel	N	Restaurant	C
Laboratory	P	Retail store/retail services	C
Laboratory, medical	P	Retirement home	C
Laundromat	P	Riding Arena or Stable, Private/ Commercial	N

	<b>C-1</b>		<b>C-1</b>
Laundry and dry cleaning	P	Salvage yard	N
Library	P	Sand and gravel yard	N
Manufactured home 1	N	Service building	P
Manufactured home park 1	N	Shooting range (Indoor/Outdoor)	C/N
Manufacturing plant	N	Shopping or Commercial center	C
Meatpacking plant	N	Short Term Rentals 1	N
Medical clinic	P	Solid waste transfer station	N
Mining, Pit or Quarry (excluding accessory pit) 1	N	Storage facility, outdoor (commercial)1	C
Mining, Pit or Quarry (for accessory pit) 1	A	Storage facility, self-service (commercial)1	C
Mortuary	C	Swimming pool, commercial/public	P
Multiple Use Building 1	C	Television station	N
Museum	P	Temporary living quarters 1	N
Nursery, garden center and farm supply	P	Terminal, freight or truck 1	N
Nursing or residential care facility 1	P	Truck stop	N
Office security facility	P	Turf farm	N
Parking lot/parking garage (commercial)	C	Vehicle emission testing 1	P
Parks, public and private	P	Vehicle impound yard 1	N
Pawnshop	P	Vehicle repair, major 1	C
Personal and professional services	P	Vehicle repair, minor 1	C
Pharmacy	P	Vehicle sales or rental and service 1	C
Photographic studio	P	Vehicle washing facility 1	C
Portable classroom/modular building (for private & public Educational Institutions) <sup>1</sup>	P		

	<b>C-1</b>	
Vehicle wrecking, junk or salvage yard <sup>1</sup>	N	
Veterinarian office	P	
Vineyard	N	
Warehouse and storage	N	
Wholesale sales	P	
Winery	N	
Wireless communication facility 1	C	
Woodworking shop	N	

#### 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
C-2	35'/60' <sup>5</sup>	20'	5'	0' <sup>4</sup>	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 overhanging onto the sidewalk.
2. Zero-Lot-Line, reduced street side yard setbacks 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 approved by Council as part of a Planned Unit Development.
3. All setbacks in the CBD, C-1, C-2, LO, LI, PS, RC and M-U zone shall maintain a minimum 15' when adjacent to a residential use or zone. A waiver may be requested if the adjacent property has the potential to redevelop as a non-residential use in the future.
4. As approved by the Fire District.
5. 35' height requirement unless a height exception is approved by Council through the Conditional Use Permit or Planned Unit Development Process.

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

J. Additional residential standards applying to all new residential subdivisions:

1. Residential Elevations:

- i. Building elevations for all residential uses shall be submitted with any development application and will be included as part of any preliminary plat, development agreement and/or any other condition of approval.
- ii. Single-Family Residential Building Front and Side Elevation Minimum Standards. These standards shall be reviewed for compliance with all submitted residential building permits under the Building Zoning Certificate process. Council may adopt these standards as part of a development agreement or preliminary plat approval. The following minimum standards shall be applied to all new residential structure elements in all zones:
  1. Exterior finishes shall be primarily horizontal/vertical wood or wood product siding, brick, stucco, stone, or other decorative masonry product. A minimum of three (3) architectural elements shall be provided for all single-family residential structures. These elements shall include, but are not limited to, shingled, horizontal or vertical siding, stone or brick highlights, garage door windows or hardware, colored window frames, or other architectural treatments deemed appropriate by the administrator.



**8-3B-3 - FIGURE EXTERIOR ARCHITECTURAL ELEMENTS:**



2. Two-story detached structures should provide a minimum of one, second story side window per side elevation, when appropriate.
  3. A minimum one (1) foot overhang shall be provided on all roof overhangs. Administrator may approve deviation from this standard.
  4. Dwellings backing up to collector or arterial streets shall have rear elevations and/or architectural designs that provide depth and dimension, avoiding the flat-wall appearance. These elements must be functional and may not be minimized or created solely for the purpose of compliance with this provision.
  5. Additional landscaping buffers may also be required.
2. Dwelling Unit Design. Building styles shall be spread throughout the entire development (including all contiguously owned and phased properties). Nowhere within the development shall any fewer than 5 different exterior elevation styles and/or floorplans be located adjacent to each other. The number of different dwelling styles within a development shall be as follows:
- a. 1 to 50 units = minimum of 5 architectural styles and/or floorplans
  - b. 51 to 100 units = minimum of 7 architectural styles and/or floorplans
  - c. 101 and over units = minimum of 10 architectural styles and/or floorplans

3. Homeowners Associations. All subdivisions shall be maintained by a Homeowners Association with appropriate Conditions, Covenants and Restrictions (CC&R's). CC&R's are not enforceable by the City and are private contracts between the developer and the property owner.
4. Irrigation and drainage ditches shall not be covered, tiled or re-routed as part of any new residential development unless specifically approved by Council and the applicable irrigation and/or drainage district. Perforated piping may be considered as an option if tiling is allowed.

#### **8-3C-1: ALL COMMERCIAL AND OFFICE DISTRICTS:**

- A. Comply with Section 8-3A-1: ZONING DISTRICTS AND PURPOSE ESTABLISHED.
- B. New commercial developments shall incorporate site and architectural design recommendations from the Architectural Overlay Design Guidelines for the Central Business District and Riverfront Center.
- C. Big box retail commercial, generally a single-story single use building over 50,000 square feet, shall not be permitted unless approved by Council.
- D. Commercial buildings and centers, including shopping centers and strip malls immediately adjacent to State Street and Star Road shall front the roadway with parking located to the rear. Single buildings may provide parking on the sides as approved by Council. Direct access to these roadways shall be limited to avoid excessive access points. Existing alleyways shall be utilized when present, or new alleyways as permitted by the transportation authority.
- E. All commercial buildings fronting State Street, Star Road, and State Hwy 16 & 20/26 shall be designed with architectural elements facing the roadways that provide a visually pleasing character to the public view, as may be determined through the Design Review process.
- F. Site Improvements:
  - 1) Prior to any ground disturbance for any commercial, industrial or other non-residential buildings, a Commercial Site Improvements application shall be submitted to the City for approval by the City Engineer. This shall include any new site development initiated prior to a City Building permit.
  - 2) In any development that requires a traffic signal as part of the approval process, the applicant shall be responsible for providing an Emergency Opticom System to the intersection.
  - 3) One (1) full-size copy of the construction drawings, drawn in accordance with the requirements hereinafter stated. The construction Drawings shall be submitted on good quality paper, be professionally drafted, shall have the dimensions of not less than twenty-four inches by thirty-six inches (24" x 36"),

and shall be drawn to a scale of not less than one inch to one hundred feet (1"=100') and contain a drafting date and north arrow.

- a. Application shall include compliance with Section 8-4A-8 and 8-4A-11 of this ordinance.
- b. Construction drawings shall include both above ground and below ground improvements, including the proposed building envelope of proposed improvements. Said improvements must include proposed finished grades of all impervious surfaces, and shall be in conformance with all Federal, State, and local regulations. Construction drawings shall include an erosion and sediment control plan, prior to pre-construction meeting.
- c. Electronic file of all application materials in original .pdf format shall be submitted with the application on a thumb drive.

4) Irrigation and drainage ditches shall not be covered, tiled or re-routed as part of any new residential development unless specifically approved by Council and the applicable irrigation and/or drainage district. Perforated piping may be considered as an option if tiling is allowed.

Certification Of Completion: Upon the completion of construction of any commercial development, and/or other improvements subject to architectural review approval, a written certification of completion shall be prepared by the licensed engineer and/or architect responsible for the approved plan. The certifications of completion shall state that the installation of all improvements is in substantial compliance with the city approved plans. This certification shall be submitted prior to the issuance of a certificate of occupancy, signature of a final plat, or release of bond, and is required as a part of, and not in lieu of, the inspections performed, and certificates issued by the city.

#### **8-3G-1: ARCHITECTURAL OVERLAY DISTRICT:**

- A. An Architectural Overlay District boundary is all of the existing Central Business District north of the Boise River, and approximately 750' on either side of SH-44 from city limit to city limit, and Star Road from the Boise River north, and including all future annexations within this area. This shall also include all other non-residential zoned uses and properties throughout the City. Single-family dwellings that are part of an approved PUD or Conditional Use Permit shall comply with this section.
- B. Architectural Overlay District includes the entirety of the South of the River Area Plan.
- C. The "STAR DESIGN GUIDELINES, CENTRAL BUSINESS DISTRICT AND RIVERFRONT CENTER" (the Guidelines), is adopted through this ordinance. It may be amended from time to time by a Resolution of the Star City Council and shall be used within the Architectural Overlay District.

- D. If the Architectural Overlay District Guidelines conflict with other parts of the City of Star code, the Architectural Overlay District Guidelines shall be used.

#### **8-4A-21: MAILBOXES:**

All mailbox clusters shall be approved by the postmaster prior to installation. All clusters shall be covered with an architecturally designed cover, to be approved by the Administrator prior to final plat signature. All covers shall be provided with lighting and shall be stained/painted and kept in good condition at all times. The administrator may issue a letter of violation to the HOA when any mailbox cluster or cover falls into disrepair. Maintenance shall be included in the CC&R's. A turnout shall be installed adjacent to the mailbox cluster to provide community access, if approved by the transportation authority and postmaster. The design shall be included as part of the preliminary plat submittal.



#### **8-4E-1: COMMON OPEN SPACE AND SITE AMENITY REQUIREMENTS - APPLICABILITY:**

The standards for common open space and site amenities shall apply to all residential developments with a density exceeding one dwelling unit per acre.

#### **8-4E-2: COMMON OPEN SPACE AND SITE AMENITY REQUIREMENTS - STANDARDS:**

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

1. The total land area of all common open space shall equal or exceed fifteen percent (15%) of the total gross acreage of land area of the development. A minimum of 10% of the total gross acreage of the development shall be for useable area open space. Open space shall be designated as a total of 15% minimum for residential developments in all zones with densities of R-2 or greater.
2. Each development is required to have at least one site amenity.
3. One additional site amenity shall be required for each additional twenty (20) acres of development area, plus one additional amenity per 75 residential units.
4. Developments with a density of 1 dwelling unit per acre or less may request a waiver

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

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

B. Qualified Usable Area Open Space: The following qualifies to meet the usable area 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, as determined by the Administrator;

c. Ponds or water features where active fishing, paddle boarding, or other activities are provided (50% qualifies towards total required usable area open space, must be accessible by all residents to qualify. Ponds must be aerated. All ponds shall be provided with safety floatation devices (rings) located at reasonable distances, as determined by the administrator;

d. A plaza.

e. Common lots that include a pathway providing local or regional connectivity that is a minimum of 20' in width.

f. Irrigation easements/ditches when a pathway is included (to be measured from the center of the ditch to the property line of the common lot).

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, as determined by the Administrator.

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 with an enlarged deck and changing and restroom facility (pools shall count towards 3 required site amenities).
  - b. Children's play structures.
  - c. Sports courts.
  - d. Additional open space in excess of 10% qualified 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;

h. Pond and/or waterway amenities including, but not limited to docks, shade structures, ADA access, and fish stocking.

#### 6. Community Gardens.

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 owned by and be the responsibility of an owners' association for the purpose of maintaining the common area and improvements thereon.

### **8-6A-3: PRELIMINARY PLAT PROCESS**

A. Preapplication Conference: The applicant shall complete a preapplication conference with the administrator or designee prior to submittal of an application for a preliminary plat. The purpose of this meeting is to discuss early and informally the purpose and effect of this title, and the criteria and standards contained herein.

B. Neighborhood Meeting: Applicants are required to hold a neighborhood meeting, in conformance with Section 8-1A-6C to provide an opportunity for public review of the proposed project prior to the submittal of an application. The applicant shall provide a summary of the meeting, including questions and concerns of the neighbors and how the submitted application addresses those issues.

C. Application Requirements: A complete subdivision application form and preliminary plat data as required in this title, together with fees shall be submitted to the administrator. At the discretion of the administrator or city engineer, appropriate supplementary information may also be required to sufficiently detail the proposed development within any special development area, including, but not limited to, hillside, planned unit development, floodplain, cemetery, manufactured home parks, and/or hazardous or unique areas of development. Any unresolved access or traffic generation issues related to ACHD or ITD regulated roadways shall be resolved by the applicant prior to acceptance of any application. A letter from the appropriate transportation agency or servient property owner shall be submitted with the application.

D. Required Information and Data: The contents of the preliminary plat and related information shall be in such a form as stipulated by the City Council, however, additional maps or data deemed necessary by the administrator may also be required. The applicant shall submit to the administrator the following:

1. Two (2) copies of the preliminary plat of the proposed subdivision, drawn in accordance with the requirements hereinafter stated. Each copy of the preliminary plat shall be submitted on good quality paper, be professionally drafted, shall have the dimensions of not less than twenty-four inches by thirty-six inches (24" x 36"), and shall be drawn to a scale of not less than one inch to one hundred feet (1"=100') and contain a drafting date and north arrow.
2. For hillside developments, one (1) bound copy of the preliminary engineering plans (not meant to be cross sections or detailed designs) showing streets, water, sewers, sidewalks, and other required public improvements, together with preliminary site grading, drainage and irrigation plans of the proposed subdivision. Such engineering plans shall contain sufficient information and detail to make a determination as to conformance of the proposed improvements to applicable regulations, ordinances and standards.
3. Two (2) copies of a landscape plan showing all open space, common areas, amenities, street trees and development signage;
4. Additional information on the preliminary plat and separately submitted information to include the following:
  - a. The name of the proposed subdivision, as approved in advance by the Ada County Engineering office;
  - b. The name, address, telephone and email of the applicant, developer, engineer and surveyor or drafter who prepared the preliminary plat;
  - c. The names and addresses of all adjoining property owners and recorded plats within three hundred feet (300') of the external boundaries of the land being considered for subdivision.
  - d. The land use and existing and proposed zoning of the proposed subdivision and the adjacent land;
  - e. Streets, street names, rights of ways and roadway widths, including adjoining streets or roadways;
  - f. Lot lines and blocks showing the dimensions and numbers of each, together with area of each lot in acres and square feet;
  - g. Contour lines, shown at five-foot (5') intervals where the land slope is greater than ten percent (10%) and at two-foot (2') intervals where land slope is ten percent (10%) or less, referenced to an established benchmark, including location and elevation;
  - h. Any proposed or existing utilities, including, but not limited to, power poles,



storm and sanitary sewers, irrigation laterals, ditches, bridges, culverts, water mains and fire hydrants;

- i. Any flood zone information including FEMA FIRM panels;
  - j. The legal description of the boundary of the property being subdivided with the seal of the surveyor of record;
  - k. Phasing plan showing all proposed phases of the development;
  - l. Preliminary irrigation analysis showing availability of water rights and distribution of irrigation to the lots within the proposed subdivision, or waiver request;
  - m. One (1) copy of a site report of the highest seasonal groundwater elevation prepared by a licensed engineer;
  - n. narrative, signed by the applicant, fully describing the proposed subdivision, including such information as number and type of uses on the lots (residential single, two or multi-family, commercial, etc.), common lots and the proposed uses of those lots (open space, parks, playgrounds, landscaping, or other uses) and any other information deemed necessary to explain the intent of the development including how it relates to other concurrently submitted applications (annexations, rezones, PUD's, CUP's, etc.).
  - o. Neighborhood meeting information including sign-in sheet, copy of meeting letter, copy of mailing labels, and detailed summary of neighbor questions and concerns and how the development has been designed to address those concerns;
  - p. A vicinity map showing the relationship of the proposed plat to the surrounding area (1/2-mile radius);
  - q. Deeds, affidavit of legal interest, address labels, postal service location approval, ACHD traffic study review status, electronic copies, or any other required information deemed necessary by the administrator to allow for proper review of the application;
  - r. A conceptual site plan shall be submitted for any non-residential developments showing building locations, parking and loading areas, traffic access drives and traffic circulation and trash enclosure locations;
  - s. Any additional required information for special area of developments including, but not limited to hillsides, wetlands or as further specified in this Title.
5. Additional information in the application as determined by the administrator may include the following:
- a. Building elevations, including multi-family uses, non-residential uses, clubhouses, well houses, or other elevations deemed necessary to assist the Council in their decision regarding a development;
  - b. Colored site plan and renderings of a subdivision detailing residential lot locations, open space and common areas, buffers, roadways, waterways and irrigation ditches, fencing, signs and landscaping.

**E. Acceptance: Upon receipt of the preliminary plat, and compliance with all other requirements**

as provided for herein, the administrator shall certify the application as complete and shall affix the date of acceptance.

- c. F. Decision: A decision on a preliminary plat for a parcel of land is made by the City Council after receiving a recommendation from the administrator and a public hearing is held.

## **PLANNED UNIT DEVELOPMENT**

### **8-7-1: PURPOSE:**

A. The purpose of the planned unit development (PUD) requirements is to provide an opportunity for exemplary site development that meets the following objectives:

1. Preserves natural, scenic and historic features of major importance;
2. Allows for innovative design that creates visually pleasing and cohesive patterns of development; and
3. Creates functionally integrated development that allows for a more efficient and cost-effective provision of public services.
4. Master planning of large acreages that include a variety of residential and commercial uses within one development.

B. It is not the intent that the PUD process be used solely for the purposes of deviation from the dimensional standards in the district, however deviations from dimensional and other standards within this title, may be approved for portions of the development by the council if the PUD incorporates design features that add to the overall design and quality of the proposed development. By allowing dimensional standard deviations in portions of the development, exceptions in land uses allowed and pre-approvals of specific uses as conditions of approval within the PUD application process, the City expects in return a unique development that provides upgraded open space and amenities, mixed uses, multiple residential styles and superior site design.

### **8-7-2: APPLICABILITY:**

A planned unit development can be developed in any district. A PUD must have both commercial and a variety of residential components in order to qualify.

### **8-7-3: PROCESS:**

A. Preapplication Meeting: The applicant shall complete a preapplication conference with the administrator or designee prior to submittal of an application for a planned unit development. The meeting should be held well in advance of the preparation of the planned unit development

application, and before a neighborhood meeting is scheduled. A draft site plan and preliminary plat map (if required) shall be provided to staff at the meeting.

B. Application Requirements: An application, map requirements, and fees, shall be submitted to the administrator.

1. At the discretion of the administrator, designee or city engineer, appropriate supplementary information may also be required to sufficiently detail the proposed development within any special development area, including, but not limited to, hillside, floodplain, cemetery, manufactured home parks, or hazardous or unique areas of development. Phasing plans shall be included in the application if the project is to be phased.

2. A site amenity plan shall be provided with the planned unit development application.

C. Concurrent Review: Concurrent review of other applications may be required as determined by the administrator. In cases where subdivision platting would be necessary, concurrent review of preliminary plat is required.

D. Public Hearing Requirements: All planned unit development applications shall comply with the public notice and hearing procedures contained within this title.

#### **8-7-4: STANDARDS:**

The council may approve planned unit developments, in accord with the following standards:

A. General Use Standards:

1. Deviations from Underlying District Requirements: Deviations from dimensional and other standards within this title may be approved by the council if the PUD incorporates design features that add to the overall design and quality of the proposed development. The exception is that along the periphery of the planned development, the applicable setbacks as established by the district shall not be reduced. Internal setback deviations may be considered by Council with approval from the Fire District, when emergency concerns are addressed. Examples for considerations may include, but are not limited to, alley-loaded homes providing multiple access points, and/or fire-sprinkled homes.

2. Allowed Uses: Applicant may request that specific conditional use(s) be allowed in the district as principal permitted use(s) and up to twenty-five percent (25%) of non-permitted uses be allowed as permitted uses if the council finds that compatibility within the PUD, compatibility with adjacent uses and compliance with the intent of the comprehensive plan is provided. It is at the sole discretion of the Council to approve non-permitted uses within the development, including the maximum amount of those non-permitted uses.

3. Private Streets and Service Drives: The uses within the planned unit development are interconnected through a system of roadways and/or pathways as appropriate. Private streets

and service drives may be permitted, if designed and constructed to the transportation authority standards and in accord with this title. The approval of private streets shall not prevent access and/or interconnectivity to adjacent properties or otherwise create unreasonable development opportunities.

4. Buildings Clustered: Buildings shall be clustered where practical to preserve scenic or environmentally sensitive areas in the natural state, or to consolidate small open spaces into larger, more usable areas for common use and enjoyment.

5. Density Bonus: A residential density bonus may be given for dedications of land for public use such as school, park, fire station or recreational facility provided to the public entity by donation or at a cost less than, or equal to, the applicant's predevelopment cost for that land. The bonus shall be proportional to the amount of land being dedicated. For example, if ten (10) percent of the total property is being donated, the density bonus shall be ten (10) percent. However, in no case shall the bonus exceed twenty-five (25) percent of the units permitted by the district.

B. Private Open Space: In addition to the common open space and site amenity requirements of this title, a minimum of eighty (80) square feet of additional, private, usable open space shall be provided for each residential unit not planned as single-family detached. This requirement can be satisfied through porches, patios, decks, and enclosed yards. Landscaping, entryway and other accessways do not count toward this requirement.

C. Residential Use Standards:

1. Housing Types: A variety of housing types may be included within a single planned development, such as attached units (townhouses, duplexes), detached units (patio homes), single-family and multi-family units, regardless of the district classification of the site, provided that the overall density limit of the district is maintained. A minimum of two (2) housing types shall be provided for all PUD's.

D. Infill Planned Developments: Properties of five (5) acres or less within the city of Star, that are located in areas already substantially developed (at least 80 percent of the land area within 300 feet of the boundaries of the parcel) and where water, sewer, streets, schools and fire protection have already been developed and are provided. Upon recommendation of the administrator, the council may approve exceptions to other sections of this title as an incentive for in-fill development, including, but not limited to the following:

1. The council may allow up to a twenty-five percent (25%) increase in the density permitted for the district in which the site is located. It is at the sole discretion of the Council to approve the maximum density bonus requested. Density bonuses shall not be allowed in the CBD.

2. The council may also waive or modify open space and amenity requirements set forth in this section depending on the size and scale of the planned development and proximity to public

open space, pathways or greenbelts.

E. Conditions, Bonds and Safeguards: In approving the planned unit development, the council may prescribe appropriate conditions, additional conditions, bonds, and safeguards in conformity with this title that:

1. Minimize adverse impact of the use on other property.
2. Control the sequence and timing, or phasing, of the uses.
3. Control the duration of the use. Assure that the use and the property in which the use is located is maintained properly.
4. Designate the exact location and nature of the use and the property development.
5. Require the provision for on site or off-site public facilities or services.
6. Require more restrictive standards than those generally required in this title.
7. Require mitigation of adverse impacts of the proposed development upon service delivery by any political subdivision, including school districts, which provides services within the city.

#### **8-7-5: REQUIRED FINDINGS:**

Upon recommendation from the administrator, the council shall make a full investigation and shall, at the public hearing, review the application. In order to grant a planned development request, the council shall make the following findings:

- A. The planned unit development demonstrates exceptional high quality in site design through the provision of cohesive, continuous, visually related and functionally linked patterns of development, street and pathway layout, and building design.
- B. The planned unit development preserves the significant natural, scenic and/or historic features.
- C. The arrangement of uses and/or structures in the development does not cause damage, hazard, or nuisance to persons or property in the vicinity.
- D. The internal street, bike and pedestrian circulation system is designed for the efficient and safe flow of vehicles, bicyclists and pedestrians without having a disruptive influence upon the activities and functions contained within the development, nor place an undue burden upon existing transportation and other public services in the surrounding area.
- E. Community facilities, such as a park, recreational, and dedicated open space areas are functionally related and accessible to all dwelling units via pedestrian and/or bicycle pathways.
- F. The proposal complies with the density and use standards requirements in accord with his

title.

G. The amenities provided are appropriate in number and scale to the proposed development.

H. The planned unit development is in conformance with the comprehensive plan.

**8-7-6: TIME LIMITATIONS:**

The time limitations and extensions as set forth for conditional uses within this title shall also apply to planned unit developments.

**8-7-7: MODIFICATIONS:**

The modification provisions as set forth for conditional uses within this title shall also apply to planned unit developments.

**8-5-27: PUBLIC INFRASTRUCTURE; PUBLIC UTILITY MAJOR, MINOR AND YARD:**

A. Accessory uses directly related to the maintenance and fueling of vehicles (including, but not limited to, truck and trailer washing, fuel pumps, garages for minor repair) may be allowed.

B. Installation of underground fuel tanks shall require written approval from the Idaho division of environmental quality, Idaho department of water resources, and Star joint fire protection district.

C. No portion of the outside storage areas and/or outside activity areas may be visible from any highway, interstate, gateway corridor, principal arterial, or minor arterial as herein defined.

D. All driveways into and through the facility and any open area with a driving surface shall be surfaced with a dustless material including, but not limited to, asphalt, concrete, pavers or bricks.

E. For any use requiring the storage of fuel or hazardous material, the use shall be located a minimum of one thousand feet (1,000') from a hospital or school.

**8-7-5 : PLANNED UNIT DEVELOPMENT FINDINGS:**

A. The planned unit development demonstrates exceptional high quality in site design through the provision of cohesive, continuous, visually related and functionally linked patterns of development, street and pathway layout, and building design.

*The Council finds that the planned unit development includes a site design, street and pathway layout, and building design that is cohesive, continuous and visually and functionally appropriate for the area. The development is a well-designed urban type development characterized by a wide mix of uses, on site amenities, trip capture, and connectivity within the community; conservation of open space and preservation of*

*environmental attributes; an emphasis on community character and forming a sense of community.*

- B. The planned unit development preserves the significant natural, scenic and/or historic features.

*The Council finds that the planned unit development demonstrates innovation and creativity in site design to protect natural features, preserve open space and create public amenities.*

- C. The arrangement of uses and/or structures in the development does not cause damage, hazard, or nuisance to persons or property in the vicinity.

*The Council finds that the planned unit development is arranged so that the uses and structures will not cause damage, hazard or nuisance to persons or property in the vicinity. Council has placed additional conditions of approval associated with the site design.*

- D. The internal street, bike and pedestrian circulation system is designed for the efficient and safe flow of vehicles, bicyclists and pedestrians without having a disruptive influence upon the activities and functions contained within the development, nor place an undue burden upon existing transportation and other public services in the surrounding area.

*The Council finds that the planned unit development has been designed to take into consideration internal street, bike and pedestrian circulation. HD4 and ITD have reviewed and commented on the application with requirements incorporated into the approval of the development.*

- E. Community facilities, such as a park, recreational, and dedicated open space areas are functionally related and accessible to all dwelling units via pedestrian and/or bicycle pathways.

*The Council finds that the planned unit development includes open space that will be functionally related and accessible to all dwelling units through the pedestrian and bicycle pathway system.*

- F. The proposal complies with the density and use standards requirements in accord this title.

*The Council finds that the planned unit development complies with the density and use standards requirement of the Comprehensive Plan and Unified Development Code.*

- G. The amenities provided are appropriate in number and scale to the proposed development.

*The Council finds that the planned unit development includes the appropriate number and scale of amenities to the proposed development.*

H. The planned unit development is in conformance with the comprehensive plan.

*The Council finds that the planned unit development is in conformance to the comprehensive plan and the pertinent land use designations.*

#### **8-6A-7: PRELIMINARY PLAT FINDINGS:**

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

#### **Public Hearing of the Council:**

- a. A public hearing on the application was heard by the City Council on March 18, 2025, 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
- Becky McKay, Applicant
- Brian Burnett
- Doug Pill
- Daniel Wallis
- Andrew Knowles
- Chris Spallino
- David Cox
- Dean Waite
- David Sterling

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

- Todd Campbell
- Ryder Burnett
- Amanda Wallis
- Mary Dauven
- Jerry Arbiter

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 planned unit development and preliminary plat application in accordance with the City of Star Title 8 (Unified Development Code), deliberated on the matter, resulting in review of the record, including the staff report, and discussions on the planned unit development and platting of the development. Review and discussion included development layout, access and street configuration, density, setbacks, open space, commercial uses, pathways and irrigation/drainage. The Council accepted staff's recommended conditions of approval on the application in the development agreement and preliminary plat. Council added additional conditions of approval. Council concluded that the Applicant's request, as conditioned, meets the requirements and findings for the planned unit development and preliminary plat. Council hereby incorporates the staff report dated May 6, 2025 into the official decision as part of these Findings of Fact, Conclusions of Law.

### **Statement of Compliance:**

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

Council added to the Development Agreement Modification, Planned Unit Development and Preliminary Plat applications the following conditions of approval to their decision to approve the applications to include the following:

- **Drainage swales to be constructed no more than 1-foot deep along arterials and collectors with dense trees, bushes, rocks and sand beds to be covered with decorative rock. A revised landscape plan shall be submitted to staff for review of proposed swales at each phase of final plat.**
- **A public access easement shall be provided along the entire southern side of Landruff Lane to provide future access to neighboring properties. This shall be included on all final plat phases associated with collector roadway.**
- **The applicant shall provide a fence and buffer area (berm) along the southern side of Landruff Lane. The applicant shall coordinate the area with Staff prior to submittal of Final Plat. A revised landscape plan shall be submitted prior to Final Plat with detailed fencing, buffering and updated street tree details.**
- **Detached sidewalk and adequate planter strip shall be located only along north side of Landruff Lane.**
- **Council approves a waiver of side yard setbacks to 5' to meet all Fire District requirements, including no fencing between buildings.**
- **Council approves the additionally requested setbacks of zero-lot-lines and 10' rear setbacks for the attached residential units.**
- **The applicant shall provide a shared parking agreement between the commercial and residential uses within the development. The applicant shall also provide cross-access easements between the commercial uses and the adjacent commercial use to the west. These shall be included within the final plat.**
- **The following commercial Land Uses are hereby approved as part of this development:**
- **Allowed uses outright\* (principally permitted & conditional use) within the C-1 zoned properties: Artist Studio; Barbershop/Styling Salon; Financial Institutions w/out drive-through; Healthcare and Social Services; Library; Medical Clinic; Personal and Professional Services; Pharmacy; Photographic Studio; Professional Offices. All principally permitted uses in C-1 zone unless otherwise listed herein.**

**\* Subject to CZC and Design Review Approval**

- **Uses Allowed only as Conditional Uses within the C-1 zoned properties: Animal Care Facility; Drive-through establishment /drive-up service window; Building Material, Garden Equipment and Supplies; Civic, Social or Fraternal Organizations; Educational Institution, Flex Space; Government Office; Laundromat; Laundry and Dry Cleaning; Portable Classroom/Modular Building; Nursery, Garden Center and Farm Supply; Nursing or Residential Care Facility; Restaurant; Retirement Home; Warehouse and Storage; Shooting range (indoor/outdoor); Shopping or Commercial center;**

- **Prohibited Uses in this Development other than already approved through PUD (not already listed as prohibited in the Code):** Automotive Mechanical/Electrical Repair and Maintenance; Bar/Tavern/Lounge/ Drinking Establishment; Brewpub/Wine Tasting; Convenience Store; Conference/Convention Center; Equipment rental, sales, and services; Events/Entertainment Facility, public or private (indoor/outdoor); Golf Course/Driving Range; Hospital (for profit); Hotel/motel; Mortuary; Pawnshop; Public; Farmers or Saturday Market; Fireworks Stand; Hospital (non-profit); Gasoline, Fueling & Charging Station with or without Convenience Store; Laboratory; Laboratory, Fabrication shop; Food products processing; Greenhouse commercial; Vehicle repair, major; Vehicle repair, minor; Vehicle sales or rental and service; Vehicle washing facility; Medical; Multi-family residential; Multiple Use Building; Office Security Facility; Parking Lot/Parking Garage-Commercial; Public Infrastructure; Public Utility major, minor and yard; Recreational vehicle dump station; Recycling center; Research Activities; Swimming Pool, Commercial/Public; Wireless Communication Facility; Storage facility, outdoor (commercial); Storage facility, self-service (commercial)

## CONDITIONS OF APPROVAL

### **Conditions of Approval**

1. The approved Preliminary Plat for the Hacienda de Estrella Subdivision shall comply with all statutory requirements of applicable agencies and districts having jurisdiction in the City of Star.
2. **The applicant shall receive approval of all Floodplain applications and meet all FEMA requirements, if applicable, prior to approval of the final plat. The applicant shall also submit a Permit to Develop in an Area of Special Flood Hazard to the Floodplain Manager for review and approval prior to any development work on the property.**
3. **The applicant has entered into a Development Agreement with the City, agreeing to proportionate share assessment by ITD regarding impacts to the State Highway System. These fees are currently being calculated at \$1,000.00 per residential lot. These fees will be collected by the City of Star, by phase, prior to final plat signature.**
4. **The development shall be subject to additional Fire and Police emergency mitigation fees collected at the time of building permit for each residential dwelling. The fee shall be determined by City Council.**
5. **All sidewalks and planter strips shall be built to UDC standards, unless otherwise approved by Council.**
6. **The applicant shall comply with the Residential Standards for all new houses, as required in Section 8-3B-3 of the UDC.**
7. **The Applicant shall confirm the location of the mail clusters prior to installation. The mailbox cluster must be covered and reasonably lit.**
8. **The Applicant shall provide an updated landscape plan showing compliance with the street tree requirements of one tree for every 35 feet. This will be required prior to signing the final plat.**

9. Streetlights shall comply with the Star City Code and shall be of the same design throughout the entire subdivision. Streetlights shall be continuous throughout the subdivision and shall be maintained by the Homeowners Association. **Streetlights shall be installed and energized prior to issuing of building permits.** Design shall follow Code with requirements for light trespass and "Dark Skies" lighting. **Applicant/Owner shall submit a streetlight plan prior to Final Plat approval. Streetlights shall comply with the Star City Code regarding light trespass and "Dark Sky" initiative.**
10. Street trees along all streets shall be installed per Chapter 8, including Section 8-8C-2-M(2) Street Trees. If the trees will be installed by the builder, Certificate of Occupancy may be withheld until trees have been verified they are installed per code.
11. The property associated with this approved Preliminary Plat, in addition to the property of all future phases shall be satisfactorily weed abated at all times, preventing a public nuisance, per Star City Code Chapter 3, Section 3-1-1 through 3-1-7.
12. The property associated with this approved Preliminary Plat, in addition to the property of all future phases shall be properly maintained at all times, including throughout the construction process to include trash picked up and trash receptacles emptied with regular frequency, streets swept and cleaned weekly, including any streets used to access the property and all debris shall be prevented from accumulating on any adjacent property or public right of way and shall remove all debris from public way at least daily. This shall also include, but is not limited to any trash, junk or disabled vehicles during any portion of the development process. The site shall be properly mitigated from fugitive dust at all times, including during construction, as determined by the Zoning Administrator. Failure to comply with any of the above may result in a stop work order being issued until the violations are remedied, and/or revocation of preliminary plat/final plat approvals.
13. All signed Irrigation District Agreements with the Irrigation Districts shall be provided to the City of Star with each subsequent Final Plat application.
14. 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.
15. A plat note supporting the "Right to Farm Act" as per Idaho Code Title 22, Chapter 45, shall be shown on the Final Plat.
16. A copy of the CC&R's shall be submitted to the City of Star at Final Plat.
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.
23. **Any additional Condition of Approval as required by Staff and City Council.**

**Council Decision:**

The Council voted 4-0 to approve the Development Agreement Modification, Planned Unit Development and Preliminary Plat for Hacienda De Estrella Subdivision on May 6, 2025.

Dated this 3<sup>rd</sup> day of June 2025.

Star, Idaho

By: \_\_\_\_\_

Trevor A. Chadwick, Mayor

ATTEST:

\_\_\_\_\_  
Shelly Tilton, City Clerk