

FINDINGS OF FACT AND CONCLUSIONS OF LAW
BARON PROPERTIES REZONE
FILE NO. RZ-22-02/DA-20-28

The above-entitled Rezone and Development Agreement application came before the Star City Council for their action on September 20, 2022, 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 Rezone (C-1 to C-2) and a Development Agreement for a parcel of land consisting of 11.38 acres. The property is located at 342 S. Calhoun Place in Star, Idaho. The subject property is generally located on the northeast corner of W. Wildbranch Street and S. Calhoun Place, on the south side of W. State Street. Ada County Parcel No S0416120900.

B. Application Submittal:

A neighborhood meeting was held on May 31, 2022, in compliance with the application submittal requirement of the Star Unified Development Code (Section 8-1 A-6 C). The Land Use application was deemed complete on June 22, 2022.

C. Notice of Public Hearing:

Notice of Public Hearing on the application for the City of Star Council was published in accordance with the requirements of Title 67, Chapter 65, Idaho Code and the Star Unified Development Code on August 14, 2022 and August 26, 2022. 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 August 11, 2022. Notice was sent to agencies having jurisdiction in the City of Star on March 8, 2021. The property was posted in accordance with the Star Unified Development Code on August 6, 2021.

D. History of Previous Actions:

On April 4, 2017, the Council approved a rezone of the property from Rural Transition (RT) to C-1-DA (Ord 258).

From the records that are available, it appears that the property was originally annexed into the City sometime around 2009.

E. **Existing Site Characteristics:** The property is currently vacant.

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

G. **Flood Zone:** This property is currently located in Flood Hazzard Area AE.
FEMA FIRM Panel Number: 16001C0130J
Effective Date: 6/19/2020

H. *On-Site Features:*

- ✪ Areas of Critical Environmental Concern – No known areas.
- ✪ Evidence of Erosion – No known areas.
- ✪ Fish Habitat – No known areas.
- ✪ Mature Trees – Yes.
- ✪ Riparian Vegetation – No known areas.
- ✪ Steep Slopes – None.
- ✪ Stream/Creek – Pioneer Canal runs through the property.
- ✪ Unique Animal Life – No unique animal life has been identified.
- ✪ Unique Plant Life – No unique plant life has been identified.
- ✪ Unstable Soils – No known issues.
- ✪ Wildlife Habitat – No wildlife habitat has been developed or will be destroyed.
- ✪ Historical Assets – No historical assets have been observed.

I. *Agencies Responding:*

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

None

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

None

K. Development Features:

REZONE & POTENTIAL LAND USES:

The rezone from Commercial (C-1) to Commercial (C-2) will allow for the property zoning to be consistent with the Comprehensive Plan and provide the applicant with the ability to market the property for commercial uses intended to be located within the C-2 District. At this time, the applicant states that an end user has not yet been determined. The rezone will allow the property as much flexibility as possible for the applicant to attract potential businesses. Future uses may be subject to additional review from the City, either as a Conditional Use Permit or as a Certificate of Zoning Compliance staff review.

ADDITIONAL ITEMS FOR CONSIDERATION:

Site Development Plan:

Streetlights - All future lighting, including streetlights and parking lot lighting will need to be reviewed by staff and will be required to meet all Dark Sky lighting standards that may apply.

Sidewalks - With the surrounding properties also in the State Street commercial corridor and future development anticipated along W. State Street, providing safe pedestrian access and circulation to existing sidewalks through the Central Business District is a priority. Staff will require sidewalks be completed as part of any future development.

Fire -The Star Fire District has not provided a review of this rezone request. Any new use will be required to meet all requirements of the District regarding access and safety.

Land Uses – Specific land uses have not been proposed by the applicant as part of this application request. Future uses will need to be evaluated by staff , using the most current zoning ordinance, to determine if additional Council approval is necessary. This would be the case for any requested conditional uses in the Commercial (C-2) zone.

Staff is supportive of this proposal as submitted and believes that approval of this application by the Council will meet the intent of the Comprehensive Plan by encouraging continued economic growth in the State Street commercial corridor. Future uses will be required to meet the standards of the zoning ordinance that is in affect at the time of submittal for a future land use application, including conditional use permits and certificates of zoning compliance for principally permitted uses.

A future development site plan will need to provide details regarding the following:

- Landscape Plan – Street Trees, Buffer Landscaping
- Streetlights
- Fire District Approval
- Parking Lot/Spaces
- Buffering/Fencing between Commercial and Residential Uses

DEVELOPMENT AGREEMENT

Through the Development Agreement process, the applicant is proposing to work with the City to provide further insurances that the development will be built as presented and/or modified by the Council through the review process. In addition, the Development Agreement allows the Council to prohibit certain allowed uses outright or require Conditional Use approval should Council desire to have further input on the use. Items that can be considered by the applicant and Council include the following:

- Specific uses within the Commercial (C-2) zone that the Council may approve outright as part of the development agreement. The applicant has not proposed any specific uses at this time.

To be consistent with the intent of the Council on the recently approved commercial rezone of the Larson property to the west, and to protect this important commercial property at the entrance to the City, Staff is recommending similar conditions of approval be placed in the Development Agreement for this rezone request:

- **Uses in the C-2 zone subject to further Conditional Use approval:**
 - **Bar/tavern/lounge/drinking establishment**
 - **Brewery/Distillery**
 - **Brewpub/Wine Tasting**
 - **Building material, garden equipment and supplies**
 - **Hospital (Private)**
 - **Mortuary**
 - **Nursing or Residential Care Facility**
 - **Vehicle Sales or Rental and Services**
 - **Any other currently listed Conditional Uses**
- **Prohibited Uses in the proposed C-2 Zone:**
 - **Churches**
 - **Storage Facilities**
 - **Non-profit Hospitals**

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

Comprehensive Plan:

8.2.3 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.

8.4 Objectives:

- Preserve the family friendly feel of Star.
- Implement the Land Use Map and associated policies as the official guide for development.
- Manage urban sprawl in order to minimize costs of urban services and to protect rural areas.
- Retain and encourage rural areas where it will not result in increased costs for urban services.
- Work to create a vibrant Central Business District.
- Encourage public participation in the land use planning process.
- Encourage land uses that are in harmony with existing resources, scenic areas, natural wildlife areas, and surrounding land uses.
- Require the conservation and preservation of open spaces and public access to the Boise River and BLM lands and interconnected pathways to be open to the public in new developments.
- Discourage development within the floodplain.
- 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:

- 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.

8.5.9 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.
- 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:

UNIFIED DEVELOPMENT CODE:

8-1B-1: ANNEXATION AND ZONING; REZONE:

B. Standards:

1. The subject property shall meet the minimum dimensional standards of the proper district.
2. The city may require a development agreement in conjunction with the annexation and zoning, or rezone, pursuant to Idaho Code section 67-6511A, which may include a concept plan. In addition to other processes permitted by city and state code, exceptions or waivers of standards, other than use, may be permitted through execution of a development agreement. A development agreement and concept plan shall be required for any rezone to a mixed-use zone, high density zone or land which includes steep slope (land over 25%) or floodway.

3. The termination of a development agreement shall result in the reversal of the official zoning map amendment approval and applicable development approval for any undeveloped portion of property subject to the development agreement. The undeveloped property subject to the development agreement shall be rezoned to the district classification as designated by the development agreement. When no designation is provided, the property shall revert to its original zoning or, if the original designation no longer exists, to the closest current equivalent zoning as determined by the current Comprehensive Plan Land Use Map designation.

4. An amendment or termination of a previously recorded development agreement shall be recorded in the office of the county recorder by the clerk.

5. An approved development agreement must be executed within ninety (90) days of the meeting at which the development agreement is approved by the city council. A one-time administrative extension of maximum thirty (30) days may be granted by the zoning administrator. Additional extensions may be approved by majority vote of the city council. Failure to execute the development agreement within the required timeframe will result in the denial of all related applications.

C. Required Findings: The council shall review the application at the public hearing. In order to grant an annexation and zoning or rezone, the council shall make the following findings:

1. The map amendment complies with the applicable provisions of the comprehensive plan;
2. The map amendment complies with the regulations outlined for the proposed district;
3. The map amendment shall not be materially detrimental to the public health, safety, and welfare; and
4. The map amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city.
5. The annexation (as applicable) is in the best interest of city.

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

District	Purpose
Commercial (C-2) General Business 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.
Development Agreement (DA)	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.

TABLE 8-3A-3 - USES WITHIN ZONING DISTRICTS

<u>ZONING DISTRICT USES</u>		
USES	C-1	C-2
Accessory structure - Residential or Commercial	A	A
Adult business/adult entertainment	N	N
Agriculture, forestry, fishing	N	N
Airport	N	N
Animal care facility ¹	P	P
Artist studio ¹	P	P
Arts, entertainment, recreation facility ¹	C	P
Asphalt plant ¹	N	N
Auction facility	N	C
Automated Teller Machine (ATM) ¹	A	A
Automotive hobby ¹	N	N
Automotive mechanical/electrical repair and maintenance	C	P
Bakery- Retail or Manufacturing	P	P
Bar/tavern/lounge/drinking establishment	C	P
Barbershop/styling salon	P	P
Bed and breakfast	P	P
Beverage bottling plant	N	N
Boarding house	N	N
Brewery/Distillery	C	P
Brewpub/Wine Tasting	C	P

Building material, garden equipment and supplies	C	P
Campground/RV park ₁	N	N
Caretaker Unit ₁	A	A
Cement or clay products manufacturing	N	N
Cemetery ₁	N	N
Chemical manufacturing plant ₁	N	N
Child Care center (more than 12) ₁	C	C
Child Care family (6 or fewer) ₁	A	A
Child Care group (7-12) ₁	C	C
Child Care-Preschool/Early Learning ₁	C	C
Church or place of religious worship ₁	P	P
Civic, social or fraternal organizations	P	P
	<u>C-1</u>	<u>C-2</u>
Concrete batch plant ₁	N	N
Conference/convention center	P	P
Contractor's yard or shop ₁	N	N
Convenience store	C	P
Dairy farm	N	N
Drive-through establishment/drive-up service window ₁	<u>C</u>	<u>C</u>
Dwelling:		
Multi-family ₁	N	N

Secondary ¹	N	N
Single-family attached	N	N
Single-family detached	N	N
Two-family duplex ¹	N	N
Live/Work Multi-Use ¹	N	N
<u>Single-family build to rent ¹</u>	<u>N</u>	<u>N</u>
Educational institution, private	C	C
Educational institution, public	C	C
Equipment rental, sales, and services	C	P
Events Center, public or private (indoor/outdoor)	C	C
Fabrication shop	N	P
Farm	N	N
Farmers' or Saturday market	C	C
Feedlot	N	N
Financial institution	P	P
Fireworks Stands	P	P
Flammable substance storage	N	N
Flex Space	C	P
Food products processing	C	C
Fracking	N	N
Gasoline, Fueling & Charging station with or without convenience store ¹	C	P

Golf course/Driving Range	C	C
Government office	P	P
Greenhouse, private	N	N
Greenhouse, commercial	C	P
Guesthouse/granny flat	N	N
Healthcare and social services	P	P
Heliport	N	N
Home occupation ¹	N	N
Hospital	C	P
Hotel/motel	C	P
Ice manufacturing plant	N	N
Industry, information	P	P
Institution	C	P
Junkyard	N	N
Kennel	N	C
Laboratory	P	P
Laboratory, medical	P	P
Lagoon	N	N
Laundromat	P	P
Laundry and dry cleaning	P	P
Library	P	P
Manufactured home ¹	N	N
Manufactured home park ¹	N	N

Manufacturing plant	N	C
Meatpacking plant	N	N
Medical clinic	P	P
Mining, Pit or Quarry (excluding accessory pit) ¹	N	N
Mining, Pit or Quarry (for accessory pit) ¹	A	A
Mortuary	C	P
Museum	P	P
Nursery, garden center and farm supply	P	P
Nursing or residential care facility ¹	P	P
Office security facility	P	P
Parking lot/parking garage (commercial)	C	C
Parks, public and private	P	P
Pawnshop	P	P
Personal and professional services	P	P
Pharmacy	P	P
Photographic studio	P	P
Portable classroom/modular building (for private & public Educational Institutions) ¹	<u>P</u>	<u>P</u>
Power plant	N	N
Processing plant	N	N

Professional offices	P	P
Public infrastructure; Public utility major, minor and yard ¹	C	C
Public utility yard	C	C
Recreational vehicle dump station	C	C
Recycling center	C	C
Research activities	P	P
Restaurant	C	P
Retail store/retail services	C	P
Retirement home	C	N
Riding Arena or Stable, Private/ Commercial	N	N
Salvage yard	N	N
Sand and gravel yard	N	N
Service building	P	P
Shooting range (<u>Indoor/Outdoor</u>)	C/N	C/N
Shopping center	C	P
Short Term Rentals ¹	N	N
Solid waste transfer station	N	N
Storage facility, outdoor (commercial) ¹	C	<u>C</u>
Storage facility, self-service (commercial) ¹	C	<u>C</u>
Swimming pool, commercial/public	P	P

Television station	N	C
Temporary living quarters ¹	N	N
Terminal, freight or truck ¹	N	C
Truck stop	N	C
Turf farm	N	N
Vehicle emission testing ¹	P	P
Vehicle impound yard ¹	N	N
Vehicle repair, major ¹	C	P
Vehicle repair, minor ¹	C	P
Vehicle sales or rental and service ¹	C	P
Vehicle washing facility ¹	C	P
Vehicle wrecking, junk, or salvage yard ¹	N	N
Veterinarian office	P	P
Vineyard	N	N
Warehouse and storage	N	P
Wholesale sales	P	P
Winery	N	C
Wireless communication facility ¹	C	C
Woodworking shop	N	P

Notes:

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

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

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

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

Some of the prime objectives of the Comprehensive Plan include:

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

The goal of the Comprehensive Plan for Commercial Districts is to encourage 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. The Council finds that this rezone is in compliance with the Comprehensive Plan.

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

The Council finds that the proposal complies with the proposed district and purpose statement. The purpose of the General Business District is 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.

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

The Council finds that there is no indication from the material and testimony submitted that the rezoning of this property will be materially detrimental to the public health, safety or welfare.

4. The map amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city including, but not limited to, school districts.

The Council finds that the City has not been presented with any information from agencies having jurisdiction that public services will be adversely impacted.

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

The Council finds the property is already annexed. The rezone request is reasonably necessary for the continued, orderly development of the City.

Public Hearing of the Council:

a. A public hearing on the application was heard by the City Council, at which time testimony was heard and the public hearing was closed. The City Council made their decision at that time.

b. Oral testimony regarding the application was presented to the City Council by:

- Deborah Nelson

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

None

Deliberations and Conclusions of Law:

The Council reviewed the particular facts and circumstances of this proposed rezone 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 rezoning of the property. Review and discussion included allowed land uses. The Council concluded that the Applicant's request meets the requirements for rezones. Council hereby incorporates the staff report dated September 20, 2021 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 the following conditions of approval to their decision to approve the rezone application to include the following:

- Approved Conditional Uses allowed in this C-2 zone and hereby approved as Principally Permitted, subject to future Zoning Certificate and Design Review and future City Council review (review only):
 - Brewpub/Wine Tasting
 - Building material, garden equipment and supplies
- Prohibited Uses in all Commercial zones include:
 - Churches
 - Storage Facilities
 - Non-profit Hospitals

- Prior to the City of Star’s approval on any future development application for the commercial site, the applicant must provide written documentation that ITD has issued a permit for the proposed right-in/right-out driveway onto SH-44 located east of Moyle Avenue. The right-in/right-out driveway should be constructed consistent with ITD standards and approval.
- Staff will work with the applicant on the drafting of the Development Agreement.

Council Decision:

The Council voted 2-1 (Wheelock, no, Nielson absent) to approve the Rezone and Development Agreement for the Baron Properties Rezone on September 20, 2022.

Dated this 4th day of October 2022.

Star, Idaho

By: _____

Trevor A. Chadwick, Mayor

ATTEST:

Jacob M. Qualls, City Clerk