

FINDINGS OF FACT AND CONCLUSIONS OF LAW
SORANO ESTATES SUBDIVISION
FILE NO. RZ-24-01/DA-24-09/PUD-24-02/PP-24-09

The above-entitled Rezone, Development Agreement, Planned Unit Development and Preliminary Plat land use application came before the Star City Council for their action on April 15, 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 requesting approval of a Rezone (R-3-DA-PUD/C-1-DA-PUD), a Development Agreement, Planned Unit Development and a Preliminary Plat for a proposed residential and commercial subdivision consisting of 193 residential lots, 3 commercial lots and 32 common lots. The property is located at 6497 and 6689 Hwy 44 in Star, Canyon County, Idaho and consists of 92.68 acres with a proposed residential density of 2.26 dwelling units per acre. The subject property is generally located on the south side of Hwy 44, between Can Ada Road and Blessinger Road. Canyon County Parcel Nos. R340140000, R340120000, R340420000, R340430000, R340190100 & R340410110.

B. Application Submittal:

A neighborhood meeting was held on June 5, 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 October 21, 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 March 29, 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 1, 2025. Notice was sent to agencies having jurisdiction in the City of Star on November 21, 2024. The property was posted in accordance with the Star Unified Development Code on April 4, 2025.

D. History of Previous Actions:

November 14, 2006

Council approved Annexation application (AZ-06-08) and zoning of Multiple Use (MU) as part of the East Canyon Development.

April 17, 2007

Council approved Preliminary Plat application (PP-07-02) for East Canyon Development, which has since expired.

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

	Zoning Designation	Comp Plan Designation	Land Use
Existing	Mixed Use (MU-DA)	Estate Urban Residential, Commercial/Industrial Corridor	Agricultural
Proposed	Residential (R-3- DA/PUD) Commercial (C-1- DA/PUD)	Estate Urban Residential, Commercial/Industrial Corridor	Commercial and Residential
North of site	Mixed Use (MU)	Commercial/Industrial Corridor	Agricultural Residential
South of site	Residential (R-2 & R-5)	Estate Urban Residential	Star River Ranch & Legado Subdivisions
East of site	Commercial (C-2-DA) Residential (R-5) Agricultural (County)	Commercial/Industrial Corridor/Estate Urban Residential	Agricultural Residential
West of site	Residential (R-2-DA) Agricultural (County)	Low Density with Special Transition Overlay Area & Estate Urban Residential	Saddleman Ranch and River Park Estates

F. Development Features:

REZONE:

The Rezoning request of the 92.68 acres from Mixed-Use to Residential (R-3-PUD-DA) and Commercial (C-1-PUD-DA) with a Planned Unit Development (PUD) on the applicant's property will allow for the development of the property in a manner that will be consistent with the intent of the current Comprehensive Plan Map. The Future Land Use Map designates the property as Estate Urban Residential, Commercial and Commercial/Industrial Corridor. The applicant has provided a well-designed master planned development for the entire property that incorporates elements of each of the

listed land use designations. The overall density of the residential portions of the development, exclusive of the commercial components, is 2.25 dwelling units per acre (2.08 du/acre overall), which is consistent with the Estate Urban Residential (Maximum 3 Units per Acre) land use designation. The site provides for adequate ingress/egress to Hwy 44, a major transportation corridor.

The Comprehensive Plan encourages 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 (*Goal 8.3*). The Estate and Neighborhood Residential Land Use designation encourages urban style development densities to limit urban sprawl (*Policy 8.3*). The Plan also encourages flexibility in site design and innovative land uses and supports well-planned, pedestrian-friendly developments (*8.5.9*), and encourages commercial facilities to locate on transportation corridors. (*Policy 8.5.6*)

The rezone application includes two zoning designations:

R-3/DA/PUD (Residential District) – 83.68 acres

C-1/DA/PUD (Neighborhood Business District) – 9.00 acres

Special Transitional Overlay Area:

The Comprehensive Plan Future Land Use Map also designates the existing County residential development (Saddleman Ranch Subdivision) adjacent to the northwestern boundary of the proposed development as Special Transitional Overlay Area. The existing subdivision contains 5-acre lots. The applicant has included 1.35-acre minimum lots adjacent to these 5-acre existing lots.

Section 8-3B-3: The allowed Transitional Density for new development adjacent to Special Transition Areas, shall be as follows:

Existing Transitional Lot Sizes	Allowed Immediately Adjacent Minimum Lot Size	Allowed Immediately Across the Road from Transitional Lot
Lots larger than 1.1-acre	1 acre lots	½ acre lots
Lots of 1 to 1.1-acre	½ acre lots	1/3 acre lots
Lots smaller than 1-acre	1/3 acre lots	R-3 density Maximum

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 detached residential, single family attached residential, and neighborhood commercial, and a well site for the Star

Sewer & Water District. 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. The proposed commercial uses would make up approximately 10% of the total development, if built out to its maximum potential.

The Planned Unit Development overall master plan consists of 192 residential units including 108 single-family detached dwellings, 84 attached townhomes, 3 commercial lots, 1 Star Sewer & Water District well site, and multiple common lots.

The neighborhoods include different lot sizes and residential dwellings:

Townhome Lots: 84 (44%)

3,900 to 8,423 square feet (average lot dimensions: 31'-50' x 101'-146')

Single-Family Lots: 108 (56%)

Standard Lots – 7,700 to 19,715 square feet (average dimensions: 65'-90'x 120'-150')

Estate Lots - 14,342 to 77,370 square feet (average dimensions: 85'-310'x 128'-290')

The proposed setbacks are as follows:

Detached Single-Family Lots:

Front Setback: 20 feet (measured from back walk to garage)

Rear Setback: 15 feet

Side Setback: 7.5 feet

Street Side Setback: 20 feet

Attached Single-Family Lots (Townhomes):

Front Setback: 20 feet (measured from back of walk to garage)

Rear Setback: 15 feet

Side Setback: 7.5 feet and 0 lot line

Street Side Setback: 20 feet

Commercial Lots within the C1/DA/PUD:

Front Setback: 20 feet

Rear Setback: 5 feet

Interior Side Setback: 0 feet (subject to fire approval)

Setback when Adjacent to Residential: 15 feet

Street Side: 20 feet

****Bonus Rooms over Garages will not be considered a Second Story**

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 consist of Landruff Lane, which will be a major collector, local residential roads, two divided entrances and a residential collector. Landruff Lane will be 46 feet from back of curb to back of curb with a 12-foot drainage swell and 7 foot wide, detached sidewalk. The local streets will be 36 feet from back of curb to back of curb with an 8-foot landscape strip and 5-foot-wide detached sidewalk. The local collector will be 36 feet from back of curb to back of curb with 8-foot landscape strips and 7-foot detached sidewalks. The main entrance off Hwy 44 and Landruff Lane will be divided with 21-foot-wide drive aisles from back of curb to back of curb separated by a 10-foot-wide landscape island.

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 seven (7) site amenities. The total open space within the development is 27.34 acres, or 29.50 percent of the site. The total includes 5.92 acres of the Lawrence Kennedy Canal and 2.98 acres of the Canyon Canal. Excluding the two canals, the open space provided is 18.44 acres, or 19.90 percent. A central common area is in the southern portion of the project consisting of 6.90 acres. The lot includes a pond, pool facility, pathways, pickleball court and covered sitting area

A pocket park with linear open space is provided in the northern portion of the development and consists of 1.84 acres. Amenities within the lot include play equipment, a gazebo, and pathways. An additional pocket park in the northern area of 0.87 acre is proposed adjacent to the Lawrence Kennedy Canal. The amenity includes a pickleball court and pathways. A 0.88-acre area is segregated from the residential areas by Landruff Lane and the Lawrence Kennedy Canal. A portion of the area is proposed as a dog park (0.53 acre), and the remaining area will be a future well lot (0.35 acre) for Star Sewer & Water District.

The C-1 zoned commercial lots should be limited to uses compatible with the adjacent residential uses. Staff is recommending that the Council consider the following 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: Arts, Entertainment, Recreation Facility; Bakery-Retail or Manufacturing; Child Care Group (7-12); Child Care Center (more than 12); Child Care-Preschool/Early Learning; Drive-up Service Window only; Educational Institution, Private; Museum; Retail Store/Retail Services; Veterinarian Office; Wholesale Sales; Research activities; Woodworking shop

Prohibited Uses in this Development other than already approved through PUD (not already listed as prohibited in the Code): Church or Place of Religious Worship; Golf Course/Driving Range; Hospital (non-profit); Laboratory; Laboratory, Fabrication shop; Food products processing; Greenhouse commercial; 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:

- Sidewalks
Internal sidewalks are proposed at five-foot (5') widths and will be detached throughout the subdivision with an eight (8') foot landscape strip. Sidewalks along Landruff Lane, the main entrance off Hwy 44 and the local collector will be 7 foot wide and detached. The sidewalk along Hwy 44 will be 8 foot wide and detached. Along the north side of the Lawrence Kennedy Canal will be a twelve-foot-wide multi-use pathway.
- Lawarence Kennedy Pathway
The proposed pathway along the Lawarence Kennedy Canal is proposed to be gravel and 12-foot-wide. **Staff recommends this pathway be paved.**
- Lighting
Streetlights shall reflect the "Dark Sky" criteria with all lighting. The same streetlight design shall continue throughout the entire development. The applicant has submitted a streetlight plan and design with the application packet. The proposed design satisfies City code. **The proposed plan does not meet the requirements of**

a streetlight at each cul-de-sac and intersection. 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 will work with City Staff and Canyon County on the approval of the street names. This will be required at final plat.
- Subdivision Name
Applicant will work with City Staff and Canyon County on the approval of the subdivision name. This will be required at final plat.
- Landscaping - As required by the Unified Development Code, Chapter 8, Section 8-8C-2-M (2) Street Trees; A minimum of one street tree shall be planted for every thirty-five (35) linear feet of street frontage. The applicant shall use "Treasure Valley Tree Selection Guide", as adopted by the Unified Development Code. 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 appears to satisfy these requirements. If street trees are to be placed by the builder, Certificate of Occupancy may be withheld until trees are verified in place per code.**
- Setbacks – The applicant is not requesting any set back waivers, and the proposed preliminary plat will adhere to the R-3 setbacks outlined in this report.
- Block lengths – **Not all blocks meet the 750' block length requirement and will require a waiver from the Council.**
- Mailbox Cluster – Applicant is working with the appropriate Postmaster to obtain approval on the location of mailbox clusters. This will be required at final plat. Mailbox clusters shall be covered and provided with lighting.
- Phasing – The Applicant is proposing multiple phases until full build out. They are asking for flexibility on the phasing due to market conditions. The initial proposal is full build out after 7 phases of development and approximately 6 years.
- 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 majority of the**

submitted elevations appear to satisfy UDC Section 8-3B-3, some of the single-story homes do not contain 3 architectural elements on the front of the home.

- Structure Height – Applicant is proposing that all residential structures will be thirty-five (35') in height or less.

DEVELOPMENT AGREEMENT:

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

- Approved Commercial Use;
- ITD Proportionate Share Fees;
- Street Trees;
- 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 – Yes, along the Lawrence Kennedy Canal.
- ★ 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.

Middleton School Dist.
ITD

December 16, 2024
December 9, 2024

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

Chris Spallino
Eric Battey

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

Comprehensive Plan:

8.2.3 Land Use Map Designations:

Estate Urban Residential

Suitable primarily for single family residential use. Densities in this land use area are a maximum of 3 dwelling units per acre. Densities not exceeding 1 to 2 units per acre are to be encouraged in areas of the floodplain, ridgeline developable areas, hillside developable areas, and where new residential lots are proposed immediately adjacent to existing residential lots of greater than one acre where those existing larger lots are not likely to be subdivided in the future. Clustering is allowed to preserve open space.

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.

8.5.3 Policies Related Mostly to the Urban Residential Planning Areas:

A. The Estate and Neighborhood Residential Land Use is to encourage urban style development densities to limit urban sprawl.

B. Low densities within the Estate and Neighborhood Residential Land Use are to be designed within the floodplain, ridgeline developable areas, hillside developable areas and where new residential lots are proposed adjacent to existing residential lots of one acre and larger where those existing larger lots are not likely to be subdivided in the future.

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

D. High Density residential uses should be located in close proximity to commercial centers located near highway corridors and on upper floors within the Central Business District land use area. High Density residential uses otherwise should not be dispersed throughout the community and should not be located along the Boise River.

E. High Density residential may be limited to ensure compatibility and transition between uses adjacent to the site.

F. High Density residential design specifications may include increased setbacks for multi-story buildings and increased landscape buffers.

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:

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

A. Process:

Annexation, Deannexation, and Zoning or Rezone Initiated By Property Owner: The applicant shall complete a pre-application conference with the administrator prior to submittal of an application for an annexation and zoning and/or rezone. An application and fees shall be submitted to the administrator on forms provided by the city.

B. Standards:

1. The subject property shall meet the minimum dimensional standards and/or density standards of the proper district.
2. The city shall 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, building elevations, including front and rear (when backing up to a collector or arterial street), and concept plan shall be required for any annexation or rezone to a commercial, mixed-use or residential zone or use, or land which includes steep slope (land over 25%) or floodway. An application for annexation or rezone shall not be accepted until any required traffic impact study is submitted and accepted by the appropriate transportation authority, or a letter from the transportation authority waiving said study is received by the administrator. A hearing date before the Council shall not be scheduled until any required traffic impact study has been approved and the transportation authority has issued a staff report on the development application. The administrator may waive these requirements in certain circumstances.
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 one hundred eighty (180) days of the issuance of a final written decision approving the development agreement. 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.

6. Applicant may be responsible to participate in reimbursement costs associated with traffic studies, in ITD proportionate share and/or additional mitigation contributions that may be established with transportation authorities, relative to traffic signals, access, or construction improvements associated with State Highways 16, 20/26 & 44, and/or with funding of police and fire protection as it relates to residential growth impacts, through mitigation measures as may be adopted by Council.

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.

D. Exclusion or deannexation/disannexation of land(s). Applications to exclude or deannex or disannex land from within the incorporated limits of the city shall be processed in the same manner as applications to annex. The council may choose to grant or deny such applications to deannex, in its sole discretion, as provided in Idaho Code section 50-225. Decisions to grant or deny any application for exclusion, deannexation/disannexation do not require that the council articulate or provide findings justifying its decision.

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-1) NEIGHBORHOOD COMMERCIAL DISTRICT: To provide for the establishment of convenience business uses which tend to meet the daily needs of the residents of an immediate neighborhood while establishing development standards that prevent adverse effects on residential uses adjoining a C-1 district. Such districts are typically appropriate for small shopping clusters or integrated shopping centers located within residential neighborhoods, where compatible.

(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.

ZONING DISTRICT USES	R
Dwelling:	
Multi-Family	C
Secondary	A
Single Family Attached	P
Single Family Detached	P
Two-Family Duplex	P
Live/Work Multi-Use	N
Public infrastructure; Public utility major, minor and yard 1	C

<u>ZONING DISTRICT USES</u>	C-1		C-1
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 ¹	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

	C-1		C-1
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

	C-1		C-1
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) ¹	P		

	C-1		
Vehicle wrecking, junk or salvage yard ¹	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
R-3	35'	15' to living area/side load garage 20' to garage face	15'	<u>7.5'</u> ⁽²⁾	20'
C-1	35'	20'	5'	0' ⁴	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.

8-3B-3: Residential Districts:

- I. Transitional Lots. For proposed residential developments located adjacent to a Special Transition Area only, as determined on the current Comprehensive Plan Land Use Map, transitional standards listed below shall be required if reasonable evidence is presented that adjacent properties will not be further subdivided in the future. This shall be through a legal encumbrance that prevents the adjacent land from being further subdivided. These encumbrances shall include:
 1. Property with a Future Comprehensive Plan Land Use Map designation that does not allow future redevelopment to densities lower than one dwelling unit per acre.
 2. Subdivision CC&R's preventing further redevelopment;
 3. Easements granted to municipal or other political entities, voluntary development easements granted to conservation land trusts, or other, legal encumbrances conserving the property in perpetuity, such as deed restrictions.
 This specifically excludes statements from landowners regarding future intent without proof of legal encumbrance.

The allowed Transitional Density for new development adjacent to Special Transition Areas, shall be as follows:

Existing Transitional Lot Sizes	Allowed Immediately Adjacent Minimum Lot Size	Allowed Immediately Across the Road from Transitional Lot
Lots larger than 1.1-acre	1 acre lots	½ acre lots
Lots of 1 to 1.1-acre	½ acre lots	1/3 acre lots
Lots smaller than 1-acre	1/3 acre lots	R-3 density Maximum

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 this 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.

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

1. The map amendment complies with the applicable provisions of the Comprehensive Plan.
The Council finds that the purpose of the Star Comprehensive Plan is to promote the health, safety, and general welfare of the people of the City of Star and its Impact Area. Some of the prime objectives of the Comprehensive Plan include:
 - ✓ *Protection of property rights.*
 - ✓ *Adequate public facilities and services are provided to the people at reasonable cost.*
 - ✓ *Ensure the local economy is protected.*
 - ✓ *Encourage urban and urban-type development and overcrowding of land.*
 - ✓ *Ensure development is commensurate with the physical characteristics of the land.**The goal of the Comprehensive Plan for Residential Districts is to encourage the development of a diverse community that provides a mixture of land uses, housing types, and a variety of employment options, social and recreational opportunities, and where possible provides an assortment of amenities within walking distance of a residential development. For Commercial, the designation is 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. The Council finds that this rezone is in compliance with these sections of the Comprehensive Plan.

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

The Council finds that the residential purpose statement states that the purpose of the residential districts is to provide for a range of housing opportunities consistent with the Star Comprehensive Plan. Connection to the Star sewer and water district is a requirement for all residential districts, when available. Residential districts are distinguished by the allowable density of dwelling units per acre and corresponding housing types that can be accommodated within the density range. Further, the Council finds that the purpose statements for commercial development states the following: Neighborhood Commercial District provides for the establishment of convenience business uses which tend to meet the daily needs of the residents of an immediate neighborhood while establishing development standards that prevent adverse effects on residential uses adjoining a C-1 district. Such districts are typically appropriate for small shopping clusters or integrated shopping centers located within residential neighborhoods, where compatible. Council finds that this request is consistent with the purpose statements.

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. Council has included conditions of approval on the development.

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

The Council finds that the City has not been presented with any information from agencies having jurisdiction that public services will be adversely impacted other than traffic, which will continue to be impacted as the City grows. Emergency services were reviewed and mitigation recommended by the Star Fire District.

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

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

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 and are compatible with other residential uses in the immediate area. Commercial is designed to

complement the proposed residential uses and is compatible with other uses in the vicinity.

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
- Norm Allinder
- Peter Bilicki
- Brian Burnett
- Tony Fagundes
- Tim Eck
- Jerry Arbiter
- Mark Cron
- Dennis Ceklovsky
- Eric Batty

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

- Natalie Jonsson
- Fred Fagundes
- Tami Cron
- Peter Moyer

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

- None

Deliberations and Conclusions of Law:

The Council reviewed the particular facts and circumstances of this proposed annexation, 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 rezone, 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 rezone, planned unit development and preliminary plat. Council hereby incorporates the staff report dated April 15, 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, 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.**
- **The applicant shall submit a master fencing plan for the entire development to staff for approval prior to submittal of Phase 1 preliminary plat. The plan shall include design for privacy fencing for lots adjacent to open space. Open fencing shall be provided along the southern lots along the Canyon Canal similar to the existing fencing in the adjacent subdivision to the south.**
- **All Hwy 44 commercial development shall be designed to provide aesthetically pleasing elevations along the highway and avoid neglected sides of buildings.**
- **All public sidewalks and pathway easements shall be graphically shown on the final plat or recorded as a separate easement document and delineated on the final plat with an instrument number prior to signature by the City Engineer on the final plat.**
- **The pathway adjacent to the Lawrence-Kennedy Canal shall be 12' with a public easement.**
- **The applicant shall provide a minimum of 2 ADA compliant parking spaces at the pool facility. This shall be included in the design for the pool facility at the time of Certificate of Zoning Compliance.**
- **The pond design shall include aeration and safety rings.**
- **Benches shall be provided along pathways adjacent to the Lawrence-Kennedy Canal.**

- The extension of Bent Lane to the east shall include landscaping, sidewalks and street trees consistent with the street design within the subdivision. The HOA shall be responsible for maintaining the common area of this extension.
- The following commercial Land Uses are hereby approved as part of this development:
 - Allowed uses outright* (principally permitted & conditional use) within both the C-1 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. Other principally permitted uses in C-1 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

1. The approved Preliminary Plat for the Sorano Estates Subdivision shall comply with all statutory requirements of applicable agencies and districts having jurisdiction in the City of Star.
2. **The applicant shall comply with all listed conditions of approval in the Findings of Fact and Development Agreement.**
3. **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.**
4. **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.**
5. **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.**
6. **All sidewalks and planter strips shall be built to UDC standards, unless otherwise approved by Council.**
7. **The applicant shall comply with the Residential Standards for all new houses, as required in Section 8-3B-3 of the UDC.**
8. **A letter from the US Postal Service shall be given to the City at Final Plat stating the subdivision is in compliance with the Postal Service and the location of the mailbox cluster. The mailbox cluster must be covered and reasonably lit.**
9. **The Applicant shall work with Staff for approval of subdivision name and street names. Names shall be reflected correctly on the final plat prior to signature.**
10. 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.**
11. 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.
12. 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.
13. 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.

14. All signed Irrigation District Agreements with the Irrigation Districts shall be provided to the City of Star with each subsequent Final Plat application.
15. Pressurized irrigation systems shall comply with the Irrigation District(s) and the City of Star Codes. Plans for pressurized irrigation systems shall be submitted to, and approved by the City of Star Engineer, prior to installation.
16. A plat note supporting the "Right to Farm Act" as per Idaho Code Title 22, Chapter 45, shall be shown on the Final Plat.
17. A copy of the CC&R's shall be submitted to the City of Star at Final Plat.
18. A form signed by the Star Sewer & Water District shall be submitted to the City prior to the signature of the Final Plat stating that all conditions of the District have been met, including annexation into the District.
19. A plat note shall state that development standards for residential development shall comply with the effective building and zoning requirements at time of building permit issuance, unless amended in the Development Agreement or CUP conditions.
20. Development standards for single family residential units shall comply with effective building and zoning requirements at time of building permit issuance, or as approved through the Development Agreement or as stated herein.
21. All common areas shall be owned and maintained by the Homeowners Association.
22. The applicant shall provide a sign, to be located at all construction entrances, indicating the rules for all contractors that will be working on the property starting at grading and running through home sales that addresses items including but not limited to dust, music, dogs, starting/stopping hours for contractors (7a.m. start time). **Sign shall be approved by the City prior to start of construction.**
23. A sign application is required for any subdivision signs.
24. **Any additional Condition of Approval as required by Staff and City Council.**

Council Decision:

The Council voted 4-0 to approve the Rezone, Development Agreement, Planned Unit Development and Preliminary Plat for Sorano Estates Subdivision on April 15, 2025.

Dated this 6th day of May 2025.

Star, Idaho

By: _____

Trevor A. Chadwick, Mayor

ATTEST:

Shelly Tilton, City Clerk