

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**  
**INSPIRADO SUBDIVISION**  
**FILE NO. AZ-21-09/DA-21-11/PUD-21-01/PP-21-12**

The above-entitled Annexation, Development Agreement, Planned Unit Development and Preliminary Plat land use application came before the Star City Council for their action on January 11, 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 an Annexation and Zoning (R-3-PUD-DA, MU-PUD-DA, C-2-PUD-DA), a Development Agreement, a Planned Unit Development, and a Preliminary Plat for a proposed mixed-use development and subdivision consisting of 195 single family residential lots, 2 high density/multi-family residential lots, 1 commercial lot, 4 mixed-use lots and 24 common lots. The property is located on the northeast corner of N. Star Road and W. Chinden Blvd in Star, Idaho. The Inspirado Subdivision contains approximately 124 acres. The entire annexation area for this application includes approximately 135 acres. The subject property is generally located between N. Star Road and Hwy 16. Ada County Parcel No's S0420336300; S0420336500; S0420315200; S0420428200 (Brandt); S0420325800; S0420325855; S0420417550 (Pioneer Irrigation Dist.); S0421325480 (Brandt) & S0421325570 (Pioneer Irrigation Dist.). This application was originally scheduled for Council on August 17, 2021 but was postponed to allow ACHD and ITD additional time to provide review comments.

*B. Application Submittal:*

A neighborhood meeting was held on June 3, 2020, 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 May 17, 2021.

*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 2, 2021 & December 22, 2021. 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 2, 2021 & December 22, 2021. Notice was sent to agencies having jurisdiction in the City

of Star on May 6, 2021. The property was posted in accordance with the Star Unified Development Code on August 6, 2021 & December 30, 2021.

*D. History of Previous Actions:*

This property does not have any history of land use applications within the City of Star.

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

	<b>Zoning Designation</b>	<b>Comp Plan Designation</b>	<b>Land Use</b>
<b>Existing</b>	RUT (County)	Neighborhood Residential, Commercial, Mixed Use	Agriculture
<b>Proposed</b>	R-3-P-DA MU-DA C-2-DA	Neighborhood Residential, Commercial, Mixed Use	Single Family Residential/Commercial/Mixed Use/Multi-Family Residential
<b>North of site</b>	RUT (County)	CBD (Central Business District); Neighborhood Residential	Single Family Residential/Agriculture/Commercial
<b>South of site</b>	RUT (County)	Medium Density Residential Mixed Use Regional (City of Meridian)	Agriculture
<b>East of site</b>	RUT (County)	Commercial	Star Road/R.C. Bean Saddlery/Pasture
<b>West of site</b>	RUT (County)	Commercial Neighborhood Residential	Single Family Residential/Agriculture

*F. Development Features.*

**ANNEXATION & REZONE:**

The applicant is requesting approval of an annexation and rezone application to annex a total of approximately 139-acres and change the zoning designation on approximately 124 acres from Rural Urban Transitional (RUT) to Residential (R-3-P-DA), Commercial (C-2-P-DA) and Mixed-Use (MU-P-DA). The remaining area of approximately 15 acres is part of the annexation pathway from the east and north up to the recently annexed Stonebriar Subdivision and will be designated specific zoning designations by the City at the time of annexation. The proposed zoning district designations for Inspirado would allow for the future subdivision of the property with uses ranging from single family residential, multi-family residential, commercial and mixed-use. The property is located in an area that will be serviceable with central sewer and water provided by Star Sewer and Water District in the near future. Star Sewer and Water will be extending services along Star Road from the new sewer lift station at Joplin Road, completing

construction on the west side of Star Road. The property will be accessed by existing and future public roadways. The rezone requests include a development agreement that will address future density and development standards along with approved zoning uses for the residential and non-residential uses. Staff calculates the gross density for the single-family residential portion of the development as 61.48 acres (66.80 total residential acres minus 5.32 acres for the multi-family lots) with a density of 3.17 du/acre. This does not include the future multi-family dwelling density within this calculation. Including the future multi-family development area into the calculations would increase the overall density for the entire residential portion of the development of up to 4.5 dwelling units per acre (20 units/acre). If this is a correct calculation, Staff would recommend that an R-4 zoning designation be substituted.

Regarding the three (3) additional parcels that make up the annexation pathway to Stonebriar Subdivision, Staff recommends that the two Pioneer Irrigation District properties be zoned as PS Public/Semipublic zoning district, and the Brandt parcel be designated as R-3. These designations are consistent with the Comprehensive Plan and/or existing uses of the properties.

### **PRELIMINARY PLAT:**

The Preliminary Plat submitted contains a total of 227 lots, including 195 single family residential lots, 2 future multi-family residential lots, 1 commercial lot, 4 mixed-use lots and 24 common lots. The detached residential lots include a mixture of patio homes, custom homes and luxury homes on lots ranging in size from 5,500 square feet to 16,871 square feet. The lots will have access and frontage from public streets. All roads will be built to ACHD, City of Star and Star Fire District standards. The submitted preliminary plat is showing a 50 ft wide right of way with paved streets measuring 33 feet from back of curb to back of curb for all local streets with 5 feet wide detached sidewalks throughout the development. The UDC requires all streets to have a minimum street width of 36 feet. The Applicant has not provided documentation that street names have been obtained and approved. Applicant shall obtain and provide to the City street name approval documentation from the Ada County Street Naming Committee prior to signature of the final plat.

The application states that proposed overall open space provided is 10.65 acres (15.9%), including 3.5 acres (33%) usable open space. The current Unified Development Code, Section 8-4E-2 requires a development of this size to have a minimum of 9 site amenities. The applicant is proposing two main amenity areas (primary and secondary) including a community pool, 2 pickleball and two bocce ball courts, children's play area with tot lot structure, shade ramada, picnic tables and benches, multiple pathways and connections and passive, open areas. The applicant is also proposing a primary entrance monument with a water feature. with a pocket park with a shade ramada and a pathway along the southern portion of the property along the hillside and wetland area. There will also be three ponds in the development. These amenities satisfy the code requirement for development amenities. Any future multi-family development shall meet additional landscaping and amenity requirements in Section 8-5-20 of the UDC at the time of future approval.

The Commercial and Mixed-Use lots are not planned for specific development at this time. Future review by Council and/or Staff will be necessary once uses are determined. If the applicant intends to request pre-approvals of any additional future Conditional Use permitted uses, not listed below, at this time, they should request so of the Council through the PUD process.

## **PLANNED UNIT DEVELOPMENT**

The applicant has submitted a Planned Unit Development (PUD) with the application to assist with the multiple uses proposed within the development including residential, commercial and mixed use, and to provide for deviations to dimensional standards (setbacks) for some of the residential product. UDC Section 8-7-1 Planned Unit Developments states that *"By allowing dimensional standard deviations, 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"*. The PUD process also allows for the applicant to request approval of the multi-family dwelling component within the R-3 zoning district as part of the overall approval. Section 8-7-1 further states that *"Allowed Uses: Applicant may request that specific conditional use(s) be allowed in the district as principal permitted use(s)"*. In addition to the multi-family dwelling approval in the R-3, the applicant has proposed the following Zoning District Use allowances within the PUD as listed below. Staff is concerned with allowing residential within the Commercial District. Staff believes that the Commercial areas should be protected from future non-commercial development. Staff is also concerned with the allowance of Storage Units as principal permitted uses in the C-2 and M-U. Because of the importance of this commercial corridor to the City, the Council should, at the very least, be able to review Storage facilities as Conditional Uses to prevent the entirety of the Commercial and Mixed-Use areas becoming one, large, Storage facility.

Through the PUD process allowances, the applicant is proposing the following use exceptions:

<b><u>ZONING DISTRICT USES</u></b>						
<b>USES</b>	<b>R</b>	<b>C-2</b>				<b>MU</b>
Dwelling:						
Multi-family <sub>1</sub>	<u>P</u> <del>€</del> <sub>2</sub>	<u>C</u> <del>N</del> <sub>3</sub>				C <u>3</u>
Single-family attached	P	<u>C</u> <del>N</del> <sub>3</sub>				C <u>3</u>
Two-family duplex	P	<u>C</u> <del>N</del> <sub>3</sub>				N
Live/work multi-use <sub>1</sub>	N	<u>C</u> <del>N</del> <sub>3</sub>				C <u>3</u>
Storage facility, outdoor (commercial) <sub>1</sub>	N	P				<u>P</u> <del>€</del>
Storage facility, self-storage (commercial) <sub>1</sub>	N	P				<u>P</u> <del>€</del>

- 2. Non-single-family detached residential dwellings will be limited to a maximum of 10% of the subject gross R-3 development parcel.
- 3. Conditional residential uses will be limited to a maximum of 25% of the subject gross development parcel. – (Not approved by Council)

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

##### Sidewalks

Internal sidewalks are proposed at five-foot (5') widths and will be detached throughout the development.

- Streetlights

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 cut sheet that DOES NOT meet City of Star*

requirements. **Applicant must provide a streetlight design/cut sheet and location plan for City approval. This will be required at submittal of the final plat.**

- Street Names  
**Applicant has not provided documentation from Ada County that the street names are acceptable and have been approved. This will be required at final plat.**
- Subdivision Name  
Applicant has provided a letter from Ada County that the subdivision name has been approved and reserved for this development.
- 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. Applicant shall meet all landscaping requirements in the UDC and provide a final landscape plan with the final plat application.
- Setbacks – The applicant is requesting set back waivers with the PUD application for a number of residential lots.
- Block lengths – It appears that blocks lengths proposed meet the 750' block length requirement. The applicant should be prepared to request a waiver of block lengths from Council if the maximum length is exceeded.
- Mailbox Cluster – **Applicant has submitted a mailbox review request to the Meridian Postmaster. To date, staff has not been provided with an approval letter from the Postmaster. The applicant shall provide this information to the City prior to signing the final plat.**
- Phasing – The applicant has provided a phasing plan for this development showing 4 phases.

## DEVELOPMENT AGREEMENT

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

- Density;

- Pre-approved and allowed Commercial Uses, including Multi-family and Storage Facilities
- ITD Proportionate Share Fees;
- Emergency Access
- Setback Waivers

*G. Existing Site Characteristics:*

**Existing Site Characteristics:** The property currently is agricultural.

**Irrigation/Drainage District(s):** Nampa-Meridian, Boise-Kuna, Boise Project Board of Control

**Flood Zone:** This property is currently located in Flood Zones X. FEMA FIRM Panel 16001C0140J. Effective Date: 6/19/2020

**Special On-Site Features:**

- ✧ Areas of Critical Environmental Concern – No known areas.
- ✧ Evidence of Erosion – No evidence.
- ✧ Fish Habitat – None.
- ✧ Floodplain – No.
- ✧ Mature Trees – None.
- ✧ Riparian Vegetation – No.
- ✧ Steep Slopes – None.
- ✧ Stream/Creek – Yes.
- ✧ Unique Animal Life – No unique animal life has been identified.
- ✧ Unique Plant Life – No unique plant life has been identified.
- ✧ Unstable Soils – No known issues.
- ✧ Historical Assets – No historical assets have been observed.
- ✧ Wildlife Habitat – No known sensitive wildlife habitat observed.

*H. Agencies Responding:*

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

ITD	December 28, 2021
Star Fire District	August 9, 2021
Ada County Development Services	May 7, 2021
DEQ	May 14, 2021
ACHD	January 7, 2022
West Ada School District	July 1, 2021
Keller and Associates	May 28, 2021
Central District Health	May 12, 2021

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

Rick Bean Letter

August 16, 2021

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

Comprehensive Plan:

8.2.3 Land Use Map Designations:

Neighborhood Residential:

Suitable primarily for single family residential use. Densities in the majority of this land use area are to range from 3 units per acre to 5 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 adjacent to existing residential lots of one acre and larger where those existing larger lots are not likely to be subdivided in the future.

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.

Mixed Use

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

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



#### 8.4 Objectives:

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

#### 8.5.3 Policies Related Mostly to the Urban Residential Planning Areas:

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

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

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

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

Encourage commercial facilities to locate on transportation corridors.

Locate neighborhood services within walking distance to residential development.

Discourage the development of strip commercial areas.

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

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

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

#### 8.5.7 Policies Related Mostly to The Mixed-Use Planning Areas

- A. Council, at their sole discretion, shall determine what mix of uses are appropriate for any mixed-use area considering existing property owners rights.
- B. Development within the Mixed-Use Designation is to proceed through the CUP, PUD, and/or Development Agreement process, and a concept plan must be included with any such proposed use.
- C. In general, mixed-use areas along state highways should be predominantly commercial with a very minor component of residential unless the residential is placed on upper floors as part of a mixed-use building.
- D. Mixed use areas along state and U.S. Highways where direct access to the state highway is prohibited, like along State Highway 16 between State Highway 44 and US Highway 20/26, should be predominately residential with a minor component of neighborhood commercial, or light industrial if sufficient roadway access, by means of a backage or other roads, to the State Highway is provided.
- E. Mixed use areas located between commercial and residential land use designations are to provide a compatible transition between the higher intensity use of commercial and the lower intensity use of Estate and\_Neighborhood Residential. Uses for these mixed-use areas could include multi-family housing and or office related uses if determined by the Council through the public hearing process, to be appropriate.

#### 8.5.9 Additional Land Use Component Policies:

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

## 18.4 Implementation Policies:

Development Agreements allow the city to enter into a contract with a developer upon rezoning. The Development Agreement may provide the city and the developer with certain assurances regarding the proposed development upon rezoning.

### Unified Development Code:

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

##### B. Standards:

1. The subject property shall meet the minimum dimensional standards of the proper district.
2. The city may require a development agreement in conjunction with the annexation and zoning, or rezone, pursuant to Idaho Code section 67-6511A, which may include a concept plan. In addition to other processes permitted by city and state code, exceptions or waivers of standards, other than use, may be permitted through execution of a development agreement. A development agreement and concept plan shall be required for any rezone to a mixed-use zone, high density zone or land which includes steep slope (land over 25%) or floodway.
3. The termination of a development agreement shall result in the reversal of the official zoning map amendment approval and applicable development approval for any undeveloped portion of property subject to the development agreement. The undeveloped property subject to the development agreement shall be rezoned to the district classification as designated by the development agreement. When no designation is provided, the property shall revert to its original zoning or, if the original designation no longer exists, to the closest current equivalent zoning as determined by the current Comprehensive Plan Land Use Map designation.
4. An amendment or termination of a previously recorded development agreement shall be recorded in the office of the county recorder by the clerk.
5. An approved development agreement must be executed within ninety (90) days of the meeting at which the development agreement is approved by the city council. A one-time administrative extension of maximum thirty (30) days may be granted by the zoning administrator. Additional extensions may be approved by majority vote of the city council. Failure to execute the development agreement within the required timeframe will result in the denial of all related applications.

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

1. The map amendment complies with the applicable provisions of the comprehensive plan;

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

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

R RESIDENTIAL DISTRICT: To provide regulations and districts for various residential neighborhoods. Gross density in a Residential (R) district shall be determined according to the numeral following the R. The numeral designates the maximum number of dwelling units per acre. In zoning designations of R-1, R-2, R-3, R-4 and R-5, housing shall be single family detached unless approved with a PUD or development agreement. Connection to municipal water and sewer facilities are required for all subdivision and lot split applications submitted after the effective date hereof in all districts exceeding one dwelling unit per acre. Wells and septic systems may be permitted for larger lots in this land use designation that are not adjacent to municipal services, as determined by the Sewer District, and if approved by the applicable Health Department. Private streets may be approved in this district for access to newly subdivided or split property. This district does allow for some non-residential uses as specified in 8-3A-3.

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.

MU MIXED USE DISTRICT: To provide for a mixture of uses which may, at the sole discretion of the Council, include office, commercial, and/or residential depending upon the specific comprehensive plan area designated as Mixed Use. Development within this zone is to proceed through the PUD process unless a development agreement has already been executed for the particular property. Identifying areas for mixed-use development has two objectives. The first objective is to give the city a better tool to manage the type of developments through the planned unit development and/or the Development Agreement process. The second objective is that this zone may allow the development community to be more innovative in design and placement of structures subject to Council review and approval. Rezoning within this land use designation is to be strictly monitored by the city to assure that the Mixed-Use areas are not being used simply to justify high density residential use. Residential uses may be part of an

overall mixed-use development that includes a non-residential component and may not exceed 30% of the overall size of the development.

**DA DEVELOPMENT AGREEMENT:** This designation, following any zoning designation noted on the official zoning map of the city (i.e., C-2-DA), indicates that the zoning was approved by the city with a development agreement, with specific conditions of zoning.

**PS PUBLIC/SEMIPUBLIC:** To provide for the development of such uses as golf courses, parks, recreation facilities, greenways, schools, cemeteries, and public service facilities such as government offices and utilities. All development within this land use is encouraged to be designed to accommodate the different needs, interests, and age levels of residents in matters concerning both recreation and civil activities.

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

When development is planned with lots that directly abut existing lots within a Rural Residential area, or "Special Transition Overlay Area" as shown on the Comprehensive Plan Land Use map, an appropriate transition shall be provided for the two abutting residential lot types. A transition shall take into consideration site constraints that may exist and may include clustering of the urban lots in order to provide an open space area avoiding urban lots directly abutting rural residential lots, or may include the provision of a buffer strip avoiding urban lots directly abutting rural residential lots, or may include setbacks within the urban lots similar to the rural residential lots directly abutting, or may include the provision of one half to one acre size lots directly abutting the rural residential lots.

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

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

- floors as part of a mixed-use building.
- G. The Council may place requirements on a mixed-use development, including a ratio of uses and/or timing of phases, to ensure that the overall development maintains its mixed-use intent.

<b><u>ZONING DISTRICT USES - RESIDENTIAL</u></b>	<b>A</b>	<b>R-R</b>	<b>R</b>
Accessory structure	A	A	A
Dwelling:			
Multi-family 1	N	N	C
Secondary 1	A	A	A
Single-family attached	N	N	C
Single-family detached	P	P	P

### **8-3A-3: USES WITHIN ZONING DISTRICTS**

The tables above and below list principal permitted (P), accessory uses (A), conditional (C), or prohibited (N) uses.

<b><u>ZONING DISTRICT USES</u></b>		
<b>USES</b>	<b>C-2</b>	<b>MU</b>
Accessory structure - Residential or Commercial	A	C/P
Adult business/adult entertainment	N	N
Agriculture, forestry, fishing	N	N
Airport	N	N
Animal care facility 1	P	C
Artist studio 1	P	P
Arts, entertainment, recreation facility 1	P	C
Asphalt plant 1	N	N
Auction facility	C	C
Automated Teller Machine (ATM) 1	A	A
Automotive hobby 1	N	A
Automotive mechanical/electrical repair and maintenance	P	C
Bakery- Retail or Manufacturing	P	P/C
Bar/tavern/lounge/drinking establishment	P	C
Barbershop/styling salon	P	P
Bed and breakfast	P	C
Beverage bottling plant	N	N
Boarding house	N	C
Brewery/Distillery	P	C
Brewpub/Wine Tasting	P	C
Building material, garden equipment and supplies	P	C
Campground/RV park 1	N	C
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 Learning1	C	C
Church or place of religious worship1	P	P
Civic, social or fraternal organizations	P	C
Concrete batch plant 1	N	N
Conference/convention center	P	C
Contractor's yard or shop 1	N	N
Convenience store	P	C
Dairy farm	N	N
Drive-through establishment/drive-up service window 1	P	C
Dwelling:		
Multi-family 1	N	C
Secondary 1	N	C
Single-family attached	N	C
Single-family detached	N	C
Two-family duplex	N	C
Live/Work Multi-Use 1	N	C
Educational institution, private	C	C
Educational institution, public	C	C
Equipment rental, sales, and services	P	C
Events Center, public or private (indoor/outdoor)	C	C
Fabrication shop	P	N
Farm	N	N
Farmers' or Saturday market	C	C
Feedlot	N	N
Financial institution	P	C
Fireworks Stands	P	P
Flammable substance storage	N	N
Flex Space	P	C



Food products processing	C	N
Fracking	N	N
Gasoline, Fueling & Charging station with or without convenience store 1	P	C
Golf course	C	C
Government office	P	C
Greenhouse, private	N	A
Greenhouse, commercial	P	C
Guesthouse/granny flat	N	C
Healthcare and social services	P	C
Heliport	N	N
Home occupation 1	N	A
Hospital	P	C
Hotel/motel	P	C
Ice manufacturing plant	N	N
Industry, information	P	C
Institution	P	C
Junkyard	N	N
Kennel	C	C
Laboratory	P	C
Laboratory, medical	P	C
Lagoon	N	N
Laundromat	P	P
Laundry and dry cleaning	P	C
Library	P	N
Manufactured home 1	N	C
Manufactured home park 1	N	N
Manufacturing plant	C	N
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	P	C
Museum	P	P
Nursery, garden center and farm supply	P	C
Nursing or residential care facility 1	P	C
Office security facility	P	C
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)	C	C
Power plant	N	N
Processing plant	N	N
Professional offices	P	C
Public infrastructure; Public utility major, minor and yard 1	C	C
Public utility yard	C	N
Recreational vehicle dump station	C	A
Recycling center	C	N
Research activities	P	C
Restaurant	P	C
Retail store/retail services	P	C
Retirement home	N	C
Riding Arena or Stable, Private/ Commercial	N	N
Salvage yard	N	N

Sand and gravel yard	N	N
Service building	P	C
Shooting range <u>(Indoor/Outdoor)</u>	C/N	C/N
Shopping center	P	C
Short Term Rentals 1	N	A
Solid waste transfer station	N	N
Storage facility, outdoor (commercial)1	P	C
Storage facility, self-service (commercial)1	P	C
Swimming pool, commercial/public	P	P
Television station	C	C
Temporary living quarters 1	N	N
Terminal, freight or truck 1	C	N
Truck stop	C	C
Turf farm	N	N
Vehicle emission testing 1	P	C
Vehicle impound yard 1	N	N
Vehicle repair, major 1	P	C
Vehicle repair, minor 1	P	C
Vehicle sales or rental and service 1	P	C
Vehicle washing facility 1	P	C
Vehicle wrecking, junk or salvage yard1	N	N
Veterinarian office	P	C
Vineyard	N	C
Warehouse and storage	P	C
Wholesale sales	P	C
Winery	C	C
Wireless communication facility 1	C	C
Woodworking shop	P	N

**DIMENSIONAL STANDARDS:**

<b>Zoning District</b>	<b>Maximum Height</b>	<b>Minimum Yard Setbacks</b>			
	<b>Note Conditions</b>	<b>Front (1)</b>	<b>Rear</b>	<b>Interior Side</b>	<b>Street Side</b>
R-3	35'	15' to living area/side load garage 20' to garage face	15'	5' per story (2)	20'
R-12 and higher	35'	15' to living area 20' to garage	15' 4' if alley load	5' for single story 10' feet for multi-story	20'
C-2	35'	20'	5'	0'	20'
PS	35'	20'	10'	0'	20'
MU	35'	For MU and CBD - Unless otherwise approved by the Council as a part of a PUD or development agreement, all residential buildings shall follow the residential setbacks shown in this table based upon the project density and all other buildings shall follow setbacks for the C-2 zone (3).			

## Notes:

1. Interior side yard setbacks for lots with 50' or less of lot width shall be allowed 5' interior side yard setbacks for one and two-story structures.
2. Front yard setback shall be measured from the face of the garage to the face of the sidewalk, allowing for 20' of parking on the driveway without overhang onto the sidewalk.

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

## 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 gross land area of the development. Ten percent (10%) of that area shall be usable open space.

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 less than 1 dwelling units per acre may request a reduction in total required open space and amenities to the Council. Developments with a density of less than 2 dwelling units per acre may request a 50% reduction in total required open space to the Council.

#### **8-7-1: PURPOSE - PLANNED UNIT DEVELOPMENTS:**

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.

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 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, 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.

#### **8-7-4: STANDARDS – PLANNED UNIT DEVELOPMENTS:**

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.
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 planned 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.

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.

**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 Land Use 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. The Council finds that this annexation 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 that the proposal complies with the proposed districts and purpose statements. The purpose of the residential districts is to provide regulations and districts for various residential neighborhoods with gross densities in compliance with the intent of the Comprehensive Plan designation. 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 in all districts exceeding one dwelling unit per acre. Private streets may be approved in this district for access to newly subdivided or split property. The purpose of the commercial 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. The purpose of the mixed-use district is to provide for a mixture of uses which may, at the sole discretion of the Council, include office, commercial, and/or residential depending upon the specific comprehensive plan area designated as Mixed Use. Development within this zone is to proceed through the PUD process unless a development agreement has already been executed for the particular property. Identifying areas for mixed-use development has two objectives. The first objective is to give the city a better tool to manage the type of developments through the planned unit development and/or the Development Agreement process. The second objective is that this zone may allow the development community to be more innovative in design and placement of structures subject to Council review and approval. Rezoning within this land use designation is to be strictly monitored by the city to assure that the Mixed-Use areas are not being used simply to justify high density residential use. Residential uses may be part of an overall mixed-use development that includes a non-residential component and may not exceed 30% of the overall size of the development.*

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

*The Council finds 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 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 the annexation request 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.*

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

*The Council finds that the planned unit development preserves significant natural, scenic and historic features found on the property.*

- 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.*

- 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. CHD4 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 park, recreational and 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 UDC.*

- 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 approved and conditioned 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 recommended by the 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.*
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 January 11, 2022, 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:

- Debra Nelson
- Teller Bard
- Randy Clarno
- Michael Keyes

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 annexation and zoning 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 and platting of the development. Review and discussion included development layout, access and street configuration, setbacks, open space, pathways and landscaping, and proposed commercial uses. The Council concluded that the Applicant's request meets the requirements for annexation, planned unit development and preliminary plat. Council hereby incorporates the staff report dated January 11, 2022, together with the hearing minutes 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 Preliminary Plat application and Development Agreement the following conditions of approval to their decision to approve the applications to include the following:

- 7' Sidewalks shall be constructed along Collector Roadways and Star Road, or bonded for through ACHD
- Provide a public pathway easement along the south side of the Phyliss Canal for potential future pathway
- The Developer agrees to provide the Bean property two (2) built driveways per their agreement in Phase 1
- There shall be no residential uses allowed within the Commercially zoned district
- Any storage units proposed in the Mixed-Use or Commercial areas shall require a Conditional Use Permit

- All streets within the development shall have minimum 36' roadway widths. The detached sidewalk planter strips shall be allowed at 6 ½ feet on each side with Class I trees.
- Non-single-family detached residential dwellings will be limited to a maximum of 10% of the subject gross R-3 development parcel.
- Setbacks shall be approved as follows:
  - 5' side yard setbacks for all patio homes
  - 7' side yard setbacks for all single-family detached homes

### Conditions of Approval:

1. The approved Preliminary Plat for Inspirado Subdivision shall comply with all statutory requirements of applicable agencies and districts having jurisdiction in the City of Star.
2. **The applicant shall enter into a Development Agreement with the City, agreeing to proportionate share assessment by ITD regarding impacts to the State Highway System. ITD has calculated the fees to be \$TBD. These fees will be collected by the City of Star, by phase, prior to final plat signature. The development agreement shall be signed and recorded as part of the ordinance for annexation and zoning and shall contain the details of the fees to be collected.**
3. 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 work with staff and submit a streetlight design that meets city standards prior to Final Plat approval. Streetlights shall comply with the Star City Code regarding light trespass and "Dark Sky" initiative.**
4. The property with the approved Preliminary Plat shall be satisfactorily weed abated, preventing a public nuisance, per Star City Code.
5. The property associated with this approved Final Plat, in addition to the property of all future phases shall be properly maintained 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.
6. All signed Irrigation District Agreements with the Irrigation Districts shall be provided to the City of Star with each subsequent Final Plat application.
7. **Street trees shall be installed per Chapter 8, Section 8-8C-2-M(2) Street Trees. Applicant shall provide locations for the local street trees at the time of final plat. If driveway locations will not be determined until sale of the lot, Applicant agrees to not receive the Certificate of Occupancy until street trees are confirmed in place.**

8. 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.
9. A plat note supporting the "Right to Farm Act" as per Idaho Code Title 22, Chapter 45, shall be shown on the Final Plat.
10. A copy of the CC&R's shall be submitted to the City of Star at Final Plat.
- 11. A letter from the US Postal Service shall be provided to the City at Final Plat stating the subdivision is in compliance with the Postal Service.**
12. 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.
- 13. Prior to signing the final plat, Applicant shall provide approval from Ada County for all street names and they should be accurately reflected on the plat.**
14. 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.
15. 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.
16. All common areas shall be owned and maintained by the Homeowners Association.
17. 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.**
18. A sign application is required for any subdivision signs.
- 19. Owner/Developer will agree to install at least one, 2" maximum (High Density Polyethylene) HDPE SDR-11 roll pipe/conduit in the joint utility trench to be used for future fiber optic and/or copper telecommunication cables.**

**Council Decision:**

The Council voted 4-0 to approve the Annexation, Development Agreement, Planned Unit Development and Preliminary Plat for Inspirado Subdivision on January 11, 2022.

Dated this 15th day of February 2022.

Star, Idaho

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

Trevor A. Chadwick, Mayor

ATTEST:

\_\_\_\_\_  
Jacob M. Qualls, City Clerk