

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**  
**THE QUARRY AT RIVER PARK ANNEXATION**  
**FILE NO. AZ-22-12/DA-22-03**

The above-entitled Annexation & Zoning and Development Agreement land use applications came before the Star City Council for their action on October 4, 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 requested approval of an Annexation and Zoning (Residential R-3 & Mixed-Use MU) and a Development Agreement for a proposed future residential development. The property is located at 21339 Blessinger Road in Star, Idaho, and consists of 185.93 acres. The subject property is generally located on the south side of State Hwy 44, west of Blessinger Road and east of Trigger Ranch Lane. County Parcel No. R3404900000.

*B. Application Submittal:*

A neighborhood meeting was held on May 16, 2022 in compliance with the application submittal requirement of the Star Unified Development Code (Section 8-1 A-6 C). The Land Use application was deemed complete on September 8, 2022.

*C. Notice of Public Hearing:*

Notice of Public Hearing on the application for the City of Star Council was published in accordance with the requirements of Title 67, Chapter 65, Idaho Code and the Star Unified Development Code on September 16, 2022. Notice of this public hearing was mailed to property owners within three-hundred feet (300') of the subject property in accordance with the requirements of Title 67, Chapter 65, Idaho Code and Star Unified Development Code on September 13, 2022. Notice was sent to agencies having jurisdiction in the City of Star on September 7, 2022. The property was posted in accordance with the Star Unified Development Code on September 21, 2022.

*D. History of Previous Actions:*

There have been no previous requests through the City for development of this property.

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>	AG (Canyon County)	Estate Urban Residential/Commercial/Industrial Corridor	Agricultural/Residential
<b>Proposed</b>	Residential (R-3-DA)/Mixed Use (MU)	Estate Urban Residential/Commercial/Industrial Corridor	Single-Family Residential/Mixed Use
<b>North of site</b>	AG (Canyon County)	Commercial/Industrial Corridor	Agricultural/Single-Family Residential
<b>South of site</b>	AG (County)	Estate Urban Residential/Floodway	Agricultural/Vacant
<b>East of site</b>	Residential (R-2)	Estate Urban Residential	Single-Family Residential River Park Subdivision
<b>West of site</b>	Rural Residential (Canyon County)	Rural Residential with Special Transition Overlay Area	Single-Family Residential - Leighton Lakes Estates

F. *Development Features.*

**ANNEXATION & REZONE:**

The applicant is requesting approval of an annexation and zoning application with a zoning designation of Residential & Mixed Use (R-3-DA & MU-DA) on 185.93 acres. This zoning district would allow for a maximum residential density of 3 dwelling unit per acre and future non-residential mixed-use. The submitted conceptual plan and applicants statement indicates that the overall residential density proposed would be 1.2 dwelling units per acre. This meets the intent of the 1-3 du/acre allowed within the Estate Urban Residential designation on the Future Land Use Map. Due to the density proposed, Staff would recommend the Council approve an R-2 zoning designation rather than R-3. 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. The property will be accessed from Blessinger Road, as it is today, along with a new access off Highway 44. The applicant has submitted a conceptual site plan illustrating the proposed development layout. While the conceptual plan does not indicate specific lot sizes, lots adjacent to the Special Transition Overlay Area must meet Section 8-3B-3 of the Unified Development Code. Specially, lots along the Overlay Area shall be a minimum of 1-acre in size. The applicant recognizes this in his submitted narrative.

The applicant is proposing a Mixed-Use zoning designation for the property located adjacent to Hwy 44. The Star Comprehensive Plan Future Land Use Map designates this area as

Commercial /Industrial Corridor. Therefore, to meet the intent of the Comp Plan, Staff recommends that the Council approve the area as either Commercial C-1 or Commercial C-2. C-1 may be better compatible with existing and future residential uses immediately adjacent.

Although Staff is recommending the Council approve the application with an R-2 zoning designation, it recognizes that the smaller lots clustered adjacent to the lakes need some relief from the required R-2 setbacks. Therefore, Staff would recommend that the larger one-acre lots adjacent to the Special Transition Overlay Area be approved with R-2 setbacks, and R-3 setbacks be approved for the residential lots throughout the remainder of the development. The applicant is proposing a side yard setback waiver for residential uses. The newly approved Unified Development Code requires 7.5' side yard setbacks in the R-3 zone. Council should consider the applicants request for reduced side yard setbacks when rendering its decision on the application and place a condition of approval in the development agreement.

## **DEVELOPMENT AGREEMENT**

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

- Conceptual Site Plan/Future Development
- Minimum lot sizes adjacent to Special Transition Overlay Area
- Emergency Access
- ITD Proportionate Share
- Home Elevations
- Zoning designation for residential (proposed R-3 vs requested R-2)
- Zoning designation of non-residential property (C-1/C-2 vs proposed MU)
- Allowable Uses in the non-residential zone
- Proposed residential setback waivers

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

- ★ Areas of Critical Environmental Concern – No known areas.
- ★ Evidence of Erosion – No evidence.
- ★ Fish Habitat – Yes, in the lakes and Boise River.
- ★ Floodplain – Yes.
- ★ Mature Trees – Yes.
- ★ Riparian Vegetation – Yes.
- ★ Steep Slopes – None.
- ★ Stream/Creek – Lawrence Kennedy & Canyon Canal.
- ★ 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 – Yes.

#### H. *Agencies Responding:*

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

Middleton School District	September 9, 2022
COMPASS	September 28, 2022
Canyon Highway District #4 Email	August 22, 2022
City Engineer	September 29, 2022
Drainage District No. 2	September 14, 2022
ITD	September 29, 2022
Star Fire District	September 28, 2022

#### I. Staff received the following letters for the development:

Email from Neighbors within the Leighton Lake Estates & Leighton Ranch

#### J. *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.

###### **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.

**Commercial:**

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

**8.3 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.
- 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.

**8.5.9 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:

- F. 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.

(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.

(C-1) NEIGHBORHOOD BUSINESS 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.

(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.

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

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

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



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

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

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

Government office	N	P	P	C
Greenhouse, private	A	N	N	A
Greenhouse, commercial	N	C	P	C
Guesthouse/granny flat	C	N	N	C
Healthcare and social services	N	P	P	C
Heliport	N	N	N	N
Home occupation <sub>1</sub>	A	N	N	A
Hospital	N	C	P	C
Hotel/motel	N	C	P	C
Ice manufacturing plant	N	N	N	N
Institution	N	C	P	C
Junkyard	N	N	N	N
Kennel	N	N	C	C
Laboratory	N	P	P	C
Laboratory, medical	N	P	P	C
Lagoon	N	N	N	N
Laundromat	N	P	P	P
Laundry and dry cleaning	N	P	P	C
Library	N	P	P	N
Manufactured home <sub>1</sub>	P	N	N	C
Manufactured home park <sub>1</sub>	C	N	N	N
Manufacturing plant	N	N	C	N
Meatpacking plant	N	N	N	N

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

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

Uses

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

Permitted

**8-3A-4: ZONING DISTRICT DIMENSIONAL STANDARDS:**

Zoning District	Maximum Height Note Conditions	Minimum Yard Setbacks Note Conditions			
		Front <sup>(1)</sup>	Rear	Interior Side	Street Side
R-2	35'	20'	20'	10'	20'
R-3	35'	15' to living area/side load garage 20' to garage face	15'	7.5' <sup>(2)</sup>	20'

C-1	35'	20'	5'	0' <sup>4</sup>	20'
C-2	35'	20'	5'	0' <sup>4</sup>	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 <sup>(3)</sup> .			

## Notes:

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

**8-3B-3: RESIDENTIAL DISTRICTS:**

- A. Comply with Section 8-3A-1: ZONING DISTRICTS AND PURPOSE ESTABLISHED.
- B. 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.

- C. Urban style development, as guided by provisions within the comprehensive plan and this Title, is required to limit urban sprawl, however, densities of no more than 1 to 2 dwelling units per acre are to be designed within the floodplain, ridgeline developable areas and hillside developable areas (both as defined within the comprehensive plan).
- D. Housing developments with densities of R-11 and higher shall be designed to limit height, increase setbacks and/or provide additional landscaping along the perimeter of the development, if determined by the council, where abutting areas are planned for lower densities.
- E. Rezoning to R-11 and higher shall not be allowed unless adequate ingress/egress to major transportation corridors is assured.
- F. All new residential, accessory uses or additions/remodels within the residential zones shall pave all unpaved driveways to the home.
- G. Spite strips, common lots, unreasonable development phasing, or other means of any type purposely or unintentional that may result in the blocking of services or development, including but not limited to sewer, water, streets, or utilities are prohibited in any zoning district within the City of Star.
- H. In any development that requires a traffic signal as part of the approval process, the developer shall be responsible for providing an Emergency Opticom System to the intersection.
- 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:
  - a. 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.
  - b. Subdivision CC&R's preventing further redevelopment;
  - c. 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

## **IDAHO STATUTE FOR ANNEXATIONS:**

### TITLE 50 MUNICIPAL CORPORATIONS CHAPTER 2

#### GENERAL PROVISIONS — GOVERNMENT — TERRITORY

50-222. ANNEXATION BY CITIES. (1) Legislative intent. The legislature hereby declares and determines that it is the policy of the state of Idaho that cities of the state should be able to annex lands which are reasonably necessary to assure the orderly development of Idaho's cities in order to allow efficient and economically viable provision of tax-supported and fee-supported municipal services, to enable the orderly development of private lands which benefit from the cost-effective availability of municipal services in urbanizing areas and to equitably allocate the costs of public services in management of development on the urban fringe.

(2) General authority. Cities have the authority to annex land into a city upon compliance with the procedures required in this section. In any annexation proceeding, all portions of highways lying wholly or partially within an area to be annexed shall be included within the area annexed unless expressly agreed between the annexing city and the governing board of the highway agency providing road maintenance at the time of annexation. Provided further, that said city council shall not have the power to declare such land, lots or blocks a part of said city if they will be connected to such city only by a shoestring or strip of land which comprises a railroad or highway right-of-way.

(3) Annexation classifications. Annexations shall be classified and processed according to the standards for each respective category set forth herein. The three (3) categories of annexation are:

(a) Category A: Annexations wherein:

(i) All private landowners have consented to annexation. Annexation where all landowners have consented may extend beyond the city area of impact provided that the land is contiguous to the city and that the comprehensive plan includes the area of annexation;

(ii) Any residential enclaved lands of less than one hundred (100) privately owned parcels, irrespective of surface area, which are surrounded on all sides by land within a city or which are bounded on all sides by lands within a city and by the boundary of the city's area of impact; or

(iii) The lands are those for which owner approval must be given pursuant to subsection (5)(b)(v) of this section.

(b) Category B: Annexations wherein:

(i) The subject lands contain less than one hundred (100) separate private ownerships and platted lots of record and where not all such landowners have consented to annexation; or

(ii) The subject lands contain more than one hundred (100) separate private ownerships and platted lots of record and where landowners owning more than fifty percent (50%) of the area of the subject private lands have consented to annexation prior to the commencement of the annexation process; or

(iii) The lands are the subject of a development moratorium or a water or sewer connection restriction imposed by state or local health or environmental agencies; provided such lands shall not be counted for purposes of determining the number of separate private ownerships and platted lots of record aggregated to determine the appropriate category.

(c) Category C: Annexations wherein the subject lands contain more than one hundred (100) separate private ownerships and platted lots of record and where landowners owning more than fifty percent (50%) of the area of the subject private lands have not consented to annexation prior to commencement of the annexation process.

(4) (a) Evidence of consent to annexation. For purposes of this section, and unless excepted in paragraph (b) of this subsection, consent to annex shall be valid only when evidenced by written instrument consenting to annexation executed by the owner or the owner's authorized agent. Written consent to annex lands must be recorded in the county recorder's office to be binding upon subsequent purchasers, heirs, or assigns of lands addressed in the consent. Lands need not be contiguous or adjacent to the city limits at the time the landowner consents to annexation for the property to be subject to a valid consent to annex; provided however, no annexation of lands shall occur, irrespective of consent, until such land becomes contiguous or adjacent to such city.

(b) Exceptions to the requirement of written consent to annexation. The following exceptions apply to the requirement of written consent to annexation provided for in paragraph (a) of this subsection:

(i) Enclaved lands: In category A annexations, no consent is necessary for enclaved lands meeting the requirements of subsection (3)(a)(ii) of this section;

(ii) Implied consent: In category B and C annexations, valid consent to annex is implied for the area of all lands connected to a water or wastewater collection system operated by the city if the connection was requested in writing by the owner, or the owner's authorized agent, or completed before July 1, 2008.

(5) Annexation procedures. Annexation of lands into a city shall follow the procedures applicable to the category of lands as established by this section. The implementation of any annexation proposal wherein the city council determines that annexation is appropriate shall be concluded with the passage of an ordinance of annexation.

(a) Procedures for category A annexations: Lands lying contiguous or adjacent to any city in the state of Idaho may be annexed by the city if the proposed annexation meets the requirements of category A. Upon determining that a proposed annexation meets such requirements, a city may initiate the planning and zoning procedures set forth in [chapter 65, title 67](#), Idaho Code, to establish the comprehensive planning policies, where necessary, and zoning classification of the lands to be annexed.

(b) Procedures for category B annexations: A city may annex lands that would qualify under the requirements of category B annexation if the following requirements are met:

(i) The lands are contiguous or adjacent to the city and lie within the city's area of city impact;

(ii) The land is laid off into lots or blocks containing not more than five (5) acres of land each, whether the same shall have been or shall be laid off, subdivided or platted in accordance with any statute of this state or otherwise, or whenever the owner or proprietor or any person by or with his authority has sold or begun to sell off such contiguous or adjacent lands by metes and bounds in tracts not exceeding five (5) acres, or whenever the land is surrounded by the city. Splits of ownership which occurred prior to January 1, 1975, and which were the result of placement of public utilities, public roads or highways, or railroad lines through the property shall not be considered as evidence of an intent to develop such land and shall not be sufficient evidence that the land has been laid off or subdivided in lots or blocks. A single sale after January 1, 1975, of five (5) acres or less to a family member of the owner for the purpose of constructing a residence shall not constitute a sale within the meaning of this section. For purposes of this section, "family member" means a natural person or the spouse of a natural person who is related to the owner by blood, adoption or marriage within the first degree of consanguinity;

(iii) Preparation and publication of a written annexation plan, appropriate to the scale of the annexation contemplated, which includes, at a minimum, the following elements:

(A) The manner of providing tax-supported municipal services to the lands proposed to be annexed;

(B) The changes in taxation and other costs, using examples, which would result if the subject lands were to be annexed;

(C) The means of providing fee-supported municipal services, if any, to the lands proposed to be annexed;

(D) A brief analysis of the potential effects of annexation upon other units of local government which currently provide tax-supported or fee-supported services to the lands proposed to be annexed; and

(E) The proposed future land use plan and zoning designation or designations, subject to public hearing, for the lands proposed to be annexed;

(iv) Compliance with the notice and hearing procedures governing a zoning district boundary change as set forth in section [67-6511](#), Idaho Code, on the question of whether the property should be annexed and, if annexed, the zoning designation to be applied thereto; provided however, the initial notice of public hearing concerning the question of annexation and zoning shall be published in the official newspaper of the city and mailed by first class mail to every property owner with lands included in such annexation proposal not less than twenty-eight (28) days prior to the initial public hearing. All public hearing notices shall establish a time

and procedure by which comments concerning the proposed annexation may be received in writing and heard and, additionally, public hearing notices delivered by mail shall include a one (1) page summary of the contents of the city's proposed annexation plan and shall provide information regarding where the annexation plan may be obtained without charge by any property owner whose property would be subject to the annexation proposal.

(v) In addition to the standards set forth elsewhere in this section, annexation of the following lands must meet the following requirements:

(A) Property owned by a county or any entity within the county that is used as a fairgrounds area under the provisions of [chapter 8, title 31](#), Idaho Code, or [chapter 2, title 22](#), Idaho Code, must have the consent of a majority of the board of county commissioners of the county in which the property lies;

(B) Property owned by a nongovernmental entity that is used to provide outdoor recreational activities to the public, and that has been designated as a planned unit development of fifty (50) acres or more and does not require or utilize any city services, must have the express written permission of the nongovernmental entity owner;

(C) Land, if five (5) acres or greater, actively devoted to agriculture, as defined in section [63-604\(1\)](#), Idaho Code, regardless of whether it is surrounded or bounded on all sides by lands within a city, must have the express written permission of the owner; and

(D) Land, if five (5) acres or greater, actively devoted to forest land, as defined in section [63-1701](#), Idaho Code, regardless of whether it is surrounded or bounded on all sides by lands within a city, must have the express written permission of the owner.

(vi) After considering the written and oral comments of property owners whose land would be annexed and other affected persons, the city council may proceed with the enactment of an ordinance of annexation and zoning. In the course of the consideration of any such ordinance, the city must make express findings, to be set forth in the minutes of the city council meeting at which the annexation is approved, as follows:

(A) The land to be annexed meets the applicable requirements of this section and does not fall within the exceptions or conditional exceptions contained in this section;

(B) The annexation would be consistent with the public purposes addressed in the annexation plan prepared by the city;

(C) The annexation is reasonably necessary for the orderly development of the city;

(vii) Notwithstanding any other provision of this section, railroad right-of-way property may be annexed pursuant to this section only when property within the city adjoins or will adjoin both sides of the right-of-way.

(c) Procedures for category C annexations: A city may annex lands that would qualify under the requirements of category C annexation if the following requirements are met:

(i) Compliance with the procedures governing category B annexations; and

(ii) Evidence of consent to annexation based upon the following procedures:

(A) Following completion of all procedures required for consideration of a category B annexation, but prior to enactment of an annexation ordinance and upon an affirmative action by the city council, the city shall mail notice to all private landowners owning lands within the area to be annexed, exclusive of the owners of lands that are subject to a consent to annex which complies with subsection (4)(a) of this section defining consent. Such notice shall invite

property owners to give written consent to the annexation, include a description of how that consent can be made and where it can be filed, and inform the landowners where the entire record of the subject annexation may be examined. Such mailed notice shall also include a legal description of the lands proposed for annexation and a simple map depicting the location of the subject lands.

(B) Each landowner desiring to consent to the proposed annexation must submit the consent in writing to the city clerk by a date specified in the notice, which date shall not be later than forty-five (45) days after the date of the mailing of such notice.

(C) After the date specified in the notice for receipt of written consent, the city clerk shall compile and present to the city council a report setting forth: (i) the total physical area sought to be annexed, and (ii) the total physical area of the lands, as expressed in acres or square feet, whose owners have newly consented in writing to the annexation, plus the area of all lands subject to a prior consent to annex which complies with subsection (4)(a) of this section defining consent. The clerk shall immediately report the results to the city council.

(D) Upon receiving such report, the city council shall review the results and may thereafter confirm whether consent was received from the owners of a majority of the land. The results of the report shall be reflected in the minutes of the city council. If the report as accepted by the city council confirms that owners of a majority of the land area have consented to annexation, the city council may enact an ordinance of annexation, which thereafter shall be published and become effective according to the terms of the ordinance. If the report confirms that owners of a majority of the land area have not consented to the annexation, the category C annexation shall not be authorized.

(6) The decision of a city council to annex and zone lands as a category B or category C annexation shall be subject to judicial review in accordance with the procedures provided in [chapter 52, title 67](#), Idaho Code, and pursuant to the standards set forth in section [67-5279](#), Idaho Code. Any such appeal shall be filed by an affected person in the appropriate district court no later than twenty-eight (28) days after the date of publication of the annexation ordinance. All cases in which there may arise a question of the validity of any annexation under this section shall be advanced as a matter of immediate public interest and concern and shall be heard by the district court at the earliest practicable time.

(7) Annexation of noncontiguous municipal airfield. A city may annex land that is not contiguous to the city and is occupied by a municipally owned or operated airport or landing field. However, a city may not annex any other land adjacent to such noncontiguous facilities which is not otherwise annexable pursuant to this section.

History:

[50-222, added 2002, ch. 333, sec. 2, p. 939; am. 2008, ch. 118, sec. 1, p. 327; am. 2009, ch. 53, sec. 1, p. 145; am. 2019, ch. 22, sec. 1, p. 22; am. 2020, ch. 240, sec. 1, p. 702.]

## **FINDINGS:**

1. All private landowners have consented to annexation.

*The Council finds that the Applicant has requested annexation into the City of Star and therefore has consented to annexation.*

2. The land subject to the annexation is contiguous to the City of Star.  
*The Council finds that the Applicant's property is contiguous to the corporate limits of the City of Star. There is no evidence that the Applicant's property is not contiguous to the City of Star.*
3. The City of Star comprehensive plan includes the area to be annexed.  
*The Council finds that the Applicant's property is within the City of Star's adopted comprehensive plan. There is no evidence that the Applicant's property is not within the City of Star comprehensive plan.*

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

1. The map amendment complies with the applicable provisions of the Comprehensive Plan.  
*The Council finds that the 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. The Council finds that this annexation and rezone is in compliance with the Comprehensive Plan.*
2. The map amendment complies with the regulations outlined for the proposed district, specifically, the purposes statement.  
*The Council finds that the 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. Council finds that this request is consistent with the statement.*
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 this annexation and zoning 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.*

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

*The Council finds this annexation is reasonably necessary for the orderly development of the City.*

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

- a. A public hearing on the application was scheduled before the City Council on October 4, 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 was presented by the Star City Attorney regarding the process to annex property into the City.

- c. Oral testimony in favor of the application was presented to the City Council by:

- Travis Hunter, Hunter Homes, 729 S. Bridgeway Place, the Applicant
- Todd Tucker, HHS Construction LLC, the Applicant
- Tina Collins, 4888 N. Mendelson Lane, Meridian
- Jared Doty, 4234 W. Blue Creek Dr. Meridian
- Ryan Niecko, 702 W. Beacon Light Road, Star
- Lance Manning, 2048 Foudy Ave, Eagle
- Gene Tippetts, 9153 S. Perfect Lane, Kuna
- Raj Kandola, 21817 Blessinger, Star
- Tammie Casteel, 22318 Blessinger, Star

- d. Oral testimony in opposition to the application was further presented to the Council by:

- Mark Cron, 6808 Saddleman Ranch, Star
- Kay Harwood, 22138 Trigger Ranch Lane, Star
- John White, 21988 Trigger Ranch Lane, Star
- Tina Vucinich, 1483 S Blue Jay Place, Eagle, ID
- Laura Prophet, 22154 Sugar Ranch Lane, Star



e. Written testimony in favor of or opposing the application was presented to the City Council by:  
Diane Broadhead, 22010 Blessinger Road, Star, ID

### **Deliberations and Conclusions of Law:**

The Council reviewed the particular facts and circumstances of this proposed annexation and zoning application in accordance with the City of Star Title 8 (Unified Development Code), deliberated on the matter, resulting in discussions on the annexation and future platting of the development. Discussion included development layout, access and street configuration, density, River access, setbacks, and landscaping, amenity location, fencing and housing heights. The Council concluded that the Applicant's property met the standards for annexation into the City. Council hereby incorporates the staff report dated October 4, 2022 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.

The Owner had requested the annexation and zoning from Agricultural (County) to Residential (R-3-DA) with a Development Agreement and a gross overall density of 1.2 dwelling units per acre.

Council added to the future Development Agreement the following conditions of approval to their decision to approve the applications to include the following:

- Residential area shall be zoned R-2 with R-3 building setbacks, R-2 setbacks on 1-plus acre lots along western boundary of project;
- Non-residential area in northern area along Hwy 44 to be zoned C-1; An RV Park is allowed in this zone subject to approval of a Conditional Use Permit;
- Requested 5' side yard setbacks are not approved at this time but may be requested at preliminary plat;
- Number of total future residential lots shall not exceed 228 lots;
- Clubhouse shall be relocated to the eastern side of the development;
- Cul-de-sac the western north/south road with emergency access as illustrated at hearing;
- Landscape plan to be reviewed at preliminary plat;
- Applicant to provide a revised conceptual plan to detail above conditions prior to recordation of Development Agreement;
- Include Proportionate Share Agreement condition.

**Council Decision:**

The Council voted unanimously (4-0) to approve the Annexation and Zoning to Residential (R-2-DA) and Development Agreement for The Quarry at River Park Annexation on October 4, 2022.

Dated this 18th day of October, 2022.

Star, Idaho

ATTEST:

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

Trevor A. Chadwick, Mayor

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