

FINDINGS OF FACT AND CONCLUSIONS OF LAW
STAR FIRE STATION NO. 55
FILE NO. CU-24-02

The above-entitled Conditional Use Permit land use application came before the Star City Council for their action on April 16, 2024, at which time public testimony was taken and the public hearing was closed. The Star City Council, having requested and taken oral and written testimony, and having duly considered the matter, does hereby make the following Findings of Fact and Conclusions of Law.

Procedural History:

A. Project Summary:

The Applicant is seeking approval of a Conditional Use Permit to construct a new Fire Station. The property is located at 9415 W Floating in Star, Idaho, and consists of 2.26 acres. The subject property is generally located on the south side of W. Floating Feather Road, between N. Plummer Road and N. Pollard Road. Ada County Parcel No. R0367631080.

B. Application Submittal:

A neighborhood meeting was held on April 8, 2024, in compliance with the application submittal requirement of the Star Unified Development Code (Section 8-1 A-6 C). The Land Use application was deemed complete on March 28, 2024.

C. Notice of Public Hearing:

Notice of Public Hearing on the application for the City of Star Council was published in accordance with the requirements of Title 67, Chapter 65, Idaho Code and the Star Unified Development Code on March 31, 2024. 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 March 28, 2024. Notice was sent to agencies having jurisdiction in the City of Star on March 28, 2024. The property was posted in accordance with the Star Unified Development Code on April 5, 2024.

D. History of Previous Actions:

October 2, 2019	Council approved the preliminary plat for American Star Subdivision (PP-18-02).
May 3, 2022	Council approved the Final Plat application for Phase 4 of the American Star Subdivision (FP-22-04) to include 116 residential lots, 17 common lots and 1 lot for future Fire Station on 26.55 acres.

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

	Zoning Designation	Comp Plan Designation	Land Use
Existing	Residential (R-3)	Future Public Use	Vacant
Proposed	Residential (R-3)	Future Public Use	Fire Station 55
North of site	Residential (R-3)	Estate Urban Residential	LDS Church
South of site	Residential (R-3)	Estate Urban Residential	American Star Subdivision
East of site	Residential (R-3)	Estate Urban Residential	American Star Subdivision
West of site	Residential (R-3)	Estate Urban Residential	American Star Subdivision

F. *Development Features:*

CONDITIONAL USE PERMIT:

The Applicant is seeking approval of a Conditional Use Permit to construct a new fire station in the Star Fire Protection District, to be named Station No. 55. The building is proposed to be approximately 8,400 square feet in size. Access will be taken from W. Floating Feather Road directly to the property. There will be two access points and signs will direct one way traffic as necessary. The Applicant is proposing 32 parking spaces and 17 are required.

Section 8-4B-2 of the UDC requires all parking stalls to be a minimum of nine feet (9') wide and twenty feet (20') deep. The proposed site plan calls for eighteen feet (18') deep stalls.

Section 8-4B-2 also states.

- A. When a vehicle bumper overhangs onto a sidewalk or landscape area, the parking stall dimensions may be reduced two (2) feet in length if two (2) feet is added to the width of the sidewalk or landscaped area, and the additional area is planted in ground cover. In this case, wheel restraints may be removed.

The Unified Development Code, Section 8-4B-2 states that all drive aisles adjacent to a building shall be a minimum of twenty-five wide (25') or as required by the fire code, unless the building is thirty feet (30') in height or greater, at which point the drive aisle shall be twenty-six feet (26') wide or as otherwise approved by the Fire District. **The Applicant is proposing a drive aisle on the west side of the building that is less than twenty-five (25') wide. This should be adjusted to a minimum of twenty-five (25') as the building is under thirty feet (30') tall.**

The applicant has provided exterior elevations along with black and white renderings that will need to be reviewed by the Design Review Committee, as part of the Certificate of Zoning Compliance process, for approval. Colored renderings will be required for the Design Review process.

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. **The Applicant has not provided a landscape plan and will need to provide one for review during the Design Review process to confirm requirements are met.**

The Applicant has provided a parking lot lighting plan for the site. The locations are aligned with code requirements. The Applicant has not provided a light design/cut sheet and will be required to receive Staff approval on parking lot lighting before building permit issuance. All lighting shall be downward facing and Dark Sky like compliant to avoid any fugitive light to the neighboring properties.

H. *On-Site Features:*

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

I. *Agencies Responding:*

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

ITD	April 8, 2024
DEQ	April 8, 2024

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

None

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

Comprehensive Plan:

8.2.3 Land Use Map Designations:

Estate Urban Residential

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

8.3 Goal:

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

8.4 Objectives:

- Implement the Land Use Map and associated policies as the official guide for development.
- Work to create a vibrant Central Business District.
- Manage urban sprawl in order to minimize costs of urban services and to protect rural areas.
- Encourage land uses that are in harmony with existing resources, scenic areas, natural wildlife areas, and surrounding land uses.
- Encourage commercial development that is consistent with a family friendly feel, not overburdening the community with big box and franchise uses and discourage the development of strip commercial areas.

8.5.3 Policies Related Mostly to the Urban Residential Planning Areas

- The Estate and Neighborhood Residential Land Use is to encourage urban style development densities to limit urban sprawl.
- Low densities within the Estate and Neighborhood Residential Land Use are to be designed within the floodplain, ridgeline developable areas, hillside developable areas and where new residential lots are proposed adjacent to

existing residential lots of one acre and larger where those existing larger lots are not likely to be subdivided in the future.

- C. Site layout adjacent to and within the Special Transition Overlay Area shall provide for a transition in density and lot sizing.
- D. High Density residential uses should be located in close proximity to commercial centers located near highway corridors and on upper floors within the Central Business District land use area. High Density residential uses otherwise should not be dispersed throughout the community and should not be located along the Boise River.
- E. High Density residential may be limited to ensure compatibility and transition between uses adjacent to the site.
- F. High Density residential design specifications may include increased setbacks for multi-story buildings and increased landscape buffers.

8.5.8 Policies Mostly Related to Open Space and Special Areas

- Projects that hold a residential designation, where the developers would like to provide or dedicate amenities similar to those allowed in the Public Use/Parks/Open Space designation, may transfer unused density from these areas to other areas within the development, as may be approved by the City Council through the Planned Unit Development or Development Agreement processes.
- Where possible, open space should be located to be contiguous to public lands and existing open space areas.
- Open space should be designed to capitalize on and expand the open space areas around natural features and environmentally sensitive areas. Priorities for preservation include: The most sensitive resources – floodways and floodplains (including riparian and wetland areas), slopes in excess of 25%, locally significant features, and scenic viewpoints. Fragmentation of open space areas should be minimized so that resource areas are able to be managed and viewed as an integrated network.
- Open space areas along the Boise River should be designed to function as part of a larger regional open space network.
- Require the conservation and preservation of open spaces and public access to the Boise River and BLM lands and interconnected pathways, open to the public, through new developments.
- The city should work with property owners adjacent to the Boise River to maintain and enhance the river corridor as an amenity for residents and visitors and to obtain public pathway easements and to have pathways constructed. Uses which complement this public access include trails and interpretive signage.
- Common areas in subdivisions should be centrally located for the residents use and should include micro-path connections where feasible.

- Discourage development within the floodplain, excluding within the Riverfront Center area, in which development could mitigate floodplain areas and provide for civic space within the floodway and adjacent areas.
- Floodway areas are to remain “open space” because of the nature of the floodway which can pose significant hazards during a flood event. Within the Riverfront Center, this floodway area should be developed as civic gathering area, open and park space, with the design allowing for floodwaters to inundate the area without contributing to hazard risk.
- Floodway areas are excluded from being used for calculating residential and development densities.
- Any portion of the floodway developed as a substantially improved wildlife habitat and/or wetlands area that is open to and usable by the public for open space, such as pathways, ball fields, parks, or similar amenities, as may be credited toward the minimum open space required for a development, if approved by the City Council.
- Encourage land uses that are in harmony with existing resources, scenic areas, natural wildlife areas, and surrounding land uses.
- Areas over 25% slope are to be “no development” areas except for city approved trails and except where isolated areas of steep slope are located on property where site grading can easily modify the steep slope area for buildable area. In those cases where grading can be accomplished to modify the isolated steep slope areas the surrounding land use designation will apply within the area designated “steep slope.”
- Clustering of housing is to be encouraged where needed to preserve hillsides, natural features, and to avoid mass grading of land in areas determined to be preserved.

8.5.9 Additional Land Use Component Policies:

- Encourage flexibility in site design and innovative land uses.
- Encourage landscaping to enhance the appearance of subdivisions, structures, and parking areas.
- Require more open space and trees in subdivisions.
- Work with Ada County Highway District (ACHD), Canyon Highway District #4 (CHD4), and Idaho Department of Transportation (ITD) for better coordination of roadway and access needs.
- Support well-planned, pedestrian-friendly developments.
- Dark sky provision should be adopted within the code to assure down style lighting in all developments and Star should consider joining the International Dark Sky Association.
- The City should utilize the 2018 Treasure Valley Tree Selection Guide when requiring trees within developments.

Unified Development Code:

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

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

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

8-3A-3: USES WITHIN ZONING DISTRICTS

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

ZONING DISTRICT USES	R
Public infrastructure; Public utility major, minor and yard (1)	C

Notes:

1. Indicates uses that are subject to specific use standards in accord with chapter 5 of this title.

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

Zoning District	Maximum Height Note Conditions	Minimum Yard Setbacks Note Conditions			
		Front (1)	Rear	Interior Side	Street Side

R-3	35'	15' to living area/side load garage 20' to garage face	15'	7.5' (2)	20'
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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.

8-1B-4: CONDITIONAL USES:

A. Purpose: The purpose of this section is to establish procedures that allow for a particular use on a particular property subject to specific terms and conditions of approval.

B. Applicability: The provisions of this section apply to all uses identified as conditional use in chapter 3, "District Regulations", of this title, and as otherwise required by specific development standards in chapter 5, "Specific Use Standards", of this title.

C. Process:

1. The applicant shall complete a preapplication conference with the administrator prior to submittal of an application for a conditional use.
2. An application and appropriate application fees, in accord with article A, "General Provisions", of this chapter, shall be submitted to the administrator on forms provided by the planning department.
3. The administrator may require additional information concerning the social, economic, fiscal or environmental effects of the proposed conditional use, prior to the scheduling of a public hearing.

D. Standards: In approving any conditional use, the city council may prescribe appropriate conditions, bonds and safeguards in conformity with this title that:

1. Minimize adverse impact of the use on other property.

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

8-1B-4E. FINDINGS: The council shall base its determination on the conditional use permit request upon the following:

1. That the site is large enough to accommodate the proposed use and meet all the dimensional and development regulations in the district in which the use is located.
2. That the proposed use will be harmonious with the Star comprehensive plan and in accord with the requirements of this title.
3. That the design, construction, operation and maintenance will be compatible with other uses in the general neighborhood and with the existing or intended character of the general vicinity and that such use will not adversely change the essential character of the same area.
4. That the proposed use, if it complies with all conditions of the approval imposed, will not adversely affect other property in the vicinity.
5. That the proposed use will be served adequately by essential public facilities and services such as highways, streets, schools, parks, police and fire protection, drainage structures, refuse disposal, water, and sewer.
6. That the proposed use will not create excessive additional costs for public facilities and services and will not be detrimental to the economic welfare of the community.
7. That the proposed use will not involve activities or processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
8. That the proposed use will not result in the destruction, loss or damage of a natural, scenic or historic feature considered to be of major importance.

8-5-24: PUBLIC INFRASTRUCTURE; PUBLIC UTILITY MAJOR, MINOR AND YARD:

- A. Accessory uses directly related to the maintenance and fueling of vehicles (including, but not limited to, truck and trailer washing, fuel pumps, garages for minor repair) may be allowed.
- B. Installation of underground fuel tanks shall require written approval from the Idaho division of environmental quality, Idaho department of water resources, and Star joint fire protection district.
- C. No portion of the outside storage areas and/or outside activity areas may be visible from any highway, interstate, gateway corridor, principal arterial, or minor arterial as herein defined.
- D. All driveways into and through the facility and any open area with a driving surface shall be surfaced with a dustless material including, but not limited to, asphalt, concrete, pavers or bricks.
- E. For any use requiring the storage of fuel or hazardous material, the use shall be located a minimum of one thousand feet (1,000') from a hospital or school.

8-1B-4E CONDITIONAL USE FINDINGS:

1. That the site is large enough to accommodate the proposed use and meet all the dimensional and development regulations in the district in which the use is located.

The Council finds nothing in the record indicating that the site of the proposed use would not be large enough to accommodate the proposed use or meet all of the dimensional and development regulations in the district in which the use would be located.

2. That the proposed use will be harmonious with the Star comprehensive plan and in accord with the requirements of this title.

The Council finds that the proposed use request is harmonious with the Star Comprehensive Plan and is in accord with the requirements of this Title. The proposed development meets the intent or purpose.

3. That the design, construction, operation and maintenance will be compatible with other uses in the general neighborhood and with the existing or intended character of the general vicinity and that such use will not adversely change the essential character of the same area.

The Council finds that operation of the proposed use would be compatible with the other uses in the general area.

4. That the proposed use, if it complies with all conditions of the approval imposed, will not adversely affect other property in the vicinity.

The Council finds that the proposed use, with imposed conditions of approval, would not adversely affect other property in the vicinity.

5. That the proposed use will be served adequately by essential public facilities and services such as highways, streets, schools, parks, police and fire protection, drainage structures, refuse disposal, water, and sewer.

The Council finds that the proposed use can be adequately served by essential public facilities and services.

6. That the proposed use will not create excessive additional costs for public facilities and services and will not be detrimental to the economic welfare of the community.

The Council finds that the proposed use would not create excessive additional costs for public facilities and would not be detrimental to the economic welfare of the community. The City has not received notice from any agency having jurisdiction stating that this application will create excessive additional costs for the public facilities and services as the development will pay for all changes in services.

7. That the proposed use will not involve activities or processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.

The Council finds that the proposed use would involve activities that would not be detrimental to any person, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.

8. That the proposed use will not result in the destruction, loss or damage of a natural, scenic or historic feature considered to be of major importance.

The Council finds that the proposed use would not result in the destruction, loss or damage of natural, scenic or historic feature of major importance since none are apparent on this site.

Public Hearing of the Council:

- a. A public hearing on the application was heard by the City Council on April 16, 2024, at which time testimony was heard and the public hearing was closed, and the Council made their decision at that time.
- b. Oral testimony regarding the application was presented to the City Council by:
- Shawn L Nickel, City Planning Director gave Staff Presentation
 - Greg Timinsky, Star Fire District
 - Ryan Morgan, Star City Engineer
- 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 conditional use permit 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 proposed land use. Review and discussion included site plan/layout, access and circulation. The Council included Staff recommended conditions of approval to address any concerns. Council concluded that the Applicant's request, as conditioned, meets the requirements for conditional use. Council hereby incorporates the staff report dated April 16, 2024 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.

Conditions of Approval:

1. The approved Conditional Use shall comply with all statutory requirements of applicable agencies and districts having jurisdiction in the City of Star.
2. Streetlights/Parking Lot lights shall comply with the Star City Code. Design shall follow Code with requirements for light trespass and "Dark Skies" lighting.
3. **Applicant shall submit a revised site plan to address the drive aisle width concern.**
4. **Applicant shall submit a landscaping plan prior to issuance of a certificate of occupancy that meets the requirements of the UDC.**
5. **A Certificate of Zoning Compliance will be required prior to issuing a building permit, to include final review and approval of the project by the Design Review Committee.**
6. **The Applicant shall meet all the requirements for the Ada County Highway District (ACHD) prior to certificate of occupancy.**
7. **The Applicant shall provide a letter from the Star Postmaster approving the location of the mailboxes for the new building, prior to issuing certificate of occupancy.**
8. The property shall be satisfactorily weed abated, preventing a public nuisance, per Star City Code.
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. 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.
11. The applicant shall meet all requirements of the Star Sewer and Water District.
12. 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 occupancy 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 any construction.**
13. The applicant shall obtain all the proper building permits from the City Building Department prior to occupancy of the unit.

14. The Conditional Use Permit may be revoked or modified by the City Council for any violation of any Condition of Approval.
15. The applicant shall obtain a sign permit prior to any signage being placed on the site or building.
16. Any additional Condition of Approval as required by Staff and City Council.
17. Any Conditions of Approval as required by Star Fire Protection District.

Council Decision:

The Council voted 4-0 to approve the Conditional Use for Star Fire Station No. 55 on April 16, 2024.

Dated this 7th day of April 2024.

Star, Idaho

By: _____

Trevor A. Chadwick, Mayor

ATTEST:

Jacob M. Qualls, City Clerk