

**FINDINGS OF FACT AND CONCLUSIONS OF LAW
MIDDLETON SCHOOL DISTRICT ELEMENTARY SCHOOL
FILE NO. CU-26-01**

The above-entitled Conditional Use Permit land use application came before the Star City Council for their action on February 17, 2026, at which time public testimony was taken, and the public hearing was closed. The Star City Council, having requested and taken oral and written testimony, and having duly considered the matter, does hereby make the following Findings of Fact and Conclusions of Law.

Procedural History:

A. Project Summary:

The Applicant is requesting approval of a conditional use permit (CU-26-01) for the newly proposed new Middleton School District Elementary School. The property is located at 7550 Hwy 44 in Star, Canyon County, Idaho. The subject property is generally located on the east side of Kingsbury Road, north of Hwy 44.

B. Application Submittal:

A neighborhood meeting was held on January 13, 2026 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 January 21, 2026.

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 January 24, 2026. 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 January 21, 2026. Notice was sent to agencies having jurisdiction in the City of Star on January 21, 2026. The property was posted in accordance with the Star Unified Development Code on January 30, 2026.

D. History of Previous Actions:

March 18, 2025	Council approved applications for Annexation and Zoning (AZ-24-06), Planned Unit Development (PUD-24-01), Preliminary Plat (PP-24-04), and Development Agreement (DA-24-06) for 821 residential units including 456 single-family detached dwellings, 220 attached front loaded townhomes, 33 attached alley loaded
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townhouse lots, 112 multi-family (fourplex) units, 6 commercial lots, a future elementary school, a city park and sewer lift station, with a density of 3.06 dwelling units per acre.

E. *Development Features.*

CONDITIONAL USE PERMIT:

The applicant is requesting approval of a Conditional Use Permit for a new elementary school. The new school will be built on property being donated to the Middleton School District No. 134 by the developer of the Terramor Subdivision. The project will be built on approximately 11.35 acres. The property is currently zoned Residential (R-3/PUD/DA). The Unified Development Code, Section 8-3A-3, requires all educational institution uses to be approved through a Conditional Use Permit. The school is proposed to be built in 2 phases. Phase 1 will be approximately 39,000 square feet and include 12 general classrooms, two resource rooms, administrative offices, a music room, library, and gymnasium. Phase 2 will include an additional 28,500 square feet which would provide additional classrooms, dedicated cafeteria and more administrative and support space. Full build out will be approximately 67,500 square feet.

Section 8-4B-3 requires elementary and junior high schools to provide 2 parking spots for each classroom and 1 space for every 5 seats in the auditoriums or assembly halls. The proposed building size would require 81 parking spaces. The Applicant is proposing 241 external spots. This will satisfy the parking requirements of the Unified Development Code. The Applicant is proposing 14 ADA parking stalls, satisfying the requirements for a parking lot this size. A minimum of 2 ADA stalls shall be van accessible. 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.

- 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 proposed site plan calls out the appropriate dimensions to satisfy these requirements.

The applicant is proposing 36 bicycle spaces and an additional 20 scooter spaces.

Access is proposed to be taken from Carrara Drive, a new road to the south of the site. There is a proposed bus route on the northwest corner of the property that will be controlled by a gate. Bus and passenger vehicle access will be separated, and the site is designed to include significant stacking on the school site to limit traffic issues on adjacent roadways.

The Unified Development Code (UDC), Section 8-4B-2 requires "all drive aisles adjacent to a building shall be a minimum of 25' 0" or as required by the fire code..." The proposed site plan

appears to call out a minimum of 25 feet at the narrowest section of the drive aisle, satisfying this portion of the UDC.

All signage, including building, directional and monuments will need separate permits and approval from Staff.

The applicant has not asked for any setback waivers and the site plan is compliant with the required Residential (R-3) setbacks.

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 provided a landscape plan that appears to satisfy these requirements. The proposed plan also appears to satisfy the commercial parking lot requirements for landscaping.**

The applicant has provided exterior elevations and color renderings that detail the project. Council may decide to approve these elevations and renderings as part of their approval, making additional Design Review Committee approval unnecessary. The exterior design is single story and will include concrete masonry veneer using 4 inch and 12-inch CMU, and a metal panel siding with metal canopies over the entrances. The roof line will incorporate low slope with parapets.

The proposed dumpster location appears to be in a good location so as not to disturb any adjacent residents. The Applicant should gain approval on final location from Republic Services. Staff is supportive of a brick CMU trash enclosure with metal double gates.

The Applicant has not provided a site/building lighting plan. This will need to be submitted and reviewed by Staff. This can be done as part of the Design Review/CZC process or separately prior to issuing the building permit.

F. Agencies Responding:

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

Idaho Transportation Dept.	February 2, 2026
Highway District 4	February 3, 2026
Southwest District Health	January 21, 2026
Star Fire District	February 11, 2026

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

No written, public comments have been received.

H. *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:

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

8.5.3 Policies Related Mostly to the Urban Residential Planning Areas:

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

B. Low densities within the Estate and Neighborhood Residential Land Use are to be designed within the floodplain, ridgeline developable areas, hillside developable areas and where new residential lots are proposed adjacent to existing residential lots of one acre and larger

where those existing larger lots are not likely to be subdivided in the future.

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

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

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

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

Unified Development Code:

8-1B-4: CONDITIONAL USES:

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

B. Applicability: The provisions of this section apply to all uses identified as conditional use within this title. In addition to other processes permitted by city and state code, exceptions or waivers of standards, other than use, may be permitted through issuance of a conditional use permit, development agreement or PUD, upon approval by Council.

C. Process:

1. The applicant shall complete a pre-application conference with the administrator prior to submittal of an application for a conditional use.

2. A neighborhood meeting shall be held by the applicant pursuant to Section 8-1A-6C of this title.

3. An application and appropriate application fees shall be submitted to the City on forms provided by the city.

4. Prior to issuing the conditional use permit, the administrator may require additional information, including studies, concerning the social, economic, fiscal or environmental effects of the proposed conditional use. Traffic studies may be required by the transportation authority prior to acceptance of an application.

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 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 shall meet the intent of the Star comprehensive plan and be in compliance 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.
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 as determined by the City.

8-1B-4F. TIME LIMITATIONS AND EXTENSIONS:

1. A conditional use permit, upon council approval, shall be valid for a maximum period of twenty-four (24) months unless otherwise approved by the City Council. During this time, the

applicant shall commence the use as permitted in accord with the conditions of approval, satisfy the requirements set forth in the conditions of approval, and acquire building permits and commence construction of permanent footings or structures on or in the ground. Once all requirements are satisfied, permits are acquired and the use is commenced, the conditional use permit will become permanent unless otherwise revoked by the city council.

2. A conditional use permit that also requires platting: The final plat must be recorded within this twenty-four (24) month period.

a. For projects with multiple phases, the twenty-four (24) month deadline shall apply to the first phase. In the event that the development is made in successive contiguous segments or multiple phases, such phases shall be constructed within successive intervals of one year from the original date of approval. If the successive phases are not submitted within the one-year interval, the conditional use approval of the future phases shall be null and void.

3. Time Extension. Upon written request and filed by the applicant prior to the termination of the period in accord with this subsection F, the administrator may authorize a single, administrative time extension to commence the use not to exceed one (1), twelve (12) month period. The administrator may require the conditional use comply with the current provisions of this chapter. Additional requests must be approved by the council.

a. Council approval of requests for time extension for an approved conditional use shall be determined by the city council at a public hearing and will not be granted if any of the following conditions exist:

(1) Significant amendments to the comprehensive plan or this unified development code have been adopted that change the basis under which the conditional use permit was granted.

(2) Significant changes in land use have occurred in the area that will impact or be impacted by the project.

(3) Hazardous conditions have developed or have been discovered that will impact the project.

4. Community facilities and/or services are no longer adequate to serve the project.

a. The city council may place additional requirements, modify the previous approval or deny the request for time extension.

b. No more than one-time extension may be granted to a single conditional use.

8-1B-4G. TRANSFERS AND MODIFICATIONS:

1. Conditional use permits are an entitlement to the specific property on which the approval was granted and upon property sale the entitlement transfers to the new owner(s) without further application or approval, provided, however, the new owner(s) shall be bound by the same conditions of approval as the original permit holder(s). This is for a specific use and may not be

used for other applications.

2. A conditional use permit is not transferable from one property to another.

3. All requested modifications to an approved conditional use shall be considered by the city council at a public hearing. The city council may modify the conditions, limitations and/or scope of the permit.

8-1B-4H. REVOCATION:

1. A conditional use permit may be revoked or modified by the city council, upon notice and public hearing, for breach or violation of any condition of approval or limitation of the permit.

2. If the city council decides to revoke a conditional use permit, either on its own action or upon complaint to the city council, the administrator shall notify the permit holder of its intention to revoke the conditional use permit and provide the permit holder with the opportunity to contest the revocation.

3. Fifteen (15) days' prior notice of the hearing shall be given to the permit holder and all property owners of record (to be obtained from the County Assessor's office) within the radius required in subsection 8-1A-4B of this article.

4. The council shall make findings of fact and conclusions of law supporting its decision to revoke the conditional use permit. If the council decides not to revoke the conditional use permit, no findings of fact and conclusions of law shall be made.

5. An affected person may appeal the decision of the city council under the administrative procedure act of the state of Idaho, Idaho Code title 67, chapter 52.

8-1E-1: TERMS DEFINED:

EDUCATION INSTITUTION, PUBLIC: The use of a site for education financially supported by the state of Idaho. The use includes, but is not limited to, elementary and secondary schools; institutions of higher learning; and vocational schools.

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.

(PUD) PLANNED UNIT DEVELOPMENT: This designation, following any zoning designation noted on the official zoning map of the city (i.e., R-4-PUD), indicates that the development was approved by the city as a planned unit development, with specific allowances and design approved by Council.

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

8-3A-3: USES WITHIN ZONING DISTRICTS

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

ZONING DISTRICT USES	R
Educational institution, public	C

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 20' to garage face	15'	7.5'(2)	20'

Notes:

1. Front yard setback shall be measured from the face of the garage to the face of the sidewalk, allowing for 20' of parking on the driveway without overhanging onto the sidewalk.
2. Zero-Lot-Line, reduced street side yard setbacks and reduced front and rear setback waivers

may be requested through the Development Agreement process. All other side yard setback requests for detached structures shall not be granted waivers, unless approved by Council as part of a Planned Unit Development.

3. All setbacks in the CBD, C-1, C-2, LO, LI, PS, RC and M-U zone shall maintain a minimum 15' when adjacent to a residential use or zone. A waiver may be requested if the adjacent property has the potential to redevelop as a non-residential use in the future.
4. As approved by the Fire District.
5. 35' height requirement unless a height exception is approved by Council through the Conditional Use Permit or Planned Unit Development Process.

8-4B-3: REQUIRED NUMBER OF OFF-STREET PARKING SPACES:

Elementary and junior high schools	2 for each classroom and 1 for every 5 seats in the auditoriums or assembly halls
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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. Council placed specific conditions of approval to address parking and traffic concerns.

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. The Future Land Use Map designates this property as Public Use.

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. Council placed specific conditions of approval to address parking and traffic concerns. Council also placed conditions of approval regarding fencing adjacent to neighboring property owners.

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. Council placed specific conditions of approval to address parking and traffic concerns. Council also placed conditions of approval regarding fencing and irrigation adjacent to neighboring property owners.

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, if designed and constructed with imposed conditions of approval, 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. Council placed specific conditions of approval to address parking and traffic concerns.

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 February 4, 2025 and February 18, 2025, 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
- Amber Van Ocker
- Kenny Littlefield

- Sean Connor

c. Public sign-ins that did not testify:

- Mikell Galloway
- Patricia Crawford
- Joseph Arient
- Kevin Littlefield

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

None

Deliberations and Conclusions of Law:

The Council reviewed the particular facts and circumstances of this proposed 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, traffic, fencing and irrigation and future phasing of the project. The Council included Staff recommended conditions of approval to address the specific concerns. Council concluded that the Applicant's request, as conditioned, meets the requirements for conditional use. Council hereby incorporates the staff report dated February 17, 2026 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:

***Specific Conditions of Approval from Council**

1. **Prior to issuing a building permit, the applicant shall receive a certificate of zoning compliance approval for each phase, which may require a design review for compliance with the Architectural Design Guidelines, unless otherwise approved by Council*.**
2. **The Applicant shall submit a revised landscape, screening and fencing plan showing fence type for school boundaries, and screening/fencing against the Littlefield property to the north. Applicant shall work with City Staff and the Terramor developer to design the plan. The plan shall be submitted with the Certificate of Zoning Compliance application*.**
3. The approved Conditional Use shall comply with all statutory requirements of applicable agencies and districts having jurisdiction in the City of Star.
4. 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.
5. A form signed by the Star Sewer & Water District shall be submitted to the City prior to issuance of building permit stating that all conditions of the District have been met, including annexation into the District.
6. 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.
7. The applicant shall obtain all the proper building permits from the City Building Department prior to occupancy of the unit.
8. The Conditional Use Permit may be revoked or modified by the City Council for any violation of any Condition of Approval.
9. The applicant shall obtain a sign permit prior to any signage being placed on the site or building.
10. Any additional Condition of Approval as required by Staff and City Council.
11. Any Conditions of Approval as required by Star Fire Protection District.
12. The property associated with this approved conditional use permit shall be properly maintained at all times, including throughout the construction process to include trash picked up and trash receptacles emptied with regular frequency, streets swept and cleaned weekly, including any streets used to access the property and all debris shall be prevented from accumulating on any adjacent property or public right of way and shall remove all debris from public way at least daily. This shall also include, but is not limited to any trash, junk or disabled vehicles during any portion of the development process. The site shall be properly mitigated from fugitive dust at all times, including during construction, as determined by the Zoning Administrator. Failure to comply with any of the above may result

in a stop work order being issued until the violations are remedied, and/or revocation of the conditional use permit or building permit.

13. Any additional Condition of Approval as required by Highway District 4 (HD4).

14. Any additional Condition of Approval as required by the Idaho Transportation Department (ITD).

Council Decision:

The Council voted 4-0 to approve the Middleton School District Elementary School Conditional Use Permit on February 17, 2026.

Dated this 3rd day of March 2026.

Star, Idaho

By: _____
Trevor A. Chadwick, Mayor

ATTEST:

Shelly Tilton, City Clerk