

FINDINGS OF FACT AND CONCLUSIONS OF LAW
POLLARD LANE – STAR NEW ELEMENTARY SCHOOL
FILE NO. CU-24-09

The above-entitled Conditional Use Permit land use application came before the Star City Council for their action on February 18, 2025, at which time public testimony was taken, and the public hearing was closed. The Star City Council, having requested and taken oral and written testimony, and having duly considered the matter, does hereby make the following Findings of Fact and Conclusions of Law.

Procedural History:

A. Project Summary:

The Applicant is seeking approval of a Conditional Use Permit to construct a new elementary school. The property is located at 2211 N. Pollard Lane in Star, Idaho. The subject property is generally located on the west side of N. Pollard Lane, south of Beacon Light Road and adjacent to the Star Middle School. Ada County Parcel No. R7747350415.

B. Application Submittal:

A neighborhood meeting was held on December 4 & 9, 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 December 24, 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 January 18, 2025. Notice of this public hearing was mailed to property owners within three-hundred feet (300') of the subject property in accordance with the requirements of Title 67, Chapter 65, Idaho Code and Star Unified Development Code on January 16, 2025. Notice was sent to agencies having jurisdiction in the City of Star on January 7, 2025. The property was posted in accordance with the Star Unified Development Code on January 22, 2025.

D. History of Previous Actions:

The property was previously annexed into the City and zoned R-4 as part of the West Ada School District property.

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

F. *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 that the school district currently owns and will occupy approximately 9.85 acres of the larger parcel (37.34 acres). The property is currently zoned Residential (R-3). The Unified Development Code, Section 8-3A-3, requires all educational institution uses to be approved through a Conditional Use Permit.

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 52 parking spaces. The Applicant is proposing 98 external spots. This will satisfy the parking requirements of the Unified Development Code. The Applicant is proposing 4 ADA parking stalls.

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.

Access is proposed to be taken from an existing private drive via Pollard Lane. 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 any 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 an additional Design Review Committee approval unnecessary.

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 as part of the Design Review/CZC process.

Staff believes that the Applicant should complete a pathway going north along the west side of Pollard Lane to connect to the existing sidewalk from Rivercreek Landing Subdivision, the development to the north of the school property.

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.

Star Sewer & Water District
Star City Engineer

January 9, 2025
January 15, 2025

Star Fire District
ITD
ACHD

January 7, 2025
January 24, 2025
Pending

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

Ken Borja 2173 N. Garnet Creek Avenue

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

Comprehensive Plan:

8.2.3 Land Use Map Designations:

Public Use/Parks/Open Space

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

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. Where possible, open space should be located to be contiguous to public lands and existing open space areas.

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.
- 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.

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.

E. 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-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.
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.

8-1E-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.

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 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.

8-4B-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 landscape buffering to adjacent properties.

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 landscape buffering to adjacent properties.

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
- David Reinhart, West Ada School District
- Toby Norskog, The Land Group
- Tom Erlebach
- Ann Kuck
- Ryan Morgan, City Engineer
- Mary Anne Saunders
- Debbie Taylor-Cramer
- Rob Leedom
- Mark Bastian
- Lori Billaud
- Darlene Kittredge
- Cody Larsen
- Sean Conner
- David Reinhart
- Ron Winegar
- Maxine McCombs

c. Public sign-ins that did not testify:

- Tammy Christensen
- Shon Saulovich
- Marlyn Froke
- Maderia Bruton
- Karen Hutfilter

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 and emergency response concerns, transition and landscape buffering, pathways, and ACHD issues. 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 18, 2025 into the official decision as part of these Findings of Fact, Conclusions of Law.

Statement of Compliance:

Council finds the Applicant has met all requirements of the Unified Development Code and the intent and purpose of the Comprehensive Plan and Map requirements.

Conditions of Approval:

Specific Recommendations and Conditions of Approval from Council:

- 1. Recommend that ACHD expedite the review of the traffic study, currently being developed by the applicant, and determine the most appropriate measures necessary to make the intersection of Pollard Lane and Floating Feather Road function safely and effectively with the existing and new traffic that will be generated from the new school.**
- 2. Recommend that ACHD stripe and sign the intersections of Pollard Lane and W. Pickett Creek Street, Pollard Lane and W. Reynolds Creek Street, and Pollard Lane W. Broken Arrow as "Do Not Block Intersection" areas as soon as possible. The City worked with ACHD and received a commitment to put the traffic squares in the road when the weather permits.**
- 3. Recommend, through the Star Transportation Committee, that widening and improvements of N. Pollard Lane be moved up on the ACHD Five-Year Work Program as a top priority item.**
- 4. The applicant shall work with the City and ACHD on measures to improve the safety and functionality of the intersection of N. Pollard Lane and W. Floating Feather Road with regards to traffic and pedestrians.**
- 5. The applicant shall provide a secondary access point into the WASD campus north of the existing access point at W. Picket Creek Street and design an appropriate directional plan to move bus and vehicle traffic in and out of the school area. The applicant shall work with City Staff on a plan. A revised site plan shall be submitted to Staff for review prior to issuance of a building permit.**

6. **The applicant shall provide a pathway connection along N. Pollard Lane from the existing sidewalk stub on the south side of the Rivercreek Subdivision into the school campus. This pathway may be incorporated into the design of the secondary access point roadway.**
7. **The applicant shall provide a landscape buffer similar to that of the middle school along the western boundary of the two sport field areas adjacent to the neighboring residential properties as illustrated on the approved site plan. A revised landscape plan shall be submitted to Staff for review prior to issuance of a building permit.**
8. **No permits for construction shall be issued until ACHD has reviewed and made recommendations for the necessary improvements at Pollard Lane and Floating Feather Road.**

Standard 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. **Prior to issuance of a building permit, the applicant shall receive review approval from Planning & Zoning Staff, verifying that all conditions of approval have been addressed.**
3. **The Applicant shall complete a pathway going north along Pollard to connect to the existing sidewalk from Rivercreek Landing Subdivision, the development to the north of the school property.**
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. A Certificate of Zoning Compliance will be required prior to the start of construction.
11. Any additional Condition of Approval as required by Staff and City Council.
12. Any Conditions of Approval as required by Star Fire Protection District.

13. 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.

Council Decision:

The Council voted 3-1 (Nielsen voted against) to approve the Pollard Lane – Star New Elementary School Conditional Use Permit on February 18, 2025.

Dated this 4th day of March 2025.

Star, Idaho

By: _____
Trevor A. Chadwick, Mayor

ATTEST:

Shelly Tilton, City Clerk