

**FINDINGS OF FACT AND CONCLUSIONS OF LAW
EAST STAR RIVER RANCH COMMERCIAL REZONE
FILE NO. RZ-20-12/DA-20-28**

The above-entitled Rezone and Development Agreement application came before the Star City Council for their action on August 24, 2021, 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 Rezone (C-1 to C-2-DA) with a Development Agreement for a proposed commercial development. The property is located at 8874 W. Wildbranch Street in Star, Idaho, and consists of approximately 17.42 acres. The subject property is generally located on the south side of W. State Street between S. Moyle Avenue and Highway 16. Ada County Parcel No's. S0416212640, S0416212620, S0416212422, S0416212470 & S0416212660.

B. Application Submittal:

A neighborhood meeting was held on October 1, 2020, in compliance with the application submittal requirement of the Star Unified Development Code (Section 8-1 A-6 C). The Land Use application was deemed complete on March 8, 2021.

C. Notice of Public Hearing:

Notice of Public Hearing on the application for the City of Star Council was published in accordance with the requirements of Title 67, Chapter 65, Idaho Code and the Star Unified Development Code on April 20, 2021. Notice of this public hearing was mailed to property owners within three-hundred feet (300') of the subject property in accordance with the requirements of Title 67, Chapter 65, Idaho Code and Star Unified Development Code on August 4, 2021. Notice was sent to agencies having jurisdiction in the City of Star on March 8, 2021. The property was posted in accordance with the Star Unified Development Code on August 6, 2021.

D. History of Previous Actions:

Council approved Comprehensive Plan Map Amendment (CPA-18-03), changing designation from Mixed Use to Commercial and Residential and annexation and zoning (AZ-18-03), of 9.437 acres as Commercial (C-1) and 24.02 acres as Residential (R-8). Total acreage of this request was 33.46 acres.

E. **Existing Site Characteristics:** The property is currently improved with an existing home and outbuildings. The parcel is in agricultural production.

F. **Irrigation/Drainage District(s):** - Farmer's Union Ditch Company, LTD
P.O. Box 1474, Eagle, ID 83616

G. **Flood Zone:** The development is located outside a special flood hazard zone and in Zone X.

H. *On-Site Features:*

- ✪ Areas of Critical Environmental Concern – No known areas.
- ✪ Evidence of Erosion – No evidence.
- ✪ Fish Habitat – No known areas.
- ✪ Mature Trees – Yes.
- ✪ Riparian Vegetation – No known areas.
- ✪ Steep Slopes – Non-evident.
- ✪ Stream/Creek – The open water is limited to the irrigation ditch.
- ✪ 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 other than local birds have been observed.
- ✪ Historical Assets – No historical assets have been observed.

I. *Agencies Responding:*

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

ITD	Forthcoming
ACHD	Forthcoming

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:

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:

- Preserve the family friendly feel of Star.
- Implement the Land Use Map and associated policies as the official guide for development.
- 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.
- Encourage land uses that are in harmony with existing resources, scenic areas, natural wildlife areas, and surrounding land uses.
- Discourage development within the floodplain.

8.5.6 Policies Related Mostly to the Commercial Planning Areas:

- A. Assist in the provision of coordinated, efficient, and cost-effective public facilities and utility services, carefully managing both residential and non-residential development and design, and proactively reinforcing downtown Star's role as the urban core while protecting existing property rights.
- B. Encourage commercial facilities to locate on transportation corridors.
- C. Locate neighborhood services within walking distance to residential development.
- D. Discourage the development of strip commercial areas.
- E. Maintain and develop convenient access and opportunities for shopping and employment activities.
- F. Commercial areas of five acres or less should be encouraged in residential land use designations with appropriate zoning to allow for commercial services for residential neighborhoods and to limit trip lengths. Such commercial areas should be submitted for approvals with a Conditional Use Permit or Development Agreement to assure that conditions are placed on the use to provide for compatibility with existing or planned residential uses. These areas should be

oriented with the front on a collector or arterial street.

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.
- 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.

18.4 Implementation Policies:

E. 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:

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:

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 – (Comparison between C-1 & C-2 with less restrictive use is highlighted in Red). Other sensitive uses that Council might want to consider are highlighted in yellow. Uses specifically requested by Applicant are highlighted in green.

The following table lists principal permitted (P), accessory uses (A), conditional uses (C) allowed in the Commercial Zones. Prohibited uses have been omitted.

<u>ZONING DISTRICT USES</u>				
USES	Current C-1	Current C-2 Proposed	2018 C-1 Original Approval	2018 C-2
Accessory structure - Res or Com	A	A	C	N
Animal care facility ₁	P	P	P	P
Artist studio ₁	P	P	C	P
Arts, entertainment, recreation facility ₁	C	P		
Auction facility	N	C	C	C
Automated Teller Machine (ATM) ₁	A	A		
Automotive mechanical/electrical repair and maintenance	C	P	P	P
Bakery- Retail or Manufacturing	P	P	N	P
Bar/tavern/lounge/drinking establishment	C	P	C	C
Barbershop/styling salon	P	P	P	P
Bed and breakfast	P	P	C	N
Brewery/Distillery	C	P	C	C
Brewpub/Wine Tasting	C	P	C	C
Building material, garden equipment and supplies	C	P	C	P
Caretaker Unit ₁	A	A		
Child Care center (more than 12) ₁	C	C	C	C
Child Care family (6 or fewer) ₁	A	A		
Child Care group (7-12) ₁	C	C	C	C
Child Care-Preschool/Early Learning ₁	C	C	C	C
Church or place of religious worship ₁	P	P	C	C

	Current C-1	Current C-2 Proposed	2018 C-1 Original Approval	2018 C-2
Civic, social or fraternal organization	P	P		
Conference/convention center	P	P		
Convenience store	C	P	P	P
Drive-through establishment/drive-up service window 1	P	P	C	C
Dwelling:				
Single-family detached ^{See} Development Agreement Conditions of Approval	N	N	P	N
Educational institution, private	C	C	C	C
Educational institution, public	C	C	C	C
Equipment rental, sales, and services	C	P		
Events Center, public or private (indoor/outdoor)	C	C	C	C
Fabrication shop	N	P	N	P
Farmers' or Saturday market	C	C	-	-
Financial institution	P	P	P	P
Fireworks Stands	P	P	C	C
Flex Space	C	P	-	-
Food products processing	C	C	N	N
Gasoline, Fueling & Charging station with or without convenience store 1	C	P	P	P
Golf course	C	C	C	C
Government office	P	P	P	P

	Current C-1	Current C-2 Proposed	2018 C-1 Original Approval	2018 C-2
Greenhouse, commercial	C	P	C	C
Healthcare and social services	P	P	P	P
Hospital	C	P	C	P
Hotel/motel	C	P	P	P
Industry, information	P	P		
Institution	C	P		
Kennel	N	C	C	C
Laboratory	P	P	P	P
Laboratory, medical	P	P	P	P
Laundromat	P	P	P	P
Laundry and dry cleaning	P	P	C	P
Library	P	P	P	P
Manufacturing plant	N	C	N	N
Medical clinic	P	P	P	P
Mining, Pit or Quarry (accessory pit) ¹	A	A	A	A
Mortuary	C	P	C	P
Museum	P	P		
Nursery, garden center and farm supply	P	P	P	P
Nursing or residential care facility ¹	P	P	C	C
Office security facility	P	P	C	C
Parking lot/parking garage	C	C	C	C

	Current C-1	Current C-2 Proposed	2018 C-1 Original Approval	2018 C-2
Parks, public and private	P	P	C	C
Pawnshop	P	P	P	C
Personal and professional services	P	P	P	P
Pharmacy	P	P	P	P
Photographic studio	P	P	P	P
Portable classroom/modular building (for private & public Educational Institutions)	C	C	C	C
Professional offices	P	P	P	P
Public infrastructure; Public utility major, minor and yard 1	C	C	C	C
Public utility yard	C	C	N	C
Recreational vehicle dump station	C	C	C	C
Recycling center	C	C	N	N
Research activities	P	P		
Restaurant	C	P	P	P
Retail store/retail services	C	P	P	P
Retirement home	C	N	N	P
Service building	P	P	C	C
Shooting range (<u>Indoor/Outdoor</u>)	C/N	C/N	C	C
Shopping center	C	P	C	C
Storage facility, outdoor (commercial)1	C	P	C	C

	Current C-1	Current C-2 Proposed	2018 C-1 Original Approval	2018 C-2
Storage facility, self-service (commercial) ¹	C	P	C	C
Swimming pool, commercial/public	P	P	C	C
Television station	N	C	N	N
Terminal, freight or truck ¹	N	C	N	N
Truck stop	N	C	N	N
Vehicle emission testing ¹	P	P	P	P
Vehicle repair, major ¹	C	P	P	P
Vehicle repair, minor ¹	C	P	P	P
Vehicle sales or rental and service ¹	C	P	C	P
Vehicle washing facility ¹	C	P	P	P
Veterinarian office	P	P	P	P
Warehouse and storage	N	P	N	C
Wholesale sales	P	P		
Winery	N	C	N	C
Wireless communication facility ¹	C	C		
Woodworking shop	N	P	P	P

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
Commercial C-1	35'	20'	5'	0'	20'
<u>Commercial C-2</u>	<u>35'</u>	<u>20'</u>	<u>5'</u>	<u>0'</u>	<u>20'</u>

8-1B-1C ANNEXATION/REZONE FINDINGS:

1. The map amendment complies with the applicable provisions of the Comprehensive Plan.

The Council finds that the purpose of the Star Comprehensive Plan is to promote the health, safety, and general welfare of the people of the City of Star and its Impact Area.

Some of the prime objectives of the Comprehensive Plan include:

- ✓ *Protection of property rights.*
- ✓ *Adequate public facilities and services are provided to the people at reasonable cost.*
- ✓ *Ensure the local economy is protected.*
- ✓ *Encourage urban and urban-type development and overcrowding of land.*
- ✓ *Ensure development is commensurate with the physical characteristics of the land.*

The goal of the Comprehensive Plan for Commercial Districts is to encourage 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. The Council finds that this 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 proposal complies with the proposed district and purpose statement. The purpose of the General Business District is to provide for the establishment of areas for commercial uses allowed in other commercial zones and commercial uses which are more intensive than those permitted in other commercial zones, and typically located adjacent to arterial roadways and not immediately adjacent

to residential, including the establishment of areas for travel related services such as hotels, motels, service stations, drive-in restaurants, offices, limited warehousing, commercial services and retail sales.

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

The Council finds that there is no indication from the material and testimony submitted that the rezoning of this property will be materially detrimental to the public health, safety or welfare.

4. The map amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city including, but not limited to, school districts.

The Council finds that the City has not been presented with any information from agencies having jurisdiction that public services will be adversely impacted.

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

The Council finds the property is already annexed. The rezone request is reasonably necessary for the continued, orderly development of the City.

Public Hearing of the Council:

- a. A public hearing on the application was heard by the City Council, at which time testimony was heard and the public hearing was closed. The City Council made their decision at that time.
- b. Oral testimony regarding the application was presented to the City Council by:
 - Paul Larson
 - Jeff Riggs, Baron Properties
 - Tim Tyree
- c. Written testimony in favor of or opposing the application was presented to the City Council at the hearing by:

Baron Properties

August 23, 2021

Deliberations and Conclusions of Law:

The Council reviewed the particular facts and circumstances of this proposed rezone and preliminary plat application in accordance with the City of Star Title 8 (Unified Development Code), deliberated on the matter, resulting in review of the record, including the staff report, and discussions on the rezoning and platting of the development. Review and discussion included development layout, access and street configuration, density, setbacks, one-story homes, open space, floodplain issues, pathways and landscaping, transportation and emergency access, and block length and attached single-family allowance waivers. The Council concluded that the Applicant's request meets the requirements for rezones, preliminary plat and private

streets. Council hereby incorporates the staff report dated June 1, 2021 into the official decision as part of these Findings of Fact, Conclusions of Law.

Statement of Compliance:

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

Council added to the Development Agreement the following conditions of approval to their decision to approve the rezone application to include the following:

- Approved uses allowed in the C-2 zone (as recognized Principally Permitted in the 2018 C-1 zone):
 - Automotive mechanical/electrical repair and maintenance
 - Child Care group (7-12)
 - Child Care center (more than 12)
 - Child Care-Preschool/Early Learning
 - Convenience store
 - Drive-through establishment/drive-up service window
 - Farmers Market
 - Any other current Principally Permitted Uses in the C-2 zone, unless otherwise stated
- Uses in the C-2 zone subject to further Conditional Use approval:
 - Bar/tavern/lounge/drinking establishment
 - Brewery/Distillery
 - Brewpub/Wine Tasting
 - Building material, garden equipment and supplies
 - Hospital (Private)
 - Mortuary
 - Nursing or Residential Care Facility
 - Vehicle Sales or Rental and Services
 - Any other currently listed Conditional Uses
- Prohibited Uses in all Commercial zones include:
 - Churches
 - Storage Facilities
 - Non-profit Hospitals
- Neighborhood Commercial (C-1) adjacent to Heron River, west of Moyle Ave. Prohibited uses to include:
 - Auto Repair & Maintenance
 - Bar Tavern/Lounge
 - Equipment Rental
 - Gas Station
 - Green House

- Hospital
 - Hotel/Motel
 - Mortuary
 - Shopping Center
 - Storage Facility
 - Car Wash
 - Woodworking Shop
 - Brewery/Distillery
 - Brewpub/Wine Tasting
 - Convenience Store
 - Fabrication Shop
 - Kennel
 - Manufacturing Plant
- Two-story commercial buildings shall be prohibited along the western boundary of the development against Heron River, west of Moyle Ave.
 - Height of Gas Station to allow up to 55' for a Cupola
 - Allowance for up to 6 detached residential lots with R-3 comparable design and dimensional standards including setbacks
 - Dedicate Right of Way for Signal Light at Moyle Ave
 - Share of Signal Light will be up to 35 Percent, with a final determination being negotiated during the residential portion of the forthcoming applications
 - Development Agreement shall be reopened and revised to include additional conditions to address the future residential portion of the development and Signal Light improvements when the remaining applications are acted upon by Council.

Council Decision:

The Council voted 4-0 to approve the Rezone and Development Agreement for the Commercial Rezone of East Star River Ranch on August 24, 2021.

Dated this 16th day of November 2021.

Star, Idaho

By: _____

Trevor A. Chadwick, Mayor

ATTEST:

Jacob M. Qualls, City Clerk