

FINDINGS OF FACT AND CONCLUSIONS OF LAW
CALVARY CHAPEL CONDITIONAL USE PERMIT
FILE NO. CU-23-08

The above-entitled Conditional Use Permit land use applications came before the Star City Council for their action on January 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 requesting approval of a Conditional Use Permit for a Church Facility that includes retail space and a drive through restaurant. The property is located at the northwest corner of Hwy 16 and Floating Feather Road in Star, Idaho and consists of 17.21 acres. The subject property is generally located between Hwy 16 and N. Pollard Lane, north of W. Floating Feather Road in Star, Idaho. Ada County Parcel Number S0404438620.

B. Application Submittal:

A neighborhood meeting was held on November 27, 2023, 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 18, 2023.

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 December 20, 2023. 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 December 18, 2023. Notice was sent to agencies having jurisdiction in the City of Star on December 18, 2023. The property was posted in accordance with the Star Unified Development Code on January 4, 2024.

D. History of Previous Actions:

June 16, 2020	Council approved the Annexation and Zoning (AZ-20-03), Preliminary Plat and Planned Unit Development (PUD-20-02) and Development Agreement (DA-20-12) for the Rosti Farms Subdivision, being marketed as Heirloom Ridge Subdivision.
---------------	--

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

	Zoning Designation	Comp Plan Designation	Land Use
Existing	Residential (R-3-PUD-DA)	Estate Urban Residential/Commercial	Vacant Land
Proposed	Residential (R-3-PUD-DA)	Estate Urban Residential/Commercial	Church/Coffee Shop
North of site	Residential (R-1PUD-DA) Mixed Use (MUPUD-DA)	Low Density Residential/Mixed Use	Magnolia Subdivision/Josh Kinney Mixed Use
South of site	Residential (R-3-PUD-DA)	Estate Urban Residential	Rosti Farms Subdivision
East of site	Residential (R-1)	City of Eagle	Hwy 16/City of Eagle
West of site	Residential (R-3-PUD-DA)	Estate Urban Residential	Rosti Farms Subdivision

F. *Development Features.*

CONDITIONAL USE PERMIT:

The Applicant is requesting approval of a Conditional Use Permit to construct a church campus at the northwest corner of Highway 16 and Floating Feather Road. The Applicant is proposing to build out the campus in phases with the first phase consisting of a worship facility, a church office building and a church run coffee shop with a drive through. When demand requires additional facilities, a new Sanctuary and children’s ministry building would be constructed. When that takes place the phase 1 worship facility would become a fellowship hall. Access to the site is proposed via existing access of N. Worsley Avenue to the west of the property. This is an existing roadway connecting to Floating Feather Road. The Applicant is currently working with ACHD on additional access points. An emergency access would be on the northwest corner of the property through the adjacent neighborhood via W. Virginia City Drive. This access is proposed to have bollards or gates, as approved, to restrict non-emergency access.

The Applicant is proposing the following building sizes and uses which will each have unique parking requirements. The Phase one church building has the capacity for 1800 seats. Section 8-4B-3 of the Unified Development Code calls for 1 parking space for every 5 seats. Phase one church building will require 360 parking stalls.

The retail coffee shop is proposed to be approximately 5,500 square feet. The UDC calls for one parking space for every 200 square feet of gross floor area. The coffee shop will require 27.5 parking stalls. The drive-through requires queue space for five cars. The proposed concept site plan appears to provide five or more car lengths in the drive through lane.

The proposed office building is approximately 5,200 square feet in size. The code calls for one parking space for every 250 square feet of gross floor area. This building will require 20.8 parking stalls.

The proposed storage building is approximately 7,500 square feet in size. The code calls for one parking space for every 1,000 square feet of gross floor area. The storage building will require 7.5 stalls.

The total parking requirement for the project is 427 parking stalls, 9 of which should be ADA. The Applicant is proposing 493 parking stalls, 12 of which are ADA. This satisfies the parking requirements in the Unified Development Code. The site plan shows the parking stalls as 9 feet wide and 20 feet long, which complies with code requirements. The site plan also shows the drive aisles to be a minimum of 24 feet wide. Section 8-4B-3 states that "all drive aisles adjacent to a building shall be a minimum of 25 feet unless the building is 30 feet in height or greater, at which point the drive aisle shall be 26 feet or as otherwise approved by the Fire District." The Applicant will need to provide 25 feet in front of the storage building and the two retail buildings as they currently show as 24 feet. The drive aisle along the main church buildings are proposed at 30 feet, satisfying the code requirements.

The Applicant is proposing the building be a modern farmhouse style with exterior finishes to include board and batten siding, cedar wood accents, EIFS/Stucco and manufactured stone. The proposed building's maximum height is 35 feet. The Applicant has provided color renderings showing each elevation. This design will require approval through a Certificate of Zoning Compliance to include a review from the Design Review Committee.

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 meet these requirements. The Applicant is also proposing three open spaces and a walking path along the perimeter of the property. The Applicant is also proposing a solid privacy fence along the property. The proposed landscape plan appears to satisfy the requirements of the UDC.

One area of the property that will need consideration is the piece that has been set aside as right of way for the highway district. Staff advised the Applicant to plan on that area being used for future roadway access, which they did. If that land is not used in the future and goes back to the Applicant, the landscape plan will need to be adjusted to include this piece.

The Applicant has not provided a lighting plan for the site or building. This will be required prior to issuing a building permit, for review and approval by Staff. 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.

Central District Health	December 15, 2023
ACHD	January 5, 2024
ITD	January 8, 2024

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

Jennifer Meiners
Josh Kinney

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:

- 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.

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:

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.

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.

8-3A-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
Church or place of religious worship	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/side load garage 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.

8-1B-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.

8-5-11: CHURCH OR PLACE OF RELIGIOUS WORSHIP:

Uses that are accessory to churches or other places of religious worship, such as schools, child daycare services, meeting facilities for clubs and organizations, and other similar uses not operated primarily for the purpose of religious instruction, worship, government of the church, or the fellowship of its congregation may be permitted to the extent the activity is otherwise permitted in the district.

Churches conducting activities outside the normal church events are required to complete a temporary use permit stating when and where the activity will take place and who will be in charge of the activity.

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 January 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

- James Marsh
- Todd Collins
- David Ax
- Josh Kinney
- Kelli Kinney
- Michael Keyes
- Ryan Hammons
- Ryan Morgan, City Engineer

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

Todd Collins

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, pedestrian pathways, fencing, landscape buffering, cross-access and lighting. The Council included Staff recommended conditions of approval and added additional conditions to address these concerns. Council concluded that the Applicant’s request, as conditioned, meets the requirements for conditional use. Council hereby incorporates the staff report dated January 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.

Council included the following additional conditions of approval as part of the approval of this application request:

- **Work with neighboring property owner to the north on pedestrian pathway connection across irrigation canal**
- **Fencing to be determined by the Applicant**
- **City of Star will work with ITD on a potential frontage road connection to the north. The Applicant agrees to work with the City and neighboring property owner on any roadway connections, including potential easements.**

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. **Applicant/Owner shall work with staff and submit a lighting plan and design that meets city standards prior to Building Permit being issued.**
3. **A Certificate of Zoning Compliance will be required prior to the start of construction, to include review and approval of the structures by the Design Review Committee.**
4. **The Applicant shall meet all the requirements for the Ada County Highway District (ACHD) prior to certificate of occupancy.**
5. **The Applicant shall provide a letter from the Star Postmaster approving the location of the mailboxes for the new buildings, prior to signing the final plat.**
6. The property shall be satisfactorily weed abated, preventing a public nuisance, per Star City Code.
7. A plat note supporting the "Right to Farm Act" as per Idaho Code Title 22, Chapter 45, shall be shown on the Final Plat.
8. 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.
9. 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.
10. 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.**
11. The applicant shall obtain all the proper building permits from the City Building Department prior to occupancy of the unit.
12. The Conditional Use Permit may be revoked or modified by the City Council for any violation of any Condition of Approval.
13. The applicant shall obtain a sign permit prior to any signage being placed on the site or building.
14. Any additional Condition of Approval as required by Staff and City Council.
15. Any Conditions of Approval as required by Star Fire Protection District.

Council Decision:

The Council voted 3-0 (Salmonson absent) to approve the Conditional Use for Calvary Chapel on January 16, 2024.

Dated this 21st day of February, 2024.

Star, Idaho

ATTEST:

By: _____
Trevor A. Chadwick, Mayor

Jacob M. Qualls, City Clerk