

**CITY COUNCIL REGULAR MEETING NOTES**

City Hall - 10769 W State Street, Star, Idaho
Tuesday, July 19, 2022 at 7:00 PM

1. CALL TO ORDER –

Mayor Chadwick opened the meeting at 7pm. He then welcomed those in attendance and led the Pledge of Allegiance.

2. INVOCATION –

Josh Austin, with the Church of Jesus Christ of Latter-Day Saints led the invocation.

3. ROLL CALL

Council Members present were Council President David Hershey, Council Members Kevan Wheelock, Jennifer Salmonsens, Kevin Nielsen and Mayor Chadwick.

Staff present were City Clerk / Treasurer Jacob Qualls, Public Information Officer Dana Partridge, City Planning Administrator Shawn Nickel, City Planning Assistant Ryan Field, City Engineer Ryan Field and City Attorney Chris Yorgason.

4. PRESENTATIONS**A. Star Police Department Report –**

Star Police Chief Zack Hessing gave his department's monthly report including crime statistics and trends. The Star Police Department will be doing a Community Education Crime Prevention Night on July 28 at the River house, educating the public and discussing Child Abuse Awareness. They have been doing more property checks and putting up cameras where vandalism is occurring. Hessing also mentioned the Star Police Department patrol cars have Fingerprint Kits in each car which is unlike other police cars in the county. Society crimes are going up, including drug use and DUIs. Hessing talked about practical policing and being proactive and explained Code 3 response times. Mayor Chadwick mentioned an example of how effective the community education and engagements are.

5. CONSENT AGENDA (ACTION ITEM) **All matters listed within the Consent Agenda have been distributed to each member of the Star City Council for reading and study, they are considered to be routine and will be enacted by one motion of the Consent Agenda or placed on the Regular Agenda by request.*

- A. **Claim Approval:** Provided & Previously Approved
- B. **Findings of Fact:** Royal British Motors (CUP-22-04)
- C. **Findings of Fact:** Stardale Place Subdivision (AZ-22-02, RZ-21-04, DA-22-02, PP-22-03)
- D. **Final Plat:** Cherished Estates Phase 1 (FP-22-15)
- E. **Final Plat:** Stargazer Subdivision Phase 1 (FP-22-14)
- F. **Final Plat:** Greiner's Hope Springs Subdivision Phases 5 & 6 (FP-22-10 & FP-22-11) - **REMOVED**



CITY COUNCIL REGULAR MEETING NOTES

City Hall - 10769 W State Street, Star, Idaho
Tuesday, July 19, 2022 at 7:00 PM

- Council Member Salmonsens moved to approve the consent agenda, removing Item 5F – Phase 6; Council President Hershey seconded the motion. ROLL CALL VOTE: Hersey-aye, Wheelock-aye, Salmonsens-aye, Nielsen-aye. Motion carried.

6. ACTION ITEMS: (The Council at its option, may suspend the rules requiring three separate readings on three separate days for ordinances on the agenda. This will be by a single motion to suspend the rules under Idaho Code 50-902; second of the motion; ROLL CALL VOTE; Title of the Ordinance is read aloud; motion to approve; second of the motion; ROLL CALL VOTE.)

A. AREA OF IMPACT RATIFICATION: Ratification of Canyon County Commissioner's Area of Impact Agreement and Map Proposal (**ACTION ITEM**)

City Attorney, Chris Yorgason explained this is simply a ratification of the Area of Impact Agreement and Map with Canyon County which had been recommended by the Committee of Nine.

- Council Member Nielsen moved to ratify the Canyon County Commissioner's Area of Impact Agreement and Map Proposal; Council Member Wheelock seconded the motion.
ROLL CALL VOTE: Hersey-aye, Wheelock-aye, Salmonsens-aye, Nielsen-aye. Motion carried.

Mayor Chadwick noted that Public Hearing 7C, Star River Ranch North Subdivision would be tabled to September 6th, as they are still waiting for reports from Canyon Highway District 4.

B. REQUEST FOR RECONSIDERATION: Addington Request for Reconsideration - (PP-22-02, PR-22-01) (**ACTION ITEM**)

City Planning Director, Shawn Nickel explained the applicant for the Addington development has requested reconsideration specific to the conditions of approval at the previous public hearing. The applicant stated three conditions they would like reconsidered: public access easements along walking paths behind the townhouse units adjacent to the private back yards, paving of public access easements along walking paths behind the townhouse units, and payment of proportionate shares of ITD impacts to the State Highway System.

Chris Yorgason reviewed the city code and explained the reconsideration under section 8-1A-9 of the city code, to request reconsideration an applicant or requesting party must have been a party in the underlying action as property owner or applicant, request must be in writing and presented to the city no more than 14 days after council action, must state a basis and brief statement of issues, and have relevant information not previously presented or available. This is the 4th standard that must be met when the city is considering a reconsideration request. It must be something new that was not available previously and is in response to something brought up at the previous hearing.

**CITY COUNCIL REGULAR MEETING NOTES**City Hall - 10769 W State Street, Star, Idaho
Tuesday, July 19, 2022 at 7:00 PM

Shawn Nickel read the brief justification from the applicant that Council Person Salmonsens included conditions related to items a. and c. that were not brought up during the public hearing and therefore they were not able to rebut. Although the ITD impact fees were discussed, more detailed information has been brought to their attention.

Council Member Salmonsens asked about being able to add additional conditions after the public hearing is closed. Chris Yorgason explained that you can require the additional conditions if it is something that was discussed in the hearing and not something new. Salmonsens noted that pathways were discussed in the hearing. Shawn Nickel mentioned that staff did not make a recommendation or have a condition on items a. and b. but believes they were brought up during the consideration, and the applicants are arguing it was after the public hearing, so they did not have a chance to rebut. Mayor Chadwick, Salmonsens and Council President Hershey agreed that there was a lengthy discussion regarding pathways during the hearing so only item a. would be an arguable point. There was a discussion further explaining the proportionate share development agreement and condition.

Council Member Nielsen also agreed that item a. was the only one that should be reconsidered, and he expressed concern about allowing the public easement going in behind those particular lots, that the sidewalks could be used to ensure community walkability but he would like the city to reconsider and remove the public easement off the pathways that go behind the townhomes.

- Council Member Hershey moved to offer reconsideration to item a., public easements along walking path behind the townhouse units. Council Member Wheelock seconded the motion.
ROLL CALL VOTE: Hersey-aye, Wheelock-aye, Salmonsens-aye, Nielsen-aye. Motion carried.

7. PUBLIC HEARINGS with ACTION ITEMS:

- A. **CONTINUATION FROM JUNE 21, 2022 - PUBLIC HEARING:** UDC AMENDMENTS - The following Sections of the Unified Development Code will be reviewed for amendment: CHAPTER 1 THROUGH CHAPTER 8: UPDATES TO INCLUDE BUT NOT LIMITED TO ADMINISTRATIVE AND REGULATORY PROCESSES, APPLICATION CRITERIA, IMPLEMENTATION, PURPOSES, DEFINITIONS, APPLICABILITY, ZONING DISTRICT STANDARDS AND REGULATIONS, SPECIFIC USE STANDARDS, SUBDIVISION REGULATIONS, PLANNED UNIT DEVELOPMENTS, DESIGN AND DEVELOPMENT STANDARDS FOR SIGNS, BICYCLE PARKING, LANDSCAPE AND BUFFER AREA STANDARDS, LIGHTING AND STREETLIGHT STANDARDS, SIDEWALK STANDARDS UPDATE; AND ESTABLISHMENT OF DESIGN REVIEW AND DEVELOPMENT STANDARDS; ESTABLISHMENT OF A HORIZONTAL APARTMENT/BUILD TO RENT ORDINANCE; ESTABLISHMENT OF AN AREA OF CITY IMPACT ORDINANCE. **(ACTION ITEM)**

This public hearing was a continuation from June 21, 2022 and re-opened at 7:35 pm.

Mayor Chadwick mentioned the public hearing on June 21 regarding UDC updates and it was requested by several of the development community to hold a workshop to talk about some of their concerns.



CITY COUNCIL REGULAR MEETING NOTES

City Hall - 10769 W State Street, Star, Idaho

Tuesday, July 19, 2022 at 7:00 PM

Shawn Nickel provided the council with the workshop discussion exhibit and briefly went over some of the highlights.

Under Annexations: they updated language regarding traffic impact study requirement; added performance bonds to bonding section; allowed additional days for execution of development agreement to 180 days; left in language on item 7 in the annexation section but removing it from the preliminary and final plat sections; put back in the allowance for bonding of street lights during the final plat process.

Council Member Salmonsens asked for clarification regarding 8-1B-7, stating that it was not clear whether it was for residential as well as commercial. Shawn Nickel confirmed that the intent was for commercial only and assured that it would be made clear.

Under the Useable Open Space Definitions: staff clarified the acceptance of pathways within irrigation ditch easements or common areas as usable open space; did not change setbacks from what was approved.

Under the sales trailers/Offices/Construction Site: allowed for time extensions for model homes, sales centers and construction trailers per the recommendations of the development community.

Under Open Space/Pathways: clarified the useable area open space; included the pathway allowance when it is on an irrigation easement or common area as usable open space; removed the mandatory pool requirements for single family residential developments and increased the incentives by counting pools as three site amenities, keeping it in the multi-family section but taking it out of the single-family section; took out 80' x 40' requirement from multi-family developments.

Under Preliminary Plat Section, TIS: updated the traffic impact study language to match the annexation section. The language was recommended by several development community members and is consistent with Eagle and Meridian; removed the two references in the Preliminary Plat and Final Plat Decision sections regarding building permit limits.

Nickel referred to a letter from BCA regarding the changes staff made after the workshop and is overall happy with changes but still has concerns with setbacks and the language about withholding permits.

Council Member Nielsen asked regarding language concerning the building permits, if they want to change it or remove it once there is a solution. Mayor Chadwick suggested to leave it in and remove it once a solution comes. Mayor and Nickel, both reiterated it is actively being worked on.

Council Member Nielsen noticed that comments around setbacks were questioning why Star Fire requires it when other cities don't, and asked if it had been represented to them that it was not about fire code.

**CITY COUNCIL REGULAR MEETING NOTES**

City Hall - 10769 W State Street, Star, Idaho

Tuesday, July 19, 2022 at 7:00 PM

Mayor Chadwick responded that they had been made aware of our reasoning for not wanting 3-foot setbacks.

Shawn Nickel added an additional item regarding sidewalks and pathways. The BCA recommended on item 4, and staff is in agreement to add some language that will allow the ability for council to on a case by case basis, look at an alternative compliance. They want to have the flexibility in certain circumstances to put language that the council would have to approve any such waivers.

Council Member Nielsen recommended that we do not add that language. If they want it or if there is a need for it that would fall under compliance with our code, they can ask for a variance. Shawn Nickel agreed that the language may be too vague and could easily be abused but recommended using some alternative language rather than just saying a blanket "no."

City Attorney Chris Yorgason read the three standards of variances; that it relieves undo hardship because of the characteristics of the site, must be other than financial in nature and is not detrimental to public health, safety and welfare. Yorgason stated that we have a variance process identified in our code and if they need something different.

For the Build to Rent section, Shawn Nickel said the BCA did not want to get too much into that other than to make sure we have legal backing in anything we approve in that section. Chris Yorgason talked about the legal side, that the police powers is a general term used in statute but the powers of the city are to protect the health, safety and welfare of the community and when it comes to the Build to Rent, the city has the ability to determine what those are and are within its rights to regulate these as long as we are not prohibiting certain types of rentals. The city is not prohibiting those, just trying to address the look and feel of the construction and maintenance of the projects similar to what we do with other multi-family type developments.

Shawn Nickel mentioned that he has been working with members of the development community regarding the Build to Rents and referenced the highlighted areas in the packet on that section.

Mayor Chadwick called a five-minute recess at 8:04 pm. The public hearing resumed at 8:09 pm.

Shawn Nickel referenced the highlighted area, which is the proposed language that staff has compiled using the recommendations from the development community and council input over the last eight months or so and is the basis for the recommendation for that section of the code that discussed the Build to Rent.

**CITY COUNCIL REGULAR MEETING NOTES**City Hall - 10769 W State Street, Star, Idaho
Tuesday, July 19, 2022 at 7:00 PM

There were discussions with the Build to Rent community and they were not completely in agreement. Specifically, they were concerned about the review being a conditional use permit that goes back in front of the council for approval. Staff is of the opinion that it's necessary for these types of applications to come before the council similar to a multi-family development due to the moving parts that need to be reviewed. The council has expressed the desire to look at elevations but they are not trying to restrict them or treat them differently. If the intent is to be built like a single-family residential subdivision, then they need to look like those and this ordinance would get us to that point.

Council Member Wheelock asked if there was a way to give the HOA management of this to make sure their houses are maintained and neighborhoods protected. Shawn Nickel responded that the business model is that they own and maintain the entire development, so they will control all of that like an HOA would but it would just be one member, not a board. Wheelock asked if at some point they decided to sell off individual places, if that model would follow it. Council Member Nielsen pointed out that once it is sold, it's no longer under the control of that management company but would be an individual lot owner. Mayor Chadwick and Nickel agreed that there was a need to add language to the standards relating to single-family dwelling developments and subdivisions that CC&Rss and HOAs are to be established if they are to sell the product. There was a discussion on voting rights and limiting unfair control to a portion of the neighborhood. Chris Yorgason pointed out some code requirements and Nickel suggested having a standard reference in there for now and coming back in a future meeting to make adjustments or additions. Nielsen suggest a separation of corporations so there would be no question.

Mayor Chadwick referenced item 2 under the Build to Rent section and assured that the intent of the section is to provide design standards for the Build to Rent development and not to deny the application based on the rental use. Nickel mentioned that was a concern the developer had because in a lot of instances for conditional use permits you have the ability to deny use based on whether you can place enough conditions to protect public health, safety and welfare. Nickel suggested tweaking the language a bit to assure the developers that it would not be a decision based on a rental community but if they cannot meet the design and requirements of the city, it could be denied.

Mayor Chadwick pointed out one more concern, referencing 6I regarding a platted subdivision being developed as a build-to-rent being sold on the open market to an individual. There was a discussion addressing the concerns regarding selling on the free market and what that would mean for protecting the community, making the language in the code more detailed and specific to reflect the city's vision and bring consistency, which would apply to all single-family homes not just the rental communities.

Shawn Nickel suggested taking the sections out of the code and putting together some workshops with some developers, American Homes for Rent, the council and staff, and create consistent standards for every subdivision.

**CITY COUNCIL REGULAR MEETING NOTES**City Hall - 10769 W State Street, Star, Idaho
Tuesday, July 19, 2022 at 7:00 PM

Mayor Chadwick invited the public to begin their comments at 8:49pm.

Mike Irwin, 2176 W Grassy Branch Dr, Meridian ID

Mr. Irwin expressed appreciation to the Mayor and staff for going through all the different iterations, for the discussion tonight and hopes that they can take this section out right now and work together to figure out some language that works for everyone.

Emily Mueller, 839 S Bridgeway Place, Eagle ID

Ms Mueller expressed thanks for creating a space to dialogue about the UDC Amendments, which was very helpful. Her only remaining concern is with the section about the annexation and rezone and Section B7 discussing limiting building permits. Her understanding was they would hold a workshop to discuss all of the other UDC changes and table those for tonight but weren't expected to have a solution yet to the fire/police mitigation issues so she was surprised to see it still included when they got the comments. They are continuing to work on solutions to the police and fire concerns and would like to see another workshop to talk about what the development community is coming up with. They are all in support of some sort of mitigation fee for fire and police and other solutions the BCA is working on. Mueller stated that another workshop just on that piece would be helpful. She referred to Section 7 and commented that it was unclear how it would be applied and creates unpredictability about where the city would take an annexation application that includes a preliminary plat. She understands that there is no certainty when you come with an annexation application but thinks that this language creates an unpredictability. She requested to have one more workshop to talk about the other UDC amendments, get those agreed to and then continue to work on this.

Mayor Chadwick and Shawn Nickel agreed to removing section 7 and having a workshop, expressing the importance of having the BCA, the realtors included as well.

Council Member Nielsen questioned whether it was even possible to mitigate and talked about the issues with growth being able to pay for growth. Mayor Chadwick mentioned that it's a challenge with small communities in Idaho, but the BCA and realtors are working with legislation on making changes.

Ms Mueller confirmed that their group was not pushing annexations back because of the code, but because the traffic agencies are saying they are five and six months out on traffic study reviews, and it was reiterated that would determine when new applications can go on the agenda because the council won't hear or approve until they get the comments back from the traffic studies.

Mayor Chadwick closed the public hearing at 9:06 pm and moved to council deliberations.

**CITY COUNCIL REGULAR MEETING NOTES**

City Hall - 10769 W State Street, Star, Idaho

Tuesday, July 19, 2022 at 7:00 PM

Council Member Hershey noted that he is fine with pulling out the language on section 7 but would be hard-pressed to approve annexations without some level of certainty that it could be covered. Hershey also wondered why it was not regular language for everyone and agreed with Council Member Nielsen about restricting the market.

Council Member Nielsen referenced the language in section 7 and said that he doesn't think that having it in there or taking it out really makes a difference because if the city requires limits on the number of permits, it doesn't matter if it's annexed or not because the permitting process happens after annexation and after platting. The council already has the ability to make a decision one way or another. He would like to see language stating if we have a concern for availability of public or emergency services, then we would limit building permits and not have language in a section that has anything to do with plotting or annexation or rezone because it would be a health and safety concern.

Council Member Wheelock understands the ability to limit the lots for public safety and emergency services but if the council gives the okay to put 14 million dollars into the ground but not sell you a building permit later, that has to be a deterrent. We need to have the foresight to be able to assure we can provide services before they put their money into the ground.

Shawn Nickel gave a reminder that one of the findings necessary for an annexation is public services.

- Council Member Salmonsens moved to approve the UDC amendments with the change of removing item 7 of the annexation section, 8-5-7 the Build-to-Rent section, and any reference to it so it can be further worked on. Council Member Hershey seconded the motion.

ROLL CALL VOTE: Hersey-aye, Wheelock-aye, Salmonsens-aye, Nielsen-aye. Motion carried.

B. **Ordinance 370-2022-UDC:** AN ORDINANCE OF THE CITY OF STAR, IDAHO REPEALING THE UNIFIED DEVELOPMENT CODE, ORDINANCE NO. 310; AND ADOPTING THE UNIFIED DEVELOPMENT CODE FOR THE CITY OF STAR, IDAHO; PROVIDING FOR ADMINISTRATION, NONCONFORMING PROPERTY, USE OR STRUCTURE, ZONING DISTRICT STANDARDS, ADDITIONAL REGULATIONS APPLICABLE TO ALL DISTRICTS, SPECIFIC USE STANDARDS, SUBDIVISION REGULATIONS, PLANNED UNIT DEVELOPMENTS AND DESIGN AND DEVELOPMENT STANDARDS; providing for severability; AND PROVIDING AN EFFECTIVE DATE. (**ACTION ITEM**)

- Council Member Hershey moved pursuant to Idaho Code Section 50-902, the rule requiring an ordinance to be read on three different days with one reading to be in full be dispensed with and that ordinance 370-2022 be considered after reading once by title only. Council Member Wheelock seconded the motion.

ROLL CALL VOTE: Hersey-aye, Wheelock-aye, Salmonsens-aye, Nielsen-aye. Motion carried.



CITY COUNCIL REGULAR MEETING NOTES

City Hall - 10769 W State Street, Star, Idaho
Tuesday, July 19, 2022 at 7:00 PM

- Council Member Hershey moved to approve ordinance 370-2022 as discussed and agreed upon in the previous motion by Council Member Salmonsens. Hershey read the title of the ordinance. Council Member Wheelock seconded the motion.
ROLL CALL VOTE: Hersey-aye, Wheelock-aye, Salmonsens-aye, Nielsen-aye. Motion carried.

- C. **PUBLIC HEARING:** Star River Ranch North Subdivision (RZ-22-01, DA-22-03, PP-22-05) - The Applicant is seeking approval of a Rezone (R-5-DA to R-3-DA), a Development Agreement, and Preliminary Plat for a proposed residential subdivision consisting of 72 residential lots and 11 common lots. The property is located on the west side of Bent Lane in Star, Canyon County, Idaho, and consists of 23.8 acres with a proposed density of 3 dwelling units per acre. **(ACTION ITEM - Table to a date specific)**

Mayor Chadwick asked if there was any ex parte contact; all council members reported none.

Mayor Chadwick opened the Public Hearing at 9:17 pm.

- Council Member Nielsen moved to table the public hearing to September 6, 2022. Council Member Hershey seconded the motion.
ROLL CALL VOTE: Hersey-aye, Wheelock-aye, Salmonsens-aye, Nielsen-aye. Motion carried.

Mayor Chadwick called a short recess at 9:18 pm. The meeting resumed at 9:22 pm.

- D. **PUBLIC HEARING:** 11600 Coriander Lane (V-22-01) - The Applicant is seeking approval of a Variance from City Council for Ordinance 10-1-5 for Flood Hazard Reduction to allow fill within portions of the Floodway. The property is located at 11600 Coriander Lane in Star, Idaho. **(ACTION ITEM)**

Mayor Chadwick opened the Public Hearing at 9:22 pm. Mayor Chadwick asked if there was any ex parte contact; all council members reported none.

Julie Fisher, attorney for the applicant WNBC, 4 Ogden Ave, Nampa ID. Owner is Kevin Zinngarbe.

Ms. Fisher is requesting a variance to Section 10-1-5A-19 of the Municipal Code. The existing property is located within the Boise River floodway and the proposed project involved replacing an existing structure on the property, a barn, and replace it with a new single-family dwelling using the current footprint as the existing structure. Despite numerous design modifications, a small amount of fill would be necessary in the floodway in order to construct a driveway to get to the residence that replaces the existing structure. The replacement won't obstruct any flow and report will certify that the fill, which is for the driveway only, will not increase the likelihood of flooding upstream or downstream in the event of a flood event. Mr. Manning has communicated with both Shawn Nickel and City Engineer Ryan Morgan regarding certification that he's prepared to meet any conditions that must be met to grant a variance to put fill in the floodway have been satisfied and there would be no damage to public health or safety.



CITY COUNCIL REGULAR MEETING NOTES

City Hall - 10769 W State Street, Star, Idaho
Tuesday, July 19, 2022 at 7:00 PM

Council Member Salmonsens asked how much dirt would need to be brought in. Ms. Fisher responded that it would be to construct a ramp to get to the elevation the garage needs, so a very modest amount.

Council Member Nielsen asked a question of staff if the property is already a permitted use for an additional dwelling structure versus the barn. Shawn Nickel answered that it is a legal parcel, it's the floodplain that is the issue.

City Engineer Ryan Morgan talked about the height of the area needing to be filled and mentioned that the city's ordinance regarding fills placed in a floodway is more stringent than FEMA's. A pending Hydrologic and Hydraulic report determined that there was no rise. Approval of that study will be part of the conditions of approval. Morgan also mentioned that there was some fill being placed for some mechanical equipment on the north side of the garage and some being place for the stairs going up the front entryway, so he asked that those portions of fill be in the wording of the document.

Council Member Nielsen mentioned considering that a ramp may be needed in the future, and it was agreed to add that in now so it wouldn't need to be added at a later time.

Mayor Chadwick closed the public hearing at 9:34 pm and moved to council deliberations.

- Council Member Hershey moved to approve with the wording discussed by Ryan Morgan and Council Member Nielsen. Council Member Wheelock seconded the motion. ROLL CALL VOTE: Hersey-aye, Wheelock-aye, Salmonsens-aye, Nielsen-aye. Motion carried.

8. ADJOURNMENT

Mayor Chadwick adjourned the meeting at 9:35 pm.

_____/s/_____
Trevor A Chadwick, Mayor

ATTEST: _____/s/_____
Jacob M Qualls, City Clerk - Treasurer